ASIAN ALTERNATIVES FOR A SUSTAINABLE WORLD:
Transborder Engagements in Knowledge Formation

The Work of the 2007/2008 API Fellows

2007/2008

The Nippon Foundation Fellowships for Asian Public Intellectuals

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ABOUT THE BOOK

ASIAN ALTERNATIVES FOR A SUSTAINABLE WORLD: Transborder Engagements in Knowledge Formation, is a collection of papers by the 2007/2008 Asian Public Intellectuals (API) Fellows. The twenty-seven papers that comprise the book cover key areas such as heritage, identity, change and conflict; engaging modernity; religion, gender, and art; changing lifestyles and health; the state, development and globalization; empowering the poor and the vulnerable; and social justice, human rights, and civil society. API publications can be downloaded at http://www.api-fellowships.org.

The API Fellowships Program

As Asia enters the 21st century, it faces political, economic, and social challenges that transcend national boundaries. To meet these challenges, the region needs a pool of intellectuals willing to be active in the public sphere who can articulate common concerns and propose creative solutions. Recognizing that opportunities for intellectual exchange are currently limited by institutional, linguistic, and cultural parameters, The Nippon Foundation (TNF) launched the Asian Public Intellectuals (API) Fellowships Program in July 2000. The Program's primary aim is to promote mutual learning among Asian public intellectuals and contribute to the growth of wider public spaces in which effective responses to regional needs can be generated.

The API Fellowships Program is open to academics, researchers, media professionals, artists, creative writers, non-governmental organization (NGO) activists, social workers, public servants and others with moral authority who are committed to working for the betterment of society by applying their professional knowledge, wisdom and experience. The Program is designed to stimulate the creation of a pool of such intellectuals in the region.

The API Fellowships Program set three main themes as follows:

- Changing identities and their social, historical , and cultural contexts;
- Reflections on the human condition and the quest for social justice; and
- The current structure of globalization and possible alternatives.

Within these themes, the Fellows are required to:

- Propose and carry out research and/or professional activities in a participating country or countries other than their native country or country of residence;
- Conduct research and/or professional activities in compliance with a schedule accepted by the Selection Committee;
- Attend the API Workshop to exchange results of their research and/or professional activities with other fellows;
- Disseminate their findings and results to a wider audience; and
- Pursue a deeper knowledge of each other, and hence of the region.

Post Fellowship Program/Activities

In its tenth year since its inception, the API Fellowships Program nowadays stresses the continuing commitment of API Fellows who have completed their initial fellowship activities. Through furthering collaboration between Fellows, the Program hopes to build and promote the API Community, which is comprised of over 250 API Fellows. The following initiatives are now being carried out through the Post Fellowship Programs:

1) Regional Committee and Regional Project

The API Community has selected ten Fellows as representatives to the Regional Committee (RC) to promote activities which are critical for the region, cross-disciplinary in nature, trans-border in scope, and multi-level in approach, recognizing the inter-linkages of locality, nation, and region. The RC aims to foster a greater regional consciousness by promoting relationships among cultures, societies, traditions and so forth by initiating or endorsing collaborative activities, and by confronting public issues with discernment, integrity and commitment. The RC initially focused on the launch of the Regional Project.

The Regional Project, entitled "Community-Based Initiatives toward Human-Ecological Balance," was launched in November 2008 as a joint effort that mobilized the entire API Community. The project will last three years, involving five sites in the region: Biwako (Japan), Batanes (Philippines), Khiriwong (Thailand), Tasik Chini (Malaysia) and Kalicode (Indonesia). In conducting the Regional Project, the API Community is guided by the values of social relevance, public-policy advocacy, network building, creativity, transparency and accountability.

2) API-Salzburg Global Seminar Collaboration

The Salzburg Global Seminar was founded in 1947 by three graduate students at Harvard University as a means to bringing together young Europeans and Americans from countries recently at war to engage in intellectual dialogue.

In the 60 years since its establishment, the Salzburg Global Seminar has evolved and expanded both the breadth of countries from which its participants come as well as the issues that serve as the focus of its programs. To date, more than 25,000 individuals from more than 150 countries have attended Seminar sessions.

In an effort to flow with the tide of globalization, the Salzburg Global Seminar decided to reach out beyond Europe and the US, to Asia, the Middle East and Africa. In so doing, the Seminar found the API Fellowships Program to be a good quality pool of intellectuals in Asia and began planning a new partnership. As a result, a new scheme whereby selected API Fellows (up to ten Fellows per year) attend the Seminar was created. This collaborative scheme provides opportunities for API Fellows to expand their intellectual capacity by exposing themselves to world intellectual leaders and to convey to a wider audience the messages and voices of Asia.

The Nippon Foundation

The Nippon Foundation (TNF) is an independent, non-profit, grant making organization that was founded in 1962. It supports projects both in Japan and overseas. It funds activities in three areas: domestic social welfare and volunteer support; maritime research and development; and overseas cooperative assistance. It works with other non-profit organizations, governments, non-governmental organizations and international organizations.

ACKNOWLEDGMENTS

THE CONTRIBUTORS

(in alphabetical order according to names as they are spelt)

A snapshot of the contributors in their own words is provided here (information as of March 2009).

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CHENG KOOI LOH is the executive director of the Women's Centre for Change Penang. In the last 25 years, she has been working with both regional and local organizations on women's issues, with special interest in violence against women.

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EDWARD DELOS SANTOS CABAGNOT is the festival programmer (organizer?) of the Cinemalaya Philippine Independent Film Festival. He has been working in Filipino cinema for more than two and a half decades, and is currently the Director of the Cultural Center of the Philippines' Media (Film & Broadcast) Arts Division. At the CCP he organizes alternative cinema festivals, film workshops and fora. He manages the longest-running indie film and video competition in the region—the Gawad CCP Para Sa Alternatibong Pelikula at Video (The CCP Independent Film & Video Competition), now going on its 20th year. Last year, he was awarded an Asian Public Intellectuals Fellowship Grant by The Nippon Foundation for his research entitled "Changing Landscapes, Changing Lives: the Changing Cinemas of Asia". A two-time awardee for playwriting, he has been writing columns and articles for Philippine and international publications since the mid-70's. His book on philosophy and film entitled *Heidegger's Being and Time* & *Manuel Silos' Biyaya Ng Lupa* is currently in the press.

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OLARN ONGLA is coordinator of the Local Governance Institute in Chiang Mai province; and has been working for the decentralization of power and the wider participation of village people in local governance. He was involved in the Upper Mae Ping River Basin Management Project and the Community Rights Studies Project of the National Human Rights Commission.

PRIJONO TJIPTOHERIJANTO is a professor of economics at the University of Indonesia. He is also a member of the Committee of Experts on Public Administration (CEPA) of the United Nations-Department for Economic and Social Affairs (UN-DESA). He writes poems during his leisure.

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WELCOME SPEECH

Takeju Ogata
President of The Nippon Foundation

Ten years ago, The Nippon Foundation invited intellectuals from around Asia to an international conference to seek answers to the question, "What does Asia need right now?" At that conference, many important issues were raised. However, of particular concern was the fact that the people of Asia learned about their Asian neighbors through Western eyes, that Asians themselves knew little about each other, and that there were few opportunities for them to learn about their neighbors first hand. The conclusion drawn from thorough analysis and intensive discussions was that a new framework for research and exchange was necessary in order to allow the people of Asia to know their neighbors better and work in close collaboration to solve issues of common concern. Highlighted as particularly crucial were research activities by and exchanges between public intellectuals who use their capabilities and expertise to work for the public and social good.

As a means to address the issues identified at the conference, the API Fellowships Program was launched in 2000 with the goal of creating a better Asian society by nurturing and organizing a community of committed public intellectuals. In the eight years since, around 240 Fellows have been selected from among the public intellectuals in Asia, and these Fellows are now engaged in various activities for the public good. The API Community has also been steadily developing, and the Regional Project is about to officially begin. I am looking forward very much to seeing the results of these efforts in the months and years to come.

The objective of The Nippon Foundation is to create a prosperous and peaceful global society in which all members can be assured of their fundamental human rights. To realize this, the Foundation conducts many different activities both in Japan and overseas. In our society today, there are many pressing problems. It is of course impossible for a private foundation acting alone to address them all. Therefore, we prioritize the problems and identify what we as a private—as opposed to a governmental—organization can do, and then we take action.

The first area of the activities of the Foundation is maritime affairs, an area in which The Nippon Foundation is most privileged to have the cooperation of Indonesia and many other countries in Southeast Asia. Among the many activities we conduct within this field are creating anti-piracy measures, ensuring safe shipping routes in the Malacca Strait, and educating marine specialists and seafarers.

The second area is basic human needs, in which we provide support for the vulnerable and marginalized people in societies such as the sick, the disabled, and others. Our principal focus is our work to eliminate leprosy, which is coordinated by our chairman, Yohei Sasakawa. Other work in this area includes vocational training, education for the deaf, and training for persons who make and fit artificial limbs.

Human resource development is another important part of what we do. There is a Chinese proverb that says, "It takes ten years to grow a tree, a hundred to raise a man." Likewise, the development of human resources takes time. The Nippon Foundation is committed to human resource development all over the world. One example of our work in this field is the Sasakawa Young Leaders Fellowship Fund, through which we provide scholarships to promising graduate students at 68 universities in 40 countries worldwide. In Indonesia, the funds that have already been established at Gadjah Mada University and the University of Indonesia are now contributing to the further development of the most promising graduate students.

To address the many challenges our world faces, it is crucial that we have a vast number of talented individuals who can unearth the root cause of problems, identify appropriate responses, and take the initiative to see them through to their successful conclusion. Through the human resource development projects we conduct at The Nippon Foundation, we aim to nurture and guide potential future leaders who possess the knowledge, skills and commitment to make a positive impact on society.

The API Fellowships Program is a unique project and the most advanced we conduct in the human resources development area. We, at The Nippon Foundation, hope very much that all of you, as individual public intellectuals, as members of the API Community, and as leaders of your own society, will play a central role in the development of the region.

KEYNOTE ADDRESS

Sri Sultan Hamengkubuwono X
Governor, Yogyakarta Special Region

Assalamu'alaikum Wr. Wb.
Peace be with you all,

Honorable Distinguished Participants,
Ladies and Gentlemen:

Good evening!

First of all, I would like to express my warm welcome to all delegates and participants in the momentous occasion of the 7th Workshop of API Fellowships Program that brings the theme: "ASIAN ALTERNATIVES FOR A SUSTAINABLE WORLD: Trans-border Engagements in Knowledge Formation" here today.

It is both a pleasure and a great honor for me to welcome you to Yogyakarta, which is also known as the City of Tolerance, the place where inter-cultural and faith life finds an atmosphere of togetherness, equality and peace. I am hopeful that the situation and milieu here can support a peaceful atmosphere to contribute to reaching a sustainable world during the Workshop.

As a melting-pot of many various ethnic groups of Indonesian people, Yogyakarta is also considered a Miniature Indonesia. This is because the city has become so pluralistic, with almost all of the Indonesian ethnicities living here, coming from the throughout the Indonesian archipelago.

The city of Yogyakarta was founded by Sri Sultan Hamengku Buwono I, designed under the philosophy of "*Hamemayu Hayuning Bawono*," which relates human life with environmental principles. It means "living in harmony" among human beings, and between human beings with nature and God.

Harmony is a precious treasure of Javanese life. Real success, satisfaction and happiness are the results of harmony. If one is to enjoy the benefits of life to the fullest, it is necessary to develop and maintain harmony. Therefore, its climate creates a harmonious and peaceful life among those of differing religions, faiths, ethnicities, groups, etc.

Ladies and Gentlemen:

In my point of view, the concepts of harmony and peace are also part of the Asian way of life and Asian values that exist in the four participating countries, Japan, Malaysia, the Philippines, Thailand, and Indonesia as well. For instance, in Asian cultures, money is not something spoken about or dealt with in the open. It is discussed at the family dinner table or whispered about over drinks.

As we know, Asia is also a rainbow. It has a variety of colors. It is a continent where many religions and cultures have originated and flourished. It is a place where they have clashed with each other, but have also learned to live together in harmony and peace. Asia, indeed, has diversity but there is also unity. It is a prototype of conflicts and contradictions, but also of harmony and unison.

Yogyakarta, which is a part of Indonesia, where pluralism in diverse ethnicities, religions, beliefs, cultures, and even nations and citizens can live together in harmony, has a strong enthusiasm motivation to be the part of reconciliation efforts.

So let us strive to make a New World, an authentic sustainable world, where people can enjoy their life without any fear of violence caused by conflicts and wars. When we take one step towards this end, God will help us to take ten more steps.

Ladies and Gentlemen:

The context of the API Fellowships Program, in my opinion, comes from the substance of word "fellow," which in the broadest sense is someone who is an equal or a comrade. Nowadays, it is most often used in an academic context as part of an elite group of learned people who work together as peers in the pursuit of knowledge or practice.

Referring to that perspective, I would like to take this opportunity to reflect on the theme for the Fellowship year 2007-2008, which is: changing identities, social justice, and the current structure of globalization.

Globalization in its literal sense is the process of transforming local or regional phenomena into global ones. It can be described as a process of blending or homogenization by which the people of the world are unified into a single society and function together. This process is a combination of economic, technological, socio-cultural and political forces. Noam Chomsky argues that the word globalization is also used, in a doctrinal sense, to describe the neo-liberal from of economic globalization.

Cultural globalization, driven by ICT and the worldwide marketing of Western cultural industries, was understood at first as a process of homogenization, as the global domination of American culture at the expense of traditional diversity.

In fact, globalization is the exclusive game of a privileged minority that assumes they are the only people on earth. For example, when the price of shares on the world's stock exchanges changes by 1 percent, about 4 billion dollars are instantaneously and silently redistributed. That is three times as much as all the workers in the world earn in one day.

However, a contrasting trend soon became evident that while globalization caused the global financial crisis, in which "Main Street" needs more support than "Wall Street," it also caused the emergence of movements protesting against globalization that are striving against injustice and giving new momentum to the defense of local uniqueness, individuality, and identity.

The main question is: what is the "personal realm," what is the human being? The human being is really both an individual and a social being. The human being is a person. This "somebody" is "unique but not alone." "Being a person means that I cannot be used by someone else but that I am an end in myself," says religious philosopher Romano Guardini. Human beings are not at anyone's disposal.

Politics and the economic order must be measured against these social ideas. This was something the creators of the social market economy knew. The "old" liberalism was an ideal social idea. But the "new" neo-liberalism is very different; it has degenerated into an economic idea. Profit is the "God of the neo-liberals."

Figures do not explain the world, but they save a lot of words. Figures, statistics and charts are dead matter. They can be used as an argument to support the call for justice, but they will not inflame the call. The uprising against injustice is lit by mankind's innate awareness that all have a claim to be recognized as members of humanity. This is a right and not charity.

Indeed, globalization has various aspects which affect the world in several different ways. Globalization has had an extensive impact on the world, which is often positioning developing countries at a disadvantage.

So we need to work collectively to strengthen the institutions—political, economic, and social—in the Asian region that can begin to eliminate the root causes of injustice. This effort will require all states and peoples to strengthen their commitments to mutual cooperation, and our communities must be prepared to create mutual respect and trust to support this cooperation.

Ladies and Gentlemen:

THERE may be war in parts of the world, global warming all around us, and cruel poverty that persists in the world, but we have to go on living. For as long as humans have lived, there have been close neighbors in villages, helping and supporting each other through life's challenges.

Today, a new movement is emerging that restores this sense of closeness, while preserving the privacy we have come to cherish. Among other things, it helps us to share many resources, living in closer harmony and peace. We share one of our many dreams for making this Earth a more beautiful, caring place in a sustainable world.

I do hope that this Workshop, which was funded by The Nippon Foundation and participated in by various public intellectuals from several countries, will open up our minds, and enable us to engage in transborder engagements in knowledge formation to eliminate the negative impacts of globalization.

Let us walk hand in hand in fellowships, and cooperate for the sake of brighter days ahead and blessings to all of us. On this note, I would like to wish you all both a fruitful and enjoyable Workshop and visit to Yogyakarta, and have a blessing and also a safe journey home.

I do believe we should make the 21st century "a culturally-centered century" of Asia. In order to build this future, the most important thing is for

intellectuals to gather in trans-border engagements and share their confidence in the future based on the common platforms emerging from the API Fellowships Program.

Finally, by praying to God, and saying "*Bismillahhirahmannirahim*," which means "In the name of Allah who is Compassionate and Merciful," please allow me to officially open the 7th Workshop of the API Fellowships Program today.

Thanks, gratitude and salute to the Asian Public Intellectuals Fellowships Program and The Nippon Foundation as well, and also to all participants for your kind attention, and may God bless all of us.

Yogyakarta, 22 November 2008.

OPENING SPEECH

Melani Budianta
Workshop Director, the 7th Workshop of the API Fellowships Program

Dear API Fellows and the network of transborder agents (The Nippon Foundation, LIPI, UGM, API alumni), who have made this Workshop possible: I salute you and congratulate you for your hard work.

I am very much honored to be a part of this joint effort in creating this organization called the Asian Public Intellectuals. It has come a long way, from its inception in July 2000 to the 7th API Workshop in Yogya today. The first cohort had started by asking what impacts globalization has on Asia, on shifting Asian identities and their contexts, on the human condition, and social justice. Now, the 7th cohort has enlarged the pool to include 220 intellectuals.

The question we should now ask is: what do these accumulated inter-Asian experiences and knowledge have to offer for the future of the world? This is a crucial question, because we cannot underestimate the significance of Asia in the world's sustainability.

Let us take the issue of population. If we combine the populations of India, China, Indonesia, and the rest of Asia, what percentage of the world's population will we have? It is clear that the quality of life of the peoples in Asia will determine the quality of life in this planet. Similarly, the suffering of underprivileged peoples in Asia, women migrant workers, child laborers, AIDS victims, and repressed minorities, will reflect the suffering of the human race.

Second issue: the environment. It might sound like a cliche to say that Asia is the lung of the earth; but, truly, Asia is the home of the richest and largest biodiversity. The ecological destruction of Asia will mean the end of the planet.

We do not need to be Asian to see that the cultural dynamics in Asia, the new cultural experiments, the resilience of the old and of the newly invented traditions, and the myriads of extant languages (many of which are vast disappearing), are the world's precious heritage.

In the present global configuration, we also witness the emerging Asian economies and vibrant democracies.

There is no doubt, therefore, that what the world can learn from Asian experiences is crucial to the sustainability of the planet.

Before going on, let us pause a while and reflect on this forgotten question: What is Asia, this dream, this concotion we are talking so surely about? In our daily lives in different cities and villages in the different corners of the world, Asia real for us? Does it really matter?

Our awareness and perception of this geographical, political, and cultural entity is a product of history (part of it colonial history), imagination, as well as experience. As Said puts it, much of our knowledge about Asia comes from the mediation of European scholars. This great treasure trove of knowledge, made out of the years of language learning and professional dedication, is something we value and respect.

Yet, there is now a new momentum across Asia, with Asians' realizing how important it is to learn directly from one another, to give more significance to the realities of transborder experiences.

I have mentioned in the concept papers that this inter-Asia interaction occurs across several levels. Inter-Asian globalization has made Asian cities such as Singapore, Kuala Lumpur, Manila, Tokyo, Bangkok and Jakarta, a "network of transit points for migrant workers, entrepreneurs, international students, bureaucrats, NGO activists and cultural workers." On the inter-governmental level, a globalizing Asia can be gleaned from "the growing importance of regional bodies such as ASEAN and SAARC in the global configuration". I have also written about how the turn of the century has witnessed "growing initiatives in rethinking world issues from Asian perspectives and in bringing Asian intellectual resources to critique and shape global knowledge."

In this aspect we can see that Asia is not only an abstract concept or a figment of the imagination, but a history of working together, of meeting people, making friends, staying in some communities, and starting to feel a sense of belonging. Through these

interactions, Asia has brought about a process of knowledge formation.

On this new route of inter-Asian knowledge formation, allow me to make a personal confession. Two days ago, when I was in the process of packing my suitcase for this Yogya trip, I received an email from an NGO in Japan, asking me to write a letter to celebrate the 80th birthday of an old friend, Muto Ichiyo, a renowned and respected Japanese public intellectual and activist. I got to know him when I was nominated as a fellow of a regional NGO, the Asian Regional Exchange for New Alternatives (ARENA). Before writing my letter, I looked for his speeches and papers, and, lo and behold, I found one paper entitled: "Transborder Participatory Democracy"[1] with the following introduction from the editor:

> Transborder participatory democracy is (a) worldwide democracy practiced by the people of the world and (b) the right of the people to participate in any decisions that affect them, regardless of where those decisions are made. In its current stage of development it manifests as the self-organized integration of grassroots civil society and activists networks around the world. The term was coined by Muto Ichiyo.

When I was proposing the title of the 7th API Workshop and writing the concept paper, I was not thinking of Muto and his concept at all. Was it mere coincidence, therefore, that I came up with the subtheme "trans-border engagement"? No, I don't think so. Rather, I must have come across that concept through my engagement with ARENA and with Muto, given that in ARENA, we did talk a lot about Asian Peace Alliance and other forms of transborder movements. So why had I failed to give credit to Muto? This is a serious academic blunder, for which I may not necessarily be condemned for plagiarism; but for the lesser, yet not less blameworthy sin of failing to put my paper in the "dialogue with the existing body of knowledge", contrary to what I have besought all API Fellows to do. I will therefore correct this slippage by acknowledging Muto properly in the publication of the concept paper.

On the other hand, and this might read as an excuse, my guilt is evidence of how I have strongly and unwittingly internalized Muto's ideas, appropriated his concept, and made it my own. I owe ARENA for my intellectual journey, the process of constructing the vision of Asia, and what I should do as a scholar/ activist. What I mentioned earlier is an example of

inter-Asian knowledge formation: Asia for me is Muto, Aj. Surichai, Tanami-san, and all of you, from whom I have learned and with whom I have exchanged ideas.

Having said all these, I acknowledge that there is a danger of romantizing Asia, of reiterating the essentializing discourse of Asian values. Fortunately, you, API Fellows, in your email exchanges with me through which I sent my comments on your papers, have saved me from this trap. In your struggle to put your paper within the framework of this year's theme, you protested: "What if we cannot find 'Asian alternatives'? What if instead of regional cooperation, we find regional competition, clashes of interests? What if, instead of circuit of exchanges, we find circuits of indifference, an exchange of economic and social burdens, as in the case of migrant workers between one Asian country and another?" I deeply thank you for this reality check. Yes, Asia is full of flaws, besieged as it is by internal problems.

Our challenge, then, as API scholars, is to ask what we can learn from all these complex Asian transborder struggles and engagements. In some of your projects this year, you talked about what Asia could learn from the 1998-2000 economic crisis. While formulating this knowledge, we have started to experience another, deeper crisis. We have seen from the presentation of the API Regional Project, how the process of environmental destruction keeps going on, at an even faster pace than before. The ordinary people lack not only understanding, but an active interest in Asian matters. There are so many problems to solve, and that is why all of you are here today as API Fellows. You are key to making Asia work.

The concept of "public intellectual" is something we need to examine within our Asian contexts, particularly in terms of how this term circulates and resonates strongly in the region. In many parts of Asia, where intellectual and cultural capital have not yet been fully commodified into professional specialization and university walls, there is a strong need for learned activists with a strong vision for social transformation. This is a modality, which we can use to make the world a better place. Public intellectuals do not merely write scholarly papers and research because of their professional work. The people we visit, the places and communities which welcome us as we do our research, are not mere case studies: they are subjects who will hold us accountable. As we learn from them, they will also learn from us. We owe it to

them to give back, to return to them what new knowledge and enlarged vision we have gained. What will ensue in this four-day intensive workshop is not a mere scholarly exercise on improving methodology, but should be a process of putting our minds together to find the best strategies to make use of this Asian problematic and challenging transborder engagements, for the sustainability of the world.

Only by doing this can we be true to the spirit which has motivated the founders of API. I am proud of being with this community of inspiring Asian Public Intellectuals. However, I hope that this API Community will not be an elitist club; but that true to its spirit, it will be a strategic means for social transformation. I foresee that in different contexts in the future, you, as public intellectuals, might create new creative network, new initiatives. Entering the API Community, then, should not be the end of your journey, but should be the beginning of a lengthy, hopefully, life-long process of transborder knowledge formation, of learning about others in oneself, and about ourselves in others.

Let us start with an engaging and inspiring Workshop,

Yogyakarta, November 23, 2008.

NOTE

[1] Keynote speech at the first People Plan 21 gathering in Minamata, Japan in 1989, published in *Global Visions*, edited by Jeremy Breecher et al, South End Press, 1993, pp. 155-159, accessed in http: www.co-intelligence.prg/ CIPOL_transbordrParticDem.html).

OVERVIEW

Melani Budianta

Workshop Director, the 7th Workshop of the API Fellowships Program

INTRODUCTION

Since its launch in July 2000, the API Fellowships Program has provided a space for Asian public intellectuals to interact and exchange ideas. In each subsequent year, the Program has increased the number of Fellows in its network, who, in the words of Mr. Yohei Sasakawa (2001), are expected to become "a new force" that "contributes globally and regionally ... to answer challenges faced by Asia in the 21st century."

This marks the 7th API Workshop. As of today, a total of two hundred and twenty public intellectuals, including the 25 API Fellows who will present their work in this Workshop, have given their best in "identifying common issues, raising questions, seeking solutions, and presenting proposals" for the betterment of society (Sasakawa 2001). The number seven is universally signified as a peak point for a new beginning. In this auspicious moment, it is crucial for us to reflect on what we have achieved so far, and to refresh our memory of what breakthroughs, findings, and reflections we have accomplished in API's seven-year journey.

REVIEW OF ACCUMULATED KNOWLEDGE FROM API WORKSHOPS

The first API Workshop in 2002 was aptly set in the current context with the theme, "The Asian Face of Globalization." From this Workshop, we learned "how local forces are woven into local practices, and how the prospects for the future, while constrained by global pressure, still leave room for new hybrid arrangements to emerge" (Abad 2002, 2). In this Workshop, Fellows expressed their thoughts about dealing with the outcome of globalization in human resources, natural resources, social institutions, and identity formation. The Workshop concluded with the hope that Asian communities could adjust to globalization with peaceful and democratic strategies and creativity to create a better world.

The second API Workshop charted economic prospects, cultural encounters and political decisions under the theme, "Scenes in a Moving Asia." This Workshop encompassed multilayered dimensions, from macro political decisions involving world and regional institutions (e.g. WTO, ASEAN) to decisions made by communities. Fellows wrote papers that addressed the issues of the changing contexts of norms and legality, identities, and social relations. They looked at the arts and religion as sources of creative energy in the moving Asia.

The third API Workshop in 2004 brought into critical scrutiny the underlying dynamism that occurs in Asia, under the theme, "Power, Purpose, Process, and Practice." The Fellows rigorously examined "specific regional, national, and local perspectives and practices," as well as negotiation and participation in making under-represented voices heard in order to safeguard rights through institutions, arts and culture.

In 2005, the fourth API Workshop called for "Reflections on the Human Conditions," to address issues of change and conflict in adjusting to the demands of modernity. It asked four pressing questions: can there be alternatives for change to current human conditions under the onslaught of the on-going processes of neoliberal globalization? Will the new and changing identities emerging in our region reflect our own distinctiveness? Will the moral authority underlining the voices of the API Fellows and other public intellectuals inspire further conscientization? Will the community of concerned public intellectuals that participates in the API Fellowships Program emerge and consolidate itself and become a sustainable entity and a moral force for change?

Answering the challenges posed by the fifth Workshop, the following API Workshop in 2006 raised the theme: "Are We Up to the Challenge? Current Crises and the Asian Intellectual Community." This Workshop questioned the role of the Asian intellectual community in dealing with crises in the protection of human rights, the older members of society, and ecology, and looked at creative solutions through human learning, arts and culture.

In 2007, the sixth API Workshop selected the theme, "Asian Transformation in Action," examining context, consequences and the origin of transformation, and the very transformative processes that are taking place. Fellows looked at the circle of powers and counterbalances among elite groups in transforming Asia, examining persistent problems and solutions to intervene in them, and the continuity and discontinuity of the transformation.

2008 THEME: ASIAN ALTERNATIVES FOR A SUSTAINABLE WORLD

Background

Within the three main program themes provided by the API Executive Committee (changing identities and their social, historical, and cultural contexts; reflections on the human condition and the quest for social justice; the current structure of globalization and possible alternatives), API Fellows in the past six years have obtained experience and knowledge through in-depth inter-Asian engagements. Some persistent issues have popped up year by year, e.g., that of power relations and the question of transformative agency to uphold justice and human dignity in the vastly changing world of the 21st century.

At present, however, we no longer talk about the implications of globalization as it comes to Asia, but about the impact of Asia as a global force in coloring and transforming our contemporary world. Globalizing Asia has manifested itself in various levels through inter-Asian exchanges as well as through exchanges between Asia and the rest of the world. On an economic level, the rise of India and China has been a noted phenomenon for the global dispersal of Asian capital. On a people-to-people level, Asian cities such as Singapore, Kuala Lumpur, Manila, Tokyo, Bangkok, and Jakarta have emerged as a network of transit points for migrants, entrepreneurs, international students, bureaucrats, NGO activists and cultural workers. On an inter-governmental level, globalizing Asia can be seen from the growing importance of regional bodies such as ASEAN (Association of South East Asian Nations) and SAARC (South Asian Association for Regional Cooperation) in global configuration. The cooperation of non-governmental organizations in the region can be seen from the emergence of regional bodies, such as the Asia-Pacific Forum for National Human Rights Institutions (ASPAC) and the Asian Cultural Forum on Development (ACFOD). The turn of the century has also witnessed growing initiatives in rethinking world issues from Asian perspectives and in bringing Asian intellectual resources to critique and shape global knowledge. The Asian Regional Exchange for New Alternatives (ARENA), the Inter-Asia Cultural Studies Journal, and the Kyoto Review are examples of such initiatives. In this aspect, the role of regional scholarship foundations, such as the Southeast Asian Regional Exchange Program (SEASREP), the Asian Scholarship Foundation (ASF), and API, are crucial in widening and strengthening the pool and network of engaged public intellectuals in the region.

API Fellows have become both witnesses to and participants in inter-Asia globalization. API Fellows have gone across national and cultural borders to understand, learn and work with other communities in Asia. They have charted the processes of inter-Asian globalization. They have reminded us through their projects, however, that Asian globalization is not without problems. It comes with its complexity, contradictions, and ambivalence. Moreover, it is not free from uneven power relations between Asian countries or from inequality and the marginalization of underprivileged communities within each country. It has favoured heavy capital investment at the cost of the natural environment. It has transformed culture and the human condition at a speed that surpasses the pace of human critical reflection.

What is precious about the API experience is that these are projects done on the ground by committed intellectuals, not thought up in abstract by armchair theoreticians. Furthermore, the API projects are conducted from comparative perspectives by the actors who will invest in networking with other concerned intellectuals and practitioners with similar concerns in other Asian countries. It is this kind of inter-Asian on-the-ground-work through trans-border engagements that allows API projects to contribute significantly to knowledge formation.

Key Words and Key Questions of the 2008 Workshop Theme

- <u>Asia and Asianness</u>

It is important not to stress an essentialized notion of Asia or Asianness (i.e. idealized Asian values or stereotypical Asian characteristics as opposed to Western ones). Instead, we need to look at "Asia" as an ongoing process or an experience rather than as a bounded entity with sharply drawn boundaries. While

the word "Asia" as constructed by the mass media, by politicians' rhetoric, and by intergovernmental bodies like ASEAN occasionally brings Asia into our consciousness, each of us is embedded in our own country and immersed in our local politics. In the meantime, our learned knowledge of Asia mostly comes from Western scholarship. API Fellowships Program aims to change this condition by making Asia and Asianness a real experience of going to our Asian neighbors and learning about them and from them on issues that are pertinent to the region. This Workshop aims to capture this space called Asia—with all its complexities and its porous interaction with other regions—to bring out vision and knowledge from our API experience for the betterment of the world.

- Trans-border Engagements

The word "engagement" speaks of API's mission to provide opportunities for Asian public intellectuals to have a grounded experience in other Asian countries with a proactive commitment for social change. The term "trans-border" means going across the boundaries of national, cultural, racial, ethnic, class, and gender identities to reach out to others, people who are not part of our own group. The term also captures the flow of people's migration, cultural influences, linguistic spread, and the network of relations that characterizes inter-Asian exchanges.[1]

- Knowledge Formation

The API experience of engaging with other Asian communities is an important part of the process of knowledge formation occurring in Asia. The Workshop urges participants to value not only the academic output of their experience, but also the whole process of personal encounter. These encounters benefit not only the researchers but also the Asian communities they are researching, which are empowered and given a voice to. Through this interpersonal dialogue, the API projects can significantly result in the formation of cross-cultural understanding and knowledge.

- Alternatives

The Workshop raises the question of whether the knowledge and wisdom acquired from inter-Asian engagements provide alternative visions, ideas, conceptual frameworks, and best-practices to offer to the world. The term "alternatives" also refers to new paradigms, paths or strategies that are different from

what is commonly perceived or taken for granted in the existing scholarship. The difference should be based not on essentialized indigeniety, but on lived experiences and local practices and strategies that are highlighted from a unique angle and perspective as coming from the region.

- Sustainable World

The sustainability of the world is an urgent concern as global capitalism with its advanced technology has pushed the ecological carrying capacity of the earth to the crisis stage. Sustainability also applies to all aspects of the human dimension, as social, economic, political, as well as cultural changes that ignore the issue of sustainability will be doomed to failure. The distribution of power, democratic participation, transparent governance, ethical business practices, solid human resources, a good system of regional cooperation, and respect for cultural identity and human dignity will all enhance human security and thus serve as the foundation of a sustainable world. Hence, the sustainability of the world becomes the ultimate end toward which the API Fellows in the Workshop will put their minds.

We encourage the 25 selected public intellectuals from the five countries to specifically and critically reflect on their diverse experiences of inter-Asian engagements that the API Fellowships Program has given to them to see what new alternative perspectives they have acquired, what lessons they have learned, and what wisdom and new paradigms of knowledge they can contribute to the sustainability of our common globalized world. At the theoretical level, how can these inter-disciplinary experiences in the comparative exploration of systems and practices be conceptualized? At a more practical level, how can these best practices and lessons learned be formulated as alternative ways of engaging with global issues? Will the Asian experience—in its complexity and diversity—acquired through the API projects change the existing theories of globalization? Will it offer new alternatives for directing the path down which the world is heading?

The key questions of the 2008 API Workshop, "Asian Alternatives for a Sustainable World: Trans-border Engagements in Knowledge Formation," to be addressed by all participants in their papers are summed up as follows:

- How do API inter-Asian trans-border engagements contribute new knowledge and wisdom for the sustainability of the world?
- How is such knowledge or how are these perspectives uniquely grounded in and shaped by the inter-Asian trans-border engagements and exchanges?
- How does this new knowledge and how do these new praxes, values and perspectives form a dialogue with the existing body of knowledge about the subject?
- How does API's experience and new Asian scholarship serve as a common point of reference for future strategies in ensuring the sustainability of the world?

SUMMARY OF THE WORKSHOP

Within this broad framework, the Workshop was delivered in eight panels, which showcased three to four papers according to particular areas of knowledge formed through inter-Asian exchanges:

Panel I. Asian Alternatives in Governance and Doing Business

In this panel chaired by Koji Tanaka, three papers analyze alternative ways in which governance and the economy are handled in different countries, to answer the following questions:

- What specific environment conditions the ways in which Asian countries conduct governance, manage finance and do business?
- What similarities and differences are found in these comparative projects in different Asian countries? How can these comparisons be theorized to formulate an Asian perspective on this subject?
- How can best practices as well as unresolved problems be used to reflect on alternative ways of conducting governance, finance and business?

Contributing papers:

1. Prijono Tjiptoherijanto (Indonesia), *Globalization and Governance: The Civil Service Reform in Selected ASEAN Countries.*

2. Mah-Hui Lim (Malaysia), *Globalization and Banking Crisis: From Tokyo to Manila.*

3. Raymund B. Habaradas (The Philippines), *Why don't these @#*%! SMEs innovate? (SME*

Development and Technological Upgrading in Developing Countries: Lessons from Malaysia, Thailand, and the Philippines).

This first panel started the Workshop by laying out for us the challenges brought about by the current state of global capitalism, and measure how Asian countries face up to the challenges. All three papers found structural obstacles in the ways Asian countries conduct governance and manage their finance and large and small scale economies. Among these were the gap between state policy and regulations and their implementation, between sound Asian cultural values and widening poverty among the largest section of the population. The presentation and the discussion by Tham Siew Yean which ensued pointed to the realization that although global capitalism offered little room for a completely different financial regime, there was room for Asian countries to strategize for more regional cooperation to bring about more social justice. The lessons learnt from various cases studied in the panel was the need for civil society to demand and monitor State intervention in regulating finance, economy and politics in a transparent ways. There was also an important critical reflection that Asian intellectuals should make this trans-border leap to go beyond the disciplinary boundaries to consider the multidimensional condition of Asian economies and politics. Most importantly, the panel called Asian public intellectuals to go beyond the paradigm of "Washington Consensus" in interrogating possibilities for social transformation.

Panel II. Networks in Regional Cooperation

The papers of this panel examined networks in regional cooperation to address the following questions:

- How are the networks between different countries in Asia established in dealing with the common issues of commodity trading, eliminating violence, enhancing human resources and the media? Which actors (including institutions) initiate the exchanges, and what are the conditions in which the exchanges take place? What are the prospects of these networks?
- How do these networks work (or not work) in constructing a sense of regional community? How does the local perception of this regional community differ? What is the prospect of the construction of a regional identity in the future?

- What is specific about these inter-Asian networks and the construction of a regional community?

Contributing papers:

1. Dias Pradadimara (Indonesia), *A Political Economy of Shrimp: Global Agro-Commodity Production and Trade in Eastern Asia.*

2. Kavi Chongkittavorn (Thailand), *Media's New Challenges in Constructing the East Asian Community.*

3. Joel C. Hernandez (The Philippines), *Investing in Workers' Skill Development: Cross-Country Analysis, Experiences, and Policy Implications.*

4. Cheng-Kooi Loh (Malaysia), *Strategies and Approaches to Overcome Violence against Women: The ASEAN Experience.*

This panel was one of the toughest in the Workshop as it brought together different issues and topics from shrimp, to the media, worker's skill and VAW (violence against women). Following the first panel, it started by charting globalization through the chain of shrimp production and consumption, from Taiwanese technology to Southeast Asian shrimp farmers to Japanese plates, and exposed the strength as well as vulnerability of inter-Asian circuits of globalization. The second paper struck home the realization that although in the face of recent financial crisis there was urgent need for stronger exchanges within the East Asian Community, the construction of the EAC in the Asian medias were far from solid, with differing perceptions and assumptions. The third paper showed how East Asian Economies could learn from each other in enhancing human resource development through different models of training provisions. Similarly the last paper compared 'multi-pronged and multidisciplinary' strategies opted by women's group in the region in combating VAW, indicating similar problem of funding and resources, and the tremendous importance of passing legislation on VAW, using global, as well as regional and local pressures. Altogether the panel and the following discussion pointed to the fact that network of regional cooperation was in dire need to be strengthened and activated in facilitating better exchanges and regional cooperation. Such circuit of exchanges is necessary for creating a sense of regional community in order to solve complex global-local issues in the day to day lives of Asian peoples. Discussants Paschalis M. Laksono

and Theresita Atienza challenged the speakers to probe alternative solutions for working towards such ends, and to critically analyze cultural trappings of legal, economic and political systems which hampered the establishment of a just and humane Asian community.

Panel III. Comparative Lesson in Widening Access and Empowerment

In this panel chaired by Jose Cruz, each paper studied in comparative perspective different Asian countries in order to learn systems, praxes, cases and alternative ways of widening access to various means for human empowerment, in particular legal aids, health care, and social development programs. Key questions for this panel are:

- How should one deal with different local conditions in transferring knowledge and applying best practices from other Asian countries in widening access and empowerment?
- What specific Asian experiences, practices, and processes can be generated from the comparison of these Asian countries?
- What alternative ways do these comparative projects open up to widen the access and empowerment of underprivileged peoples in the world?

Contributing papers:

1. Rina Shahriyani Shahrullah (Indonesia), *A Comprehensive Study on the Philippines' Legal Approaches to Combat Human Trafficking: Suggestions for Indonesia.*

2. Kannikar Kijtiwatchakul (Thailand), *A Study on the Migrants' Access to HIV/AIDS Treatment in Kanagawa and Nagano.*

3. Jose Luis Martin C. Gascon (The Philippines), *Implications of Existing Knowledge and Practices of Legal Aid in Japan, Thailand, and Malaysia to the Advocacy for Improving Access to Justice in the Philippines.*

In one of the most touching panel, API Fellows shared their trans-border experience in studying the ways Asian activists tried to widen access and empowerment for underprivileged people, trafficked women, AIDS victims and poor people in need of legal aids. There were some best practices which were showcased as models—with caution as to their applicability to different Asian contexts. There were also unresolved

issues and stories of failures, which were important process for learning. The panels and the ensuing discussion underlined the importance of regional cooperation, as trafficking actually made use of porous Asian borders, and migrant workers who suffered from AIDS needed the support for both receiving and sending countries. The quality and intensity of regional cooperation was shown to actually determine the very chances for survival of trafficked and ailing migrant workers. The panel also indicated that in order to push for social transformation, different actors, from professionals to State, communities, private institutions and survivors need in Asian countries could and need to be empowered to work together in dealing with the complex challenges for widening access and empowerment. Discussant Tan Pek Leng urged the speakers to critically position their stance as Asian Public Intellectuals, which might differ from the state, especially in championing rights-based strategies concerning marginalized subjects.

Panel IV. Enhancing Democratic Participation

This panel chaired by Surichai Wun'Gaeo showcased strategies in enhancing democratic participation in Southeast Asia, addressing the following key issues:

- Considering local differences, what specific Southeast Asian condition or experience in democratization can be formulated from these projects?
- What new processes can be learned from the dynamic interaction and exchanges between the State and civil society actors in these Southeast Asian countries?
- What are the prospects and circumstances of transnational exchanges between Southeast Asian countries in enhancing democratic participation?

Contributing papers:

1. Juli Bestian Nainggolan (Indonesia), *Public Opinion Polling and Politics in Southeast Asia*.

2. Jose Eliseo M. Rocamora (The Philippines), *Conversations with Indonesian Democracy Activists*.

3. Olarn Ongla (Thailand), *A Study of the Forms and Approaches to the Decentralization of Power and the Mechanisms for Popular Participation in Local Administration in the Philippines and Indonesia*.

4. Akio Kawamura (Japan), *Human Rights in Inclusive Development: Experience from Ethnic Highlanders in Thailand*.

The fourth panel dealt with issues of democratization in the Asian region. All the four presenters agreed on the importance of "trans-border conversations" with neighbouring activists in making democracies work for the people. Some basic principles were drawn, i.e. that democratization should be based on human rights recognition, that the media could tap on public opinion to break "the spiral of silence", that NGOs, POs need to work together to engage with the existing power structures and legal framework to distribute power more equally. The discussion which followed reminded us that the very forces and mechanism for democratization, i.e., political parties, public opinion surveys, decentralization policies, and local/international NGO's effort in defending community rights, could ironically and unwittingly be used for opposite ends. Discussant Mary Racelis raised the importance of making use of countervailing powers to critically intervene with dominant system, for political parties could corrupt and break the public trust, public opinion surveys could be utilized to defend the status quo, decentralization could marginalize women, and community rights could work against individual rights. Understanding complexities on the ground, yet not losing the motivation to keep on improving the mechanism was the best standpoint concluded from this panel.

Panel V. Changing Asian Cultural Landscape

Participants of this panel addressed issues of changing cultural landscapes in Asian countries, reflecting on the following:

- What changes has the Asian Cultural Landscape undergone in the 21st century?
- How do the arts (e.g. dance, cinema) and the arts community serve as the medium and public space for negotiating, reflecting, and constructing the realties of the 21st century?
- What messages and philosophy do Asian arts and culture convey on the future of humanity in 21st century?

Contributing papers:

1. Edward Paciano S. Cabagnot (The Philippines), *Changing Landscapes, Changing Lives: The Changing Cinemas of Asia*.

2. Takako Iwasawa (Japan), *Challenges of Dance Artists in Contemporary Thailand: Tradition and Creations*.

3. Ding Choo Ming (Malaysia), *Nusantara in the Twenty-First Century and Beyond: Pantun as a Form of Cultural Identity*.

4. Naoko Uneme (Japan), *Searching in the Shade of a Flower: Changes in Learning Processes of Javanese Court*.

In this lively and entertaining panel chaired by Yekti Maunati, four API Fellows shared their findings about the changing Asian landscapes and how film makers, dancers, artists, and ordinary people make use of artistic creativities in negotiating with the realities around them. The papers discussed various case studies which illustrated new ways of distributing and producing artistic products, creating novel artistic vocabularies, using arts for communitarian purposes, and adapting tradition to the conditions of modernity. The panel and the discussion by Danilo Francisco M. Reyes and Akiko Tashiro examined how forms of Asian art negotiate the production and formation of knowledge in the region, how power and politics were infused with culture and the arts. It looked at the various ways artists dealt with censorship, negotiated with the power of international funding agencies and constructed the present and the past; it observed how market and economies both shaped and served arts and culture. Questions were raised as to the sustainability of traditional arts, especially among the younger generation, and whether the panel was actually witnessing democracy through and in art.

Panel VI. The Meaning of Asian Identities and Experience

The papers of this panel examined how cultural identities are constructed, locally as well as regionally, as they are affected by current affairs and in continuity or discontinuity with the past. Some key questions were:

- How do local cultural actors construct identities and stage cultural strategies to cope with global-local affairs? How do these strategies and mean-ing-making processes differ from mainstream cultural politics, from formal national boundaries or from the projected (stereotypical) representation from the outside?
- What kind of trans-border processes (artistic, cultural) are involved in crafting these identities, and what forces compete in the continuity and discontinuity of these identities?
- What new understanding and knowledge can we learn from the way these Asian identities and experiences are signified and contested by actors and by the surrounding local and global cultural forces?

Contributing papers:

1. Dicky Sofjan (Indonesia), *The Malaysian Dilemma: Race, Religion and the Quest for National Unity*.

2. Goki Yomota (Japan), *Indonesian and Thai Ghost Films*.

3. Sirirat Katanchaleekul (Thailand), *Rethinking the* Chao Le*'s Identity in the Context of the History of the Malay Peninsula*.

4. Jay F. Ticar (The Philippines), *"Project* Hanapbuhay*"—Portraits of Working Artists*.

This panel chaired by Taufik Abdullah confronted delicate and problematic specters of Asian identities in post 9/11 globalized world, i.e., religion, racism, patriarchy, and stereotypes hidden beneath existing cultural policies, visual and textual representations, which Asian people encounters in their daily lives. Discussant Yeoh Seng Guan charted the terrain by pointing to contesting forces of identity formation, ranging from regional migration which predated nation states to national identity projects, from identities created through virtual, communication technologies to effects of capitalism which projected spectral identities on the screen. The panel showed that one country's specter, was not unrelated to the others'. Cultural industries like ghost films and their underlying patriarchal ideologies were found widespread in the region; and the othering of the *Chao Le* identity occurred in many places in Southeast Asian region. The panel also fore-grounded the centrality of the discourse of Islam and Islamic state in Southeast Asia, and the complexities faced by the heterogeneous populations in the region. In facing the dominant constraining framework, the panel dared creative Asian public intellectuals to cross borders and engage

others to "break mirrors" and construct new, more empowering identities.

Panel VII. The Future of the Asian Environment

Ecological security is the key to the sustainability of the world we live in. In this last panel, participants addressed the following issues:

- What comparative perspectives and inter-Asian wisdom can we formulate as an alternative approach for the sustainability of our global environment?
- How can Asian people cooperate in safeguarding Asian natural resources for the sustainability of the global environment?
- What strategies are crucial for Asian communities to have all public sectors participate in environmental management?

Contributing papers:

1. Motoko Shimagami (Japan), *Community-based Forest Governance in Indonesia: Action-Research for Interactive Learning and Partnership Building*.
2. Andi Amri (Indonesia), *Towards Sustainable Coastal Resource Management: Comparative Study of Integrated Mangroves and Coastal Aquaculture in Thailand and the Philippines*.
3. Chaipant Prabhasavat (Thailand), *Watershed Management and Public Participation Process: Comparative Case Studies from Japan, Indonesia and Thailand*.

This last panel chaired by Narumol Aphinives completed the circle as it picked up themes raised by previous panels, and put them in ecological perspectives. The issue of Asian globalization raised in the beginning of the Workshop was to be borne against its colossal impacts in the disappearing forest, mangroves, rice fields, and the destruction of its rivers. The issue of public participations, and the intricate power relations of actors, from the government, NGOs, communities to their most susceptible and at the same time resilient members, i.e., women and children, were played in vivid images through the Fellows moving documentary films. The panel and the discussion by Herry Yogaswara and the floor pushed forward questions about exclusion and ownership, about difficult decision making in complex situation which puts human being and nature, sometimes in

harmony, and in most critical times, in harmful relations. The panel concludes by underlining the importance of listening to nature and to calling for commitment in saving Asian ecologies for the sustainability of the world.

Panel VIII: Concluding Panel: Reflections and Applications

This panel gave an opportunity to Workshop Director and the API Fellows to reflect on the overall theme of the Workshop, and to think up applications that were generated by the API experience. API Fellows were encouraged to deliberate on the following points:

- What new vision have we gained from our trans-border engagements with Asian communities through the API programs?
- With this enriched vision, what can we do from this point on, as a community of API Fellows and as API alumni, to initiate social changes in Asia and the world for a sustainable future?

This panel reflected on the issues emerging from all the panels in the 7th API Workshop as follows:

- **Asia as a trans-border construction**

One of the primary issues in the Workshop was Asia as an entity, which was not readily taken for granted, but thoroughly interrogated. Among the questions were: When Asia is mentioned, which Asia comes to mind? How does Asia fare in the daily lives of Asian peoples? What forces and actors created Asia? How do Asian actors work together across the national borders?

In relations to inter-governmental politics, the question was, whether Asia stand for ASEAN, or ASEAN plus one, plus three, or plus six? Here, as Kavi Chongkittavorn showed in his presentation, Asia floated as a geopolitical configuration of cooperating as well as competing regional bodies. The role of the mass media was crucial in constructing the image of Asia and Asian regional bodies, such as East Asian Community, and media representation could not be separated from differing national interests. Indeed, as discussant Tan Pek Leng reminded us, in tackling cross-border issues, "the consciousness based on the nation-state is far stronger than that of the consciousness based on being Asian, that the 'we' [as Asians] we talked about, indeed does not exist

in any real sense." Another force which worked against the construction of Asianness, according to discussant Yeoh Seng Guan was the flow of globalized "locally disembedded packages of cultural commodities."

In different direction, traditional, home grown oral tradition called *pantun*—as showcased by Ding Choo Ming—served as a cultural link of many Southeast Asian languages and communities, and this common literary form was found alive and sound in various SEA communities to the present. Similarly, Goki Yomota drew a different Asian map according to the absence and presence of different kinds of "ghosts" in Asian film industry. He discovered that the prevalence of similar representation pattern of ghosts in Asian countries speak not only of cultural links, but also of the prevalence of patriarchal ideology. Victimized women and mothers served as the ghastly unconscious to haunt the region. Another kind of inter-Asian guilt was pointed out by Sirirat Katanchaleekul as she reminded us how the region was built and woven together by the sacrifice of the marginalized river people called *Chao Le*. As pointed out by the discussant of panel VI, Yeoh Seng Guan, Asia could be mapped out through a seascape of maritime network, the demographic route through river and ocean. It is in charting the Asian sea-scape, that the sea-faring *Chao Le* communities had helped built many Asian ports, but then in the advance of modernity, were pushed aside to be the Asian subaltern.

In the span of three days, this Workshop addressed the construction of Asia—in the words of discussant Danilo Francisco M. Reyes—as a collective memory, an unfinished project, which opened up opportunities and challenges. The Workshop pointed out at the gaps in the media representation of Asia, the problem of patriarchy and our forgotten debt towards Asian subaltern. At the same time it shows the creative potentials of inter-Asia cultural dynamics to be tapped as a linking force.

- **Asia as a space for knowledge formation of new alternatives**

Having discussed how Asia as an entity was constructed, the Workshop had to attend to the next not less difficult challenge to critically examine what the region was there for. Linked by similar cultural forces and connected closely by land and sea, the region was shown to share common problems which necessitated regional, trans-border cooperation.

- **Subjects of empowerment**

Projects of the 7th API batch of Fellows—in the words of Akio Kawamura—strongly "identified and shared the reality of sufferings" of Asian subjects. The projects engaged with the underprivileged in Asia, migrant workers, victims and survivors of human trafficking, VAW and HIV AIDS, the poor and the repressed minority.

The Workshop illuminated how the present phase of Asia globalized modernity had been made at the cost of the poor and the marginalized ethnic minorities, such as the ethnic highlanders in Thailand and the *Chao Le* peoples in SEA. The phase of Inter-Asia globalization, coupled with the uneven economic conditions and the porous borders of many Asian archipelagic countries have also intensified legal as well as illegal cross-border migration. The findings of the Workshop showed rising susceptibility of many Asian who cross the borders as legal as well as illegal or trafficked workers, especially women and children, to various forms of violence and diseases, including HIV AIDS. This condition foregrounds the urgency for regional cooperation in dealing with issues of migrant workers, human trafficking and the entailing problems of violence and diseases. Cheng-Kooi Loh, Rina Shahriyani Sharullah, and Kannikar Kijtiwatchakul looked at various models and best practices in enhancing access and empowerment of underprivileged peoples affected by this cross-border migration. There was a realization that strategies of empowerment in one country might or might not work in different Asian countries, as power-relations, attitudes and social networks were deeply entrenched in socio-cultural contexts and upbringing. However, one-country study done in this Workshop served as lessons-learnt for other neighbouring countries, which share similar problem. The Workshop underlined the urgency of close cooperation between sending and receiving countries, upon which, the survival of many victims depend upon.

- **Agents for empowerment**

The Workshop gave thoughtful and critical reflections on the agents and actors, who were responsible for empowering Asian subjects by mobilizing resources and distributing power more equally. The findings of the Workshop problematized the common triangular view of the different roles and functions of the state, civil society and the business sectors.

In Indonesia, for example, Cheng-Kooi Loh examined how The National Commission of Violence Against Women in its organizational structure as well as actions mixed and combined the resources from the state, the military and the civil society to empower victims and survivors of VAW. In relations to agents of empowerment, Jose Louis Martin Chitto Gascon's finding in his comparative research on legal aids showed that in the case of Malaysia, it was the lawyers as professionals, and not the State, which was more proactive in improving legal aids to the poor and providing subsidies directly from the income of their legal businesses. On the other hand, Edward Paciano Cabagnot found that in terms of indie films, international sponsors of film festivals, which were supposed to serve as empowering philanthropic bodies, unwittingly served as constricting force. The works of Chaipant Prabhhasavat, Motoko Shimagami and Andi Amri on environments voiced the urgency of multi-stakeholder linkages, connecting the fields of politics, economics and culture.

Jose Eliseo M. Rocamora, learning from the Philippine's democratic processes, challenged the dichotomy between state and civil society. He urged Indonesian civil society activists not to shy away from formal political structures, i.e. political parties, and to strongly engage with state powers to put their social transformation agenda into action. These findings were congruent with the phenomenon of Asian Public Intellectuals—a term which strongly circulates in Asia, which broke the boundary between academia and the public, denoting the move of academicians and intellectuals from the 'ivory tower' of universities to the service of communities and public welfare. Olarn Ongla drew attention to different players within civil society movements in Asia, i.e., between NGOs and POs, and suggested that the close interaction between the two within the wider civil society network was crucial for making democracy work for the people.

- **Political Structures: Law, Policies, Democracies, Governance**

The efforts in widening access and empowerment could not avoid engaging with the existing political structures. The findings of the 7th API Workshop pointed to the important roles of legal reforms as a foundation for social transformation. Rina Shahriyani Sharullah underlined the importance of a comprehensive law and the pro-victim interpretation of the Philippine's Anti Trafficking-Law. Cheng-Kooi Loh observed how women groups in Thailand, Philippine, Malaysia and Indonesia "through legislation influenced their governments to set up new framework" in dealing with VAW. Akio Kawamura found policies such as Human Rights Based Approach to Development, proposed by international NGOs potential in pulling all efforts in making a more humane society, although there was still unsettled issue between communal rights vs individual rights.

These findings also showed that the passing of legislations only, without socio-political support, did not suffice. Kannikar Kijtiwatchakul observed that even though legal rights of illegal migrant workers were recognized in Japan, the workers were not protected because they were not included in social security system. Similarly, Jose Luis Martin Chito Gascon's project showed that laws would not work to protect the poor unless they were not made accessible to the subjects of empowerment through a comprehensive legal aid system.

The thrust, therefore, went towards a joint effort in transforming the socio-political structure in all its aspects. The Workshop in spirit opted for a wider political participation of the public in enforcing this transformation. At the same time the Workshop found it urgent that the public demand the governments to increase its role in the process. In the words of Jose Eliseo M. Rocamora, "we need to crack on those who control resources".

The demand to make the governments more accountable to the public and the need for a more just distribution of power, encapsulated by the two catch phrases "good governance" and "democratization" still fared very strongly.

However, the findings of Dicky Sofjan, Prijono Tjiptoherijanto, Juli Bestian Nainggolan, and Olarn Ongla problematized these concepts by considering the complexities of their implementation on the diverse local Asian settings. The discussions in the Workshop made us realize that the very mechanism of democratization, such as decentralization policy, and the use of public opinion surveys and polling, could be exploited to serve certain political interests, which could be detrimental to the rights of the underprivileged, women and minorities. This underlined even more the need for the wider public to be critical to unjust praxis and to be ready to intervene for the sake of the general wellbeing of the society.

- **Globalization and Financial Regime**

Throughout the discussions, there was a strong feeling that the general wellbeing of the Asian peoples, especially the underprivileged, was highly at stake in the current context of the 2008 financial crisis. Poverty was seen the cause of many unfortunate stories of human trafficking, illegal logging and other social ills, while lack of funding was detrimental to any initiatives of combating these social ills. At the same time the world's accumulated wealth circulated in the hands of few following a financial regime which—in the words of Mah-Hui Lim, "cannot be trusted to regulate itself" for the sake of the general welfare.

The Workshop was considering, whether there was really an alternative for the present global capitalism, emerging from Asian experience. The discussion of this issue alerted us that in the past, the discourse of "emerging Asian economies" in 1970s and 1980s was deceptive, as it did not offer real alternatives—since socialism as it was practiced during the Cold War era had failed. Mah-Hui Lim suggested that Asian peoples could make use of the available spaces within the existing framework of global capitalism, to do critical intervention. Raymund B. Habaradas's project foreground the need for practitioners as well as public intellectuals to empower small entrepreneurs to survive and thrive by wielding out of the fixed norms of economic progress provided by economic theorists. The current crisis also served as lesson learnt that the network of Asian civil society actors should make more demand that governments be more committed to safeguard the most susceptible people from the ups and downs of financial regime.

- **Towards the future of Environmental Sustainability**

From the Dias Pradadimara's project on the political economy of shrimp to Andi Amri's, Motoko Shimagami's and Chaipant Prabhasavat's projects on coastal resources, forest governance and watershed management, the Workshop had shown how globalization had borne on ecological health of the planet. The discussion of this issue made us learn that there was no possibility in "returning to the old lost world", but the mission was to create new praxis by integrating old wisdom in new relations. To make new praxis work, it was crucial not to take established policy terms for granted, but to critically measure them in their local implementation. To ask, in Andi Amri's words, "how friendly is mangrove friendly aqua industry", or how does "community based" environment projects translate into power relations in different localities.

- **Asian Alternatives: Creativity and Cultural Critique**

Although the Workshop could not claim to have discovered genuinely new Asian solutions of global issues, it did manage to dig out enriching vocabularies and critical perspectives in looking at the realities around us. The term "openminded localism" was introduced to activate local, creative resources to engage with global, transborder issues. Mary Racelis's term "counterveiling power" characterized the common spirit to challenge existing hegemony in creating better life in Asia and the rest of the world. Interesting experiments could be found in the Asian cultural industries. The projects on culture and the arts offered some ingenious insights. Edward Paciano Cabagnot showed how indie films offered alternative distribution scheme to the mainstream industry, and dispel the dichotomy of producer and consumer, and looking at strategies combining commerce and empowerment of communities of artists. Takako Iwasawa depicted artistic transborder initiatives which brought global and local communities together, using art for peace and reconciliation processes. Jay Ticar, through his very transborder artistic projects broke the dichotomy

between professional and working artists, by showing the possibility in breaking down negative stereotypes to bring out more positive self understanding of them. Naoko Uneme highlighted strategies of local dancers to keep traditional dances alive in facing the challenges of urban modernity.

In this continuing, dialogic search for alternatives, Koji Tanaka reminded us of the importance of looking beyond Asia, in particular to learn from the experiments and experiences of Latin American countries in finding financial, social and cultural alternatives.

- **Methodology of knowledge formation**

In three days 25 API Fellows shared their experiences living and doing research in other Asian countries in their common quest for finding Asian new alternatives for a sustainable world. What they did in the course of the Workshop was to engage in interdisciplinary exchanges, which constituted the very process of forming knowledge about Asian experiences. The learning process, which occurred during the formal as well as informal interaction of the Fellows, alumni, panel chairs, discussants and the API coordinating institutions brought home some basic strategies:

- *Multidisciplinary approach to unpack complexities*

In finding Asian alternatives for the sustainability of the world, the Workshop showed interconnectedness of issues and spheres. The Workshop highlighted, for instance, that arts was inseparable from politics, that economics was embedded in culture, and that what one did in one aspect of life in one remote region of the globe, would affect other aspects in other ends of the world. From the exchange in the Workshop we learned about complexities of global and local issues in the 21st century. In particular we learned that there was no one Asia, but many Asia(s), depending on who defined the term, from which perspective and which particular interest. We also discovered that there was not only one alternative, but many, and that generalized, simplistic dichotomies of good and bad, West and East, no longer held true. In unpacking complexities of this kind, the Workshop underlined the importance of multi and inter-disciplinary approaches. The

Workshop accentuated the need for tackling complex issues by mobilizing multifaceted strategies: academic work combined with grounded grass-root activism, political advocacy and cultural intervention through formal/informal education.

- *Contextualization: agents embedded in social and cultural settings*

In dealing with complexities, the Workshop underlined the importance of contextualizing issues in different Asian localities. One best practice in one Asian country cannot be plucked out of context as an alternative remedy for another country with different social and cultural environments. However, once agents were identified and understood in their embedded settings, some general patterns of Asian home-grown experiences emerge as lessons learnt for the Fellows to bring home.

- *Transborder engagements*

The strongest thrust of the knowledge formation, therefore, was in the experience of living in another Asian country, in a particular community, and in the very act of engaging actively with the people in their language and their culture in day to day contact. That was the treasure of the API Fellowships Program shared in the Workshop. The Workshop itself was another dimension of the trans-border engagement, where Fellows collected and shared the experience and formed a better understanding of different Asian issues, through different disciplinary approaches. As Raymund B. Habaradas articulated very wisely, what API Fellows learned through the project and during the conference only marked the beginning of the life-long journeys of becoming public intellectuals.

CLOSING REMARKS: THE API SPIRIT

As shown by the various API projects above, trans-border engagements—be it crossing disciplinary boundaries or national borders—meant to be ready to leave the comfort zone of one's familiar territory. The API Workshop had taught us the importance of reaching to the other Asian peoples not only to share what we have, but also to learn from them about ourselves. The learning process could start from the act of sharing one's cultural experience, to let people of other Asian cultures appropriate the knowledge to

make it their own. At the same time, through these projects of the 7th API batch of Fellows, the 25 API Fellows had gone to other Asian countries to exorcise other people's ghosts in order to finally confront their own. In this dialogical give and take learning experience, creative and critical understanding would emerge as the basis of grounded knowledge made in Asia.

The adjectives "critical" and "creative" were most salient in this Workshop, as they point to a stance, which connote rigorous questioning of common place, dominant paradigms, be it those provided by the nation-state, the academia, or the market, or one's own cultural biases in the creative search for new strategies.

Jose Rocamora reminded us that this search for solutions to Asian problems should be done with honesty, without losing hope. In our attempts to find "Asian alternatives for the sustainability of the world" it was tempting to overlook problems, to go for easy generalization, and to fall for "essentializing Asia" jargons. The Workshop had humbled us to recognize unsolved problems, and had reminded us to be realistic in our assessments of what Asians were facing in the 21st century. At the same time, it was because of these very problems and challenges that many Asian people were called to be public intellectuals in the first place. Therefore maintaining realism and hope was the crucial stance, which was affirmed by the Workshop participants.

In the end, the Workshop were closed with a commitment to multiply the API effect, as urged by Tatsuya Tanami and Michiko Taki, by disseminating the knowledge gained through the API experience and the Workshop into wider circles of Asian communities. The inaugural API Regional Project, launched coinciding at the time of the 7th API Workshop, was fruit of such a commitment to put ideas for alternative for a sustainable world into immediate action. The project chose the theme of "Community-Based Initiative for Human-Ecological Balance".

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NOTE

[1] The term "transborder participatory democracy" was coined by Muto Ichiyo to mean:

> Transborder participatory democracy is (a) worldwide democracy practiced by the people of the world and (b) the right of the people to participate in any decisions that affect them, regardless of where those decisions are made. In its current stage of development it manifests as the self-organized integration of grassroots civil society and activists networks around the world.

(Muto Ichiyo's Keynote speech at the first People Plan 21 gathering in Minamata, Japan in 1989, published in *Global Visions*, edited by Jeremy Breecher et al, South End Press, 1993, pp.155-159, accessed in http: www.co-intelligence.prg/CIPOL_transbordrParticDem.html)

REPORT OF API PUBLIC FORUM

Melani Budianta

Workshop Director, the 7th Workshop of the API Fellowships Program

Rationale of the API Public Forum

The 7th API Workshop in Yogyakarta initiated a new tradition called the API Public Forum. This forum was designed to share with the general public the knowledge and resources generated from the API Fellowships Program. Co-hosted by Gadjah Mada University, the forum was open to the general public. It showcased a number of API Fellows who spoke on current topics that resonated markedly with the general audience. The forum invited Prof. Dr. Amien Rais, a prominent public figure to deliver the keynote speech on the chosen theme, "Democratization without Governance?".

Democracy without Governance?

The theme of the first API Public Forum in 2008, namely, "Democratization without Governance?" was chosen because of the growing concern over the democratic transformations and political setbacks in the region. Questions have been rife as to what had gone wrong and what could and should be done for the future of democracy. The concept of good governance as a means to ensure transparency was introduced to scrutinize existing democracies. Whether the democratization process could work without governance was mulled over.

The panel was geared to answer the following issues:

- What are the key developments—strengths and weaknesses—of democratization and decentralization in the countries across Southeast Asia? What challenges and new possibilities exist for the region?
- Why is good governance a crucial concept? Is it pertinent to governments alone, or does it also encompass business organizations and NGOs?
- What are the roles of public intellectuals, mass media, educational institutions, and the public at large, in the quest to achieve a better future for the region?

The API Public Forum 2008

The API Public Forum was held at the Conference Room of the School of Graduate Studies Building, Gadjah Mada University, one day after the 7th API Workshop, i.e., on Thursday, 27 November 2008, from 9:00 to 12:00 a.m. Conducted in English and Indonesian, it was attended by around 200 participants, mostly students and faculty of the UGM (Universitas Gajah Mada).

Indonesian public intellectual, **Amien Rais** (chairman of the advisory board, National Mandate Party PAN; professor, Gadjah Mada University), delivered the keynote speech. A panel of two API Fellows, **Prijono Tjiptoherijanto** (professor, Faculty of Economics, University of Indonesia), and **Jose Eliseo M. Rocamora** (writer and researcher, the Philippines), also spoke. **Kavi Chongkittavorn** (assistant group editor, *Nation Multimedia Group*, Thailand), who had planned to join the forum, was held back by the political crisis in his country. The two Fellows shared their research findings from various API Fellowship activities, as well as from their engagements in the realms of politics, economics and mass media, as these related to the issues of democratization and governance. **Taufik Abdullah**, chair, Social Science Commission, Indonesian Academy of Science, moderated the forum.

Keynote Speech: Pushing Democratization Forward
Amien Rais started his keynote speech by citing incidents depicting democracy without governance under the Suharto regime. At that time, democracy in Indonesia was implemented only in form but not in substance. The actual substance took on the form of an authoritarian government, which used all the paraphernalia of democracy, i.e. a people's assembly, free judicial bodies, and general elections.

Increasing poverty and unemployment, and mega scale corruption, according to Amien Rais, were the indicators of such false democracy. Another threat facing democracy and governance then, as now, was what Rais termed "global corporatocracy", which big

corporations, the military, people's representatives and the mass media support.

Amien Rais urged public intellectuals confronted with these challenges to serve as critical contenders for the dominant forces. Referring to religious prophets, he underlined the true calling of public intellectuals to be always on the side of the "little" people, to bravely confront exploitative regimes and unjust rulers for the sake of human kind.

Amien Rais identified the three fronts available to public intellectuals in their fight for democracy and governance: media, the Internet, and academe. Although each of these sectors is not bereft of global corporatocracy, there exist enabling possibilities, leeways, and room to maneuver—enough to push the democratization agenda forward.

Meanwhile, the first panelist, Jose Rocamora, reversed the "logic" of the theme. According to him, governance cannot be implemented without democratization. He raised the argument that governance was weak because there was not enough democratization. The lack of democratization, he said, made governance difficult. Rocamora showed that in Indonesia, the shift from the parliamentary to the presidential form of government was the prime reason why Indonesian political parties were getting weaker. Initiatives that could instigate political weakening included the move toward allowing independent candidates, direct elections, and efforts to make the party representation system less important than individual votes during general elections.

The weakening of political parties was also reflected in cartel and coalition politics, whereby political parties, while bargaining for power, lost their clear ideological standing. At the same time, rent-seeking politics—whereby politicians used their political power to rip money from private business—sowed the seeds of corruption, Rocamora said.

He criticized the tendency to emphasize governance over democratization. He pointed out how NGOs and international organizations focused too much on capacity building, i.e., the system of procurement, legislation, the bankruptcy law, etc. He clarified that while these issues were important, even more important was democratization—generating political action on the part of the poor so as to force positive changes in the political system, which could, in turn, make democracy work and good governance possible.

For his part, Prijono, the second panelist, further questioned the ideology behind the term "good governance", and proposed, instead, that the term "democratic government" be considered. He deemed the concept of good governance to be too technocratic, to focus largely on more easily quantifiable poverty reduction efforts and the eradication of corruption. What was more crucial, he said, was democratic participation based on the rights of the people. Nonetheless, he acknowledged that democratic participation was, indeed, more difficult to measure. The concept of good governance, according to Prijono, was more dominant because it was the preferred term of the IMF, behind which was the interest of the market.

After these thought-provoking presentations, moderator Taufik Abdullah opened the floor to questions and answers. As Amien Rais had earlier excused himself, the moderator invited Assoc. Prof. Surichai Wun'Gaeo, director of the Institute of Social Research at Chulalongkorn University, to join the panel.

Questions were raised on the issues of democratization in the region, e.g., on the separatist movements, the recent political turmoil in Thailand, and on the possibility of finding alternative local concepts and steering out of the market economy.

Surichai referred to Amien Rais's discussion of global corporatocracy as the context for understanding developments in the region, including the festering of separatist movements and the political turmoil in Thailand. Presently, he said, there exists a groundswell in favor of fast-paced globalization, the kind that ignores the multicultural processes in the ground. This situation has been exacerbated by the "winner takes all politics" that is deemed responsible for the escalating violence in the region. As a big gap now rives the ideal of the democratic of governments and the kind of politics occurring on the ground, people have started to lose trust in government. Yet another serious issue is the divided public. How to win not only elections but public trust is now a challenge. Trust may well be recovered through real democratization.

Jose Rocamora explained that in the case of separatist movements in the region and the issues surrounding the Arroyo regime, the problem has nothing to do with cultural issues, e.g., religion or gender, but stems from feudalism, corruption, collusions between capital and the military, etc. In short, the problems hounding the

Philippines are rooted in the lack of true democratization and governance, he said.

To answer the question as to whether democracy was a foreign concept, Prijono gave examples of local values that correspond to the basic tenets of democracy, i.e., responsibility, political participation, and accountability to the people. Rocamora further underlined the same by concluding that what was most important was not inventing concepts, but asking whether the concept was capable of putting people into motion. The bottom line of democracy for Rocamora was a form of government capable of giving power to the poor, thereby redefining the unequal distribution of power in society.

Both Rocamora and Surichai stressed the importance of understanding living realities in the local context, as well as the political history of one's country, in looking at various democratic experiments on the ground. Surichai reminded the forum, however, that inasmuch as everyone wants to dig into his or her own roots, their being modern states make it impossible to reverse time and go back to the past. Modern societies also need to deal with impacts from outside. Capitalism is a living reality with which everyone has to deal.

The API Public Forum ended with the introduction of the API Fellowships Program by John Haba from Indonesian Research Institute (LIPI), the Partner Institution of API in Indonesia. Expressions of gratitude were extended to the UGM for agreeing to co-host the event, and to all the enthusiastic participants and panelists for their presence.

Globalization and Governance: The Civil Service Reform in Selected ASEAN Countries

Prijono Tjiptoherijanto

"The true bureaucrat is a man of really remarkable talents. He writes a kind of English that is unknown elsewhere in the world, and he has an almost infinite capacity for forming complicated and unworkable rules." *Henry Mencken*, 1930.

Good governance: for whom?

Over the years, "good governance" has become the new paradigm in the administration of public services, replacing the previous conventional model developed by Max Weber. "Good governance" has also become both an objective and precondition for development aid.

There is strong tendency among the international aid community to equate governance within the ambit of state institution and structures with an emphasis on corruption, transparency, participation and rule of law. The World Bank, as a major international donor, has constructed an index for "government effectiveness", comprising the quality of public bureaucracy, policy-making, and service delivery as an index of six elements of a measure of governance[1]. When government effectiveness was tested against data from 175 countries, the analysis confirmed that government effectiveness contributed to higher national income (Kauffman, 2003).

Based on the World Bank's index, the quality of governance in selected countries in Asia can be seen in Table 1 below.

No	Country	Quality Index	Governance Quality
1.	Singapore	65	Good
2.	Japan	63	
3.	Malaysia	58	
4.	Republic of Korea	57	
5.	Sri Lanka	45	Fair
6.	Philippines	44	
7.	India	43	
8.	Thailand	43	
9.	China	39	Poor
10.	Indonesia	38	
11.	Nepal	36	
12.	Pakistan	34	

Table 1: Quality of Governance in Selected Asian Countries

<u>Source</u>: Adapted from Table 2.1 of Jeff Hunter and Anwar Shah, 1998.

Any analysis of good governance would remain incomplete without acknowledging the prominent role of Washington Consensus[2]. In fact, the good governance agenda is deeply embedded in the Washington Consensus.

The good governance agenda places special emphasis on anti-corruption measures. In Malaysia, some of the corruption practices involved civil servants. For example, in 1998, among 300 cases reported by the Anti-Corruption Agency (ACA) 186 cases, or 64 percent, involved civil servants[3]. However, Malaysia is considered "better off" than other Asian countries if bribing is used as the indicator of corrupt practices among bureaucrats.

Ranking	Country/Territory	Percentage of respondents who paid a bribe
7	Japan	1%
8	Korea South	1%
18	Hong Kong	3%
23	Malaysia	6%
33	India	25%
40	Indonesia	31%
41	Philippines	32%
46	Pakistan	44%
49	Cambodia	72%
57	Singapore	*
58	Thailand	*

Table 2: Respondents who paid a bribe to obtain services in selected Asia-Pacific Countries, 2007

Note: *). Due to problems with data, results for Singapore and Thailand could not be used.

Source: Transparency International Global Corruption Barometer 2007. Percentages are weighted and calculated for respondents who came in contact with services.

The exclusive focus on corruption in public offices and institutions may fail to chronicle the large scale corruption practices carried out by private individuals and corporations. The involvement of Western banks and transnational corporations in many corrupt deals in the poor and developing world is well-documented. The extent of corrupt practice involving transnational corporation is so huge that from 1994-2001, the US government received reports of 400 international contracts worth US.$200 billion that involved bribery (Kavaljit Singh, 2005).

Decentralization and local self-government constitute another important component of current governance agenda where reforms have been introduced in order to reduce poverty and achieve higher economic growth. Another dimension of good governance pertains to fostering popular participation. Hence, many goals are set to make government close to the public. This is more popularly called a "public-private partnership". However, the society as well as the international donor agencies also has different views on good governance. The summary of different perceptions on the good governance targets is summarized in Table 3 below.

Government/Formal Institution Perceptions	Community/Civil Society Hopes	International Organization/Financial Institution Demands
1. Combating Corruption	1. Better quality of life	1. Downsizing bureaucracy
2. Transparency	2. Equitable distribution of wealth, income and natural resources	2. Privatization of state-owned companies (SOE)
3. Accountability	3. Full employment	3. Deregulation
4. Participation in decision making process	4. Better access to housing, health and education	4. Decentralization and encouraging local self-governance
5. Rule of Law	5. Restraining privileges of the elite in politics as well as in acquiring wealth	5. Respecting human and property rights

Table 3: The importance of "good governance" practices as seen from different views

Source: Author's own perception.

The above explanations do not mean that there are differences among the three actors in the implementation of the "good governance" agenda. It is only shows the degree of importance of the many goals and objectives involved in the practice of good governance. These are sometimes considered the "second generation reforms to ensure the smooth development of a market economy"[4].

As a result of these kinds of reforms, promotion of good governance has become an integral part of the emergent global economic order. Since these reforms are mainly institutional and political, then the reform of the public service, and more specifically, "a civil service reform", is the main pillar for good governance practices, especially for the developing world.

Public service reform: reducing "trust deficit"?

In 1991, the World Bank released a report entitled "The Reform of Public Sector Management: Lesson From Experience"[5], which was drawn from the experience of the World Bank and its member countries in the 1980's. This report approached civil service reform from two complementary perspectives: first, short-term cost-containment measures aimed at reforming public pay and employment systems, and second, medium-term programs to build institutional support for cost-containment and to strengthen the government's ability to manage the civil service. For a short term measure, government pay and employment reform has focused on four main problems:

a. Excessive public sector wage bills, measured both by the ratio of personnel expenditures to government revenues or total expenditures, and by the degree to which personnel recurrent expenditures are crowded out by wages;

b. Surplus[6] civil service staff, with "surplus" defined by a range of measures and rates, including the number of civil servants in relation to the number of participants in the

modern sector labor forces, and by operating budgets too low to support the current number of employees;

c. Salary erosion, or the decline in wages that reflect not only the high level of inflation in many countries but also the trade-off between expanded employment and lower average pay, and the proliferation of non-wage benefits to offset the fall in real pay; and

d. Wage compression, meaning the small difference between the highest and lowest civil servant salaries making it difficult to attract and retain qualified staff.

These reforms were the reaffirmation of the issue of the modernization of the public service experienced by Western countries, especially in the Organization for Economic Cooperation and Development[7]. The following factors helped to push this modernization: *First*, the economic and financial pressures facing the government of such countries in the last quarter of the twentieth century and the early years of the twenty-first century. These pressures led government to question the benefits of traditional large-scale public bureaucracies and reinforced demands for greater efficiency and value of money in the operations of civil services. Governments "reassessed their bureaucracies and demanded changes" (Hughes 1998, p.4).

Second, the public pressure on governments to deliver services that are more responsive to the public. There has been a growing recognition that the consumer of public services should be at the heart of the arrangements for services delivery. Whereas the traditional public administration perspective was based on the idea that public sector management was different from business management, there is now a view that public administration "has everything to learn from the private sector" (Gunn, 1998, p.1). There is a belief that "better management" can solve a range of economic and social problems faced by governments (Pollitt 1993, P.1), and that management techniques from the private sector should be imported into the civil service and other parts of the public service.

Third, the growing awareness of the potential of information technology in helping to improve the efficiency and effectiveness of public service operations (see: OECD 1990, p.14). Technological developments have transformed the processes of public administration. The development of information technology in the delivery of public services is one of the four administrative "megatrends" linked with the emergence of the so-called New Public Management or better known as the *NPM* (Hood, p.3).

Lastly, the desire to improve political control of central government bureaucracies is another important factor in helping to explain the modernization agenda. In a number of Western liberal democratic countries, the higher civil service has been seen as an entity to be controlled by elected politicians. Concerned that permanent officials had become too powerful in the formulation of public policy, the political leaders of many Western countries have attempted "to reassert political control over the bureaucratic machine" (Pollitt and Bouckaert 2000, p.155).

Administrative reform was directed towards reducing the "trust deficit", which could be done only by creating a government that is both efficient and just. In the United States, this paradigm has stimulated rethinking about what government is and how it should work. Among the products of that rethinking were two theories of government administration under two great presidents. One is the minimal state theory used by Reagan and the other the reinventing government under Clinton.

The minimal state theory is similar to schools of thought that have roots in the work of Frederick A. Hayek, Milton Friedman, William A. Niskanen, Gordon Tullock, Nobel Laureate James M. Buchanan, and other members of the public choice school[8]. During the Reagan Administration, minimalism was implemented through various means that sought diminished expectations of government, budgeting restraints and centralized decision- making, a leaner and more responsive political establishment, and a focus on a few objectives of overriding natural importance (Carrol, et al. 1985 p.807).

The reinventing government, on the other hand, takes inspiration from the experience of practitioners such as David Osborne, a journalist, and a former city manager, Ted Gaebler[9]. Osborne and Gaebler had the enthusiastic endorsement of President Clinton, when in 1993 he requested Vice President Al Gore to review the performance of the federal government. The purpose of the review, was to create a government that is result-oriented, works better and cost less (Gore, 1993). The report notes that only 20 percent of the American people trust the federal government to act

rightly most of the time. To reduce this "trust deficit" then became an important objective of the administration reforms at that time.

In spite of the strategic differences between the two reform movements, there is a common theme: the urge to de-bureaucratize government administration. Several innovative public programs that have broken free of the constraint of bureaucratic procedures were introduced. In order to understand the de-bureaucratizing agenda, a comparison of the two movements will be made with regards to four dimensions of public administration: purpose, personnel, organization, and management procedures. These are summarized in Table 4 below. Each dimension addresses the questions of why, who, what, and how public administration ought to be conducted[10].

No.	Characteristic	Bureaucratic Paradigm	Minimal State (Reagan Administration)	Reinventing Government (Clinton Administration)
1.	Purpose of Government	Execution of the will of the state	Provision of public goods and service	Meet citizen expectations
2.	Nature of public servants	Neutrally competent	Rational, self-interested, budget maximizers	Entrepreneurs
3.	Organization of work	Tightly structured hierarchy	Competitive, multi organizational, market like setting	"Appropriate" organizational form
4.	Management approach	Close supervision Standard Operating Procedures (**SOP**)	Cost-minimizing consumer-oriented management	Facilitative management; total quality management (**TQM**)

Table 4: Characteristics of the Bureaucratic Paradigm in Two Reform Approaches

Source: Compiled and modified from many sources by the author.

This summary is accomplished, of course, at the risk of oversimplification. Nevertheless, it provides a sense of the potential for and content of a de-bureaucratizing agenda.

The de-bureaucratization movement as an administrative reform is more than a political act. It is also an act of cultural change, reflecting and challenging basic social values. As James Q. Wilson commented, "The way in which a bureaucracy operates cannot be explained simply by knowing its tasks and the economic and political incentives that it confronts. Culture makes a difference"[11].

Direction of reforms: building common ground[12]?

Culture is the reflection of the economy and politics. The dominant forces and the newly emerging forces in the economy and politics are also those in culture. However, culture is not simply the ideological reflection of current forces and contradictions in the economy and politics. It is also the accumulation of previous notions, customs, and habits, and which will persist for so long as there are carriers and are part of the social psychology of the people wherever they lived.

The bureaucracy has a structure that breeds its own administrative culture. Incoming political leadership often reacts to the bureaucracy it inherits by instituting personnel purges, reorganization or both, either to cleanse the old system and reorient it to the needs of the new dispensation, or to reshape the administrative culture and values to facilitate the achievement of its policy and program objectives. Therefore, any new political order brings to the regime-bureaucracy relation its own political culture. As the bureaucracy accommodates and eventually trusts the new regime, an administrative culture supportive of the political leadership emerges.

The biggest hurdle to administrative reforms, however, appears to be the role of politicians in controlling bureaucracy. Political leaders in a party-run polity are unlikely to appreciate the importance of a political neutral civil service. They are also not adequately restrained from pursuing extraneous goals in and through the bureaucracy. Indulgence by dominant-party politicians has also resulted in widespread political interference in administrative decisions and the politicization of bureaucracy decision-making[13].

Another factor which contributed to the successful of administrative reform is the role of leaders. For better implementation of any change in public services very persistent and visionary leaders are needed. Therefore, there has to be quality leadership that will provide guidance and inspiration to the whole community, especially in the bureaucracy as the government's machine. Leadership is thus a necessary but insufficient condition for institutionalizing public sector reforms. Leadership is the key element in reforming the office and, in a larger sense, achieving an engaging and performing civil service in a challenging and globalizing world at present time[14].

Good governance occurs not only when politicians are honest and accountable, but also when civil servants are efficient and productive, since the quality of governance has been largely dependent on the quality of people who run it. A government that is maintained by responsible, highly competent individuals motivated by a strong desire to serve and improve the lives of others can be assured of a government that truly works for the people. Most of the ills in the government can be traced to the lack of this basic quality in service. Sadly the reputation of public officials speaks for itself in almost of the developing countries without exception in the Southeast Asia. There is the general perception that the bureaucracy in the region remains largely inefficient and corrupt, even if the President or Prime Minister is honest and sincere and working for the interest and general welfare of the people.

The determinant factors which influenced and affected the implementation of public service reform in some of the ASEAN countries which were studied is summarized in Table 5 below.

Country	Political Influences	Institutional Supports	Leadership Values
MALAYSIA	Political interference in bureaucratic decision making	Ethical guidelines, active usage of **ICT**	Political will and leadership supports with clear vision
THAILAND	Top echelons monopolized political and administrative power	Strong role of CSC, well-established norms and values	CEO-manager's style, creation of senior executive services (**SES**)
PHILIPPINES	Tradition of subservience instead of independence and neutral civil service	Positive contribution of CSC, strong and active role of NGOs and POs	Political will for rationalization and decentralization programs
INDONESIA	Top echelons selected through politically decision making process	Do not have CSC, not-so-clear division of the roles of institutions responsible for civil service matters	Need for strong and visionary leaders and more systematic reforms

Table 5: Influencing Factors in Civil Service Reform
Source: Author's own perception from the research's findings.

Lesson learned: respecting the culture and values

In many Asian countries, public administration is in the process of considerable change and reform. Citizens in these countries have demanded faster, better, and cheaper public service. They have also demanded more effective and efficient government. In order to meet these demands, the nation has to change its public services into more democratic, efficient, and citizen-oriented government. Experiences gathered from Malaysia, Thailand, and the Philippines, in comparison to the situation in Indonesia, are presented in the following discussions.

1. Malaysia: Vision 2020.

Reform efforts and administrative improvement of Malaysia's public service were intensified with the launching of Malaysian Incorporated in 1983 followed by the announcement of VISION 2020 in 1991. The Malaysian Public Service is aware that to enable it to fully support the achievement of VISION 2020, a process of realignment must occur, in terms of structures, processes, procedures, and the value system. With regard to the value system, the Malaysian's civil service has produced a set of values to be subscribed by the civil servant known as "The Twelve Pillars[15]".

It provides the ideal foundation of values and ethical practice for the civil servant to apply and adapt in the course of his/her duty. This is particularly important in meeting the new challenges of the globalization era which need an effective partnering between the public and private sectors as well as with civil society.

2. Thailand: "CEO-manager" type.

Since the mid 1980s, the World Bank has pressed Thailand to undertake a more general reform of the bureaucracy based on the principle of New Public Management (**NPM**). This means the adaptation of modern business management practice to the public sector, with an emphasis on setting goals, measuring results, rewarding performance, and punishing corruption and other administrative abuse.

In 2002, a "Royal Decree on Good Governance" was promulgated. This was followed in March 2003 by the Thaksin government's administrative reform program, formally announced as the "Strategic Plan for Thai Public Sector Development". The program was put under the charge of a new Public Sector Development Commission, with the support of the Office of Public Sector Development (**OPDC**). From that date on, Thailand has had two institutions in charge of bureaucratic reforms, the OPCD for budget and public service overall reforms, and the Office of the Civil Service Commission (**OCSC**) which mainly deals with matters involving civil servants. The "Strategic Plan" focuses on streamlining and rationalization, restructuring and reorganization, budgetary and financial reform, human resource management and compensation reform, "work culture and values", modernization through e-government, and the encouragement of public participation.

The creation of the "Senior Executive Service (**SES**)" started in 2001, and gathered momentum in 2003, as a reforms movement[16]. The creation of the SES was also linked with proposals for performance review, merit pay and lateral recruitment processes. However, due to delays and obstacles in amending the civil service regulations, lateral recruitment from outside the ranks of the civil service remained stillborn.

The bureaucratic reform under Thaksin resulted from a growing degradation of public service and a move toward privatization in an effect to survive the combination of globalization and an era of economic liberalization.

3. The Philippines: A "Strong Republic"

In her July 2002 address to the nation, President Gloria Macapagal-Arroyo announced her goal of building a strong republic for the Philippines[17]. The government was to become a strong institution and strong bureaucracy, free from corrupt practices and nepotism. Then, in May 2004, she announced that the government's attack on graft and corruption would be on three fronts. **First** was the "promotion of values" among government employees and officials. **Second** was the lifestyle check which would prosecute those who abuse their positions, and **lastly** was minimizing opportunities for graft through computerization and deregulation of government transactions[18].

The government announced that "value formation" was integrated with the approach because corruption couldn't be solved by "just the enforcement of laws". Combating corruption was an important factor, since part of Arroyo's campaign platform for her second term in 2004 was a "corruption free" Philippines. The "preventive approach" of President Arroyo's anti-corruption campaign was designed to instill "patriotism or love of country"[19].

4. Indonesia: Role of "*Panutan*"

In Indonesia, government employees are sometimes regarded as a *panutan* (community leader). This obliges them to do many things for the benefit of the community in which they live. In the role of *panutan*, government employees are custodians of ethics and morality. They are expected to behave ethically, obey rules and regulations while conducting their activities, and avoid irregularities. In order to become respectable community leaders, government employees have to establish the image of clean and persistent authority. In this respect, a strong and determined leadership to steer reforms is crucial. Whether it exists in Indonesia, however, is still questionable. Therefore, the reform momentum, especially the

civil service reform, has yet to take Indonesia past the finishing post.

Good governance recipes handed down by the economic powers and demanded by multinational corporations carefully avoid raising questions about the nature and realm of development, the politics of dominant economic growth paradigm, and the forces that control such development in their own interest. Therefore, instead of "good" or "bad", the governance debate is essentially about democracy and the process of building or struggling for democracy against all forms of monopoly. In its "2002 Human Development Report: Deepening Democracy in a Fragmented World", the United Nations Development Program defined governance as a culturally and country-specific democratic means, both process and institutions, for the exercise of people's rights, which ensure equity, promote social solidarity and sustainable livelihoods. Unlike the technocratic approach of the World Bank and many donors, focusing on administrative efficiency, processes of governance within a rights framework takes account of unequal power relations within a society and globally, including gender relations.

Concluding remarks

The expanding economic activities demand that not only civil servants in general be fully equipped and trained for the great tasks but orientation and motivation should permeate especially to the higher echelons. Such orientation is being provided in almost all countries to equip them to undertake more complex tasks and create the necessary equipment. It is also to be ensured that better tools and techniques are used at all levels to improve performance and productivity of civil servants.

The requirements of the 21st century, especially the need to attain Millennium Development Goals (**MDGs**) by 2015, require a civil service and civil servants in the broader, newer, and highly relevant perspective of how public service should be in a challenging world. Civil servants should be conscious of the need for a civil service that is not only responsive, professional, and impartial, but more importantly a civil service that is engaging and performing.

The public service needs to pay particular attention to strengthening technical capacity in the various areas of service delivery especially information and communications technology (ICT) experts to tap the potential of **their work** to enhance performance in the delivery of services. The integration of **ICT** for capacity-building in the public sector is crucial for that sector's ability to respond to development challenges. This is very important, especially for Thailand and the Philippines, where the educational level of the population is already at an advanced status.

Governments also need to enhance leadership capacity of public servants, a prerequisite for harmonious, evenly distributed, and peaceful development, clear forecasting and planning to meet future challenges, as well as the maintenance of the rule of law and orderly progress. Every leader in public service must have adequate management capacity to plan, prioritize, steer implementation, monitor and control, evaluate and recast plans. This condition is a must in Malaysia and Thailand which both experience political turmoil and have difficulty preserving neutrality among public servants. In addition, Indonesia still needs a strong and persistent leader.

Towards this end, in most Asian developing countries, the civil service reform initiated, such as merit-based promotion, entrance to the serviced based on competitive examinations, the protection of the civil servants from arbitrary removal, the protection of their political neutrality, meaningful compensation packages, and the policing and management of the civil service by an independent body should be relentlessly pursued. These are initiatives necessary to achieve the goals of responsiveness, impartiality, and professionalism of public service in these countries.

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NOTES

1   The complete six indicators are: (1) Voice and Accountability, (2) Political Stability, (3) Government Effectiveness, (4) Regulatory Quality, (5) Rule of Law, and (6) Control of Corruption. **See**: Daniel Kauffman, Aart Kray, and Massiomo Masturizzi, 2003, "Government Matters III: Government Indicator for 1996-2002.", World Bank Policy Research Working Paper 3106, Washington D.C. Paper and data available at http://www.worldbank.org/wb1/governance/govdata 2002/index.html

2   The term "Washington Consensus" was first coined by the US economist John Williamson to refer to a policy package pushed by powerful Washington-based institutions, namely, the World Bank, IMF, the US Treasury and neo-liberal thinktanks. Initially aimed at Latin American countries in the 1980's, the Washington Consensus was subsequently extended to the rest of the developing world. The important components of the Washington Consensus were fiscal discipline, trade liberalization, tax reforms, liberalization of foreign investment regime, privatization, deregulation, financial liberalization and capital account liberalization, market based exchange rate, labor reforms, and protection of property rights.

3   **New Strait Times**, 4 June 1999; a daily newspaper in Malaysia.

4   The "Second Generation Reforms" refers to re-designing the state and institutions, while the "First Generation Reforms" mostly concern with economic reform to cope with globalization process. All of these reforms are in accordance with the "Washington Consensus" discussed earlier.

5   World Bank, Country Economic Department, "The Reform of Public sector Management: Lesson and Experiences", World Bank: Washington D.C.1991.

6   The notion of "surplus" contains an element of subjectivity; rigorous measures of the concept have proved difficult to devise and apply. Criteria used include comparative (cross-national) rations of the number of civil servants to the overall population, or as percentage of the country's modern sector labor force. Another measure often used is the extent to which personnel costs "crowd out" operating budget for supplies and maintenance. In trying to determine when staff are in surplus, functional reviews and staff inspections may be undertaken to identity sector-or function-specific excess through the use of ratio analysis-which applies standardized norms of, say, proportion of agricultural extension workers to farmers.

7   Organization for Economic Cooperation and Development (1990 and 1993) "Public Management Development : Survey 1990 and Survey 1993" Paris: OECD, 1990 and 1993.

8   William A. Niskanen, "Bureaucracy and Representative Government", Chicago: Aldine Atherton, 1971: Gordon Tullock, "The Politics of Bureaucracy" Washington: Public Affairs Press, 1965; and James M. Buchanan and Gordon Tullock, "The Calculus of Consent: Logical Foundations of Constitutional Democracy" University of Michigan Press, 1962.

9   David Osborne and Ted Gaebler, "Reinventing Government : How the Entrepreneurial Spirit Is Transforming the Public Sector" Addison-Wesley, 1992

10   This a modification of the approach used by Hood and Jackson in their study of administrative doctrines See: Christopher Hood and Michael Jackson, "Administrative Argument" Brookfield, Vi: Darmouth. 1991, pp.178-179.

11   James Q. Wilson, "Bureaucracy: What Government Agencies Do and Why They Do" Basic Books. 1989, p.203.

12   This part is derived from three field reports; namely: "Civil Service Reform in Malaysia; Achieving Vision 2020 Through Malaysia Incorporated", "Civil Service Reforms in Thailand : Political Control and Gender Equity"; and "Civil Service Reforms in the Philippines: The Role of Civil Society" submitted to The Nippon Foundation Tokyo, Japan, in 2008

13   This kind of politicization in bureaucracy was branded as "bureaucratic polity" in Thailand (**See**: Fred Riggs, "Thailand: The Modernization of a Bureaucratic Polity", Honolulu, East West Center Press, (1996) and "dominated bureaucracy" in the Philippines (**See**: Ledivina V. Carino, "A Dominated Bureaucracy = An Analysis of the Formulation of, and Reaction to State Policies in the Philippine Civil Service", Occasional Paper No.89-4, National College of Public Administration, University of the Philippines, 1989

14   The Malaysian Prime Minister's DR. Mahathir Mohammad had a vision for 2020 that established a "Malaysian Incorporated"; while Prime Minister Thaksin Shiniwatra of Thailand introduced the "CEO-Manager" style for Thai Civil Service. Since the birth of the Philippine Republic in 1946, civil service reform has been undertaken during the administration of Presidents Roxas, Quirino, Magsaysay, Marcos and Aquino. In Indonesia the late President Soeharto reformed the civil service system in 1974. Since then no major changes in public service system have happened in Indonesia.

[15] The twelve values or "pillars" are: (1) the value of time, (2) the success of perseverance, (3) the pleasure of working, (4) the dignity of simplicity, (5) the worth of character, (6) the power of kindness, (7) the influence of examples, (8) the obligation of duty, (9) the wisdom of economy, (10) the virtue of patience, (11) the improvement of talent, and (12) the joy of originating. **See:** "Tonggak Dua Belas: Penerapan Nilai, Norma dan Etika Perkhidmatan". Kuala Lumpur, INTAN, 1992.

[16] Interview with DR. Nualnoi Treerat, senior lecturer at the Faculty of Economics, Chulalongkorn University, Bangkok, on Friday, April 4, 2008.

[17] Gloria Macapagal-Arroyo (2002) "Towards A Strong Philippine Republic", State of the Nation Address at the opening of the 2nd Regular Session of the 12th Congress, July 22, 2002, Metro Manila.

[18] **See:**   htpp://www.news.ops.gov.ph/archieves2004/may17htm. The campaign was later reduced to two approaches, the **first** being punitive, while the **second** is change in values or the values formation approach. Further information, **See:** htpp://www.news.ops.gov.ph/archieves2004/oct06.htm

[19] To change the culture of corruption, the government will mobilize the country's formal and non-formal educational system, the media and civic organizations to rally societal reform. Value formation will also be reinforced by in calculating positive values to the youth, at the onset, such as *delicadeza, palabra de honor*, "patriotism or love of country, excellence, transparency, efficiency, accountability, integrity, self-respect, self-reliance, peace advocacy and pride in being a Filipino". **See:** NEDA, "Medium Term Philippine Development Plan 2004-2010" chapter 20.

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Globalization and Banking Crisis: From Tokyo to Manila

Michael Lim Mah Hui

Introduction

In the last 37 years (1970–2007), there have been 124 banking crises with varying degrees of severity (Laeven and Valencia 2008). They coincided with the period of financial deregulation and liberalization that the U.S. spearheaded and exported to the rest of the world.

A banking/financial crisis is defined as a dislocation of the banking system where a large number of banks and financial institutions become illiquid and insolvent due to massive defaults on bank loans and other assets. This results in a surge in the non-performing assets of banks, thereby depleting their capital. Banks become insolvent or bankrupt when they are unable to meet their debt obligations from the sale of their assets; i.e., their liabilities exceed their assets.

Financial liberalization includes measures like deregulating interest rates charged and paid by banks, allowing other financial institutions like those that sell mutual funds to also take deposits and pay interest on checking accounts, permitting savings and loans associations to enter into consumer and other riskier lending, allowing commercial banks to undertake investment banking activities like the trading of securities (stocks and bonds) and the underwriting of securities and derivatives. It took twenty years of intense political lobbying before the Glass-Steagall Act was completely repealed in 1999, effectively allowing commercial banks to also become full-fledged investment banks. Another policy of financial liberalization that impacted emerging economies was the deregulation of capital flows that severely affected the stability of their currencies and economic growth.

The Japanese Banking Crisis and the Lost Decade

Japan's financial deregulation began in the late seventies with the initiation of reforms in the bond, equity, and foreign exchange markets. These allowed Japanese corporations to raise capital from the capital markets while eroding the economic position of banks. Fierce competition and declining profitability forced banks to become more aggressive in lending practices. They also moved into consumer, real estate and share

purchase financing. These developments coincided with a period of high economic growth and low interest rates. The rapid growth of loans to these sectors fed asset price inflation in stocks and property. Since bank lending was based more on collateral value than cash flow, the increase in collateral value allowed more lending into these sectors, consequently continuing the vicious upward spiral of asset prices.

In the five years between 1985 and 1990, Japan's Nikkei tripled from 13,000 to close to 40,000, only to collapse to 20,000 by late 1990 and never again to recover above 19,000 in the next 18 years (see Table 1, Chart 1). Likewise, Japan's urban land price index more than tripled from 90 to 280 between 1985 and 1991, and then slid down in the next 18 years. The massive collapse of property and equity prices resulted in huge losses and eroded the banks' capital base. The non-performing loans in the property sector were complicated by links that many property companies had with the *yakuza*, Japan's organized crime syndicates. This made collection difficult.

Inept government policies and the reluctance of regulators and banks to admit the seriousness of the problem and to recognize losses on the non-performing assets of banks only aggravated the situation. By 1997 and 1998, the problem became a full-blown crisis with the failure of some of the largest banks and securities companies, and the announcement of the Ministry of Finance that ¥77 trillion (equivalent to 16 percent of Japan's total bank loans) were non-performing (Patrick 1999). To prevent a run on banks, in October 1998, the government gave full guarantee to all bank deposits and increased the bailout fund to ¥60 trillion (12 percent of GDP) in an effort to recapitalize weak banks and nationalized banks. Other measures included the establishment of the Financial Supervisory Agency, which was later replaced by the Financial Services Agency in the quest to strengthen policy-making and supervisory functions. Between 1992 and 1998, the top 21 Japanese banks wrote off ¥42 trillion of bad loans, significantly larger than their equity base (Patrick 1999). Further consolidation of the banking industry took place with the merger of Japan's big banks into five major groups with total

assets of ¥470 trillion or 64 percent of total banking assets (Kawai 2005, 327).

There is a feedback loop between the banking sector's problems and those of the real economy. The banking crisis prolonged the economic stagnation of the economy that in turn worsened the non-performing assets of banks. Despite the government's dropping the interest rate to 0 percent for many years, deflation persisted and the economy stagnated for over 10 years still 2003. Hoshi and Kashyap (2004, 23) estimated the cost of Japan's banking crisis to have reached ¥100 trillion or 20 percent of GDP, while a World Bank study estimated the fiscal cost and output loss at 24 percent and 48 percent of GDP, respectively (Caprio, Klingebiel, Laeven and Noguera 2003).

The Banking Crisis in Thailand

The Plaza Accord in 1985 sent the yen appreciating 100 percent in three years and many Japanese exporters relocating their production overseas in an effort to remain competitive. Thailand and other Southeast Asian countries saw a huge influx of foreign direct investments that led to double-digit growth in the second half of the 1980s. Mired in problem loans at home, Japanese banks increased their lending abroad in the first half of the 1990s. Between 1990 and 1993, the inflow of their bank loans into Thailand rose nine times, whereas between 1990 and 1996 the inflow of portfolio investments increased 3.6 times. Much of these inflows went into the banking system and was then relented to the property and stock markets, leading to an asset bubble in the stock and property markets. The SET index tripled in three years, or from 1990 to 1993 (see Table 1, Chart 1.1). Loans to the property sector also tripled from 1990 to 1997.

Thailand also liberalized its capital account and in 1993 set up the Bangkok International Banking Facilities (BIBF) that enabled Thai banks to borrow foreign loans directly and cheaply. Over the short term, many Thai banks and corporations began to borrow US dollars at lower interest rates, and invested or relent these in Thai baht assets at higher interest rates. This currency and maturity mismatch led to major bankruptcies when the Thai baht was devalued in July 1997, a development that sent the banking sector and the economy into free fall. From 25 baht to a dollar in July 1997, the Thai baht plunged to 50 baht to a dollar by early 1998. Debtors that had borrowed in US dollars found their loans suddenly ballooning in value and they could not pay these back. Non-performing loans in Thailand shot up to 2.7 trillion baht, accounting for 58 percent of Thailand's GDP in a matter of a year.

The huge influx of foreign funds into Thailand encouraged lax lending practices, corporate financial mismanagement, and poor government policies. Like their counterparts in Japan, Thai banks lent on the basis of collateral value rather than cash flow. Rising asset prices encouraged banks to lend more and, often, the value of the assets was manipulated to increase borrowings. Furthermore, as many Thai banks and corporations were family controlled and/or had political connections, loans were extended on the basis of these connections rather than on strict credit criteria. Some of the most egregious cases of financial fraud involved the Bangkok Bank of Commerce and Finance One, and these incidents surfaced during the crisis and ended up in major bankruptcies.

The government had to step in to bail out and restructure the financial institutions. In 1997, the Financial Institution Development Fund (FIDF) came to the rescue of these financial institutions, particularly the finance companies, to the tune of 700 billion baht (U.S. $17.5 billion) reflecting an estimated loss of 77 percent of the total amount (Traisort 2000, 105). The government also set up the Corporate Debt Restructuring Advisory Committee in June 1998 to assist in the voluntary debt restructuring and negotiations between borrowers and lenders. Despite all these measures, however, the level of non-performing loans remained at 2 trillion baht, which was equivalent to 37 percent of the total loans of banks and finance companies in 1999. This amount dropped only after several of these loans were initially transferred to asset management companies which the banks set up in 2000, and then later to the Thai Asset Management Company (TAMC) which the government set up in 2001. The TAMC has done a credible job in cleaning up bad loans in the banking sector.

The crisis exacted a great price on the Thai economy. Non-performing loans peaked at 51 percent of the Thai GDP in 1997. Capital flows reversed sharply by $32 billion, from a net inflow of $20 billion in 1996 to a net outflow of $12 billion in 1997. Thailand's GDP contracted by 1.4 percent in 1998 and by 10.5 percent in 1998. A World Bank report estimated the fiscal cost and the output loss to be 35 percent and 40 percent of the Thai GDP, respectively (Caprio et al. 2003).

The Financial Crisis in Indonesia

Thailand's financial crisis had an immediate impact on its neighbors. The Indonesian rupiah tumbled from Rp 2,500 per U.S. dollar in early 1997 to Rp16,000 per U.S. dollar in early 1998. In the pre-crisis period, many Indonesian banks and corporations, like their counterparts in Thailand, played the currency and maturity mismatch games and borrowed in U.S. dollars. The amount of their external debt thus rose to $140 billion by 1997, broken down as follows: $80 billion in the form of private debt and $60 billion owed by government. The collapse of the rupiah skyrocketed Indonesia's foreign denominated debt burden. Within a year, the level of non-performing loans in Indonesia jumped ten-fold from Rp32 trillion (U.S. $11 billion) to Rp312 trillion (U.S. $31 billion) or 57 percent of Indonesia's GDP.

Financial liberalization in terms of allowing free capital flows encouraged the huge influx of liquidity into the system. Between 1991 and 1996, some $41 billion in net investments flowed into Indonesia, compared to $15 billion in the preceding six years. The heaviest inflow took on the form of bank loans that bloated the banking sector. The ratio of total bank assets to GDP rose from 35 percent in 1985 to 114 percent in 1997. This huge surge in liquidity intoxicated lenders and borrowers alike, and resulted to poor credit discipline on the part of the lenders and financial mismanagement on the part of the borrowers. Lenders lent more than what the borrowers required. Borrowers, for their part, inflated their project costs and siphoned off excess money into their own pockets. Even well-known banks practiced the same tricks, many of them taking deposits and then lending up to 80 percent of their total loans to related companies. In other words, the major shareholders of public banks treated these banks as their private piggy banks.

Other measures that liberalized the liability side of banks without controlling the asset side resulted in the rapid deterioration of the quality of bank assets. The minimum banking capital requirements for banks and their reserve ratio requirements which the Bank of Indonesia set were reduced from 30 percent to 2 percent of deposits, making it easy to obtain banking licenses. The number of banks in Indonesia almost doubled from 124 in 1988 to 238 in 1997 (Djiwandono 2005, 53-57). Poor supervision, rampant corruption, and constant political meddling contributed to the weakening of the banking sector.

Only buoyant economic growth and rising asset prices masked the rot in the system that was bound to collapse from an external shock. Eventually, the shock came as a result of the currency crisis.

Already over-leveraged, banks and corporations saddled with huge foreign loans could not pay when their U.S. dollar debts shot up overnight with the collapse of the Indonesian rupiah. Upon the IMF's bidding, Bank Indonesia tightened monetary policy and hiked interest rates to 90 percent with a view to stamping out capital outflow–moves that came to naught. Instead, they sent the stock market collapsing and many companies, crushed by the punitive interest rates, into bankruptcy.

The government, as usual, stepped in to stem the crisis. By 1999, Bank Indonesia pumped in Rp179 trillion as liquidity support (Djiwandono 2002, 19; 2005, 176) but the banks on the receiving end misused much of these funds.

Meanwhile, the government also gave guarantee to the depositors and the other creditors of the local banks. The major beneficiaries from within the latter category were the foreign banks that held off balance sheet liabilities such as swaps and derivative transactions with the local banks. They were thus able to recover their credit exposures.

Since the massive amount of non-performing loans practically wiped out all the capital of the entire banking system, the government had to recapitalize the banks by issuing Rp470 trillion ($47 billion) worth of bonds. The government also set up the Indonesian Bank Restructuring Agency (IBRA) to recapitalize and restructure the banks, manage and sell the non-performing assets acquired, and to implement the government's deposits and the banks' liabilities program. The total cost of the program was Rp650 trillion ($65 billion), which was equivalent to 65 percent of the country's GDP.

Throughout all these, IBRA was constantly hobbled by political interference and corruption. In the first five years of its existence, for example, the different governments that assumed power appointed seven different persons to head IBRA. Eventually, several of IBRA's ex-chairmen and high officials were charged with corruption.

The performance of IBRA was dismal compared to that of government restructuring agencies in the other

Asian countries. The official recovery rate for its non-performing assets was 28 percent, which was lower than the 50 percent of the TAMC in Thailand, the 49 percent of KEMCO in Korea, and the 61 percent of Danaharta in Malaysia (Djiwandono 2005, 255).

Besides the fiscal costs of the crisis, the output loss was estimated at 40 percent of GDP. Indonesia's GDP growth plunged from 4.7 percent in 1997 to negative 13 percent in 1998 and 0.8 percent in 1999. The government's budget, on the other hand, swung from a surplus of Rp6 trillion in 1996 to a deficit of Rp28 trillion in 1998. Debt service (principal and interest) took on much of the government's expenditure, rising from 30 percent to 40 percent, while spending on development dropped from 42 percent in 1996 to 15 percent in 2002 (Pangetsu 2003, 21). Viewed in a different light, the banking crisis and bailout redistributed wealth and income from the poor to the wealthy.

These economic statistics are not adequate to describe the social costs of massive unemployment that ranged from 2.5 million to 6 million nor the burden on the rural population and informal sector that absorbed the millions of unemployed. Furthermore, hundreds of thousands of children had to stop schooling, in addition to which vagrancy, street crimes, prostitution, and other social evils proliferated. The economic crisis also precipitated a political crisis for Suharto, who clung to power and was finally overthrown after much bloodshed among student demonstrators and the Chinese community following politically motivated and directed arson and killings.

The Financial Crisis in the Philippines

The Philippines was the least affected by the crisis, not because of good governance but because it was still shouldering the burdens of past malfeasances, particularly those committed during the Marcos regime. Political turmoil, economic malaise, and a huge external debt had discouraged foreign capital inflows thereby sparing the country from the ravages of speculative capital flows. The Philippines, consequently, had the lowest exposure to international bank loans at $14 billion, compared to $69 billion for Thailand and $59 billion for Indonesia (Strizzi et al. n.d., Table 1).

The Philippines also underwent rapid financial liberalization in the early 1990s, and between 1990 and 1993, while its GDP grew an average of 1 percent, its bank assets rose 18 percent annually. Most of the loans were channeled into the property and stock markets so that from 1993 to 1997, loans for personal housing and land jumped 9 times, while those for real estate and construction rose 12 times. Meanwhile, loans to the financial sector went up 6 times. All these created a huge bubble in the equity and property sectors.

The Philippine Stock Index soared from 653 in 1990 to 3171 in 1996 (see Chart 1). Land prices in Fort Bonafacio, Makati rose to $1,320 per square meter in 1995 only to crash a couple of years later. Metro Pacific, for example, sold the same piece of land in 2002 for about one-tenth of its peak price (Lorenzo 2007).

While overall the peso was not spared from the turmoil, its decline was less dramatic at 35 percent compared to the 80 percent suffered by the rupiah. By the end of 1997, the banking sector's non-performing loans constituted only 5 percent of total loans before doubling to 10 percent in 1998, or 6 percent of GDP. Moreover, the level of non-performing loans, though high, did not cripple the banking industry. This fact, coupled with the lack of funds from a government that was saddled with a huge debt from the past, enabled the Philippines to approach the private sector for help in resolving its non-performing loans problem. The government, for its part, merely initiated legal reforms like the enactment of the Special Purpose Vehicle Act which provided tax incentives to banks so they could transfer bad assets to privately owned asset management companies. Another legal reform was the Corporate Recovery Act that sought to streamline foreclosure and bankruptcy proceedings.

As all the aforementioned efforts were not too successful, non-performing assets peaked at 17 percent of total loans in 2001. Only after the government introduced more stringent accounting and banking rules that required banks to mark to market their bad assets, i.e., assets are marked to their market prices, and to increase provisions for these assets, did the banks begin to dispose of their non-performing assets more aggressively. By 2007, the bad loans fell to 6 percent of total loans.

Because the Philippines government did not directly intervene to purchase bad loans or to recapitalize the broken banks, the cost of the banking crisis was lower. The World Bank report estimated the fiscal cost and

the output loss at 13 percent and 10 percent of GDP, respectively. Also the GDP growth rate shrank by only 0.6 percent in 1998 and rebounded to 3.4 percent in 1999.

Conclusions

The era of financial liberalization coincided with the growing frequency of various financial crises. The liberalization mania that started in the U.S. was adopted by many countries upon its urging and that of the IMF. Deregulation intensified banking competition and pushed banks to enter into new and riskier activities in order to maximize profits. These moves, however, were not accompanied by increased supervision or by the increased monitoring of banking activities. Inevitably, reckless liberalization without accompanying proper regulations, opened the floodgates to financial irresponsibility.

Other precedent conditions of most financial crises are excess liquidity from domestic sources in the form of loose monetary policies (low interest rates) and/or the massive inflow of foreign capital. While foreign direct investments are more stable, inflows for portfolio investments (in stocks and bonds) and for other capital investments (bank loans) are notoriously foot-loose and speculative. Excessive inflows often create huge asset bubbles in the stock and property markets that invariably end up bursting and causing massive losses for financial institutions, wiping off their capital base and necessitating governments' stepping in to bail them out. The costs of these bailouts are enormous, reaching up to 60 percent of a country's GDP as in the case of Indonesia.

Have Asian countries learned any lessons from the past financial crisis?

At the macroeconomic level, governments have instituted policies to strengthen their economies and banking systems. Current account deficits have been replaced by current account surpluses. Banking regulations and supervision have been strengthened. Reforms in the legal system, and foreclosure and bankruptcy laws have been introduced. However, the implementation of these reforms remains sorely lacking in some countries, particularly Indonesia and the Philippines.

The corporate sector has also become healthier with lower leverage, i.e. debt level. It has also reduced

currency and maturity mismatches. Initiatives to strengthen regional cooperation have been introduced, among them the Chiangmai initiative that allows Asian countries to borrow foreign currencies from each other bilaterally and, later, multilaterally, in time of need.

Unfortunately, even before these Asian countries can fully emerge from the crisis of a decade ago and carry through reforms more meaningfully, they are today hit by another larger financial crisis emanating from the U.S. and hitting the shores of Asia. To what extent Asia can weather this new storm remains to be seen.

Appendix: Tables & Charts

Year	Indonesia	Philip-pines	Thailand	Japan
1990	442	653	613	23,848
1991	247	1154	711	22,984
1992	274	1272	893	16,925
1993	589	3242	1,682	17,417
1994	470	2786	1,360	19,723
1995	514	2594	1,281	19,868
1996	637	3171	831	19,362
1997	402	1869	372	15,259
1998	398	1969	355	13,842
1999	677	2143	481	18,934
2000	416	1495	269	13,785
2001	392	1168	303	10,542
2002	425	1018	356	8,578
2003	679	1442	772	10,676
2004	1,000	1823	668	11,488
2005	1,163	2096	714	16,111
2006	1,806	2983	680	17,225

Table 1: Stock Indices

Sources:

For Japan: Bank of Japan, *Economic Statistics Annual*, 197; *Finance and Economic Statistics Monthly*, December 2004; *Japan Statistical Yearbook*, 2008.

For Indonesia: Bank Indonesia, *Indonesian Financial Statistics*.

For Thailand: Bank of Thailand, *Economic and Financial Statistics*.

For the Philippines: Bangko Sentral ng Pilipinas, Selected Philippines Economic Indicators.

Chart 1.
Japan Stock Index

Chart 1.1
Stock Index
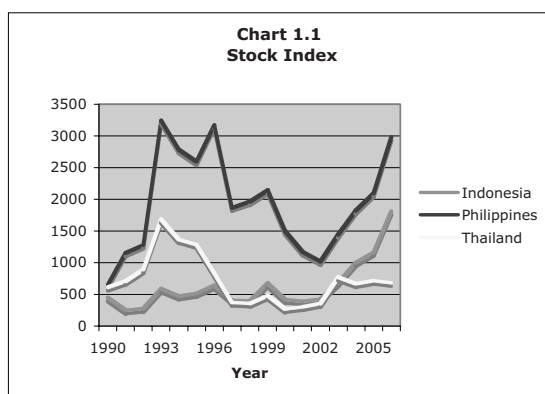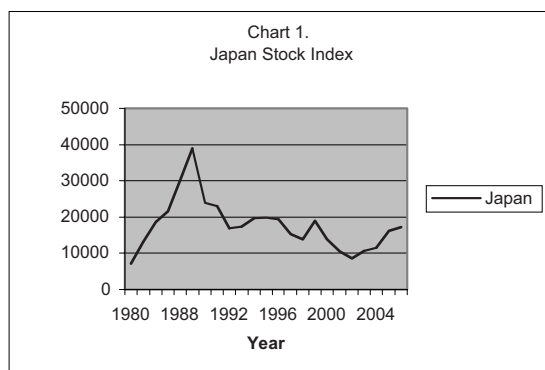
Year	Indonesia	Philip-pines	Thailand	Japan
1999	0.80	3.40	4.40	(0.01)
2000	4.90	6.00	4.80	2.40
2001	3.40	3.00	1.90	0.20
2002	3.70	4.40	5.40	(0.30)
2003	4.10	4.50	6.70	1.30
2004	5.10	6.10	6.40	2.70

Table 2: GDP Growth Rates (1980-2004) (Percent per Year)

Sources: UN Statistical Yearbook, 1997, Vol 44 , T-24

Ibid 2002-4, Vol 49, T-18

Ibid 2005, Vol 50, T-17 (for Japan 1998-04)

Ibid 1993, Vol 40, T- 21

Chart 2 GDP Growth Rates
1985-2004
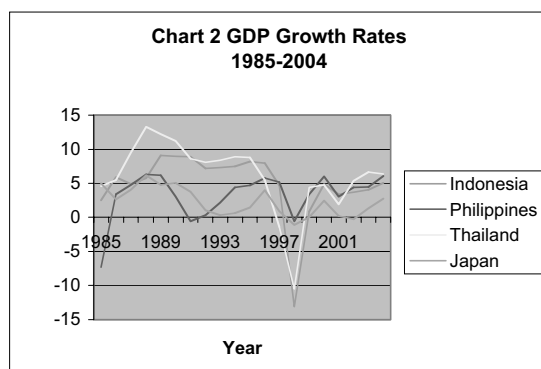
Year	Indonesia	Philip-pines	Thailand	Japan
1980	9.90	5.20	4.80	3.60
1981	7.90	2.90	5.90	3.60
1982	2.20	3.60	5.40	3.20
1983	4.20	1.90	5.60	2.70
1984	7.00	(7.30)	5.80	4.30
1985	2.50	(7.30)	4.60	5.00
1986	5.90	3.40	5.50	2.60
1987	4.90	4.80	9.50	4.10
1988	5.80	6.30	13.30	6.20
1989	9.10	6.20	12.20	4.80
1990	9.00	3.00	11.20	5.10
1991	8.90	(0.60)	8.60	3.80
1992	7.20	0.30	8.10	1.00
1993	7.30	2.10	8.40	0.30
1994	7.50	4.40	8.90	0.60
1995	8.20	4.70	8.80	1.40
1996	8.00	5.80	5.50	4.00
1997	4.70	5.20	(1.40)	0.90
1998	(13.10)	(0.60)	(10.50)	(1.10)

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Why Don't These @#*%! SMEs Innovate?
(SME Development and Technological Upgrading in Developing Countries: Lessons from Malaysia, Thailand, and the Philippines)

Raymund B. Habaradas

Key words: SME, innovation, technology upgrading, developing countries

Introduction

Pardon the expletive, but this question probably reflects the frustration of some policymakers and people in government agencies and private institutions that provide support to small- and medium-scale enterprises (SMEs) in developing economies. Over the years, governments have given increased attention and resources to SME development for a variety of reasons. Poverty alleviation and employment generation have typically been cited as goals in supporting SMEs in developing Asian economies, especially during the 1970s and the 1980s. However, when the Asian financial crisis of the late 1990s exposed the vulnerability of affected economies, support directed at SMEs shifted to programs that encouraged technological upgrading so as to broaden and deepen the industrial structure. This is especially critical for the second-tier newly-industrializing economies (NIEs) of Southeast Asia (i.e., Indonesia, Malaysia, Thailand, the Philippines, and Vietnam), which cannot anymore rely on resource-based and low-cost labor advantages to sustain their economic growth.

After spending nine months in Malaysia and Thailand studying efforts undertaken by various stakeholders to enhance the competitiveness of SMEs in these two countries, I have come to the conclusion that upgrading the capabilities of SMEs is not just a matter of pouring money into a hodgepodge of programs, including nice-sounding ones like Thailand's OTOP (which has been imitated by my country, the Philippines).[1] Rather, SME development is a major undertaking that requires the collaboration of different groups in a country's innovation system, and must be sustained over a long period. A look at the results of these support programs seems to indicate that there remains so much more to be done.

Don't get me wrong. I recognize the success stories proudly recounted in the brochures, annual reports, and web sites of SMIDEC in Malaysia and OSMEP in Thailand.[2] And I don't discount the importance of the programs undertaken by various government agencies such as the Ministry of Entrepreneur and Cooperative Development (MECD) of Malaysia or the National Science and Technology Development Agency (NSTDA) of Thailand, among others, which are augmented by activities of autonomous bodies such as Malaysia's National Productivity Corporation (NPC) and the Thailand Productivity Institute (FTPI). Even industry associations such as the Federation of Malaysian Manufacturers (FMM) and the Federation of Thai Industries (FTI) have done their share in trying to strengthen the SME sectors in their respective countries through their training programs, trade fairs, and SME matchmaking activities, among others.

But somehow, the overall results have fallen short of expectations. Proofs of this include the following: (1) many loans and grants meant for SMEs are underutilized; (2) few SMEs are able to upgrade their capabilities which would otherwise qualify them as suppliers of large enterprises, especially multinational corporations (MNCs); (3) many SMEs fold up due to the competition posed by imported goods and large foreign investors (e.g., small retailers versus Tesco-Lotus and Big-C); and (4) a limited number of SMEs, especially in the far-flung areas, has availed of government support programs. A study by Virasa and Tangjitpiboon (2000), for instance, found that very few private companies take advantage of the Thai government's support for technology development, such as tax schemes, loans, technical information, and consulting services, among others.

To be fair, governments cannot be faulted for a lack of attempts to reach out to SMEs. In fact, a listing of the various grants, loans, and other forms of financial assistance for SMEs makes you wonder where all the money is coming from. Consider this partial list of grants and soft loans being made available by Malaysia's Ministry of International Trade and Industry (MITI) and its agencies through SMIDEC:

- Matching Grant for Business Start-Ups
- Matching Grant for Product and Process Improvement
- Matching Grant for Certification and Quality Management Systems
- Grant for Enhancing Marketing Skills of SMEs
- Matching Grant for Enhancing Product Packaging
- Matching Grant for Development and the Promotion of *Halal* Products
- Grant for Skills Upgrading
- Grant for RosettaNet Standard Implementation
- Soft Loan for Small and Medium Enterprises
- Soft Loan for Factory Relocation
- Soft Loan for Scheme for ICT Adoption

Neither could governments be accused of a lack of creativity in the kind of programs they offer to SMEs. Thailand's OSMEP, for instance, clearly considered the specific needs of SMEs when it came up with the following programs:

- SMEs Mentorship Project
- SMEs Incubation Project
- Network for Promoting the Innovation Commercialization Project
- SMEs Sector Analysis and Early Warning Project
- iSME Development Project
- Knowledge Enhancement and Development Project
- Corporate Social Responsibility for SMEs Project
- Venture Capital Service and Regional SMEs Mentorship Center

Inroads have been made for sure. A 2000 R&D/ Innovation Study, for example, noted an increasing trend in private sector R&D in Thailand and the existence of broader non-R&D technology activities. However, the study also showed that:

> more than four-fifths of Thai enterprises did not conduct R&D, and more than three quarters were not involved in broader innovation activities; that most firms had low levels of technological capability, with only simple testing and quality control; that less than half had design capabilities; and that only a third had a capacity for reverse engineering (Altenburg et al. 2004, 22).

In the case of Malaysia, the national survey on innovation (MASTIC 2003), was also quite revealing: of the 749 respondents firms, 263 firms undertook innovative activities. Of these 263 firms, only 11 companies or 4 percent reported having received government support and incentives. For this reason, MASTIC acknowledged the need to evaluate government support, assistance, and incentives "in order to ascertain the bottlenecks in the delivery system as well as to find ways for enhancing the effectiveness of government support."

So why is it difficult to encourage SMEs in developing countries like Malaysia, Thailand, and the Philippines to innovate and upgrade their technological capabilities despite the availability of various financing schemes and other support activities?

Before I answer this question, allow me to compare the profile of SMEs in Malaysia, Thailand and the Philippines, as well as the SME policies and programs in these three countries. Allow me, too, to briefly describe the key elements of these countries' national innovation systems (NIS), particularly those that play important roles in promoting innovation and upgrading technology among SMEs.

SME development in Malaysia, Thailand and the Philippines compared

SMEs comprise the bulk of business enterprises in Malaysia, Thailand, and the Philippines, as they do in many other Asian countries (see Table 1). They also employ a large segment of the total workforce in these three countries, as follows: 56.4 percent in Malaysia, 69.9 percent in the Philippines, and 76.7 percent in Thailand. SMEs likewise contribute significantly to national output thus: 32 percent in both Malaysia and the Philippines, and 38.9 percent in Thailand.

Country	Measures used in definition of SME	% of total number of firms	% of total workforce	% of SME contribution to GDP
China (2004)	Employment, sales and assets	99.0	75.0	56.0
Indonesia (2006)	Employment, sales and assets	99.9	99.6	57.0
Korea (2003)	Employment and assets	99.8	86.5	49.4
Malaysia (2005)	Employment and sales	99.2	56.4	32.0
Philippines (2003)	Employment and assets	99.6	69.9	32.0
Singapore (2004)	Employment and fixed assets	90.0	45.0	25.0
Thailand (2006)	Employment and fixed assets	99.5	76.7	38.9
Vietnam (2002)	Employment	99.9	77.3	n/a

Table 1: Contribution of SMEs to selected Asian economies

Sources:

China www.sme.gov.cn – Small and Medium Size Enterprises Main Source of Jobs

Indonesia APEC – SME Profile (http://www.actsetsme.org)

Korea www.smba.go.kr – Small and Medium Business Administration (SMBA)

Malaysia Census of Establishment and Enterprises 2005

Philippines www.dti.gov.ph – 2003 Census on Business Establishments

Singapore www.sme.gov.cn – Financing Environment for SMEs in Singapore

Thailand OSMEP 5th Anniversary Annual Report 2006

Vietnam www.business.gov.vn – GSO Establishments Census 2002

In terms of their respective legal frameworks (see Figure 1), Thailand and the Philippines have special laws for SMEs. The Philippines has the Magna Carta for Small Enterprises (R.A. No. 6977, as amended by R.A. No. 8289) and the Barangay Micro Business Enterprises Act of 2002 (R.A. No. 9178), while Thailand has the SME Promotion Act B.E. 2543. While the same is not true for Malaysia, all three countries offer incentives for SMEs as indicated in their investment laws, tax laws, and other laws (e.g., in their Free Zones Acts).

Malaysia	Thailand	Philippines
• The Ninth Malaysia Plan (9MP) • Third Industrial Master Plan (IMP3) • National SME Development Blueprint	• The 10th National Social and Economic Development Plan • Science and Technology Strategic Plan 2004-2013 • Master Plan for Increasing Efficiency and Productivity in the Industry Sector • Sufficiency Economy Philosophy • Second SME Promotion Plan (2007-2011)	• National SME Agenda • SME Development Plan 2004-2010
Laws • Promotion of Investments Act of 1986 • Income Tax Act 1967 • Customs Act 1967 • Sales Tax Act 1972 • Excise Tax 1976 • Free Zones Act 1990	**Special laws for SMEs** • SME Promotion Act B.E. 2543 **Other Laws** • Revenue Code • Act of Accounting B.E. 2543 • Property Tax Act B.E. 2475 • Compensation Act B.E. 2537 • Excise Tax Act B.E. 2527	**Special laws for SMEs** • Magna Carta for Small Enterprises • Barangay Micro Business Enterprises Act of 2002 **Other Laws** • RA 7916 –Special Economic Zones Act • RA 7227 –Clark and Subic Special Economic and Freeport Zone

Malaysia	Thailand	Philippines
		• RA 8424 – Tax Reform Act • EO 226 – Omnibus Investment Code; Investment Priorities Plan • RA 7459 – Programs on Science and Technology, Investors and Invention Incentives Act • RA 7844 – Export Development Act of 1994

Figure1: Policy environment for SME development—Malaysia, Thailand, and the Philippines compared

SME development efforts in Malaysia are closely linked to overall economic goals as evidenced by the explicit references made by the SME Development Blueprint to the Ninth Malaysia Plan and the Industrial Master Plan. The same is true for Thailand, which framed its existing SME Promotion Plan in accordance with the 10th National Social and Economic Development Plan, the National Science and Technology Strategic Plan 2004-2013, and the Sufficiency Economy Philosophy. In the Philippines, the SME Development Plan does not refer to the Medium-Term Development Plan at all, probably because the overall goals for SME development are spelled out in the special SME laws mentioned earlier.

In terms of SME strategy, there are some differences across the three countries (see Figure 2). The strategic thrust of Malaysian SME development is clearly to enhance SME competitiveness in the regional and the global arenas, as can be gleaned in the programs and incentives offered by various government agencies. While the SME Development Plan of the Philippines also states the need to develop managerial and technological capabilities to enhance competitiveness in global markets, support programs and incentives are clearly aimed towards poverty reduction and employment generation.

The increased priority given to potential growth areas (e.g., manufacturing-related services, medical devices, metal products, transport services and logistics, professional and management services, and ICT) supports the global aspirations of the Malaysian government for its SMEs. Consistent with the Philippine government's welfare goals, SME development efforts in the Philippines, on the other hand, still prioritize the traditional sectors (e.g., the food industry, organic and natural products, wearables). Thailand seems to have found some balance between its vision of becoming variously the "Detroit of Asia", the "Kitchen of the World" and "Bangkok Fashion City" and its attempt to address rural poverty. This is evident in its development of community enterprises via the OTOP program.

Malaysia	Thailand	Philippines
• Enhancing the competitiveness of SMEs • Capitalizing on outward investment opportunities • Driving the growth of SMEs through technology, knowledge, and innovation • Instituting a more cohesive policy, and a supportive regulatory and institutional framework • Enhancing the growth and contribution of SMEs in the services sector	• Reviving SMEs to become an economic and social mechanism in the country • Building and improving infrastructure and reducing hindrances to business operations • Enhancing sustainable SME growth • Improving the SME exporters' potential to attain international level • Creating and developing new entrepreneurs • Improving the potential of community enterprises in solving poverty problems and spreading development to the regions	• Developing managerial and technological capabilities to enhance competitiveness • Supporting growth industries that are active in the global markets • Supporting linkages of SMEs with leading Philippine firms • Strengthening SME financing support programs • Streamlining systems that provide support programs and incentives; streamlining the implementation of SME policies • Building the capabilities of institutions that generate and implement programs for SME development

Figure 2: Strategic thrusts of SME development plans—Malaysia, Thailand, and the Philippines compared

Obviously, SME development efforts in these three countries are largely influenced by their respective levels of economic development. Given the relatively advanced state of its economy, Malaysia has the resources to provide a comprehensive and integrated package of programs and incentives for its SME sector. Thailand, too, has begun to allocate a much bigger budget for its SME promotion efforts, especially in the past few years. The Philippines, meanwhile, has to deal with scarce resources that might be better spent on basic infrastructure, which has been neglected over the past two decades.

In terms of institutional structure (see Figure 3), there are similarities among the three countries, except for the fact that the Philippines does not have the equivalent of SMIDEC (Malaysia) and OSMEP (Thailand), which serve as powerful coordinating and monitoring bodies in the implementation of SME programs and activities. What we have in the Philippines, instead, is the Bureau of Small and Medium Enterprise Development (BSMED), which is under the Department of Trade and Industry (DTI). Unlike SMIDEC and OSMEP, however, this bureau does not have an all-encompassing mandate. Nonetheless, the SME development plan of the Philippines identifies the role of local government units (LGUs) and non-government organizations (NGOs) that form part of the support network for SMEs. The same is not evident in the cases of Malaysia and Thailand.

Institution	Malaysia	Thailand	Philippines
Policymaking	• National SME Development Council (NSDC)	• Board of Small and Medium Enterprises Promotion	• SME Development Council (SMED)
Lead agency	• Ministry of International Trade and Industry	• Ministry of Industry	• Department of Trade and Industry
Central coordinating body	• SMIDEC	• OSMEP	• None
Other government ministries/ departments involved	• Ministry of Agriculture and Agro-based Industry • Ministry of Domestic Trade and Consumer Affairs • Ministry of Entrepreneur and Cooperative Development • Ministry of Human Resource • Ministry of Plantation Industries and Commodities • Ministry of Rural and Regional Development • Ministry of Science, Technology and Innovation • Ministry of Tourism • Ministry of Culture, Arts and Heritage • Ministry of Housing and Local Government • Ministry of Higher Education	• Ministry of Finance • Ministry of Agriculture and Cooperatives • Ministry of Commerce • Ministry of Science and Technology • Commission on Higher Education	• Department of Science and Technology • Department of Labor and Employment • Department of Agriculture • Department of Environment and Natural Resources • Department of Interior and Local Government

Institution	Malaysia	Thailand	Philippines
Support network	• Special government agencies • Commercial and developmental financial institutions • Skills development centers • Universities and research institutions • Various industry associations	• Special government agencies • Commercial and developmental financial institutions • Private sector services • Universities and research institutions • Various industry associations	• Special government agencies and training institutions • Commercial and developmental financial institutions • Local government units • Private sector services • Universities and research institutions • NGOs • Various industry associations

Figure 3: Institutional structure for SME development—Malaysia, Thailand, and the Philippines compared

Support network for SMEs—the NIS approach

Worth noting is the participation of key institutions in providing support for SMEs in these three countries, even if the extent of their participation varies. Governments, after all, cannot be expected to solely carry the burden of promoting innovation among SMEs. The institutions are considered part of the national innovation system (NIS), which can be defined "as a historically grown subsystem of the national economy in which various organizations and institutions interact with and influence one another in the carrying out of innovative activity" (Balzat and Hanusch 2004). These institutions include private and public firms, industry associations, universities, research institutions, training institutions, and various government agencies. Interaction among them "may be technical, commercial, legal, social, and financial as much as the goal of the interaction may be development, protection, financing or regulation of new science and technology" (Niosi et al. 1996).

The NIS approach reckons innovative activity beyond the product and process innovations of firms and industries. Other factors such as "learning processes, incentive mechanisms, or the availability of skilled labor", as well as the interplay between organizations and institutions, are highlighted (Balzat and Hanusch 2004).

As it is impossible to provide a detailed description of the NIS of the three countries within the space allotted for this paper, allow me to cite examples of how key players interact in the national innovation systems of Malaysia and Thailand.

The MTDC experience. The Malaysian Technology Development Corporation (MTDC) is a limited liability company that is principally engaged in the "promotion of technology-based start-up companies, providing finance, management, and technology support services" to enterprises involved in high-risk ventures and new technology. It has several subsidiaries involved in the following activities: venture capital management, the provision of technical consultancy and the commercialization of research and development ventures, and the provision of management and consultancy services, among others.

One of MTDC's support programs is the Technology Development Cluster Program, which aims to develop a cluster of high-technology companies operating within universities and research institutes, in an environment that enables interaction and enhances collaboration. It is hoped that this collaboration will accelerate the commercialization activities of both local universities and research institutions.

The MTDC has set up incubation centers on land provided by leading public universities in Malaysia. These include the UPM-MTDC Technology Center (located at Universiti Putra Malaysia in Selangor), which specializes in ICT, multimedia, and agricultural biology; the UKM-MTDC Technology Center (located at Universiti Kebangsaan Malaysia in Selangor), which specializes in biotechnology; and the UTM-MTDC Technology Center (located at Universiti Teknologi Malaysia in Johor), which specializes in advanced engineering and life sciences (MTDC 2007). As of end 2006, these three centers were hosting a total of 48 companies.

Also administered by the MTDC is the Commercialization of Research and Development Fund (CRDF), which aims, among others, to increase wealth creation and the technology content of SMEs and large corporations through the commercialization of R&D undertaken by local universities and research institutions. CRDF also aims to foster greater collaboration between universities/research institutions and industry. Funds are available to parties that intend to commercialize public sector R&D results via a start-up company. They are similarly available to existing SMEs that want to engage in the commercial production of any locally-generated R&D results.

The Penang experience. Penang has often been cited as a model on strengthening the capabilities of local firms through technology absorption and diffusion (Rasiah 2001; Narayanan 1997; Lall 1999; Best 2007). Linkage development became evident in Penang by the late 1980s, when a number of semiconductor MNCs sponsored the expansion of some locally-owned machine tool suppliers. This was followed by the establishment of several assembly subcontractors who formed long-term supply relationships with local audio companies and computer electronics MNCs.

Playing a pivotal mediating and supporting role in encouraging linkages between MNCs and local firms is the Penang Development Corporation (PDC), a company set up by the Penang government in 1969 to undertake and promote socio-economic development in Penang. As MNC's local sourcing grew, the PDC surveyed likely supplier firms, published sourcing guides, helped suppliers locate in the FTZs, and assisted them in winning investment incentives from the federal investment agency, MIDA (Felker and Jomo 2007).

Today, Penang has world-class manufacturing capabilities for mass production, including JIT and TQM systems. More importantly, there has been a transition to a regional supply base with a growing degree of local horizontal integration, as shown by the emergence of a locally-owned supplier base equipped with increasing capabilities in technology management (Best 2007).

The NSTDA experience. The National Science and Technology Development Agency (NSTDA) of Thailand is an autonomous organization operating under the policy guidance of its board, which is chaired by the Ministry of Science and Technology of Thailand. One of its centers, the Technology Management Center (TMC), was established in 2005 to support technology transfer, S&T human resource development, S&T infrastructure development, and the development of S&T policy (NSTDA 2006).

One of TMC's key programs is the Industrial Technology Assistance Program (ITAP), which is designed to encourage the application of technology and accelerate the rate of technology development in Thai SMEs. Under ITAP's Industrial Consultancy Services, a potential SME client is given free preliminary problem diagnosis by ITAP industrial technology advisors. Problems could range from the acquisition of new raw materials or finding substitute raw materials, to product design; from prototyping to reverse engineering. Once it is apprised of the problem, ITAP seeks out technical experts who could address the SME's specific needs, and thereafter assists these experts and the entrepreneur in developing an appropriate work contract. Up to 50 percent of the cost of availing of a technical expert's services is borne by ITAP. The support extends to project monitoring and evaluation, and is augmented by other ITAP services such as technical trainings and seminars, the provision of industrial and technology information, and technology acquisition, among others.

Needless to say, ITAP has a deep pool of technical experts who come not only from government, but also from academe and the private sector. Many of these experts are from outside the country. Each engagement is tailored to fit the requirements of a specific SME. The results have so far been encouraging.

Another important support program handled by NSTDA is the Thailand Science Park, which is the country's first science park. It was established by the Ministry of Science and Technology to be the hub of industrial R&D by the private sector. Its services range from technology transfer from universities and national technology centers, to the provision of financial assistance and business incubation services, which are made available to tenants and to the private sector at large.

Tenants have easy access to the laboratories and facilities of the specialized research centers of NSTDA, which have buildings located within the Science Park. These research centers are the National Electronics and Computer Technology Center (NECTEC), the National Center for Genetic Engineering and Biotechnology (BIOTECH), the National Metal and

Materials Technology Center (MTEC), and the National Nanotechnology Center (NANOTECH). The Thailand Science Park is also just a few meters away from the Asian Institute of Technology (AIT) and the Thammasat University Rangsit Center, both of which are a rich source of consultants for whatever concerns the tenants might have.

Examples of support programs for SMEs

The previous section was basically meant to illustrate how various institutions link up with each other to promote innovation among SMEs. In Figure 4, one will find a sampling of the various support programs that are meant to address a variety of SME needs, from financing to skills upgrading; from technical assistance to productivity improvement; and from industrial linkages to incubation sites.

Type of program	Malaysia	Thailand
Financing	• Matching Grant for Business Start-Ups • Grant for Skills Upgrading • Technology Acquisition Fund • Commercialization of Research and Development Fund	• Capacity Building Fund • Machine Fund • Venture Capital Fund
Skills upgrading	• Human Resource Development Fund • Entrepreneur Development Training Courses • Nationwide network of skills development centers	• Skills Development Fund • Dual Vocational Training • Institute of Small and Medium Enterprise Development (ISMED) • Nationwide network of skills development institutions
Technical assistance / business advisory	• SME Experts Advisory Panel • Business Advisory Services	• Industrial Technology Assistance Program • Mentoring System Project
Industrial linkage	• Industrial Linkage Program • Vendor Development Program	• Business Matching Project
Industrial sites and incubation centers	• SME Industrial Estates • Malaysia Technology Development Corporation (MTDC) • Technology Park Malaysia	• OSMEP's SME Incubation Project • Thailand Science Park • Thailand Software Park
Productivity	• National Productivity Corporation	• Thailand Productivity Institute

Figure 4: Sampling of SME support programs in Malaysia and Thailand

Constraints to SME innovations

Several scholars have already written about factors that affect the various firms' innovation activities. Caputo et al. (2002), for instance, identified the following obstacles: high innovation costs, low customer interest in product innovation, high risks related to innovation activities, the absence of financial resources, the absence of skilled workers, the prevailing regulations and technical standards, organizational constraints, the absence of information on technology, and the absence of market information.

Recent literature suggests that SMEs are not necessarily less innovative than large firms; they just innovate in different ways. According to Tidd et al. (1997), small innovating firms have similar objectives as large innovating entities. Both types develop and combine technological and other competencies to provide goods and services that satisfy customers better than alternative goods and services would. They are also difficult to imitate.

The difference between large and small firms lies in their organizational structure and technological capabilities / resources. Smaller firms have certain relative strengths such as "ease of communication, speed of decision-making, degree of employee commitment and receptiveness to novelty", because of which they often do not need the formal strategies that

large firms use to ensure communication and coordination. However, "smaller firms only have a specialized range of technological competencies, are unable to develop and manage complex systems, and are unable to fund long-term and risky programs" (Tidd et al. 1997). As Todtling and Kaufmann (2002) put it, "SMEs innovate in a different way than larger firms and they usually face more barriers. They apply less resource for R&D and they undertake less systematic market research or technology monitoring."

Now, let's go back to our earlier question: *Why is it difficult to encourage SMEs in developing countries like Malaysia, Thailand, and the Philippines to innovate and upgrade their technological capabilities despite the different support mechanisms being made available to them?*

In their study on government policies and measures that support the development of the technological capability of firms in Thailand, Intarakumnerd and Virasa (2004) provide us with some answers. According to them, not many firms avail of the fiscal and financial incentives offered by government for three reasons: (a) the firms do not recognize the availability of such incentives (as shown by a nationwide survey which indicated that only 2-3 percent of sampled firms knew about these incentives); (b) these incentive tend to focus on narrowly-defined R&D (excluding a very large proportion of activities that contribute to technology development, such as engineering and design), in which most Thai firms are not interested to engage; and (c) these incentive schemes are difficult to avail of because of the highly restrictive procedures set to ward off corruption and the misuse of funds.

The above-mentioned reasons are not unique to Thailand, though, as shown by the National Survey of Innovation 2000-2001 conducted by the Malaysian Science and Technology Information Centre (MASTIC 2003). The said survey indicated that around 95 percent of the innovating companies (or 245 firms) reported not having received any government support or incentives. MASTIC therefore concluded that government support, though important to some firms, is deemed completely irrelevant by other companies.

A clear example of a grossly underutilized incentive scheme is the Human Resource Development Fund (HRDF). In 1993, the Malaysian government set up the HRDF to address the acute shortage of skilled

labor, which is a basic constraint to technological upgrading. The HRDF is the industry sector-wide payroll levy and training subsidy scheme that replaced an earlier tax incentive for corporate training. Firms employing more than 50 workers were required to contribute 1 percent of their payrolls to the Fund, and could apply for reimbursement equivalent to a percentage of the expenses of approved training programs. They may also submit their in-house annual training plans for approval.

Over the next decade, the Fund collected some RM1.03 billion in employer payroll levies. In 1996, the government extended the scheme to SMEs, with a RM20 million allocation for an enhanced training subsidy. By the end of 2001, however, only 17 percent of these funds had been disbursed, and only 3 percent of the country's SMEs had enrolled in the training program (Felker and Jomo 2007).

Recognizing variety among SMEs

In two earlier papers (2008a; 2008b), I listed the following insights that I gained from my study of programs and activities meant to assist SMEs in Malaysia and Thailand: (a) the importance of linking SME development efforts to overall socio-economic goals; (b) the need to adjust policies and programs to fit environmental realities; (c) the need to strengthen the formal education system (in addition to technical-vocational education and training) in its quest to address human capital deficiencies especially in high-technology businesses; (d) the importance of sustaining a public-private sector partnership in designing and implementing programs meant to benefit local businesses; and (e) the need to design support programs and incentives to fit the specific needs of SMEs.

In this paper, I would like to emphasize the increased recognition among policymakers of the unique requirements of SMEs, requirements that largely affect their willingness to engage in innovative activities and avail of incentives meant to assist them in upgrading not only their technological but also their overall operational capabilities.

Malaysia's SMIDEC, for instance, identifies several phases of enterprise development leading to global competitiveness (see Figure 5). It hypothesizes that the technological level of firms advances over time, and they have different basic requirements or concerns at

each stage. A nationwide innovation survey conducted by the Malaysian government provides evidence that supports this hypothesis. The survey shows that different reasons drive companies to innovate (MASTIC 2003), among them the following: (a) to improve product quality, (b) to expand product range, (c) to open up new markets or to increase market share, (d) to improve product flexibility, and (e) to fulfill certain regulations or standards. In designing programs that cater to the specific needs of industry, resources could be channeled from underutilized programs to those that would have a greater impact on firms.

Stages (over time)	Technology level	Basic requirements / concerns
Start-up stage	Low	• R&D incubator • Adequate workforce • Market knowledge • Adequate raw material supply • Adequate infrastructure
Growth stage		• Certification / standard • Technical assistance • Automated process • Tax benefit • Market development
Expansion stage		• Technological capability • Management capability • ICT capability • Brand development • Venture capital • Outsourcing • Distribution channels
Maturity stage	High	• Design capability • Brand name promotion • Industry upgrading • Investment abroad

Figure 5: Phases of enterprise development
Source: Adapted from SMIDEC (2002)

In Thailand, several researchers that have worked with the NSTDA came up with a tentative taxonomy of government policies and measures to support the development of technological capability among firms (see Figures 6 and 7). The analysis undertaken by Intarakumnerd and Virasa (2004), using survey data and case studies on 20 manufacturing firms in Thailand, portray a dynamic view of technological capability development that considers three key elements: strategic and business-related capability, internal capability, and external linkage capability.

The central idea underlying this taxonomy is that firms have different technological capabilities and therefore require different types of support or intervention. Thus, firms that do not perceive the need to upgrade their technological capability (Stair 1) will not be receptive to product development assistance or grants for design and engineering, unlike firms that fall under Stairs 3 and 4. Perhaps, state-subsidized programs to enhance technology awareness (or technology management courses) might be more relevant to them at this stage of their technological capability development.

This 'development staircase' is superior to SMIDEC's 'phases of enterprise development' because it does not make the dangerous assumption that the technological level of firms is determined by their stage in the corporate life cycle. As we all know, there are young firms that utilize high technology, just as there are old firms that are content with the basic production technology they have utilized over the years. Technological capability is not necessarily a function of a company's age.

Key elements of a firm's technological capability	Development 'staircase' of a firm's technological capability			
	STAIR 1 No perceived need for technological capability	STAIR 2 Basic / minimum capability to make applications-based adaptations	STAIR 3 Sector or technology-specific (ability to make incremental improvements to the technology itself as well as its application	STAIR 4 R&D performing (able to develop significantly new variants and innovation)
Strategic and business-related capability	Technology as "Black Box" Lack of resources and desire to monitor and assimilate external technology	Technology as "Grey Box" Able to search for market opportunity	Technology as "White Box" Able to understand and manage the fit between the firm's capabilities and market needs	"Unboxed" Able to take long run view of technological capabilities Have the vision to understand when organization needs change
Internal capability	Emphasis on usage of tangible technology base such as plant and equipment, routine operation, and basic maintenance of given facilities	Able to manage the tangible technology base Able to identify and invest in the right and appropriate plant and equipment	Able to manage intangible resources Emphasize on design, technology, and engineering	Able to manage tangible and intangible resources such as R&D facilities, codified intellectual capital, and tacit knowledge
External linkage capability	Heavily rely on suggestions of technology suppliers	Able to access external knowledge such as know-how, techniques, information resources	Able to manage producer / user relations	Access other partners with needed complementary assets and capabilities

Figure 6: Analysis of firm's technological capability development

Source: Intarakumnerd and Virasa 2004

	Development 'staircase' of a firm's technological capability			
Key elements of a firm's technological capability	STAIR 1 No perceived need for technological capability	STAIR 2 Basic / minimum capability to make applications-based adaptations	STAIR 3 Sector or technology-specific (ability to make incremental improvements to the technology itself as well as its application)	STAIR 4 R&D performing (able to develop significantly new variants and innovation)
Strategic and business-related capability	Proactive mentoring in business and technology audits State-subsidized awareness programs such as visits and comparisons	Business capability development, especially marketing Feasibility assessment	Joint venture programs Techno-business programs	Business acquisition and strategic alliances New venture programs
Internal capability	Technology management course	Quality programs Training needs analysis and training programs Technology management course	Manufacturing consultancy Product development assistance Grants for design and engineering Technology and innovation management course	R&D tax incentives Loans of research personnel R&D matching grants and soft loans Knowledge management course
External linkage capability	Technology transfer programs and brokerage	Technology information services	Technology centres Technology development networks Company supplier development	Science parks and incubation R&D collaboration Metrology services State procurement programs Partner-search programs Inter-company network programs

Figure 7: Policy framework for firm's technological capability development

<u>**Source:**</u> Intarakumnerd and Virasa 2004

While we recognize the usefulness of Intarakumnerd and Virasa's (2004) 'development staircase' in helping policymakers design programs to enhance the technological capabilities of firms (particularly SMEs), the staircase does not provide an explanation as to why very few firms reach the topmost levels of the staircase (Stairs 3 and 4). So far, policymakers have viewed SME development from the eyes of economists (for financing schemes) and scientists / engineers (for technology support), but have largely ignored the organizational theorist's perspective, which could provide useful insights on the influence of organizational structure and design on the ability of firms to innovate, on the one hand, and on the motivations of business owners/managers when it comes to adopting innovation, on the other.

Proposed typology of "learning SMEs"

Drawing from the rich literature in the fields of organizational theory, organizational culture, organizational learning, business strategy, and innovation, I would like to propose a typology of firms according to their learning styles: reactive firms, adaptive firms, and proactive firms (see Figure 8). This proposal is largely influenced by the work of Senge (1990), who popularized the concept of the "learning organization." The link between learning and innovation is captured by Todling and Kaufman (2002), who defined innovation as "a dynamic social system based on the central activity of learning."

Scholars have yet to agree on a common definition of the learning organization (Kerka 1995; Garvin 2000; and Smith 2000). Senge (1990), for instance,

explained that learning organizations are organizations "where people continually expand their capacity to create the results they truly desire, where new and expansive patterns of thinking are nurtured, where collective aspiration is set free, and where people are continually learning to see the whole together." Pedler et al. (1991) said that a learning company is "an organization that facilitates the learning of all its members and continuously transforms itself", while Watkins and Marsick (1992) described learning organizations as being "characterized by total employee involvement in a process of collaboratively conducted, collectively accountable change directed towards shared values or principles."

Understanding the learning style of firms and their corresponding readiness to undertake innovation will be very useful to several parties, namely, the *company's management*, especially its members who aim to introduce new technology and other changes in their organizations; *business consultants* who are expected to introduce interventions to improve the business performance of their clients; and various *institutions that promote technological upgrading among firms* (including government agencies, technical training institutions, and industry associations).

The typology presented in Figure 8 provides a starting point for those who seek to understand the relationship of various organizational dimensions and then move on to trying to understand the ability of firms to renew themselves through learning and innovation.

Reactive firms

Reactive firms have a *non-adaptive* organizational culture. In this type of culture, according to Kotter and Heskett (1992), managers care mainly about themselves, their immediate work group, or some product (or technology) associated with that work group. They value the orderly and risk-reducing management process much more highly than leadership initiatives. As a result, they tend to be somewhat isolated, political, and bureaucratic. They do not adjust their strategies quickly even if doing so will allow them to take advantage of changes in their business environments.

In terms of organizational strategy, reactive firms are likely to adopt the reactor or the defender strategy. According to the Miles and Snow strategy typology

(1978), the *defender strategy* is concerned with stability. Under this strategy, a company seeks to hold on to current customers, but neither innovates nor seeks to grow. The defender is concerned primarily with internal efficiency and control so as to produce reliable, high-quality products for steady customers. The *reactor strategy*, on the other hand, is not really a strategy at all. Rather, reactors respond to environmental threats and opportunities in an ad hoc fashion. Furthermore, in a reactor strategy, top management has not defined a long-range plan or has not given the organization an explicit mission or goal. As a result, the organization simply acts in response to immediate needs (Daft 2004).

In terms of organizational structure, reactive firms are typically mechanistic, which means that they have a lot of formal rules and rigid management processes. Decision-making is also highly centralized. It should be qualified, however, that within organizations, the structure of units or departments could differ depending on the technology utilized by individual units or departments.

Organizational dimensions and other characteristics	Types of firms according to learning styles		
	Reactive firms (Reluctant learners)	Adaptive firms (Eager learners)	Generative firms (Dynamic learners)
Organizational culture[1] Organizational strategy[2] Organizational structure[3]	• Non-adaptive • Reactor or defender • Largely mechanistic	• Adaptive • Analyzer • Largely organic	• Highly adaptive • Prospector • Organic
Primary driver	• Profitability; survival	• Growth; customer requirements; competitive pressures	• Core values; mission
Focus	• Internal stability • Risk reduction • Control	• External adjustment • Flexibility	• Internal renewal • Risk taking • Creativity
Innovation propensity	• Low to moderate	• Moderate to high	• High
Willingness to collaborate	• Low trust in outside parties	• Open to collaboration	• 'Boundaryless organization'
General attitude towards change	• Resistant to change	• Open to change	• Seeks change

Figure 8: Organizational dimensions and the learning styles of SMEs

[1] Adapted from Kotter, P. and J. Heskett. 1992. Corporate culture and performance. Kotter and Associates, Inc. and James L. Heskett, as cited in Daft, R. (2004). Organization Theory and Design. 8th ed. Thomson-South-Western, 373.

[2] Miles, R., C. Snow, A. Meyer, and H. Coleman Jr. 1978. Organizational strategy, structure, and process. *Academy of Management Review* 3 (1978): 546-562, as cited in Daft R. (2004). Organization Theory and Design, 8th ed. Thomson-South-Western, 62-64.

[3] Daft, R. 2004. Organization theory and design, 8th ed. Thomson-South-Western, 263.

Adaptive firms

Adaptive firms, as the term suggests, have an *adaptive* organizational culture. In this type of culture, managers care about customers, stockholders, and employees. They also strongly value people and processes that can create useful change. They thus initiate the necessary change to serve the legitimate interests of their customers, even if doing so entails taking some risks (Kotter and Heskett 1992, as cited by Daft 2004).

In terms of organizational strategy, adaptive firms are likely to adopt the *analyzer strategy*. Under the Miles and Snow typology, analyzers try to maintain a stable business while innovating along the periphery. Some products will be targeted toward stable environments, while others will be targeted toward new, more dynamic environments, where growth is possible. Analyzers will attempt to balance efficient production for current product lines with the creative development of new product lines (Daft 2004).

In terms of organizational structure, adaptive firms are likely to be largely organic, which means that their structure is less formal and less standardized. Decision-

making is also more decentralized than in mechanistic structures.

Generative firms

Generative firms have an extremely adaptive organizational culture, where risk-taking and creativity are highly valued. These firms are driven strongly by their core values, and are probably best exemplified by what Collins and Porras (2002) have identified as "visionary companies."

In terms of organizational strategy, proactive firms are likely to adopt the *prospector strategy*. Under the Miles and Snow typology, prospectors innovate, take risks, and seek out new opportunities for growth. This strategy is suited to a dynamic, growing environment, where creativity is more important than efficiency. In terms of organizational structure, generative firms are organic; they are flexible, fluid, and highly decentralized (Daft 2004).

Other characteristics of these three types of firms are summarized in the lower part of Figure 8. Reactive firms may also be referred to as reluctant learners, adaptive firms as eager learners, and generative firms as dynamic learners.

Conclusions

To be sure, many factors prevent SMEs from climbing the technological ladder in spite of the many support programs that are being made available to them. My sense is that there is a need to actively reach out to these SMEs, not only to make them aware of these support services, but also to get a much better understanding of their specific needs and requirements. This could be done most effectively at the local level, where there is a keener sense of local business needs.

Intarkakumnerd and Virasa (2004) provide us with a useful framework in their 'development staircase', which classifies firms according to their capability for technology development; as do Arnold et al. (2000) who identified four levels on the technological competency of an enterprise (i.e., labor intensive; skill intensive; technology intensive; and R&D intensive). I hope that my proposed typology of the learning styles of firms could provide fresh insights as we strive to improve efforts to enhance the innovative capabilities of our SMEs.

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NOTES

[1] OTOP stands for 'One Tambon One Product', a campaign patterned after the One Village One Product movement that originally started in the Oita Prefecture in Japan. OTOP is the Thai government's attempt to promote local industries through the manufacture of attractive specialty products whose designs are based on the native culture, tradition, and nature. The campaign is called OTOP in Thailand because the target area is the administrative unit called *tambon* (village or town) (Source: http://www.thai-otop-city.com background. asp). In the Philippines, OTOP stands for One Town One Product, a priority program aimed at promoting entrepreneurship and creating jobs. Through OTOP, the local chief executives of each city and municipality take the lead in identifying, developing, and promoting a specific product or service that has a competitive advantage. OTOP Philippines supports micro, small and medium enterprises (MSMEs) in their drive to manufacture, offer, and market distinctive products or services through the use of indigenous raw materials and local skills and talents (Source: http://www.otop philippines.gov.ph/)

[2] SMIDEC stands for Small and Medium Industries Development Corporation, while OSMEP stands for the Office of SMEs Promotion. These central coordinating agencies for SME development activities are based in Malaysia and Thailand, respectively.

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A Political Economy of Shrimp: Global Agro-Commodity Production and Trade in Eastern Asia

Dias Pradadimara

Introduction

In its own right, shrimp is a fascinating subject of study. Shrimp has been captured, cultured, traded, and consumed for a long time. There is a woodblock print (*ukiyo-e*) by the celebrated Yoshitoshi Taiso from the late 19th century depicting a woman consuming fried shrimp (*tempura-ebi*), the kind we are also familiar with in contemporary Japan. However, shrimp, as we consume it today, has been produced and, in most cases, has gone through processes that bear no resemblance with the way it was processed in the past. Shrimp now is cultured across the globe, mostly in coastal areas of developing countries, and then processed in industrial areas before being shipped to Japan, the United States, or European Union countries. A reading of shrimp as a global agro-commodity is also a useful window to understand the processes of globalization, and tracing the ways in which shrimp has been produced, traded, and consumed can provide a vivid picture of these processes.

As an observer noted, "agro-commodities remain a main strand linking the world's rural poor with global product markets" (Gibbon 2001). Therefore, instead of looking only at the production stage of the shrimp industry, or at the trade and processing stage, or at the consumption end, it is necessary to look at the entire chain, commonly referred to as the Global Commodity Chain, to understand the dynamics and the actors who play significant roles within the chain. By looking at the development of the entire chain from farm to, as it were, bowl, I hope to elucidate the process of globalization in the eastern part of Asia and to suggest when and how power and authority have been asserted, and by whom.

The 1980s as a Turning Point

In many ways, the early 1980s proved to be an important juncture in the making of shrimp as a global agro-commodity. Prior to that period, it was Japan's own shrimp varieties that satisfied Japanese demand for shrimp. *Amaebi* (*Pandalus borealis*) used for *sushi*,

hokkaiebi (*Pandalus kessleri*) eaten raw or fried, or the larger species of *taishouebi* (*Polydactylus microstoma*) and *kurumaebi* (*Marsupenaeus japonicus*) used for *tempura* and the like were the ones that were brought into the bowl and onto the table (Hosking 1996). However, the 1980s witnessed a surge in the Japanese consumption of shrimp, signaling Japan's booming urban population and its growing affluence under the bubble-economy (Murai 1987). Rapid economic growth led not only to what is called the *gurume buumu* (gourmet boom) or the "gentrification of taste," of which shrimp was a part (Bestor 2004), but also, on a more "mundane" level, shrimp, pre-prepared as *tempura*, fit really well into widely-available ready-to-eat *bento* boxes (lunch boxes) feeding the hungry urban salaried class. As demand grew, supplies from far-flung seas were shipped into Japan as Japanese fishing companies sent their shrimp-capturing fleets abroad. Nippon Suisan Kaisha, one of the major Japanese fisheries companies had already set up a joint venture company in Indonesia to capture shrimp around the island of Papua in 1970 and ship it to Japan.

In the late 1970s, farmers in Taiwan developed new shrimp farming technologies that combined the expansion of farms with breakthroughs in shrimp feeding and in hatcheries (producing shrimp fries). These technologies allowed the practice of an intensive shrimp farming technique whereby shrimp, especially the Giant Black Tiger shrimp (*Penaeus monodon*), native to Southeast Asian waters, instead of being captured in the sea, was cultured in ponds at a very high density and fed processed (industrialized) shrimp feed (Liao and Liao 2006). This technique, later known as the "intensive farming" technique (and its milder form "semi-intensive farming" where a lower density of shrimp fries are stocked in a pond), was conducted in specially designed and facilitated grow out ponds. This so-called Taiwanese technology proved to be able to produce a high number of shrimp in a calculable manner for all seasons. This technology arrived at a juncture when the market for shrimp was expanding and demand was growing. No wonder, then, that the technology captured the imagination and hope of many would-be investors and shrimp

farmers in Southeast Asia, as well as capturing the mind of state bureaucrats in these countries where coastal areas were abundant and economic crises were looming.

The Philippines had been relying on the US market for its sugar production. Protected by the Laurel-Langley Agreement of 1954, which guaranteed Filipino sugar access to the US market, the profits and successes of the sugar barons in Negros Island were legendary (Billig 2003). By 1974, however, the agreement expired and the sugar price plummeted, creating havoc in the island. By the early 1980s, poverty and starvation among sugar workers and their families became a source of political embarrassment for the struggling Marcos regime. In such a mood, many thought that shrimp farming would provide a solution. Indeed, shrimp farmers in the Philippines were the earliest ones among their Southeast Asian counterparts to pick up the new Taiwanese technology. The young and energetic Governor of Negros Occidental at the time, Daniel L. "Bitay" Lacson, went out to promote what he called the "diversification" of the Negros economy away from sugar to other commodities, and shrimp was one of them.

San Miguel Corporation (SMC), one of the biggest conglomerates in the Philippines, took the gamble. SMC started as a beer company in the late 19th century but has now expanded to various other sectors and is currently controlled by the Cojuanco family. SMC also has personal and business interests in Negros (Yoshihara 1988). In the early 1980s, SMC reportedly bought the rights for adopting Taiwanese shrimp feed manufacturing technology for a fee of USD1 million (Lim 1988). What SMC needed to do next was to find—indeed, to create, if necessary—intensive shrimp farmers to purchase the feed. Sugar plantation owners in Negros acknowledged proudly how SMC persuaded them to enter shrimp farming, many on land previously planted with sugar cane. SMC's persuasion came also with information and technical assistance, and reputedly also by constructing large-scale shrimp ponds in Negros close to their own home-area, demonstrating their own stake in the business. Later, the land reform program exempted shrimp farms from re-distribution, which only stimulated even further the conversion of sugar land into shrimp farms.

In Indonesia, the collapse of oil prices in the early 1980s created a shock not unlike what the Philippines experienced at about the same time albeit in a more gradual manner. Because of the drop in oil prices, Indonesian foreign earnings from oil also dropped substantially between 1982 and 1985 (Robison 1987). A nation-wide campaign to create foreign earnings through the expansion of exports was launched and inspired many state policies of the day. The potential for shrimp exports did not go unnoticed. Special programs to intensify "traditional" fish ponds and turn them into more preferable monocultures (i.e., shrimp) and intensive shrimp ponds were launched. Special credit was channeled through state banks. Even Soeharto himself took a personal interest in the matter, establishing a 200-hectare intensive shrimp farm not far from Jakarta.

In an almost characteristically New Order story, the state-sanctioned credit scheme for farmers went nowhere, with few farmers able to access it, while the program was admittedly acknowledged by state bureaucrats themselves to be a failure. Nonetheless, small scale fish farmers across the coastal areas of the Indonesian archipelago did respond to the call with their own resources and gambled heavily on the new technique, albeit in modified forms adapting it to local circumstances. It was the urban-based investors who seized the opportunities opened up by the availability of the credit, purportedly made available for export-oriented business, which shrimp farming undeniably was. Throughout the 1980s, intensive shrimp farms were constructed across Indonesia, approved (even celebrated) by local officials, and funded by credit provided by private banks. By far, the biggest, and later on, the most controversial, if not to say disastrous, was the Dipasena farm in Lampung, established by the conglomerate Gadjah Tunggal (GT) in 1988 and claimed to be the largest shrimp farm in the world. The farm operated on the state-sanctioned Nucleus Estate Smallholders Scheme (NESS) whereby GT acted as the nucleus and provided loans and farm facilities and the farmers who accepted the loans worked and had the responsibility for their own farms then sold their shrimp harvest to GT at a pre-determined price.

Despite its reputation as the largest shrimp producer and exporter in the world at one time, Thailand surprisingly entered the industry rather late and in a slightly different manner than the Philippines and Indonesia. Already during the difficult times of the mid-1970s when oil prices went up (Thailand was, and is, an oil-importing country) and the Vietnam war ended (the logistical requirements to support the US war in Vietnam were provided in Thailand and generated its economy), Thailand's economy was secured by its agricultural sector and especially by the

foreign earnings from the export of agricultural products (Suehiro 1989). The role of agribusiness corporations was central to the growth of the sector since they more often than not organized their businesses in an integrated manner whereby they controlled the production, collection, warehousing, and processing of raw materials as well as their exports. No wonder, then, that when the Thai government set its ambition to make Thailand a so-called Newly Industrialized Agro-Industrialized Country (NAIC), it relied on these corporations to carry out the plan (Shigetomi 2004).

In 1985, Aquastar, an American-owned company, created an intensive shrimp farm as a demonstration farm in southern Thailand and, once it proved to be successful, entered into a contract farming scheme with surrounding farmers who produced the shrimp in this particular manner (Niemeier 1990). Farmers and land owners across the country soon followed the farming technique, with the areas around Bangkok where cold storage facilities were already in place to process the shrimp for export taking the lead. A couple of years later, Charoen Pokphand (CP), the agri-business giant, entered the industry in a way reminiscent of SMC's entrance in the shrimp farming industry in the Philippines several years previously. First, it established its own shrimp feed manufacturing; given the fact that CP was already dominating the chicken feed industry in Thailand and beyond, the move was not technically difficult and proven to be financially profitable (Goss et al. 2000). Secondly, CP also tried to secure buyers of the feed by promoting a shrimp-farmer cooperatives scheme sanctioned by the Thai government, whereby within such a scheme CP would provide technical assistance as well as feed and other requirements for the farm in a package considered as a credit to the farmers. In return, not unlike in contract farming, farmers would agree to sell their shrimp harvest to CP at a pre-determined price.

Considering that most of the shrimp was ending up on Japanese plates (and bowls), it is rather surprising that no significant Japanese companies entered the shrimp industry at the time. By the late 1960s, Japanese fishery giants were operating in Indonesian seas. In addition, as mentioned above, the Nippon Suisan already had a shrimp-capture fleet based in Sorong, Indonesia. On top of this, following the Plaza Accord in 1986 which strengthened the Japanese Yen against major currencies, the late 1980s and early 1990s witnessed a flood of Japanese investments into Southeast Asia. Yet the interest in entering the shrimp industry shown by Southeast Asian corporations was lacking among their Japanese counterparts.

Boom and Chain Formation

It should not come as a surprise that by late the 1980s and early 1990s, the Southeast Asian region enjoyed a shrimp production and export boom. Statistical figures released by the Bureau of Agricultural Statistics of the Philippines and by the Center for Agricultural Information of Thailand, as well as trade figures released by the Ministry of Finance of Japan demonstrate the trend. The production in the Philippines went up from less than 2000 tons per year in 1982, jumping almost 5 times the next year before reaching more than 26 thousand tons in 1984. The annual shrimp production continued to grow to above 30 thousand tons when farmers in Negros Island started harvesting their shrimp farms in 1987. Starting in 1992, Negros and its surrounding islands contributed more than half of the 76 thousand tons of the Philippines' national shrimp production. Although there were signs of trouble in Negros two years later, the national production reached its peak in 1994. Despite its late entry, in 1985 Thailand already produced almost 16 thousand tons of shrimp per year. However, beginning in 1987 the growth was even more dramatic. By 1995, Thailand reached the level of producing 225 thousand tons each year before stabilizing around that figure in the following years.

Export figures also tell a similar story of the shrimp boom with its peak in 1994. Frozen shrimp exports from the Philippines steadily grew until reaching their export peak of 21.7 thousand tons in 1994. Thailand already exported 79 thousands tons of shrimp in 1990, mostly to Japan. The numbers kept going up substantially until reaching their peak of almost 180 thousand tons in 1994.

If we look at the import figures into Japan, we can confirm the rise of Southeast Asian production and export. Most Southeast Asian shrimp goes to Japan. Only recently has the US market absorbed more and more shrimp farmed in the region. In 1988, the Philippines, Indonesia, and Thailand exported almost 80 thousand tons of frozen shrimp into Japan or more than 30% of total imports of shrimp that year. Imports from these 3 countries grew both in absolute quantity and value as well as in their proportion. The peak was reached in 1994 when Japan imported a record

number of almost 303 thousand tons of frozen shrimp, of which almost 130 thousand tons, or 42.9% of the total, came from these 3 countries combined.

Supporting those figures were farmers, creditors, middlemen, buyers, cold storages, state officials, exporters, and bankers interlinked in a web of complex relations and dependencies, forming a global shrimp chain (Figure 1).

Figure 1: Shrimp Commodity Chain in Southeast Asia

Shrimp farming, we should bear in mind, is not a low-capital industry. The overhead cost required to create proper ponds (construction, electricity, and so forth) and to purchase all necessary farm inputs (fry, feed, etc.) creates a high entry barrier into the industry. Only those who have access to capital can join in. The commodity chain of the shrimp industry begins at the hatchery where fry are produced in large numbers. The technology that produces fry is so simple that it has allowed the growth of small-scale hatcheries (sometimes referred to as backyard hatcheries) all over coastal Southeast Asia, which then meet the demand for fry from shrimp farms. It is a common practice for small scale farmers to rely on middlemen to provide them with fry and to treat the fry as a loan which will be paid after the harvest. Furthermore, it was not unusual for the middlemen to be the same people who will act as buyers or collectors of the harvest. Shrimp from the harvest then pass through the big/ wholesale traders before reaching cold storage facilities for simple processing (sorting, cleaning, taking off heads or shells, and freezing) and later export. Unless there was a farming contract agreed upon prior to harvest, the shrimp will be sold through an auction, either at the farm gate or at the whole sale market (when auctions take place in the market, they will be administered by the middlemen, called *consignacions* in the Philippines and *phee* in Thailand). In their turn, cold storage companies rely on this channel for their constant supply of raw materials for processing to fulfill their export demands.

The opportunistic tendencies of big capital, which was already made apparent by the moves of SMC in the Philippines, GT in Indonesia, and CP in Thailand, became more obvious as the success stories of the shrimp industry entered the popular media in the late 1980s. Before long, more big and small capital owners decided to move in. To mention some examples, JAKA Enterprise of the politically powerful Enrile family entered the business in 1987 by opening a farm in Batangas, Luzon. Dole, the multinational agri-business giant, opened a farm in Mindanao, southern Philippines, in the early 1990s not far from their already existing huge fruit plantations. STC of the Capital Rice agribusiness conglomerate in Thailand

opened its own shrimp farm in the early 1990s. The giant CP soon followed GT by also opening its own huge shrimp farm in Lampung, Indonesia (interestingly enough, CP never opened its own shrimp farm in its "home country").

Big capital were not the only ones who entered the lucrative, if risky, intensive shrimp farming industry. On top of the thousands of fish-pond farmers turned shrimp-pond farmers who were willing to indenture themselves (mostly heavily), capital owners based in secondary cities such as Iloilo and Bacolod, including the sugar barons in the Visayas in the Philippines or other professionals (dentists, traders, and the like) based in Surathani or Nakhon Sri Thammarat in southern Thailand, and local businessmen in South Sulawesi in eastern Indonesia, tried their fortunes in the industry. They rented or in some cases "purchased" plots of land (most coastal lands in Southeast Asian countries can not be legally personally owned), started their own ponds, hired paid workers, tied-up with shrimp middlemen/traders, and made the farms a secondary business.

A 1995 shrimp farm census (NSO 1995) conducted in Thailand is quite revealing. Of the more than 25 thousand shrimp farm "establishments" in Thailand in 1995, almost 80% of the owners operated intensive shrimp farms and about 2/3 were indebted. Of the total number, 60% were owner-operated establishments and 40% relied on paid-workers. Although the exact figures are hard to obtain due to the absence of similar censuses elsewhere (and even in Thailand, unfortunately, no subsequent census was ever conducted), no doubt similar types of "industrial" relations within the shrimp industries could be found among shrimp farms owned by sugar barons in the Philippines or the ones owned by civil servants in Indonesia. What is more obvious is the type of labor relations existing in the contract farming system in CP-promoted shrimp farming cooperatives in Thailand or in the huge shrimp farms operated by GT or CP in Lampung, Indonesia. During the height of its success, the shrimp farming industry in effect created a factory out of each individual farm, with farmers as the laborers and shrimp as the single product.

Crises and Decline

Already as early as the late 1980s, troubles were looming over Taiwan's shrimp industry, which should have made Southeast Asian governments, farmers, and investors concerned. Various diseases were already starting to inflict their damage on the farms. The viruses were so deadly for the shrimp that once they hit, they basically ruined the entire farm. Next, the diseases spread to surrounding farms among which water was re-circulated. The disaster caused by the disease arrived from Taiwan in Southeast Asian countries in the order of the arrival of intensive shrimp farming technology from the same country: the Philippines first, followed by Indonesia, and eventually ravaging Thailand at the end of the 1990s.

Shrimp production in the Philippines reached its peak in 1994, but by 1997 the total national production was a mere 40 thousand tons, which was less than half of the number during the peak. The production levels continued to go down to around 35 thousand tons annually. Thailand also experienced a decline after reaching its first peak of 263 thousand tons of shrimp production, also in 1994, although in a less dramatic fashion. In 1997, the year of worst shrimp production in the country, as it was in the Philippines, Thailand could still produce 227.5 thousand tons. After that, production bounced back reaching a new peak in 2006 following the widespread adoption and farming of a new shrimp species.

The decline of the shrimp farming industry in Southeast Asia could not have come at a worse time. It coincided with the economic crisis of 1996/1997 that crippled the Southeast Asian tigers followed by political crises. The economic crisis only exposed the less-then-prudent credit lending by banks to various dubious projects—shrimp farming and shrimp exporting not excluded. Banks, already deep in their own troubles, stayed away from a shrimp farming industry badly hit by disease and in need of fresh capital.

The collapse of the huge GT shrimp farms in Indonesia is only one of the biggest examples of this scenario. However, GT was certainly not the only casualty. Big and not-so-big capital fled the shrimp farming industry in numbers in the late 1990s. STC in Thailand pulled away from shrimp farming sometime after 1999 and Dole had closed its farm in the Philippines some years earlier. However, the complete collapse of the Negros shrimp farming industry was the most dramatic case. This center of intensive shrimp farming in the Philippines was completely destroyed and still has yet to recover.

The economic crisis also created political crises or even

regime changes in Southeast Asian countries. State authorities that were dominant in Thailand and Indonesia were severely weakened, and their abilities to revive the shrimp industry, either directly or through other financial measures (by providing cheap credit through state banks, for instance) were limited. It was left to the smaller capital and owner-operator farmers to brave the challenge. Faced with no prospect of fleeing the only and last industry they were hanging on to, they reverted back to less intensive or even the "traditional" farming system, throwing shrimp into ponds mixed with all sorts of fish and crabs. The mortality rate of shrimp fry remained very high (above 75%). However, by practicing polyculture farming, in essence they spread the risk and bet that they could still yield some kind of harvest at any given time.

Again, the statistical numbers tell us the story. If we look at the overall level of shrimp production in the Philippines between 1985 and 2005, we can see that the sudden jump and decline in the country's shrimp production was due to Negros shrimp production. Outside Negros, in Pampanga, not so far from Manila, where fish and shrimp farming has been traditionally practiced for decades, shrimp production steadily grew and declined. Local farmers converted their traditional brackish water ponds to semi-intensive farms during the boom days before reverting back when diseases hit. Now they practice traditional polyculture shrimp farming with milk fish and other species mixed in. A similar story also took place in areas in and around Lanao del Norte in Mindanao, although the expansion of shrimp farming there only took place in the late 1980s.

The regional shifts within each country which sustained a high national production level could also be seen in Thailand. In the beginning, it was shrimp farms around Bangkok (Samut Songkhram and Samut Sakhon) that produced the most shrimp. During the boom time, areas in Southern Thailand, along the coast of Nakorn Sri Thammarat, became the main shrimp producing area, followed by Surathani and Songkhla. After the boom, especially after 1997, some areas in eastern Thailand, especially Chachoengsao and Chantaburi, grew as important shrimp producing areas.

Remaking the Chain: Biotech and Regulations

With the Black Tiger shrimp succumbing to viruses, and thus far no successful effort to find a cure, the industry was suffering from the decline. A relatively high level of national shrimp production could still be maintained since new farms were created in new areas far away from the old ones once the existing farms collapsed. In such depressing circumstances, the arrival of a new species of shrimp was quickly welcomed by farmers. Unlike the Black Tiger shrimp, which is a native species of Southeast Asia, White Leg shrimp (*Litopenaeus vannamei* or sometimes *Penaeus vannamei*) is, in technical terms, an "exotic" shrimp since it originated in Central America (*Regional Technical Consultation on the Aquaculture of* Penaeus Vannamei and *Other Exotic Shrimps in Southeast Asia* 2005).

The Vannamei has been cultured since the 1970s and widely used, especially in shrimp farms in Ecuador, the largest shrimp producing country in the Americas. Shrimp farms in mainland China were the earliest ones in Asia to adopt and culture Vannamei. The shrimp has several obvious advantages, namely it is relatively easy to culture and brood stocks that are free from specific diseases (specific pathogen free or SPF) are already available. Nonetheless, the fact that the shrimp is an exotic species (and could create a yet-to-be-known threat to the biodiversity of the region) made most Southeast Asian governments rightly cautious about legalizing it. Nonetheless, farmers and investors were so desperate that some of them purchased smuggled Vannamei fry and farmed them. It was mainly the better organized (better than shrimp farmers, that is) shrimp traders and cold storage owners who campaigned hard to legalize the culture of Vannamei. In early 2000, they got their way: the Indonesian government allowed Vannamei to be developed in the country in 2002; the Thai government did so in the same year. Finally the Philippines government followed, only in 2007.

Vannamei arrived in Asia at a time when concerns over food security had risen among the developed countries where most of the shrimp would end up. Already, cold storage facilities and processing plants had to submit to a high level of sanitary conditions by obtaining what is known as Hazard Analysis and Critical Control Points (HACCP) certification. Through this certification, a thorough control of the sanitary level could be achieved. However, this more standardized sanitary level was no longer sufficient.

The EU market is notoriously demanding on food safety. Since at least 1996, EU regulations not only required a high level of sanitation, but more than that,

they required the application what is known as the "traceability" principle. The requirements basically demanded the possibility for consumers or importing countries to trace all the processes to which a commodity had been subjected, to trace the origin of the raw materials, and to document the movement of the material. On the flip side, the traceability principle requires a high level of administration on the part of the regulators in exporting countries, usually, the state itself.

What the new set of regulations means to the industry is better control of the quality and processes. When the regulations are successfully implemented, it is possible to trace the chain and to map out the various hands shrimp has gone through. However, the new set of regulation also forced a reshaping of the commodity production chain. As some observers remarked on the increasing processes of the standardization of agro-commodities, "the content of standards and Third Party Certification [TPC] together with how actors strategically use standards and TPC, reflect particular social relations of power, interest and values" (Hatanaka et al. 2006). Since the chain as it exists at the moment (with the Black Tiger shrimp as its main commodity) has too many loose ends which make it impossible for the traceability principle to be implemented, or in other words, too many raw materials and processes within the present chain cannot be traced, the chain needs to be refashioned according to the interests and values of the developed countries where most of the shrimp will be consumed.

The adoption of the Vannamei fry of the SPF kind solves many of the regulatory concerns. For a start, the SPF Vannamei brood stock can only be produced by certified companies. These companies, mostly based and located in Hawaii in the US, are specialized companies which have already implemented a high bio-security level. Importing companies within Southeast Asian countries have to be licensed by their own respective country and the number of fry (or brood stock) imported is also regulated. In this manner, unlike the existing shrimp fry supply system for the Black Tiger shrimp, the Vannamei fry are completely traceable. Furthermore, since it is mostly the intensive (or in some cases, the semi-intensive) shrimp farms who take advantage of the SPF Vannamei fry, the more sophisticated farms are moving towards HACCP certification. If, in the past, the shrimp farming industry was already a high-capital industry, the present system, which is geared towards Vannamei production, is no doubt demanding of even

higher capital. In addition, since the quantity and quality (meaning sizes) of the shrimp harvest have become increasingly predictable, many cold storage facilities and exporting companies are more willing to approach farm owners to purchase the yields prior to harvest and are increasingly less dependent on the wholesale markets and traders.

Thailand's wholehearted adoption of Vannamei farming (and its success compared with Indonesia and the Philippines, if judged by its production level) demonstrates the return of capital into the shrimp farming industry. If during the time of the shrimp farming crisis there was capital flight out of the industry, recently the tide is turning. Big capital is once again entering the industry in a more selective but strategic manner. CP and the Thai Union Frozen (TUF), one of the major players in the Thai seafood industry, set up companies which were 3 of the 11 companies (in 2007) licensed to import Vannamei brood stocks and fry into Thailand. With the growing adoption of Vannamei, such moves mean the larger capitalists have a stranglehold on the chain.

Interestingly, for the first time in the short history of the shrimp farming industry in Asia, Japanese capital recently entered the scene by purchasing shrimp farms. In 2004, Nippon Suisan (Nissui), which had been operating a shrimp fishing fleet off the coast of Papua, started to operate a shrimp farm in Seram Island, also in eastern Indonesia. In 2007, Mitsui, the giant *sogo sosha*, bought a shrimp farm in China. Even more recently, in 2008, the Japanese fishery company giant Maruha-Nichiro bought a shrimp farm in Malaysia. It is not yet clear what is driving these moves.

The question that needs to be asked at this point is: where is the consumer in all of these changing pictures of globalization? As mentioned briefly above, since at least the 1980s, there has been a changing dynamic in Japanese food consumption and, consequently, food flows (McDonald 2000). Japanese consumers have been relying more and more on food supplies imported from all over the world. At the same time, they have been consuming more industrialized (processed) food. In 2005, in terms of calorie intake, only 40% of what the Japanese consumed was provided domestically, down from a percentage of 79% in 1960 and 53% in 1980. The effect of these changes (reliance on imported food and the consumption of processed food) on the way shrimp is imported and sold within Japan is significant. In 1990, only 72 thousand tons of shrimp out of the 283 thousands tons imported were

sold in wholesale markets in 6 major cities in Japan, or slightly more than a quarter of total. In 2000, the percentage dropped to slightly less than 20%, while the rest went straight to the so-called "institutional" buyers (i.e. catering, food processors, restaurants, etc.) through what is known as *joogai ryuutsuu* (the distribution of goods not passing the wholesale markets, mainly on seller-buyer contract basis). This means that consumers have less control over the kind of shrimp being served since the shrimp is already processed and even made ready-to-eat. In this context, it is not too difficult for food processors to replace Black Tiger shrimp with its Vannamei counterpart.

Conclusion

In this short paper I try to describe the emergence of the global shrimp production chain, from the hatcheries in coastal areas of Southeast Asia, to the processing plants in industrial urban areas through the hands of traders and middlemen, to exporting zones, and to food processing facilities in Japan, before eventually reaching Japanese consumers' plates. Through the foregoing narrative, I am suggesting the various contests and struggles by various state and non-state actors in the making and continuous restructuring of the chain which connects farmers and farm workers in far-flung areas with consumers in urban Japan.

Shrimp, along with other agro-commodities from wheat to cocoa and from eggs to tuna, makes up what has been referred to as food regime which is "the rule-governed structure of production and consumption of food on world scale" and which involves a "historically specific set of political relations organizing the global production and circulation of agricultural commodities" (Friedmann 1993). When it emerged for the first time in the 19th century, the food regime was organized within the geopolitical dominance of the British Empire until its decline after the Second World War. The subsequent food regime was dictated by, and centered on, the US interest in channeling its continuous agricultural surplus (wheat, among others) both as food aid and as subsidized export commodities. The food regime was later altered when Japan created a "food import complex" in its increasing reliance on diversified (as opposed to solely relying on US producers) offshore agro-food sources to feed its population and to supply its increasingly sophisticated demand during the economic boom years. It is no coincidence that the shrimp agro-commodity chain

took shape in eastern Asia in the early 1980s during Japan's dramatic increase and expansion of animal protein consumption—shrimp consumption included (McMichael 2000).

Furthermore, as I have tried to show, shrimp is increasingly becoming a more global commodity where in almost all of the stages within the chain it is organized at a global level: SPF fry produced in Hawaii, shrimp ponds in coastal Southeast Asia, a Thai-controlled shrimp-feed industry, EU-regulated processing facilities, and an increasingly diversified market as the US took over from Japan as the biggest export destination. This increasing global character of the shrimp production chain restructures the chain even further. While the spatial reaches of the expansion go beyond eastern Asia, within the chain some previously active actors were pushed out. Recent developments create more spaces within which bigger capital is allowed to assert more control over the chain, while simultaneously making it more difficult for small- and even medium-scale shrimp farmers to stay within the chain. If the global shrimp commodity chain was not a level playing field before, it is certainly even less so now.

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Media's New Challenges in Constructing the East Asian Community

Kavi Chongkittavorn

Introduction

When the concept of East Asian economic cooperation was first introduced in 1991 by Malaysia, the media discourse on the topic was very enthusiastic and diverse. There was an air of "excitement" and something "visionary" about the idea that was expected to bring together both the big and small economies in the region, particularly those of North Asia and Southeast Asia, at some time. No less than then Malaysian Prime Minister Mahathir Mohammad confidently called for the establishment of the East Asian Economic Group (EAEG). The initiative had a simple idea: Asian countries would work and cooperate closely to promote economic planning and development in Northeast Asia and Southeast Asia. As such, these collaborations would be able to counterbalance the economic cooperation elsewhere in the world, especially in North America and Europe. Now, with the global financial tsunami, establishing the East Asian Community appears even more urgent (see appendix).

A few days after the EAEC (East Asian Economic Caucus) was introduced, it immediately came under severe attack from international media which saw it as a hostile plan to exclude the US from Asia's overall scheme of things. Doubtless, the American policymakers were often quoted by the U.S. media as saying that the growing East Asian solidarity would weaken the US presence and influence in the region. The US opinion leaders also argued that it has been due to the U.S. presence that the region has enjoyed economic prosperity and stability. Since the end of World War II, the US has remained the most prominent force in the region. Moreover, after the Cold War, the US became the world's only superpower.

Such discriminatory tactics directed at the US would be disastrous to the region's peace and stability. For over a decade, media views and articles on the future of the East Asian Community have been rather negative. Media discourse on the EAC has been reported and analyzed by the Western media, which has access to international public opinion.

This paper tries to outline some of the views on the prospects of East Asia community building through the writings and views of opinion makers, both in the media and academia in Japan, Indonesia and Malaysia. These countries are important pillars of community building in the region.

The paper also explores the indigenous views of East Asians, which happen to be few and far between. The paper likewise includes the views of academia because the media in Japan, Indonesia and Malaysia have not reported on the topic that much. Articles on the issue that have appeared in the newspapers, thus far, have all been written by scholars.

Where lie the differences?

Mass media in East Asia have been quite reckless in using terms depicting various forms of cooperation in East Asia. Before the first summit in Kuala Lumpur in 1997 involving the leaders of the ASEAN and their Northeast Asian counterparts from China, Japan and South Korea, East Asia was often understood to refer to the developed economies of the three Asian major houses. Sometimes, Taiwan and Hong Kong would be included in the list.

Japanese media are accustomed to the term East Asian Economic Community when referring to the cooperative framework in East Asia. This is interesting because successive Japanese governments have repeatedly used the term, which is still not widely used in the region. For instance, the editorial of *Asahi Shimbun* on 20 November 2007 referred to the ASEAN Plus Three meeting and Japan's Enhanced Partnership Agreement (EPA) as part of the EAEC. The Japanese perception of East Asia community building has always been focused on the economic aspect. Others often confuse the frameworks of the ASEAN Plus Three (China, Japan, South Korea) with the East Asian Summit (EAS), the top-level forum where views on the future of East Asia are exchanged. EAS is also known in the region as ASEAN Plus Six with Australia, New Zealand and India joining in.

While these frameworks share many similarities, they are essentially two different sets of cooperative

frameworks. One is geared toward the actual East Asian region and its geographically based membership, while the EAS has a different approach—it allows countries outside the region to be part of the discussion group. Australia, New Zealand and India joined the ASEAN countries as EAS founding members. Academics and media from these countries tend to view the EAS as a springboard for creating a genuine East Asian Community. Little do they know that EAS has nothing to do with the community building in the region as their media have suggested.

The East Asian cooperation was conceived under very stressful circumstances. Mahathir was not a popular leader in the Western world because of his anti-Western views as well as his anti-Israel rhetoric. His portrayals in the international media such as the *International Herald Tribune*, *Financial Times*, *Washington Post*, *New York Times* and various international magazines were very negative and uninspiring with strong opinions. So, that both the bureaucrats and media in the West met the concept of an encompassing East Asian cooperation with strong opposition was not a surprise.

According to *Asahi Shimbun*'s editorial on 23 May 2007, "To steer East Asian regionalism toward economic integration with the rest of the world, trade and investment must be expanded beyond the Pacific Ocean." This is an interesting comment given how for the time being, the idea of East Asian regionalism is quite simple. It is confined to the East Asian region only, rather than the whole Asia-Pacific region, which encompasses both North America and the coastal countries of South America. The Asia Pacific Economic Cooperation (APEC) can better address the cooperation issues in this regard. This concept of an overlapping geographic footprint remains common in the Japanese media.

The same editorial said that for Japan to promote bilateral and regional economic integration because of the benefits that will accrue from doing so, it has to promote free trade with the US and avoid creating a closed trading bloc in East Asia. At the same time, Japan can start to integrate East Asia through partnerships in specific areas, such as trade and the environment. In the 1990s, Japan aimed to strengthen its partnership with particular regions, while not strictly adhering to its conventional position of promoting global free trade, in general.

At the APEC meeting in September 2007, U.S.

President George W. Bush proposed the formation of an FTA among 21 countries including Russia and nations in South America. This plan has, so far, received lukewarm support from the APEC countries. Now, Bush's grand economic plan is facing jeopardy. It is not clear whether the U.S. administration under newly elected President Barack Obama will continue with the idea.

The same editorial warned that Japan should not enter into any arrangement that would create a closed bloc that excludes non-member countries. Therefore, Japan needs to conduct an economic dialogue with its ally, the U.S. The editorial declared, "Unlike in Europe, however, from the start there has been no overall vision in East Asia propelling countries in the region toward integration. Active Japanese investment primed the pump for economic development among the ASEAN countries and China, and that eventually led regional economies to form tie-ups."

East Asia has produced many allied networks in its efforts to catch up with Europe and the U.S. In particular, the summit of the 10-member ASEAN Plus Three, which first gathered in the wake of the 1997 economic crisis, has reached the point where it is exploring the possibility of setting up an East Asia Community.

China-Japan ties crucial to East Asian community building

Seldom has Japanese diplomacy ever done right in its diplomatic outings but Prime Minister Yasuo Fukuda was on the right track when he used the ASEAN summit in Singapore in November 2007 to improve ties with China and South Korea, which have been operating under unstable conditions because of high levels of mutual suspicion. He met separately with China and South Korea, paving the way for more bilateral visits and exchanges between them.

In Singapore, too, they agreed to hold trilateral talks at all levels in December 2008. During the term of former Prime Minister Junichiro Koizumi, Japan's ties with China and South Korea hit an all-time low because of Koizumi's continued visits to the controversial Yasukuni power.

Unlike recent Japanese leaders, Fukuda decided to establish a firm foundation of cooperation with China, knowing fully well that the two countries' future

relations would require such strength. His trip to China in end-2007 marked the watershed of Sino-Japan relations because he managed to put behind the past enmity which used to obstruct their cooperation, both bilaterally and regionally. In turn, Chinese Prime Minister Wen Jiabao's visit to Japan in April 2008 also brought about the much-need mutual trust. The fact that the two countries were able to agree on joint development programs over the disputed island of Senkaku chain in Japan or Diaoyu Island in China was significant.

Prof. Hiroshi Tanaka, a scholar of Japan's Center for International Exchange, said that the bilateral ties between Japan and China would serve as the pillar for the developing the EAS further. But somehow, these relations were not fully developed before. Now that both countries have reduced their suspicion of each other, there is a better chance for such cooperation to materialize.

Relations with Korea are equally important to the establishment of the EAS. To a certain degree, Japan improved overall ties with Korea when the latter was under Former President Roh Moo-hyun. But the two countries failed to agree on any substantial projects. It was not until newly elected Korean President Lee Myung-bak decided to revive the trilateral committee with Japan and China that the three Asian powerhouses came together once again. Their summit in November 2008 in Fukuoka, Japan further propelled their cooperation and moved them closer to the establishment of the EAC. Furthermore, new dynamics characterized China-Korea relations due to the rapid increase in Korean investments in China's coastal provinces. Currently, there are at least 850 flights per week between China and Korea, whereas between Japan and Korea there are only 500 flights. These numbers show the increased importance of China-Korea economic relations. But again, the media in Korea has not paid any attention to this economic link. They instead continue to focus on the six party talks and the security situation in the Korean Peninsula.

Japanese media and the East Asian Community concept

Yoichi Funabashi, editor-in-chief of *Asahi Shimbun*, pointed out that Japanese media failed to focus on the EAC idea as they were too fixated on the bilateral problems between Japan and China, as well as Korea.

So in the past decades, but more especially in the past six years under the leadership of former Prime Minister Junichiro Koizumi, Japan found itself in a corner, rejected by both countries. Funabashi said that as the Sino-Japan ties were in poor shape in the past ten years, the concept of the EAC never moved forward. "It has never gotten off the ground," he lamented.

Now with the amelioration of their relations, a series of agreements and measures to promote the realization of the EAC could be in the offing. Funabashi said that in the past six years, the Japan-Korea ties were also in trouble. Relations between Korean President Roh Moo-hyun and Koizumi were cold. In the absence of rapport and improved relations then, the cooperation was wanting. Therefore, the EAC concept remained still a dream. But Funabashi believed that the trilateral cooperation would be revived after the summit meeting in December 2007 as the leaders of Korea, China and Japan also desired such cooperation due to the changing strategic environment, especially after the global financial crisis in end 2008 (additional update interviews). He said that while China-Japan ties were not as good they should be, China had never left out Japan in the process that would bring about the denuclearization of North Korea and the stability in the Korean Peninsula. As such, there was a strong foundation, although small, that China was thinking of Japan's importance.

Veteran diplomat, Terusuke Terada, President of Japan's Foreign Press Association, said that the EAC's future should include the US. This is a common view expressed by both Japanese scholars and media. The long standing ties between Japan and the US ties have dominated the thinking of the EAS, but was not widely shared by other ASEAN countries, or in this case, Korea and China. Terada also said that Japan always wants to use the U.S. as a counterbalance against China's growing influence in the region. Nagoshi Kenro, foreign editor of *Jiji Press*, said that since ASEAN is still focused on the Asean Plus Three process which Japan views as a forum that will accommodate China, it is better to have the U.S. presence.

Report from Indonesia

Introduction

Indonesia is the world's fourth largest country in the

world. As a consequence of this fact and the burgeoning of its democracy since 1998, the country is considered a key shaker of community building in East Asia. Very succinct views from academia and media declare that Indonesia would like to see the East Asian region without any dominant power. They also agree that both Asian economic powerhouses—China and Japan—must reconcile with each other before the EAC could be constructed. While Indonesian political scientists and strategists tend to focus on China's attitude and its growing economic and political clout, the media community in Indonesia continues to view Japan as a country key to pushing forward such a grand scheme. The concept of balance of power approach is extremely strong, given the country's foreign policy orientation since it achieved independence six decades ago.

This report was confined to interviews and exchanges with members of academia and media. Three professors—Yusuf Wanandi, Hadi Soesatro, and Rizal Sukma—from the Center for Security and Strategic Studies were the main sources of views and information during the author's one and a half month stay in Indonesia. These key scholars have commented and written extensively on the subject. Wanandi provided a global view that encouraged or discouraged the development of the East Asian community, while Soesagtro was keen on the economic integration of East Asia region. Sukma gave a more comprehensive view of the overall strategic environment in the region and the factors that have hampered community building.

From the media, two journalists were extensively interviewed because of their long standing coverage of East Asia affairs and the way they have shaped public opinion in Indonesia and beyond. Endy Bayumi, editor in chief of *Jakarta Post*, is considered one of Indonesia's leading journalists who write regularly on ASEAN and East Asian issues. Since he is familiar with the ASEAN and the ongoing dialogue in East Asia, he could assess the nature of the East Asian community much better than anybody else. Another journalist, James Luhulima, night editor of the vernacular *Kompas*, is also a veteran journalist. Luhilima has covered the ASEAN and East Asia regions for more than 20 years. His views and opinions are published in the editorials and opinion pages of *Kompas*.

Another media personality interviewed was Atmakusuma Astra, a member of the National Press Council of Indonesia and a Ramon Magsaysay

laureate. He viewed the broader East Asia community as the only way to counter the rise of regionalism elsewhere. He was quite positive that the East Asian Community would emerge following improved relations between China and Japan.

Comments and findings

Although the Indonesian government has been strongly supporting community building in East Asia since the early 1990's, the media community has failed to reflect on this issue. According to Endy Bayumi, most Indonesians were too occupied with their own domestic problems. When Former President Suharto was in power, most diplomatic initiatives including the desire to see East Asia become a powerful economic bloc, were seen as elitist schemes with no direct impact on the grassroots. Ideas such as these were also perceived as strategies to prolong Suharto's stay in power and the longevity of his government. However, following the people's power uprising in Indonesia in May 1998 and the subsequent process of democratization, the mindsets of the country's bureaucrats, members of academe, and the citizens themselves underwent extensive changes.

In the past ten years, Indonesia has been active in regional affairs, promoting regional integration and universal norms to the chagrin of other core ASEAN countries such as Singapore, Malaysia and Thailand. In the past, Indonesia was considered the slow boat of the ASEAN, as literally no programs or activities were approved without Indonesia's consent as Jakarta represented the lowest denominator inside ASEAN. That sort of stereotype thinking is no longer valid as Indonesia has a vision of the East Asian Community that could withstand the tide and impact of globalization, and help other poorer countries in the region cope with the same situation.

Soeastro was concerned that community building in East Asia would take a longer time to realize because of existing mutual suspicious. He believed that both Japan and China knew that their cooperation was imperative for the construction of the East Asia Community to materialize, but they had yet to get over their painful past. Of late, however, he saw the possibility of a rapprochement given the two countries' growing economic linkages, especially in terms of trade and direct investments. He believed that in the region, Japan would be the main driving force that would accelerate cooperation, particularly with regard to

investments and technological transfers. The newly established Economic Research Institute for ASEAN and East Asia (ERIA), he maintained, would serve as a think tank for the regional integration. The Fukuda government allocated a budget of U.S. $220 million to ensure that ERIA would be able to provide intellectual inputs to hasten the economic integration within ASEAN and its dialogue partners.

Wanandi echoed this sentiment but emphasized that the timeframe of community building in East Asia would depend very much on China's attitude, especially at this time because of the bigger influence it wielded in regional and global affairs. He believed that Indonesia, granted its experience with communist insurgency in the 1960's, has changed its attitude toward China and now views the world's most populous country more positively. Indonesia, in fact sees China as being economically dynamic. For Sukma, the EAC is important because it will engage China in a comprehensive manner. China's overall relations with the ASEAN, he pointed out, only started around 1995 after both sides exchanged strong diplomatic notes over the Mischief Reefs incidents. He praised China's learning curve, knowing fully well that in the absence of cordial relations between China and the ASEAN countries, China's foreign policy elsewhere would be undermined. ASEAN nations, given their geographical proximity to China, are a prerequisite for China's diplomacy to reach the rest of the world.

The most interesting finding among the Indonesian academics on this topic is that Indonesia wants to see a broader East Asian community that would encompass Australia, New Zealand and India. This idea is something new because in the past, Indonesia perceived these countries to be threats to its national security. The post-Cold War era coupled with Indonesia's democratization has indeed transformed the thinking of the elite in this country. They now think that as a democratic country, connecting to other democracies with the same economic openness and freedom of expression could only strengthen Indonesia and its integration with the ASEAN countries and the rest of the world.

Notwithstanding such succinct frameworks expressed by the Indonesian academia, the media still lack understanding of this dynamic. Bayumi, who has written on the integration of the ASEAN countries and East Asia, confessed during our interviews that his colleagues in media were very ignorant of the ongoing developments in East Asia. Although he reported and editorialized on Indonesian thinking and concerns over East Asian regionalism, he did not do it regularly. Articles and stories related to East Asia usually surfaced around the end of the year in response to the annual summit meeting between the leaders of the ASEAN nations and East Asia. These news reports would focus on what the leaders said and planned to do without any reflection of views from ordinary people which is the most pivotal part of any regional community building process. As such, the experience of community building in the region is completely different from the ongoing process in the European Union where media has always played an important role in bridging the gap among various groups and in promoting a sense of belonging to the broader community.

Luhulima, who has covered the ASEAN countries for two decades, painted a bleak picture because. According to him, because of the insecurities and divergences of ASEAN countries, they do not want other countries to dominate them Instead, they want to integrate the new members with the grouping before the group goes all out in forging a large community in East Asia. His strong argument was typical of most Indonesian media as a consequence of the long-standing animosity between China and Japan. He believed that without sustainable reconciliations' happening between the two Asian giants similar to what happened between France and Germany, the broader East Asian community would never become a reality. At the moment, the new ASEAN members are forming their own caucus and maintain very strong views and positions within the ASEAN. The draft of the ASEAN charter and the terms of reference of the ASEAN's Human Rights Body are cases in point. The caucus has been able to shape and resist any more open and liberal proposals from core ASEAN members. This situation, he said, would further hamper the ASEAN's progress toward East Asian community-building.

Malaysia

Introduction

Malaysian academia and media have strongly claimed ownership of the EAC idea. But obviously, it was linked to former Prime Minister Mahathir Mohammad and his plan in 1991. Backed by a

powerful think tank, the Institute of Strategic and Security Studies (ISIS), the EAC concept was discussed and reformulated several times due to the nature of political debates within the region and abroad at that time. Within the country, however, Mahathir's concept was well received and analyzed by the ISIS in-house experts in the past decade. Surprisingly, the government-controlled media have not shown the same kind of enthusiasm and understanding of the EAC as wished for by the academia.

During my short stay I managed to interview and discuss the issue with ISIS scholars such as Dato Seri Mohamed Jawhar Hassan and Prof. Steven Leong. The two scholars have been writing on the EAC for a decade. The ISIS library has an archive of all documents on the evolution of the EAC. Hassan's precedessor, Dato Noordin Sophiee, the founder of ISIS, was the key person who conceived and promoted the EAC concept for Mahathir. It fit the latter's vision of Asia and how the Asian countries should cooperate in the future.

There are but a few Malaysian journalists who understand the topic. Negara Bun, a columnist of *Star* and a former academic, is the most knowledgeable Malaysian journalist commentator on regional and international affairs. He has written extensively on Malaysia's foreign policy as well as on the ASEAN countries and East Asia. Sometimes, he also writes on the future of the EAC.

The editor-in-chief of *Star*, Wong Chun Wai, is another journalist who understands the deep meaning of the EAS due to his long association and reporting with the ruling party, the United Malays Nationals Organization. UMNO also wants to promote the EAC as part of the overall regional architecture.

Contents and findings

Prof Jawhar Hassan is the most influential thinker in Malaysia when it comes to the promotion and dissemination of EAC-related views. Sometimes, his views are not shared by other academics, however. Still, the long-standing respect for him in Malaysia and the academic community in the ASEAN, has given him the credibility to speak and push for the realization of the EAC through out the 1990's.

In a way, ISIS has been the region's only think tank

that has been pushing for the realization of the EAC. Since 2003, it has been organizing the yearly conference called the East Asian Congress, which focuses on the future of the EAC. Other scholars in junior positions are less optimistic about the concept, knowing fully well that for this scheme to be materialized, all countries in East Asia must be on board. Although these countries' views are quite similar insofar as the importance of the EAC on economic development are concerned, some differences have surfaced on aspects related to the nature of the involvement of countries from outside the immediate East Asian region. ISIS scholars have stronger views on the exclusiveness of the so-called East Asian countries than Indonesia and Japan, while the media is quite resilient when discussing similar aspects of the EAC.

Jawhar Hassan thinks that the EAC should be exclusive to East Asian countries because the group's strength would then come from the members' having the same mentality, cultural norms, and broader, emerging Asian regionalism. Of course, this aspect is sensitive and has not been discussed at length. It is exactly what Mahathir had in mind. The former prime minister viewed the rise of the US and other Western economic blocs as a bulwark against Asian economic cooperation and integration.

Secondly, Jawhar Hassan also strongly endorses the ASEAN's role in leading the establishment of the EAC and views the ASEAN Plus Three process as setting the foundation for the EAC in the future. This is a distinctive process because other formats such as the East Asian Summit (ASEAN Plus Six), the ASEAN Regional Forum, and the Asia Pacific Economic Cooperation play complementary roles to the EAC. From the discussion, this point appeared not to be well understood by other ASEAN countries. It is interesting that Hassan also subscribed to the position that the EAC will be a long process because of the region's stage of development and diversity. A more imperative need is to forge a sense of common identity, shared values and aspirations.

Finally, Malaysian academia believes that the EAC is destined to move towards the security realm. "It must be managed with great responsibility and care when it comes to security matters," Jawhar said.

Steven Leong thinks a bit differently: he prefers to have more countries engaged in the cooperative schemes within the region. Also, "The more, the

merrier" kind of attitude has become a topic of daily discussions within the ISIS think tank.

But somehow, the idea of "inclusion" remains elusive. Malaysia continues to believe that there should be a unique forum exclusively for East Asian countries, as determined by geographical location. According to this interpretation, the US would not be eligible to join the EAS.

But there are some ASEAN countries which do not share this view as they prefer EAS to be an inclusive forum. For instance, the late Dato Nordin Sopiee, former director of ISIS who was more open-minded, said that for the EAC to progress and prosper, it must not be hostile to the US, which is the world's most powerful country.

As mentioned earlier, even though the ISIS scholars have been quite enthusiastic about the EAC, the Malaysian media have failed to reflect and report on the discourse on the EAC. *News Strait Times* journalist, Hardiv Kuar, has written about East Asia within the context of the ASEAN Plus Three Summit, held in Kuala Lumpur in 1997. She appreciates the importance of East Asia and how it fits into the broader picture of Malaysia's overall economic development and progress. Earlier, she also wrote about the Look East policy, which was the precursor of the East Asian Community as we know it today. During the 1980's, Malaysia was very assertive in pursuing the economic development model of Japan.

Appendix: *The Nation Article*

Time to realize the dream of an East Asian community

By Kavi Chongkittavorn, *The Nation*

Published on November 10, 2008

THE GLOBAL financial tsunami is a blessing in disguise for East Asia. It helps to highlight the changes and dynamism taking place after the wake-up call of the 1997 financial turmoil. The same sense of urgency has already gripped its leaders again and set off "herd instincts" that intensified solidarity and cooperation. With the region at the center stage, the call for speedier realization of an East Asia Community (EAC) is more urgent.

Mammoth economic crises do serve as a glue bonding major East Asian countries together. For instance, the uncertainties surrounding China-Japan relations have quickly diminished, which for the past several decades used to be the main stumbling block for community building in East Asia. During 2003-2005, squabbling between China, Japan and Korea over their past did the most to dampen the prospects to realize what ASEAN secretary-general Dr. Surin Pitsuwan described as the "Big C", referring to the EAC.

Early this month, Japan's Air Force chief of staff General Toshio Tamogami was immediately dismissed over his controversial essay denying Japan's aggression against other Asian countries such as China and Korea before and during World War II. Surprisingly, this time around, both China and South Korea, major driving forces of EAC, reacted and responded with maturity and restraint over the incident—ensuring there was no residue of ill feelings.

In almost six decades, China and Japan have to a certain extent come to terms with their past enmities. At the very least, their past wartime experiences and memories would not serve as justification for stalling cooperation at bilateral and regional levels. Both countries have much to gain from predictable relations with additional strategic values. Their cooperation provides an anchor for the community-building process in East Asia to grow. The EAC is now within reach.

The credit crunch in the West has miraculously led to closer relations in East Asia. A decade ago, the herd instinct drove each country for cover, searching its own solution. They were all down together. Now, there is a sense of regional confidence with positive and constructive herd instincts among the East Asian (ASEAN plus three) leaders. Recently, they met informally on the sidelines of the Asia-Europe Meeting in Beijing and immediately agreed on measures to promote the region's financial resilience by enlarging the pooling of funds and a more efficient surveillance regime. At the ASEAN Plus Three Summit in Chiang Mai on December 16, the plan to expedite and expand the size of the Chiang Mai Initiative including the effort to multilateralize it would be decided. The East Asian leaders would also mull over the possibility of deepening and widening the Asian Bon Market to mobilize Asian savings to augment investment in the region.

Dr. Surin told reporters over the weekend in Bangkok that the world's leading economists including Nobel Laureate, Prof. Robert Mundell of Columbia University, have said that the time is ripe for the possibility of establishing the Asian Monetary Fund.

As part of the overall improvement in China-Japan relations, they have recently begun a series of meetings to exchange views on regional development and cooperation plans in developing countries. For instance, they have already discussed each country's approaches and policies towards Africa.

Japan has been one of the major aid donors in the past two decades for African economic development. China has recently emerged as a major investor and a donor country there since 2000. But Japan and China have never coordinated or mapped out common economic and development strategies. If this confidence-building measure works, it could lead to additional discussions on their relations with ASEAN and the Great Mekong Subregion (GMS). In the near future, such dialogue could transform their development aid policies—changing relations with the region as a whole from competition to cooperation.

As China-Japan ties grow deeper, their development policies towards ASEAN and the GMS could work in tandem instead of undermining each other. A new form of Japan-ASEAN aid consortium is possible. In their own separate ways, China and Japan are constructing a new paradigm for their future relationships with Southeast Asia.

Previous patterns of fierce competition between China and Japan for ASEAN's closer attention and cooperation are disappearing. ASEAN knows full well the tactics of using the Chinese card to obtain concessions and favors from Japan or vice versa as in the past is no longer useful. It was former Japanese Prime Minister Yasuo Fukuda who effectively terminated this tendency when he made improving Japan-China relations his top priority, which has led to the current level of comfort and sustainability.

Stable Japan-China relations would have a far-reaching impact on the EAC. If necessary, ASEAN has to redefine the ASEAN Plus Three process as the only forum for community building in East Asia. Meanwhile, ASEAN needs to reconcile with the growing dynamic of the East Asian Summit (EAS), which includes Australia, New Zealand and India. The three-year-old forum has already agreed on key measures on climate change, energy and food securities. Recently, advisers on Asian affairs of the Obama-Biden team have already expressed the US interest in joining the EAS.

More than the ASEAN leaders would like to admit, ASEAN does not have the much-needed intellectual capacity or organizational capability to lead all regional architects, even though the grouping remains its centrality. In the future, when ASEAN is more confident, with the gap between old and new members narrower, other non-ASEAN EAC or EAS members would be able to play bigger roles. And that is the way it should be—the sooner the better.

Investing in Workers' Skill Development: Cross-Country Analysis, Experiences, and Policy Implications

Joel Hernandez

Introduction

East Asian economies shared common experiences as they embark on the path towards industrialization. Many of them (e.g. Malaysia, the Philippines, Thailand, Singapore) supported import-substituting industries in the 1950s and 1960s by imposing prohibitive tariffs and import quotas and foreign exchange controls. Realizing that economic growth remained anemic and surplus labor persisted, they started to encourage multinational companies (MNCs) in the 1970s to invest and locate their labor-intensive manufacturing processes in industrial zones (e.g. free trade zones, export processing zones, special economic zones, industrial estates). These MNCs were provided with income tax incentives, import duty exemptions on raw materials and capital equipment, minimum financial regulations, and good infrastructure. Major MNCs engaged in the electronics industry[1] such as Intel, Hewlett-Packard, Texas Instruments, Hitachi, Toshiba, and Motorola were the earliest that set up assembly and testing plants in these industrial zones, eventually making the region their export manufacturing hub. From then on, East Asia never looked back. The region's electronics industry grew by leaps and bounds[2] and now accounts for a significant share of individual economies' output, investment, employment, and export. Competitive domestic electronic enterprises have flourished alongside MNCs and have even expanded overseas. The electronic industry also supported the growth of allied industries such as plastic molding, metal stamping, and plating.

East Asia economies faced common challenges from the 1990s to the present with the integration of major economies (e.g. China, India, Eastern Europe) to world trade. These economies, much like East Asia in the 1970s, have surplus labor and offer low wages[3] and generous fiscal and non-fiscal incentives to entice MNCs to set up their factories. The challenge now for many East Asian economies (e.g. Malaysia, the Philippines, Thailand) is how to move up into higher value-added activities where raw wages become inconsequential. For the electronics industry, moving up the value chain means moving away from high volume manufacturing and moving to custom manufacturing, research and development (R&D), marketing, and business development (Somchit).

Moving up to higher value-added activities requires capital (physical and human capital) investment and increasing labor productivity. Relatively high-wage economies can sustainably compete with low-wage economies not by suppressing wages or encouraging domestic currency depreciation but by producing higher value-added product per worker. Japan, South Korea, Chinese Taipei, and Singapore have all shown the lead on how to create a vibrant and dynamic electronics industry.

Investment in human capital is a multi-faceted issue. It requires looking at the educational system (e.g. primary to tertiary education, technical vocational education and training (TVET) and making it responsive to market and industry needs. It means examining the role of firms and industry in provision and financing workers' training as well as appraising the role of labor organizations (e.g. labor unions) in skill upgrading. It means reviewing existing labor laws and business environments that hamper industry growth, investment, and Human Resource Development (HRD). It also means assessing current government policies (e.g. tax incentives, subsidies) in selected sectors (Small and Medium-sized Enterprises (SMEs) and R&D) and industries (e.g. electronics and other high-technology industries).

This paper looks at the training provision and training financing for workers' skills retraining and upgrading in selected East Asian economies. It compares and contrasts the different HRD models and attempts to distill the lessons that can be learned in designing effective policies. This paper also reviews the policies promoting the development of SMEs and supporting their linkages with MNCs and domestic large enterprises (LEs). SMEs, which account for 99 percent of all firms in each individual economy, face challenges in several fronts that can impede their HRD.

Training Provision

In Japan, most workers (46 percent) rely on their company for training, followed distantly by external education and training service (ETS) providers (31 percent) and equipment manufacturers (15 percent) (Imano et al 2006). This is all the more true for non-regular employees (77 percent) who rely more on in-house training than regular employees (67 percent) (JILPT 2007)[4]. The Japanese ETS can be classified into six: private firms, public interest corporations, employers' associations, vocational training corporations, vocational schools, and universities[5]. In terms of market share (revenue per type of ETS provider), private firms account for 54 percent, followed by public corporations (16 percent) and universities (14 percent). There is market segmentation among the different ETS providers. Private firms and employers' associations target managers and clerical workers. Public interest corporations and vocational training corporations both concentrate on technical skills and research with the latter focusing more on training for acquiring qualifications. Vocational schools focus on training on the use of equipment and for acquiring qualifications while universities are into training related to hobbies and culture (Imano et al 2005a). Vocational schools and vocational training corporations offer long-term courses (101-151 hours) with the former in the high-price range while the latter in the mid-price range[6]. Private firms and public interest corporations provide medium-term courses (32-55 hours) with the former in the high-price range while the latter in the mid-price range. Employers' associations and universities provide short-term courses (13-20 hours) in the low-price range[7] (Imano et al 2005b).

Malaysia has a mix of public, semi-public, and private technical vocational education and training (TVET) providers. The different TVET public institutions are scattered under different ministries. The Ministry of Human Resources supervises 14 industrial training institutes, 4 advanced technology centers, the Center for Instructors and Advanced Skills Training (CIAST), and the Japan-Malaysia Technical Institute (JMTI). The Ministry of Higher Education is in charge of 21 polytechnics and 37 community colleges while the Ministry of Education runs 90 technical schools. The Ministry of Youth and Sports supervises 7 youth skills training centers while *Majlis Amanah Rakyat (MARA)* is in charged of 12 skills training institutes. MARA, which is under the Ministry of

Entrepreneur and Cooperative Development also coordinates the operation of three Government-to-Government Training Institutes: German-Malaysian Institute, British Malaysian Institute, and Malaysian France Institute (MIDA 2008). These public TVET providers are more involved in training incoming workforce. Except for skills training institutes and CIAST, industries do not rely on them to train the current workforce. Industries rely on in-house training and ETS providers. These ETS include private institutes, skills development centers, advanced skills training institutes, and equipment suppliers (Tan and Gill 2000).

At present, there are 968 training centers offering 5,903 programs accredited by the Department of Skills Development. Six out of 10 of these centers are private institutions (bin Yaacob 2008). There are two training institutions that stand out in providing training for the current workforce in the electronics and supporting industries: Penang Skills Development Centre (PSDC) and Dream Catcher Consulting Sdn Bhd.

Penang Skills Development Centre (PSDC)

The Penang Skills Development Centre (PSDC) is the leading training center for technicians and operators employed in electronic firms. It is located in Bayan Lepas, Penang where free trade zones and industrial estates are clustered. The PSDC was established as a non-profit organization in 1989 through the joint effort of major MNCs such as Motorola, Intel, and Hewlett-Packard and the State Government of Penang through its investment promotion agency, Penang Development Corporation (PDC). The creation of PSDC had the backing of the 28 other MNCs operating in Penang and they, too, served as its founder members (PSDC).

At present, the PSDC has more than 140 members classified into three: founder members, full members, and ordinary members. All members can help PSDC identify their firm-specific training needs with the end goal of transforming these needs into concrete programs. They also enjoy course fees discounted as high as 30%. Founder and full members can be elected to PSDC's governing body, the Management Council. One-time membership fee for full members is set at RM20,000 (US$6,125). Membership fees for ordinary members range from RM5,000 (US$1,531) to RM15,000 (US$4,593) depending on employment size (PSDC).

The Management Council is composed of 22 members: 11 elected members, 7 ex-officio members, and 4 office members. The elected members of the Council are mostly MNC chief executive officers. The office members are also elected and serve key functions (e.g. Chairman, Vice Chairman). The ex-officio members come from federal and state government ministries and agencies as well as from the academe. The ex-officio members include the Small and Medium Industries Development Corporation (SMIDEC), Malaysia's coordinating agency for SMEs and Universiti Sains Malaysia (USM), a premier state university. The Management Council meets every quarter. Day-to-day operations are left to a Chief Executive Officer (CEO)(PSDC).

From a few technical courses in 1989, PSDC now offers 38 different technical courses in electrical and electronics, automation technology, and quality/productivity[8]. It also provides short-term courses on information technology, applied engineering, design and development, and business management. The PSDC also offers customized programs related to semiconductor manufacturing as well as SME training and business coaching programs. It has expanded its program to include three certificate (e.g. basic and advanced machining) and five diploma (e.g. engineering-related and information technology) courses. Students in machining courses have on-the-job training in PSDC member firms and are guaranteed of employment after graduation. Students in diploma courses can seamlessly pursue higher studies with 17 foreign- and locally-affiliated universities. The PSDC serves as a campus for two affiliated universities offering bachelor, masteral, and doctorate degrees. It has also served as training institution partner for SMIDEC-funded programs like the Global Supplier Program (GSP) as well as government programs for school leavers and fresh graduates (PSDC).

The PSDC caters largely (80 percent) to the current workforce through its training programs and the remaining 20 percent to incoming workforce through its certificate and diploma courses. It offers cost-effective programs to its member clients by leveraging on its core competency (training provision) and availability of resources (e.g. programs, laboratory equipment, trainers) The PSDC offers standardized programs with consultation from the industry through formal (training needs analysis, surveys) and informal (conversation with CEOs) channels. It releases its annual training program schedule at the start of the year based on these consultations. The course instructors come from both industry and the academe and are compensated based on the market rate. The course fees are designed on a cost plus basis, sustaining PSDC operations. All standardized programs are eligible for refund from the Human Resource Development Fund (HRDF) (PSDC).

Several factors contributed to the success and sustainability of PSDC. Foremost was the critical mass of electronics firms located in the four free trade zones and four industrial estates around Bayan Lepas and Seberang Perai. There are more than 700 factories in Penang with a combined workforce of over 150,000 (PSDC). Moreover, Penang continued to attract fresh foreign capital and remains a favorite investment destination. The concentration of factories in the areas creates economies of scale in training provision, translating to reasonable course fees. The PSDC even leveraged the concentration of factories to negotiate with machinery and equipment vendors to lend their latest products for training in exchange for showcasing their products in PSDC premises (Gopalan). This was particularly critical during the initial years of PSDC when a sustainable training financial scheme was still not yet available and up-to-date facilities were deemed crucial in offering relevant training programs.

Another crucial factor was the active and sustained commitment of MNCs in PSDC[9]. The MNC CEOs sitting in the Management Council rarely missed their quarterly meetings. They, together with other member companies, shared their training needs analysis and participate in surveys which PSDC uses in program offering and course design. The PSDC served as a platform for MNCs to update the government, academe, and training providers of the current industry situation as well as present and future skill needs. The PSDC could then regularly update its training programs and identify its future thrust and direction (Somchit). It also served as a forum for MNCs to bring their concerns to the government regarding their operations. The PDC, for instance, which sat in the Council, was a reliable partner of MNCs in bringing their concerns to the federal and state government, ranging from road construction to fiscal incentive issues (Gopalan).

The role of government and foreign development assistance also could not be discounted. The state government donated land and buildings, while the federal government provided most of the current laboratory equipment and facilities. The German

government, through GTZ, provided a grant to subsidize the machining courses for five years in the early years of PSDC (Somchit).

Dream Catcher Consulting Sdn Bhd

Dream Catcher Consulting Sdn Bhd is a private technical training institution offering training programs for electronic and electrical engineers, particularly those involved in product design and development. It has offices in Penang and Kulim Hi-tech Park where many electronics firms are clustered. Dream Catcher was established in 2002 but became fully operational only in 2004 (Hor).

Dream Catcher offered standard courses in at least 11 areas: analog circuit, tests and measurement, component and system packaging, digital and signal integrity, information and communication technologies, photonic, radio frequency (RF) microwave, regulatory and quality, semiconductor, technology management, and technologies made simple. From 2005 to 2007, it offered a total of 306 courses and trained 4,849 engineers. Six out of ten of these courses were conducted in-house with courses on RF microwave, digital system, and technology management being most in demand. Customized programs account for a tenth of its courses. It has recently introduced RF Circuit Design courseware, targeting undergraduate and postgraduate engineering students (Hor).

Like PSDC, Dream Catcher took advantage of the critical mass of electronic firms located in Penang. It also provided demand-driven, cost-effective training programs funded by HRDF. It tapped both the industry and the academe for its trainers and training facilities[10]. Agilent Technologies provides RF test equipment to Dream Catcher on a consignment basis. Other firms (e.g. Altera, Mini-Circuits, Texas Instruments, CST) provided the rest of the RM32-million (US$9.8 million) technical training lab. Dream Catcher from time to time rents the laboratory facilities of nearby universities (Hor). Unlike PSDC, it did not get financial support from the federal and state government. Dream Catcher is not yet providing certificate and diploma courses, as recognition and endorsement of its courses come from the industry.

Advanced Research and Competency Development Institute (ARDCI)

The success of PSDC as an industry-led technical training institution made it a model for others, such as the Philippines' Advanced Research and Competency Development Institute (ARDCI)[11]. The ARCDI was established as a non-profit technical training institution in 2004 to create a pool of skilled engineers for the country's electronics industry. It is located in southern Metro Manila, a few hours away from where the industrial estates are clustered (ARCDI).

The ARCDI's governing body is the 11-member Board of Trustees with representatives from MNCs, industry associations, government, and the academe. An Executive Director manages its daily operations (ARCDI).

At present, ARCDI has 13 members. These are classified into three: founding members A, founding members B, and regular members. Members enjoy 10% discount on course fees. One-time membership fees for founding members A and founding members B are set at US$10,000 and US$5,000, respectively. Membership fees for regular members range from US$500 to US$3,000 based on employment size (ARCDI).

The ARCDI offered training programs in at least five areas: computer software, manufacturing productivity, product quality and reliability, metrology, and test fundamentals. In 2006, ARCDI offered a total of 66 courses with 1,035 participants from 82 firms. These numbers were significantly higher compared to 2004 where it registered 14 courses with 659 participants from 52 companies (Quiason).

Although ARCDI was patterned after PSDC, local conditions were different. First, the Philippines did not have a training levy scheme like Malaysia's HRDF which provides stable training financing. Second, unlike Penang, industrial estates clustering near ARCDI were under different political jurisdictions. There was no PDC-like local government entity that facilitated the setting-up of MNC operations and coordinated development across neighboring industrial estates. The nearest government agency akin to PDC was the Philippine Economic Zone Authority (PEZA) which managed and operated *all* government-owned industrial estates in the country and administered incentives to firms located in these estates[12].

Training Financing

Singapore and Malaysia introduced payroll levies to encourage employers to retrain and upgrade the skills of their employees.

Singapore's Skills Development Fund (SDF)

The Skills Development Fund (SDF) was created in 1979. Employers, regardless of firm size, are required to pay a levy for every employee whose monthly gross remuneration is less than or equal to the SDF ceiling. The current salary ceiling is set at S$2,000 (US$1,469) with levy rate of one percent. In October 2008, employers were required to pay the levy for all their employees but the levy rate was to go down to 0.25 percent. Under the scheme, the cost of training is shared between the employer and SDF with funding from SDF not limited to the total employer's contribution. The SDF is managed by the Singapore Workforce Development Agency (SDF EasyNet).

The WDA set strict criteria on what training programs are eligible for SDF. The training program should have the following components: specific performance objectives, schedule and duration of training activities, qualified instructors, and a method of evaluation. The WDA also identified which training programs are *not* eligible for funding: professional training (e.g. upgrading of doctors, lawyers, architects), postgraduate training (advanced diploma, graduate diploma, degree or post-degree qualification), and industrial attachment of engineers and senior managers. It created an internet portal, SDF EasyNet <www.sdf.gov.sg>, which links employers and training providers and allows employers to pay only the net course fees for pre-approved training courses (SDF EasyNet).

Malaysia's Human Resource Development Fund (HRDF)

The Human Resource Development Fund was established in 1992. It was a training levy scheme where employers with at least 50 employees are required to contribute an equivalent of one percent of their employees' wages to the fund. The coverage was expanded to include firms with 10 to 49 employees with a paid-up capital of at least RM2.5 million (US$765,580). Under the scheme, employers could claim up to their total levy amount for a given year for allowable training expenditures. The HRDF was managed by a 16-member Board of Directors of *Pembangunan Sumber Manusia Berhad (PSMB)*. As of April 2008, there were 6,343 employers registered with PSMB covering 1.09 million workers in the manufacturing sector (bin Hassan).

The PSMB set fairly lenient guidelines on what training programs are eligible for refund. Training programs need not have a method of evaluation but must be structured and taught by qualified trainers. The acquisition of technical as well as soft skills (e.g. language, grooming and etiquette, teambuilding) can be funded including computer-aided training. The PSMB created an internet portal, HRD Portal <www.hrdportal.com.my>, which links employers and training providers. The PSMB accredited at least 50 training providers in which employers can send their employees paying no upfront fees and/or require no prior approval from PSMB. Aside from financing course fees, the HRDF could also be used to purchase training equipment and to subsidize training costs such as trainees' allowances for food, accommodation, and transportation. It could also be used to finance employees pursuing masteral and doctorate programs (PSMB).

Contextualizing the Human Resource Development (HRD) Agenda

Standard economic theory points out that the demand for skilled workers is a derived demand and ultimately depends on the product market. Thus, it is necessary to frame the HRD agenda on firms' strategies to move towards higher value-added activities and to improve their labor productivity. It is also imperative to define the role of the government as regards to the appropriate intervention to help these firms.

SMEs[13] are considered the backbone of East Asian economies. In Japan, SMEs account for 99.7% of all enterprises and employ 70.2% of the total workforce (SMEA). In Singapore, they account for 99% of all enterprises, contribute 42% to the economy, and employ 56% of the total workforce (Lee). In comparison, Malaysian SMEs account for 99.2% of all enterprises, contribute 32% to the economy and 19% to total exports, and employ 57% of total workforce (SMIDEC) while in the Philippines, they account for 99.6% of all enterprises, contribute 32% to the economy, and employ 70% of the workforce (DTI).

East Asian economies from developed economies (Japan, South Korea, Chinese Taipei) to developing economies (Malaysia, Singapore, Thailand, the Philippines) provide a comprehensive package to help SMEs. The rationale here is that SMEs, compared to large enterprises (LEs), face challenges in terms of access to finance, technology, and market. It is also believed that for some SMEs, entrepreneurial and management skills leave much to be desired (ASEAN).

Japan has a long history of supporting SMEs with the creation of Small and Medium Enterprise Agency (SMEA) in 1948, Japan Finance Corporation for Small and Medium Enterprise (JASME) in 1953 and legislating the Small and Medium Enterprise Basic Law in 1963. The Basic Law was amended in 1999 reflecting the new policy thrust: from reducing the productivity gap between LEs and SMEs and facilitating fund lending to supporting business innovation and facilitating fund supply including direct financing (SMEA). The Japanese government offers a comprehensive package for SMEs: "software" support (expert deployment program, business matching and creating links between businesses and academe), "hardware" support (facilities development, land development), and "capital" support (low interest loans, credit guarantees, subsidies). It also established an SME Development Fund Program for new start-ups and SME Venture Fund Program for businesses producing new products (SMRJ). In terms of financing, SMEs source 90% of their loans from private financial institutions (city banks, regional banks, shinkin banks)[14]. The rest are from government financial institutions such as JASME, National Life Finance Corporation and Shoko Chukin Bank (SMEA).

Many East Asian economies such as Singapore, Malaysia Thailand, and the Philippines serve as manufacturing platforms for many MNCs particularly in the electronics industry. However, the linkage between MNCs (and domestic LEs) and SMEs remains to be weak. In Singapore, the government, through the Economic Development Board (EDB) intervened with the establishment of the Local Industries Upgrading Program (LIUP) in 1986. The LIUP, focused initially on the manufacturing industry, encourages MNCs to adapt SME subcontractors and suppliers and to help them raise their technological capabilities.

Under the scheme, an LIUP manager who is an experienced engineer from an MNC is dispatched to an SME to identify its operational problems and management weakness. He/She then recommends solutions to the SME including sending its workers to MNC for training. He/She also provides information on the available financial assistance from the government. The different LIUP managers regularly meet with EDB officials to share their experiences and help the government modify and refine its SME programs (Wong 1999). The LIUP was eventually expanded to include non-manufacturing industries (e.g. information technology, shipbuilding). A total of 124 partners and 1,080 local enterprises benefited from the program (EDB). In terms of financing, the Singaporean government provides equity financing and loans to SMEs. The Local Enterprise Finance Scheme (LEFL), for instance, provides fixed interest rate loans that can be used to upgrade factory and equipment and to finance daily operations (SME Toolkit).

In Malaysia, the government introduced two complementary programs, the Industrial Linkage Program (ILP) and Global Supplier Program (GSP). The ILP, launched in 1997, supports SMEs to become competitive suppliers of parts and components for MNCs and LEs. Participating SMEs enjoy income tax exemption for five years and investment tax allowances. MNCs and LEs, on the other hand, enjoy income tax deduction for ILP-related expenses such as factory auditing, training, and other technical assistance to SMEs. The GSP, introduced in 1999, complements ILP by providing financing for training in critical skills. The GSP is implemented together with 42 skills development centers (e.g. PSDC). Participating SMEs enjoy subsidies from SMIDEC up to 80% of training costs while the remaining costs may be charged to the HRDF (SMIDEC). There are at least 1,088 SMEs registered with ILP, 429 of which were successfully linked to MNCs and LEs. At least 1,518 employees from 385 SMEs benefited from GSP (TIPA 2006).

Under the GSP, technical personnel from MNCs with long time hands-on experience serve as trainers. The training modules come from MNCs and include actual case studies and examples. There are three training levels spanning more than eight months with the end goal of improving quality and increasing productivity through adoption and use of new technologies. The Core Competencies (CoreCom1) serves as the entry standards for SMEs with courses like quality systems review, statistical process control, calibration, and project management. The second level, Intermediate

Systems (IS2), includes courses on failure modes and effects analysis (FMEA), design of experiments, and appreciation of quality systems requirements. The Advanced Systems (AS3) is intended to focus more on design, simulation, analysis and engineering. There are at least 9 SMEs who completed the three training levels with another 117 SMEs reaching AS3 (ILO). In terms of financing, the Malaysian government provides grants, loans, and credit guarantees to assist SMEs. The financing schemes are being managed by different government ministries agencies with different mandates and target clienteles (SMIDEC). One of these government-lending agencies is the SME Bank which was created in 2005.

Other East Asian economies have introduced similar schemes to promote linkages between MNCs (and LEs) and SMEs, some of which date back earlier than Singapore's LIUP: Chinese Taipei's Center-Satellite Factory System, the Philippines' Small Brother, Big Brother, Thailand's Board of Investment Unit for Industrial Linkage Development (BUILD), and Indonesia's Foster Father-Business Partner. However, at best, these programs have limited success because they require long-term commitment from MNCs and SMEs. These subcontracting linkages cannot be forced and both parties should see long-term benefits from them (Hayashi 2003). These programs need to be reviewed over time to adapt and evolve based on changes in the industry[15].

Needless to say, these kind of programs cannot be imported from other economies wholesale without considering local conditions and peculiarities. Important considerations include the current state of interaction between MNCs and SMEs, available financing for SMEs, and the level of financial commitment from the government. The Singaporean and Malaysian experiences show that the government should be ready to shoulder substantial costs of these programs (e.g. subsidies on training costs, salaries of technical personnel sent to SMEs) and not only rely on income tax exemption and investment allowances. This has become more challenging in the current environment as many East Asian governments are in budget deficit,[16] all the more compounded by increasing food and energy subsidies to mitigate the impact of rising commodity prices. The global financial crisis also limits the assistance individual government can provide to SMEs.

Training Biases and Policy Design

There are many issues that policymakers need to consider in designing HRD policies particularly in policy targeting and training financing. Several of these issues are considered in this section.

Training is related to firm size[17]: Malaysian small, medium, and large firms are 14%, 35%, and 53%, respectively, more likely than microenterprises to provide formal training[18]. Moreover, training is linked to technology: firms that provide no training use simple technologies while firms that spend heavily on R&D provide more training. Firms that provide training are 32% more productive than firms that do not provide training. Part of this productivity gains benefits workers through higher wages. Foreign-owned firms are also more likely to train their workers compared to local firms (Tan and Gill 2000).

Another study points out that firms with substantial foreign equity are more productive than domestic-owned firms.[19] Firms that started as exporters have higher productivity than domestic-oriented firms and the former differ than the latter in terms of workers' training and acquisition of newer capital stock. Export-oriented domestic-owned firms act like foreign-owned firms in aspects such as capital intensity and having more formal training programs (Hallward-Dreimeier et al 2002).

An analysis of Malaysia's HRDF shows that firms registered with the scheme increased their workers' skill retraining compared to those who did not register. However, the impact has been uneven across firm size and across industries. The HRDF has been effective in increasing training for medium and large firms with foreign ownership but failed to make a dent in small firms. The utilization of HRDF is higher for export-oriented high-technology industries (e.g. electronics) and lower for low-technology industries (e.g. textiles and apparel, wood products, and furniture). The scheme has also increased training among large domestic-oriented firms (Tan and Gill, 2000). There are several reasons for these results. First, the HRDF coverage was initially targeted for firms with 50 or more employees. Though the coverage has been expanded to include firms with a minimum of 10 employees, the criterion of a paid-up capital of at least RM2.5 million (US$765,580) makes a significant number of firms still outside HRDF coverage. This is in contrast with Singapore's SDF scheme where all

firms are required to pay the levy for their employees whose remunerations are below a certain ceiling. Second, training cost for some industries (e.g. textile and garments, furniture) are significantly lower compared to industry average even in countries without training levy like the Philippines. Moreover, these industries are characterized by a large number of micro and small enterprises, minimal R&D, high degree of labor subcontracting, and a low proportion of skilled labor (Hernandez et al 2006).

Across different workers, training varies. In Japan, regular workers have more time and financial resources for training and self-development compared to non-regular workers the and self-employed. In proportion to their income, non-regular workers spend more for their ability development than regular workers (Imano, 2006). This is all the more a concern since (1) non-regular workers have increased from 10 percent of total employees in 1980 to 22.5 percent in 2006 (JILPT 2007), (2) the hiring of part-time workers are more prevalent in SMEs which are less likely to provide training compared to LEs and MNCs (JILPT 2006), and (3) the wage gap between the regular workers and non-regular workers is widening (JSBRI 2007).

Conclusion

East Asian economies have been learning from each other in the area of human resource development (HRD). The different models of training provision (e.g. Malaysia's Penang Skills Development Centre and Dream Catcher Consulting Sdn Bhd, the Philippines' Advanced Research and Competency Development Institute) and training financing (Singapore's Skills Development Fund, Malaysia's Human Resource Development Fund) serve as examples for other economies to address the shortage on skilled manpower particularly in high technology industries. An important way to promote skills retraining and upgrading is to encourage the development of small and medium enterprises (SMEs). SMEs, considered as the backbone of East Asian economies, face challenges in terms of access to finance, market, and technology which have implications on technology acquisition and HRD. Japan, Singapore, and Malaysia provide examples on how to promote linkage between SMEs and large enterprises as well as address issues on financing.

NOTES

[1] The electronics industry includes electronic data processing (e.g. computers, monitors, keyboards, disk drives, software development), telecommunications and radars (e.g. cellphones, telephones, radios, satellite receivers), consumer electronics (e.g. TV, DVD player, video cameras, electronic games), office equipment (e.g. photocopy machines), automotive electronics (e.g. anti-skid brake systems, wiring harness), and components and devices (e.g. semiconductor, transistors, diodes, resistors, capacitors) (Quiason; MIDA 2007).

[2] The Asia-Pacific region (including Japan) has a 52% share of the US$1.338 trillion global electronics market in 2005 (Santiago).

[3] Annual labor cost per manufacturing worker in China and Vietnam is pegged at US$729 and US$711, respectively. These figures are much lower compared to the Philippines (US$2,450), Indonesia (US$3,054), Malaysia (US$3,429), Thailand (US$3,868), and Singapore (US$21,317) (Ishido 2003).

[4] Non-regular workers include part-time workers, temporary workers (*arbeit*), dispatched workers, and fixed-term contract workers/entrusted employees (*shokutaku*). Part-time workers are those who have fewer than 35 actual working hours per week (JILPT 2006; JILPT 2007).

[5] Private firms refer to joint-stock corporations, limited liability companies, and partnerships, while public corporations are incorporated foundations and associations. Employers' associations are composed of chambers of commerce and industry, commerce associations, cooperatives, and commercial and industrial associations. Vocational training corporations include the Japan Vocational Ability Development Association, prefectural vocational ability development associations, and private organizations neither controlled nor protected by the law. Vocational schools refer to special vocational schools (*senshu gakko*) and other vocational schools (*kakusho gakko*) while universities include universities and junior and technical colleges (Imano et al 2005b).

[6] The high-price range is between Y129,000 and Y195,000 (US$1,212-1,833) per course; the mid-price range, Y35,000-57,000 (US$329-536); and the low-price range Y14,000-27,000 (US$132-254) (Imano et al 2005b).

[7] The exchange rate quoted throughout this paper was the spot exchange rate in 30 June 2008: US$1=Y106.40; US$1=S$1.3616; US$1= RM3.2655; and US$1= P44.756.

[8] From 1989 to 2005, PSDC offered a total of 5,769 courses benefiting 118,001 participants. The courses per year increased by 14-fold from 32 in 1989 to 455 in 2005. The number of participants in these courses rose by 16-fold from 559 to 9,140 during the same period (Somchit).

9 Peer pressure from fellow chief executive officers (CEOs) also sitting in PSDC's Management Council encourages a CEO not to miss their quarterly meetings. In case of absence, a CEO may send his representative in an observer status with no voting rights (Somchit).

10 The principal consultant of Dream Catcher Consulting Sdn Bhd used to work in Agilent Technologies and University Sains Malaysia.

11 The PSDC has served as a model of industry-led technical training institution for the other 13 skills development centers in Malaysia as well as in Bangladesh, Brazil, Madagascar, and the Philippines. The PSDC was modeled after Singapore's Electronics Industries Training Centre (ELITC), a non-profit technical training institution established by MNC-electronic companies in 1986 (ELITC).

12 The Director-General of PEZA sits on ARCDI's Board of Trustees.

13 The definition of SMEs varies. In Japan, SMEs are firms with capital up to Y300 million (US$2.82 million) and/or employ up to 300 regular workers. In Singapore, SMEs are firms with fixed asset investment up to S$15 million (US$11.02 million). In Malaysia, micro, small, and medium enterprises (MSMEs) are firms with an annual sales turnover up to RM25 million (US$7.66 million) and/or employ up to 150 full-time employees; and in the Philippines, MSMEs are firms whose total assets are up to P60 million (US$1.34 million) and/or employ up to 199 employees.

14 The high share of lending by private financial institution to SMEs is attributed to higher profit margin in lending to SMEs compared to LEs. Moreover, LEs have shifted from bank borrowing to issuance of corporate bonds and shares (JSBRI 2005).

15 The GSP program in PSDC has been scrapped as the conditions in the global electronics industry change where MNCs are now less keen in developing local suppliers (Somchit).

16 The 2007 budget deficit estimates among East Asian economies varies: Malaysia, 3.1 percent of GDP; Thailand, 1.7 percent; the Philippines, 0.2 percent; and Indonesia, 1.2 percent (ADB 208).

17 This finding is true across many economies and "probably reflects size-related differences in access to finance, scale economies in training provision, educational levels of workers, managerial capabilities, and use of new technologies" (World Bank 2008).

18 The main clients of PSDC and almost all clients of Dream Catcher are from MNCs (Somchit; Hor).

19 The research was a multi-country (Indonesia, Malaysia, the Philippines, South Korea, and Thailand) multi-industry (food and beverage, textile and garments, wood, chemicals, machinery, automotive, electronics) study conducted by the World Bank in 1996-1998. The results of the study are robust in most surveyed economies with certain caveats.

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Strategies and Approaches to Overcome Violence against Women: The ASEAN Experience

Cheng Kooi Loh

Introduction

In 1979, the United Nations adopted the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), a historical document which prohibits discrimination against women in areas of economic, social, public, and family life. However, it was not until 1992 that CEDAW included a specific clause which categorically stated that violence against women (VAW) was abuse and a form of discrimination. In the following year, the Declaration on the Elimination of Violence Against Women was adopted, which recognized VAW as a human rights violation and set out the obligations of governments and NGOs in protecting women and girls.

VAW is defined as:

> "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, whether occurring in public or private life."

> (United Nations 1993)

At the World Conference on Human Rights in Vienna in 1993, it was decreed that women's rights and VAW be included in all human rights mechanisms of the United Nations as an indivisible and integral part of universal human rights. By the Fourth World Conference on Women in Beijing in 1995, VAW was reaffirmed as one of the 12 critical areas of concern for women around the world. Following these international conventions and declarations, VAW finally received global attention and the governments of states were pressured to take concrete action to curb universal human rights violations cutting across classes, ethnicities, cultures, and religions.

Feminists use the concept of patriarchy and argue that VAW has its roots in the hierarchical and unequal power relations between men and women in society. They posit that male domination is inextricably linked to the cultural, socio-economic, and political contexts which legitimize and maintain male power over women. The most prevalent forms of VAW are domestic violence and rape. As the majority of the victims are women, the phase "violence against women" is often used interchangeably with gender violence.

This paper explores the intervention actions and good practices undertaken by women's groups and agencies in Indonesia, Thailand, and the Philippines aimed at overcoming VAW on the domestic scene. In meeting with a range of women's organizations, community groups, institutions, hospitals and police desks during the four weeks that I spent in each country, I interviewed key activists in women's NGOs and institutions and, whenever possible, conducted discussions with community groups. Other VAW issues like the trafficking of women, migrant women workers, and military violence against women were also issues taken up by some women's groups which I will not delve into.

My findings were that women's groups and related agencies have adopted a multi-pronged approach in their work to combat gender violence. Identifiable strategies undertaken by these agencies are:

1. Crisis intervention services and empowerment of women survivors;
2. Integrated services by hospital and police service providers;
3. Community involvement and participation;
4. Legal reform advocacy on VAW;
5. Training and public education; and
6. Establishment of national institutions and coalitions on VAW.

Crisis Intervention Services

Women's groups' first strategic response to dealing with gender violence is the provision of services for women survivors of rape and wife battery. The services generally include telephone hotlines, face-to-face counseling, and temporary shelter. These services are run by local women's groups such as the Women Crisis

Centre (WCC) Manila, *Mitra Perempuan* in Jakarta, *Rifka Anissa* in Yogyakarta, and Friends of Women and the Foundation for Women in Bangkok. Similar services are provided in Malaysia by the Women's Centre for Change Penang, the Women's Aid Organization and the All Women's Action Society.

Such services are now regarded as an integral part of programs run by local women's groups. This distinctively women-centered approach in their crisis intervention service is a hallmark of women's groups in their aim to support women survivors of sexual violence and sets them apart from social services provided by the government, which assume a welfare/handout approach. The emphasis of this strategy is on the empowerment of the women survivors to regain control and make decisions affecting their own lives. Significantly, this gender responsive strategy is being incorporated by other service providers in hospitals and police women's desks, which provide similar counseling for women survivors.

The WCC Manila was the first NGO to introduce the concept of feminist counseling in region in the late eighties. Feminist counseling emphasizes respect for survivors' needs and concerns, that every action taken by survivors should be based on informed decisions to help them regain control over their lives. As expressed by a counselor at the WCC Manila, "Feminist counseling is counseling undertaken for the woman, by the woman and with the woman. It is the (abused) woman's needs which determine and guide WCC in how we can assist her and journey with her so as to empower her in the process. This feminist methodology is anchored from our experience with the oppression brought about by the patriarchy system." This empowerment strategy ensures that the services provided by women's groups are built on the experiences of women themselves.

Another strategic action by women's groups is the provision of shelter for women survivors and their children. While these homes are temporary, these emergency facilities for abused women are critical to enable them to find relief and regain their confidence in their journey towards self-empowerment. Shelter clients interact with each other and build support, while receiving counseling and information about their rights. This approach of women's groups in empowering the women does not merely provide welfare but also creates an enabling environment for the abused women to decide on their future. The Indonesian groups have expanded the shelter concept

to integrate with hospital and police services so that women are offered the comprehensive services of mediation, psychiatry, and social and legal action while being housed. In addition, income generating activities are conducted to enable her to have some form of economic independence when she leaves.

WCC Manila has taken a further step of setting up survivor support groups for their ex-clients. The group carries out regular activities like self empowerment workshops, educational activities on VAW, skills training, and entrepreneurship training. Some have gone on to become activists in local women's NGOs in their own community.

Integrated Services by Hospital and Police Service Providers

In 1996, when Malaysia became one of the first countries in Asia to implement the Domestic Violence Act, it launched the "One Stop Crisis Centre" (OSCC) for domestic violence and rape survivors at the Accident and Emergency Department of government hospitals. This was a result of intense dialogues and meetings between the Ministries of Health and Social Welfare, hospital personnel, police, and women's NGOs. The OSCC is a special room where medical specialists (forensic, obstetrics and gynecology, pediatrics) attend to the survivor in private. Prior to this, a survivor of violence, in her state of trauma, would be treated in the open public ward of the emergency department, and had to physically go from one department to another for medical examination by the relevant specialists.

Malaysia's OSCC model has been replicated in several countries including Indonesia, Thailand, Bangladesh, and India. Indonesia has gone further with the establishment of a comprehensive multi-disciplinary strategy for women survivors of sexual violence. Under the Integrated Service for Women and Children Unit (*Unit Pelayanan Terpadu Perempuan dan Anak*), a one stop center was set up in the largest government–run Cipto Mangunkusumo Hospital in Jakarta with the collaboration of seven other government agencies including the Ministries of Women's Empowerment, Domestic Affairs, Health, Human Rights and the Police. Since then, all public government hospitals, including police-owned hospitals, have incorporated an integrated trauma and recovery service for women survivors of violence and these services are provided free of charge. The facilities in these hospitals can vary

considerably depending on their resources from basic to extensive facilities. The hospitals network closely with local women's groups to obtain counseling services and shelter referrals (*Rumah Aman* P2TP2A) for the survivor's post trauma recovery.

An exemplary case of strategic collaboration by NGOs and government organizations (GOs) can be found in East Java at the Police Provincial Hospital (*Rumah Sakit Bhayangkara Polda Jatim HS Samsoeri Mertojoso*) in Surabaya where women's groups (*Samitra Abhaya, Komnas Perempuan*) worked in partnership with the local government (local Surabaya municipality, district local government), the police force, the city police authority, the police hospital and NGOs (community organizations and the local university) to set up a comprehensive integrated service with the attendance of doctors, nurses, lawyers, police and psychologists. The land for the building was donated by the hospital and the budget came from the provincial government.

To consolidate their efforts further, an extensive inter-agency network called Communication Forum (*Forum Komunikasi*), comprising medical organizations (hospitals), a legal-based NGO (LBH APIK), government prosecutors, the police, NGOs and government representatives from ministries such as social welfare and health, was established. This Forum holds regular meetings to discuss the case handling of the survivor as well as to exchange pertinent policy developments on VAW. This is an exemplary approach of ensuring NGOs and GOs work together to achieve a common goal.

Thailand, too, has set up OSCC in all of its 104 public hospitals throughout the country. One of the better collaborative efforts has been the Chumphon Hospital, a government-based hospital in Bangkok, which approached the local women's group Friends Of Women (FOW) for help, resulting in their own telephone hotline and counseling services. Chumphon OSCC's scope extends to providing emergency services where staff will go to rescue a client from an abusive emergency situation and even provide shelter for the survivor. The Hospital also successfully raises public awareness on VAW activities through mobile exhibitions to other hospitals, schools, and public halls by mobilizing its volunteers to help conduct public health campaigns against VAW.

In the Philippines, another strategy was evolved when the Department of Health approved the landmark concept of setting up a women's crisis centre within a government hospital. WCC Manila began its partnership with the East Avenue Medical Center and pioneered a hospital-based crisis center to institutionalize gender sensitive services within the health care system. Here, WCC handles the counseling and shelter needs of the survivors of violence while the hospital gives the medical attention. At the Philippines General Hospital, a Women's Desk and a Children's Protection Unit are set up to handle cases of women and child survivors of sexual abuse. Trained staff counsel the survivors and work closely with the different departments of the hospital to give gender responsive treatment to survivors. Apart from counseling, the Women's Desk staff liaise with the Legal Aid Bureau from the University of the Philippines to provide legal services for the client. The Women's Desk then works closely with the client and her lawyer to support her through the exhausting trial process.

From all these practices emerges a picture of successful collaboration between government agencies and NGOs together combating gender violence, seeking justice for and improving the lives of women survivors.

Another great achievement by women's groups is the recognition that gender violence is a public health issue for which comprehensive medical attention should be provided. Only a decade ago, women survivors of sexual violence were treated clinically as patients for medical examination. Today an integrated system in which hospital services are linked to a women's police desk and are networked with women's NGOs indicates how much services for women survivors have improved in these countries.

Community Involvement and Participation

Local women's groups have encouraged community activism as another strategy to curb VAW. By organizing at the local village level, e.g., the *kampong* (Indonesia) or the *barangay* (Philippines), women's groups have brought their programs to the grassroots level to reduce gender violence in the community.

In Indonesia, *Rifka Annisa* in Yogyakarta uses community-based crisis centers (*Pusat Krisis Basis Kommunitas*) to develop its VAW community leaders. This is done by first identifying key women leaders in the community and assisting them in setting up a community watch in the village. Regular training and

support are conducted to enhance their understanding of VAW and women's issues. Whenever there is a case of spousal violence, the trained local women leaders will first handle the case and, if necessary, consult with *Rifka Annisa* staff. What is more encouraging is that these women leaders become local activists and in time become involved in campaigning for local issues like piping, electricity, etc. *Rifka Annisa* learnt this approach from an exposure trip to the Philippines about community watch programs.

In Thailand, the wives of community leaders persuaded their husbands to run a campaign on anti-alcoholism with the help of the local group, Friends of Women (FOW). The women and men then organized a street walk with community education about the dangers of alcoholism and how it can lead to family breakdown with domestic violence. Once the male leaders in the community were convinced to join in, the campaign on domestic violence became a community issue. The FOW has such community-based groups in Bangkok and Chiang Mai where both male and female leaders are actively involved in the campaigns. The success of this strategy can be measured when FOW conducts training programs on gender issues for the community leaders after each campaign.

Once the women in the community have been trained on gender issues, they can then act as the eyes and ears for VAW issues. This is seen in the Philippines, in the community NGO, D2Ka (*District 2 Kababaihan Laban sa Karahasan*) in Quezon City. A local vegetable seller was gang raped by her boyfriend and friends. When several women leaders heard about the incident, they counseled the victim and she decided to file a police report. As both the victim and her perpetrators were part of the community, there was pressure for her not to prosecute but because of the strong support and guidance provided by the women leaders, she went ahead, resulting in her boyfriend's conviction in court. These women leaders had been trained for years under *Hasik*, an NGO institution that addresses VAW in the urban poor communities under the Combat VAW program. The incident also gave strength to other women in the community to take action on other VAW issues. Whenever there is a domestic violence incident, the male leaders persuade the husband to stop the violence while the women leaders quickly help the victim out of the situation. At the end of the day, D2Ka women leaders as well as survivors have become advocates themselves. This community approach is very effective in reducing

violence in the community as the community learns that any form of violence against women is wrong.

This community involvement approach has long term implications for the VAW strategy as it is the community that plays a crucial role in providing for the continued psychological needs and wellbeing of the women survivors. The community can also act as a pressure group to check the abuser from further abusing his spouse, or to give long term socio-psychological support to the victim/survivor. Most importantly, these women's groups have perceived that training the community leaders on gender understanding has the long term sustainable effect of reducing VAW in the community.

Legal Reforms and Advocacy on VAW

The campaign for better legislation and policy reforms is an important lobbying strategy to put pressure on governments to address the issue of gender violence seriously. Good legislation is important because good laws give better protection to women and ensure perpetrators of violence are duly punished. Women's groups such as the Women's Legal Bureau (WLB) and Women's Legal Education Advocacy and Defense (WomenLEAD) in the Philippines and the Legal Aid Bureau for the Association of Women (LBH-APIK) in Indonesia advocate for women's legal and human rights. These groups provide legal services and training and advocate legislative campaigns and laws on anti-violence.

In the last one to two decades, a significant number of laws on VAW have been promulgated due to the lobbying and campaigning efforts of women's groups. Specifically, recently promulgated laws in the Philippines include the Anti-Rape Law (1997), the Rape Victim Assistance and Protection Act (1998), the Anti-Sexual Harassment Act (1995), the Anti-Trafficking in Persons Act (2003) and the Anti-Violence Against Women and Their Children Act (2004). The Anti-Rape Law was considered a major victory for Filipino women's groups on several counts: 1) reclassifying rape from a crime against chastity to a crime against persons; 2) expanding the definition of rape to include acts other than the penile penetration of the vagina and males as victims; and 3) criminalizing marital rape (Women's Legal Bureau 2005).

Thailand passed its Domestic Violence Victim Protection Act and amended its anti-rape law in 2007.

A coalition of 19 groups of women, child and gay rights NGOs lobbied for the broadening of the legal definition of rape to include the use of objects for vaginal penetration and forced anal and oral sex. This law covers not only females but also males and transgendered people. Indonesia passed the Law on the Elimination of Violence in the Household in 2004, which includes marital rape, while Malaysia amended its penal code in 2006 to recognize hurt caused by a husband during a sexual act as a criminal act and expanding its rape laws to include aggravated rape.

Through legislation, women's groups have influenced the government to set up a new framework for crimes related to sexual violence. They work strategically in partnership with academician activists and legal advocates to lobby lawmakers to reformulate laws that are gender sensitive to the survivors and reflect the severity of such crimes. The large increase of laws on crimes of gender violence that have been passed is indicative of women NGOs' strength in legal reform. Another development is the government's acknowledgement of the important role played by women's NGOs through their participation in the drafting of the countries' laws related to women and children.

Training and Education

Gender sensitive training for service providers and law enforcers is another essential strategy for the effective implementation of laws and policy. Such trainings are vital to help change the attitudes of medical personnel, police and court enforcers to eliminate their male bias when dealing with women survivors of violence. It is not uncommon that victims of sexual violence are blamed for the crime or their complaints are not taken seriously. There is a need to ensure that the implementers of these law are gender responsive to ensure that women survivors receive due justice.

In Indonesia, retired high ranking policewomen set up the NGO *Derap Werapsari*, which aims to enhance the capacity of the police force in handling cases of VAW. The Chairperson became gender sensitized from attending many international and national meetings on VAW, and became motivated to set up this NGO. In 1999, the *Derap* committee convinced the Chief of the Police Department through his wife to set up the Special Service Unit (SSU - *Ruang Pelayanan Khusus*) or Special Women's Desk to handle cases involving women victims. The first phase was training the staff

to handle the SSU. By 2002, there were more than 200 SSU located in various provincial and district police stations, which greatly improved services for women victims. "A good legal system would not guarantee good enforcement without good quality enforcers," explained *Derap*'s chairperson. *Derap*'s role is to help change the attitudes of those who enforce the laws, and the organization has trained thousands of police enforcers on gender awareness with its own training manual. *Derap* also worked with other women NGOs like LBH-APIK, *Komnas Perempuan* and CEDAW Convention Watch to extend its VAW training to judges and lawyers from the Supreme Courts to District Attorney offices. This training is conducted to sensitize prosecutors, judges, and the police to change their attitudes and develop a new framework to ensure that women survivors are fairly treated.

The strategy on public education is aimed at changing mindsets and cultural and traditional practices that perpetuate violence against women. In all these countries, women's groups are engaged in public campaigns, organizing seminars, workshops, and roadshows to educate the public on gender violence issues. Many women's groups organize students in schools, colleges, and universities, as the younger generation is key to the promotion of gender equality and non-violence in society. Often, international events like International Women's Day on March 8 and the 16 Days of Violence against Women (November 25 to December 10) are chosen to highlight campaigns for specific VAW issues. In Malaysia, annually, a coalition of women's and HIV/AIDs groups led by the Women's Aid Organization mark 16 Days of VAW with a public campaign on gender violence through the media and activities in shopping malls to remind the public of their role towards ending VAW.

Establishment of National Institutions and Coalitions on VAW

One of the remarkable strategies of key women NGO activists in Indonesia is the establishment of a National Commission on Anti-Violence against Women (*Komisi Nasional Anti Kekerasan Terhadap Perempuan,* in short *Komnas Perempuan*) through intense lobbying of the Indonesian President in the aftermath of the May 1998 rape of ethnic Chinese women. *Komnas Perempuan* (KP) was formed by Presidential decree and maintains its independence as a national commission. Operating with a current

workforce of 40 staff and 13 commissioners, KP's strategic work is based on the framework of CEDAW and human rights. It has adopted a multi-level and multi-sectoral approach in five main areas namely: i) public education and campaigning; ii) legal and policy reform; iii) monitoring VAW as a human rights violation; iv) system building for the recovery of survivors; and v) protection of groups vulnerable to discrimination.

In the areas of public education and campaigning, KP developed a gender perspective in human rights educational curricula. By working together with the Indonesian Human Rights Commission, this curriculum has been integrated into human rights institutions in local towns like in Banda Aceh, Surabaya, and Makassar. KP successfully integrated a gender perspective into the human rights framework by training personnel. KP also actively supports the institutional capacity building of local women's crisis centers in other provinces of Indonesia through trainings and also funds their activities through the KP Women's Fund (*Pundi Perempuan*). It encourages the capacity building of service providers through study forums (*Forum Belajar*) where different partners share their experiences on the handling of women victims.

As a national body, KP undertakes an important monitoring role by collecting and compiling data on VAW from various institutions (police, NGOs, etc.) on a yearly basis to gauge the extent of VAW in the country. This is a mammoth task as there is still a lack of standardization of data documentation at a national scale. It has also conducted fact-finding missions to study gender-based violence in Aceh and Poso, as well as developed a monitoring network protocol for VAW witnesses and victims. KP also seeks to support the protection of groups vulnerable to discrimination through lobbying internationally for the rights of migrant workers by setting up a special Migrant Workers Task Force. Furthermore, it supports the setting up of a national network which fights for the protection of domestic workers employed in the country.

In the ten years since its formation, *Komnas Perempuan* has mapped out astounding multi-pronged strategies to deal with the different areas of work to eliminate gender violence in Indonesia.

In the Philippines, WCC Manila initiated the National Family Violence Prevention Program (NFVPP) in 1994 through a working partnership with NGOs and GOs in Luzon, the Visayas and Mindanao to strategically initiate a nationwide prevention program against family violence. This NFVPP is being coordinated by WCC Manila, which organizes campaigns, carries out training programs, promotes education, and monitors VAW on a national scale. Similarly in Malaysia, a coalition of women's groups called the Joint Action Group for Gender Equality acts as a united voice on issues and campaigns for VAW and women's rights.

The strategy of forming national bodies and national coalitions to effect concrete work programs and activities is another approach taken by local women's groups to highlight and campaign for VAW issues.

Conclusions and Challenges

One common element that stands out in the work of women's groups is the multi-pronged and multi-disciplinary strategies adopted by each of these groups in their work. Whether in Indonesia, Thailand, the Philippines, or Malaysia, the women's groups undertake multiple tasks - providing direct services, conducting trainings and public awareness raising, education, advocacy, and lobbying for legal and policy reforms. It is clear that no women's group can isolate a single issue or adopt a single approach in their work, as VAW is a complex issue with many intertwined factors affecting the individual, family, community, and state. It is the multiple strategies used which makes the women's groups in these countries vibrant and organic, adjusting to the socio-economic and political developments of the country. Yet even with these good practices and intervention work, limitations and new challenges are evident.

The two biggest challenges faced by those working to combat VAW in society are the issues of funding and resources. This is particularly so for local women's groups where sourcing funds is a constant battle. Limited funding also means not having adequate trained staff to deal with the multi-level workloads shouldered by women's groups. Given this situation, women's groups have to prioritize and decide which area of their work will take precedence, that is, to determine how their multi-tasking roles of providing services and conducting educational programs and legal reform programs can be effectively run. It may mean focusing on one particular area of work while supporting another group to take up another area. For example, a national coalition like *Komnas Perempuan*

should focus on its VAW advocacy and monitoring role instead of stretching its resources by also providing crisis services for survivors and competing with local groups.

While it is heartening to note the integrated holistic system developed in hospitals for sexual assault survivors, one of the biggest difficulties facing these service providers is the lack of gender sensitive medical personnel to handle VAW clients. As these integrated health systems were set up either as an obligation by the government or with the assistance of women's groups, many of the personnel handling the VAW cases are not trained on gender issues. Noticeably, these operations are very much dependent on an individual's commitment to initiate a good system within the hospital and police desks. Until the government institutes VAW as a priority within the medical and social system, the integrated system in hospitals and police desks will be only lip service but with no funding or resources allocated. This is particularly so in the OSCCs in Malaysia. This is tragic because VAW issues are inextricably linked to the health, social welfare and legal systems of its citizens.

The passing of legislation represents a tremendous step towards combating VAW, but the greater challenge is how to translate progressive laws into reality. Training of law enforcers, prosecutors, medical and legal personnel will become more urgent than ever to ensure that justice for sexual crimes is enforced. Education is crucial if it is to change the entrenched attitudes of those who implement justice. Similarly, training for service providers of agencies like hospitals is also crucial. There should be systematic trainings provided for these agencies' staff and people involved so victims of violence will be encouraged to come forth and be supported.

One main observation is the issue of networking and exchange. At the regional level, while there exist women's regional networks like APWLD (Asian Pacific Forum on Women, Law and Development), ARROW (Asian Pacific Resource & Research for Women), and IWRAW AP (International Women's Rights Action Watch Asia Pacific). which regularly bring women activists together to exchange and strategize their work, ironically at the grassroots level, there seems far less exchange amongst grassroots activists, language limitations being a big obstacle. Likewise, there seems even less sharing and exchange among government service agencies in these countries on services related to VAW despite many governmental exchanges at the regional level. Again, VAW is not an important agenda item when government representatives meet. Networking and exchanges should be encouraged among these grassroots women's groups and government agencies to strengthen their work to achieve the vision of eliminating violence against women in our societies.

Acknowledgements

NOTES

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A Comprehensive Study on the Philippines' Legal Approaches to Combat Human Trafficking: Suggestions for Indonesia

Rina Shahriyani Shahrullah

Introduction

Human trafficking or trafficking in persons is a modern and new type of global slavery since it deprives people of human rights and freedom. The United Nations has declared that human trafficking constitutes a serious international crime against human rights. The Trafficking Protocol[1] it has adopted defines trafficking in persons to mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.

Indonesia and the Philippines, among other countries in Southeast Asia, are the source, transit, and destination countries of men, women, and children trafficked internally and internationally, mostly for the purposes of sexual exploitation and forced labor.[2] In order to combat human trafficking, the Philippines enacted a special legislation on anti-human trafficking, namely, the Anti-Trafficking in Persons Act of 2003 or Republic Act 9208 (R.A. 9208). Similarly, Indonesia recently issued a legislation to deal with human trafficking—Law No. 21 of 2007—regarding the Elimination of Criminal Acts on Human Trafficking (Law No.21 of 2007). Aside from the similarities between Indonesia and the Philippines in the context of the human trafficking situation and related efforts, the Philippines is obviously ahead of Indonesia in relation to the issuance of the anti-human trafficking law. Hence, the legal approaches adopted by the Philippines to combat human trafficking may also be considered more advanced than those of Indonesia's.

Objectives

This research aims to examine the approaches of the Philippine Anti-Trafficking Act (R.A. 9208) to ascertain whether the Philippines' legal approaches are adequate to combat human trafficking comprehensively. In addition, it also aims to analyze the implementation and the best practices of R.A. 9208, to find out whether their approaches can be adopted to combat human trafficking in Indonesia. Furthermore, the research purports to investigate the crucial challenges that the Philippines and Indonesia face in combating human trafficking.

Methodology

The research on human trafficking in the Philippines was conducted from 21 July 2007 to 20 July 2008. The research sites were Metro Manila (Luzon), Cebu City (the Visayas), and Davao City (Mindanao). The research adopted the legal research methodology which consisted of normative and comparative legal analysis. The primary legal source was the Anti-Trafficking in Persons Act of 2003 of the Philippines (R.A. 9208) and its Implementing Rules and Regulation (IRR), including other legal supporting documents relevant to human trafficking. The research also used other sources on human trafficking, namely, books, articles/brochures which were collected from the Internet, archives and libraries.[3] Data collection techniques were comprised of in-depth interviews[4] and observations.[5] The data was then processed through qualitative analysis. There were a number of limitations contained in this research because victims were reluctant to describe their trafficking experiences in detail. Some of the informants could not impart their (all their?) information as these had to be treated confidentially. Situations in bars which promote human trafficking could not be recorded due to their strict rules. Those who worked in the bars were also reluctant to be interviewed or gave false information to cover up their actual work in these bars.

The human trafficking situation in the Philippines and Indonesia

The Philippines is a source, transit, and destination country of human trafficking. Up to now, it is still difficult to obtain the actual number of trafficking

incidents in the Philippines because there is no central database on human trafficking. Yet, it is estimated that approximately 300,000 to 400,000 people (men and women), including 60,000 to 100,000 children, are trafficked annually.[6] Most of the trafficked victims are girls between 12 to 22 years old who are first-timers in the big city, and willing to take risks.[7]

Similar to the Philippines, Indonesia is also a source, transit, and destination country of human trafficking. Although it is also difficult to obtain the actual number of trafficked people in Indonesia because there is no integrated central database for human trafficking, it is estimated that 100,000 women and children are trafficked annually for commercial sexual exploitation in Indonesia and overseas. Thirty percent of this number (approximately 40,000 to 70,000) is female prostitutes under 18 years of age.[8]

The number of trafficked men in the Philippines is not too significant because it is more difficult to detect and intercept male victims or potential victims.[9] Unlike in the Philippines, a significant number of Indonesian men are trafficked annually for the purpose of working in the construction, agriculture, and manufacturing sectors.[10] Although most of reported trafficking cases in the Philippines are related to sexual exploitation or forced labor (domestic workers and factory workers), organ trafficking is also rampant in this country. It was reported that about 3,000 of 50,000 inhabitants (mostly male, with an average age of 29 years old) in Baseco near the Manila Bay have sold their kidneys [11] at a price of around PhP70,000 to PhP120,000 per kidney.[12] The case of organ trafficking is not too apparent in Indonesia because the parties who sell organs mostly justify their acts by stating that they donate their organs rather than sell them.

Human trafficking does not only occur within the territory of the Philippines and Indonesia (internal trafficking), but also outside the territory of both countries. The table below shows the areas for the internal and the international trafficking of both countries.

Type of Location	The Philippines	Indonesia
Sending Areas	Ilocos Region, Cagayan Valley, Baguio, Pampanga, Nueva Ecija, Olongapo City, National Capital Region, Batangas, Mindoro, Lucena, Bicol *(Luzon);* Samar, Leyte, Cebu, Bohol, Panay, Iloilo, Antique, Negros Island (*the Visayas*); Davao, Mindanao, South Cotabato, General Santos, Dipolog, Butuan (*Mindanao*).[13]	North Sumatra Province, Lampung Province, West Java Province, Central Java Province, East Java Province, Bali Province, West Kalimantan Province, East Kalimantan Province, North Sulawesi Province, Southeast Sulawesi Province, West Nusa Tenggara Province, and East Nusa Tenggara Province.
Destinations for internal trafficking	Manila, Cebu, Davao, Angeles, Bicol and Batangas.	North Sumatra Province, Riau Islands Province, South Lampung, Central, West, East, North, South and Jakarta, Surabaya, Bali Province, East Kalimantan Province, Sumbawa and Papua Province.[14]
Destinations for international trafficking	The Middle East countries, Malaysia, Brunei, Cote d'Ivoire, Thailand, Turkey, Vietnam, UEA, China, Japan, Palau, Saipan (CNMI), Greece, USA, Bangladesh, South Korea, Hong Kong, New Zealand, Australia, Singapore, and Timor Leste.[15]	Malaysia, Saudi Arabia, Japan, Singapore, Iraq, Taiwan, Hong Kong, United Arab Emirates, Jordan, Kuwait, Qatar, Syria, France, Belgium, Germany and the Netherlands.[16]

Table 1: Areas of Human Trafficking

Factors and modes of human trafficking in the Philippines and Indonesia

Human trafficking is driven by both push and pull factors. The push and pull factors driving human trafficking in the Philippines and Indonesia are as follows:

Types	The Philippines	Indonesia
Push Factors	Poverty, lack of job opportunities, imbalanced urban-rural development, insufficient income,[17] gender bias, consumerization, dysfunctional family,[18] low education, peer pressure,[19] the lack of peace and order in Mindanao.[20]	Poverty, lack of employment opportunities, low education, cultural identities (roles and responsibilities of women and children), gender bias and dysfunctional family.[21]
Pull Factors	The demand for skilled and unskilled labor in the formal and informal sectors, booming recruitment agencies, mushrooming clubs, and peer influences.[22]	The demand for skilled and unskilled labor in the formal and informal sectors and peer influences.

Table 2: Driving Factors of Human Trafficking

Table 2 shows that human trafficking occurs due to the existence of push and pull factors. Yet, it still can be argued that human trafficking may not occur if push factors can be minimized, even when pull factors are very strong. Poverty, the lack of job opportunities, and low education are the main push factors of human trafficking in the Philippines and Indonesia. These factors should be minimized in order to reduce potential human trafficking incidents in both countries.

The modus operandi used for trafficking in the Philippines and Indonesia are similar. Recruiters target the vulnerable groups by giving potential victims all kinds of nice and false promises. They frequently use fraud, deception, threats, abuse of authority, debt bondage, marriage or relationships, abduction, confinement, or rape.[23] Most internal and international traffickers in the two countries adopt similar mechanisms. Recruiters usually look for potential recruits in local communities, aided by headhunters who know the community and its residents well. The headhunters help recruiters convince potential recruits or their parents to allow their children to leave. The recruiters often give cash to the parents. To facilitate transit, a recruit's personal documents, such as his or her birth certificate, are faked.[24] Once in transit, the recruits are not allowed to talk to anyone outside the group and to handle their legal or travel papers. When the recruits reach their destination, they are told that their transportation expenses, along with other incurred expenses, would be deducted from their salary. Having huge debts to pay, they have no choice but to work as ordered by their recruiters. Most of the recruits finally end up as prostitutes or laborers in bondage.[25]

Relevant national laws to human trafficking in the Philippines and Indonesia

Type of Laws	The Philippines	Indonesia
Anti-Trafficking Law	The Anti-Trafficking in Persons Act 2003 or R.A. 9208 (signed on 26 May 2003 and became effective on 19 June 2003). The Implementing Rules and Regulation (IRR) of R.A. 9208 (adopted on 17 September 2003).	*Undang-Undang Republik Indonesia Nomor 21 Tahun 2007 tentang Pemberantasan Tindak Pidana Perdagangan Orang* or Law of the Republic of Indonesia Number 21 Year 2007 regarding the Elimination of the Crime of Trafficking in Persons (issued on 19 April 2007). The Elucidation of Law No.21 of 2007.
Relevant Laws	The Revised Penal Code, the Special Protection of Children against Abuse, Exploitation and Discrimination Act (R.A. 7610) as amended by the Act Against the Worst Forms of Child Labor (RA No.9231), Philippine Passport Act 1996 (R.A. 8239), Migrant Workers and Overseas Filipinos Act 1995 (R.A. 8042) and Mail Order Bride (R.A. 6955).	The Revised Criminal Code, Law No. 23 Year 2002 on Child Protection and Law No. 39 Year 1999 on Human Rights.

Type of Laws	The Philippines	Indonesia
Ordinances and Supporting Documents	11 city ordinances, 5 municipal ordinances, and 1 provincial ordinance in 2004; 4 city ordinances, 3 municipal ordinances, and 1 provincial ordinance in 2005, 1 municipal ordinance in 2006 and 3 municipal ordinances in 2007.[26] National Strategic Action Plan 2004 - 2010, Guidelines on the Creation of Regional and Local Inter-Agency Committees Against Trafficking in Persons and Violence Against Women and Child (IACAT-VAWC), Guidelines for the Establishment and Operations of the Law Enforcement Task Force Against Trafficking in Persons, Standard Orientation Module on Trafficking in Persons, Manual on the Investigation and Prosecution of Trafficking in Persons Cases, Philippine Guidelines for the Protection of the Rights of Trafficked Children.[27]	The Government of North Sulawesi Province issued Local Regulation No. 1 Year 2004 on the Prevention and Elimination of Trafficking in Persons especially Women and Children. The Government of North Sumatra Province issued Local Regulation No. 6 Year 2004 on the Elimination of Trafficking of Women and Children.[28] The National Plan of Action for the Elimination of Trafficking of Women and Children/RAN-P3A (Presidential Decree No. 88 Year 2002), the National Plan of Action on the Elimination of the Worst Forms of Child Labor (Presidential Decree No. 59 Year 2002), the National Plan of Action on the Elimination of Sexual Exploitation of Children (Presidential Decree No. 87 Year 2002), and the 2004-2009 National Plan of Action on Human Rights (Presidential Decree No. 40 Year 2004).

Table 3: Laws against Human Trafficking

R.A. 9208 as Best Practice to Combat Human Trafficking Comprehensively

Indonesia has its own Anti-Human Trafficking Law (Law No.21 of 2007), but this Law is relatively new. Therefore, aside from the elucidation provided by this Law, the Law has still no interpretation given by the Indonesian courts. Law No.21 of 2007 of Indonesia and R.A. 9208 of the Philippines have the same ultimate objective: to punish perpetrators or traffickers and protect the trafficked victims. Although there are some differences between the two laws, particularly with regard to their level of punishment and the payment of penalties, Indonesia may still learn and adopt the best practices provided by R.A. 9208. The best practices of the Philippine legal approaches that can be adopted by Indonesia are as follows:

Article 65 of Law No.21 of 2007 declares only the inapplicability of Law No.27 of 1999 regarding the Revision of the Criminal Code Pertaining to Criminal Acts against Security State. Since Law No.21 of 2007 is silent regarding other national laws, this law may adopt the approaches of R.A. 9208, which allows the use of other related domestic laws to strengthen the chances of successful prosecutions and convictions. Similar to R.A. 9208, Law No.21 of 2007 does not only focus on prosecution, but is also a comprehensive measure that

provides for the prevention, protection, and recovery of trafficked persons, as well as their reintegration. However, it is not clear if all the services mandated by Law No.21 of 2007 are free of charge. In this regard, the provisions of Law No.21 of 2007 pursuant to services for trafficked victims should follow R.A.9208, which stipulates that services to trafficked victims should be rendered free. Article 58 of Law No.21 of 2007 mandates the establishment of a task force for the elimination of human trafficking. The task force consists of law enforcers and representatives of government agencies, community organizations, NGOs, professional organizations and research entities/academe. Similarly, Section 20 of R.A. 9208 mandates the establishment of the Inter-Agency Council Against Trafficking (IACAT). The IACAT is designated to monitor and oversee the strict implementation of R.A. 9208, which may be adopted by Indonesia to ensure the strict implementation of Law No.21 of 2007.

Ever since the enforcement of R.A. 9208, the DOJ has received trafficking cases numbering as follows: 72 cases in 2003-2004, 114 cases in 2005, 79 cases in 2006, and 155 cases in 2007, plus 11 convictions. There are a number of reasons why the number of convictions is very small compared to the cases received by the DOJ. Most interviewees said that the

culture of the Philippines espouses the tenet "forget and forgive". Victims of trafficking prefer to forget their cases because they may have to relive their trauma if their cases are brought to court and their experiences recounted. Another reason is the long time it takes for judicial proceedings in Philippine courts to arrive at a decision. Most victims prefer to go on with their lives instead of waiting for the court's decision as this may take years to be rendered. To respond to this reality and to bring more traffickers to court, 72 prosecutors in regional DOJ offices have been specifically trained to prosecute human trafficking cases. In addition, to ensure that government employees do not involve themselves or promote human trafficking, the Ombudsman against Government Employees Involved in Trafficking (TARGET) was established.[29] Indonesia should also establish an Ombudsman body similar to TARGET in the Philippines so as to prevent Indonesian government employees from getting involved in human trafficking.

It should be noted again that the effectiveness of anti-trafficking laws should not be measured merely in terms of the level of punishment and the payment of penalties. Anti-trafficking laws should also protect victims or potential victims of trafficking in order to combat human trafficking comprehensively. R.A. 9208 is more than a criminal law because it also provides a comprehensive measure for the prevention of trafficking and the protection of trafficked victims. To provide overall direction and calibrate the implementation of R.A. 9208, the IACAT[30] has formulated and adopted "The National Strategic Plan of Action against Trafficking in Persons 2004-2010". The Plan serves as the blueprint for action of all government agencies, local government units, NGOs, and other critical sectors in combating human trafficking.[31]

The National Strategic Plan of Action Against Trafficking in Persons 2004-2010 is divided into three major components, namely, prevention, protection (including law enforcement and prosecution), and repatriation, recovery and reintegration.

The establishment and implementation of preventive, protective and rehabilitative programs for trafficked persons are not only conducted by the IACAT members according to their functions, roles and responsibilities as set by the IRR. Rather, many NGOs and community units are also active in implementing the said programs. The best practices that can be

learned in relation to the programs to combat human trafficking are as follows:

Preventive measures

To increase the awareness and knowledge of the community involved in the campaign and advocacy programs on the danger of human trafficking, some Information, Education and Communication (IEC) materials have been developed and disseminated to places and communities that are considered potential "hot spots" for human trafficking. For instance, the Visayan Forum Foundation Inc. (VF) has conducted advocacy work through caravans, informative radio spots, radio programs, and the production and dissemination of posters and flyers.[32] The End Child Prostitution, Child Pornography and the Trafficking of Children for Sexual Purposes (ECPAT) has, for its part, conducted Information and Technology (IT) safety awareness raising campaigns in schools.[33]

In order to sustain public information on trafficking, the government agency under the Philippine Overseas Employment Administration (POEA) conducted 184 Pre-Employment Orientation Seminar (PEOS) sessions with 12,791 attendees in 2007. Two hundred fifty-five Pre-Departure Orientation Seminars (PDOS) were conducted for 9,373 direct hires, government-hired workers and EPS-Korea Workers.[34] Local NGOs such as the Visayan Forum Foundation Inc. (VF) conducted the "Basic Awareness and Orientation Seminar (BAOS)" in 40 municipalities.[35] The INGO operated in the Philippines, namely the Coalition Against Trafficking in Women—Asia Pacific (CATW-AP), held a refresher course on the gender-responsive Human Rights Documentation System (HURIDOCS) on 24-27 April 2006 for 11 partner organizations of CATW in the Philippines.[36] To organize and strengthen community networks, the Plan Philippine (INGO) facilitates the reinforcement of the Child-Centered Community Development Approach (CCCDA) through the Municipal Council for the Protection of Children (MCPC) and the Barangay Council for the Protection of Children (BCPC).[37]

To facilitate the implementation of preventive measures, the integrated system of reporting and referral of human trafficking incidents was established. This system is available through one-

stop shops that render shared counseling, shared custody, and the shared investigation services involving the DSWD, NGOs, law enforcers, and legal practitioners.[38] Since traffickers frequently falsify the documents of recruits for international trafficking, the Bureau of Immigration implements (ensures the strict implementation of) the security features of Philippine passports and other travel documents through Machine-Readable Passport and Visas (MRPV).[39]

Protective and cooperative measures

To guarantee protection for trafficked victims, it is necessary to expand community protection networks. In this connection, the Visayan Forum Foundation Inc. (VF) and Plan Philippines entered into a partnership in 2004 to implement a joint project called the "Rights-Based Approach in Protecting and Organizing Responsive Task Forces Against Trafficking (RBA-PORT)".[40] The project has been able to reach out to 3,405 victims and potential victims since it started.[41]

As it is important to enhance the capacity of frontline workers to succeed in the implementation of protective measures, the National Training on Legal Interventions against Trafficking in Persons is held annually to facilitate the exchange of updates on trafficking trends, issues, and laws among law enforcers, prosecutors, members of regional task forces, and representatives from local government units and NGOs.[42] The IACAT also formed the Task Force against Trafficking. A Task Force was established on 26 February 2007 in the Ninoy Aquino International Airport (NAIA)[43]

The aforementioned protective measures are also carried out by NGOs, for example the Visayan Forum Foundation Inc. (VF), which established two help desks in Allen Port, North Samar and in Liloan Port, Southern Leyte.[44] VF operates a 24-hour cell phone hotline to quickly respond to reports of partners and victims trying to escape from exploitative conditions.[45] In order to combat human trafficking comprehensively, internal collaboration between government agencies, local NGOs and communities is not enough since human trafficking does not only occur internally, but also internationally. Therefore, the Philippine Government, through the DFA, has increased international bilateral cooperation with other countries (i.e., receiving countries on human trafficking).[46] The Philippines is also engaged in multilateral cooperation to combat human trafficking. Together with other ASEAN state members, it adopted the ASEAN Declaration against Trafficking in Persons, Especially Women and Children in the 10th ASEAN Summit in 2004.[47] The cooperative measure does not only involve the Philippine government, but also civil society organizations. Philippine NGOs also collaborate with international donors and INGOs[48] to combat internal and international human trafficking.

Recovery and reintegration measures

To ensure the recovery and reintegration of trafficked victims into their family and communities, local programs for recovery and reintegration have been adopted. In this regard, the DSWD, as the government agency provides the following services: temporary shelter/care, transportation assistance (from the processing center to the place of origin), psycho-social services, medical services (rehabilitation services for victims/survivors of trafficking), and capability building (personal and skills development) programs for victims.[49] The Visayan Forum Foundation Inc., a local NGO, established halfway houses in Matnog Port and Batangas Port (Sorsogon), the Ninoy Aquino International Airport (NAIA) Complex, Pier 8 at the North Manila Harbor, and Sasa Port (Davao). It also put up a safe house in Quezon City.

In the halfway houses and the safe house, the Visayan Forum provides services such as counseling, legal assistance, medical assistance, educational assistance, livelihood and skills training. The Visayan Forum, in partnership with Microsoft Philippines, established "the Stop Trafficking and Exploitation of People through Unlimited Potential (step-UP)". The Project provides computer skills training programs to trafficking survivors, disadvantaged women, and the out-of-school youth (OSY).[50] ECPAT, also an NGO, has adopted an Alternative Learning System (non-formal and informal sources of knowledge and skill)[51] to build the capacity of trafficked victims, so that the victims will have some knowledge and skills when they are reintegrated into their communities. Similarly, the International Justice Mission (INGO), in partnership with the DSWD, local NGOs, civic groups, and individual donors provides a number

of services to the trafficked victims' families and communities such as livelihood training and assistance, parent effectiveness seminars, financial assistance, community education to increase awareness, and paralegal training for community workers.[52] All the services provided by the government agency, NGOs, and INGOs aim to build the capacity of trafficked victims to avoid revictimization (re-trafficking) after being reintegrated into their communities. The services also aim to educate the families and communities of trafficked victims so as to facilitate the process of reintegration and abolish the victim's social stigmatization.

The methods of adopting the Philippine legal approaches in Indonesia

Since no court judgments have as yet been given under Law No.21 of 2007 and some of the provisions of this Law are not clear, Indonesian judges and lawyers may adopt the approaches of R.A.9208 by giving their interpretation to Law No.21 of 2007. This notion may be possible because the human trafficking situations in the Philippines and Indonesia are similar, and the objectives of their anti-trafficking laws are also the same in the sense that their laws do not only focus on prosecution, but also provide comprehensive measures (prevention, protection, recovery and reintegration services) for trafficked persons.

The Philippine approaches in combating human trafficking may also be adopted by Indonesian government agencies, NGOs, and other sectors that are concerned with human trafficking issues. Similarly, the collaborative actions of the IACAT members, NGOs, and communities in the Philippines against human trafficking can be adopted by Indonesian sectors. This adoption may not be difficult because Law No.21 of 2007 encourages the participation of all sectors in combating human trafficking. The Law does not rigidly stipulate the methods of combating human trafficking.

Internal and global challenges to combat human trafficking

The ineffectiveness of their respective judicial systems is an internal challenge for both the Philippines and Indonesia. In many cases, trafficked victims are reluctant to pursue their cases before the court because they hold perceptions that it will take a long time until the final judgment is made.[53] Corruption is also one of the challenges that should be overcome by the Philippines and Indonesia. It has been reported that legal and illegal recruiters take part in human trafficking. Government officers also exploit vulnerable people who seek a better life in their territory or overseas. Corruption likewise causes the imbalanced distribution of income and sources, which in turn leads to the main push factor of trafficking, namely, poverty. In order to combat human trafficking, therefore, corruption and poverty should be eradicated.

The other challenge faced by the Philippines and Indonesia in the context of human trafficking is the ambiguity of the concept of adult prostitution. Both the Philippines and Indonesia criminalize prostitutes in their Criminal Codes. In this regard, both countries experience a conflict in their internal laws: the Criminal Code and the Anti-Trafficking Law. The conflict exists because under their Anti-Trafficking Laws, prostitutes are considered victims of traffickers and should therefore not be punished for their work. Arguments arise when lawyers and lay people[54] distinguish between coercive and non-coercive prostitution, however. They opine that only coercive prostitutes can be regarded as trafficked victims. The challenge for the Philippines and Indonesia is that if they are serious about combating human trafficking, protecting vulnerable people, and giving them justice, then they should declare all forms of adult prostitution as human trafficking. This means that adult prostitutes cannot be punished. Previous studies[55] have determined that almost none of the women are willing to choose 'prostitution' as a career. It has also been argued that the difference between coercive and non-coercive prostitutes is merely the justification that the sex industries give in an effort to legalize their businesses.

Human trafficking is a global phenomenon and a serious crime against human rights. Hence, the responsibility to combat human trafficking should not rest only on sending countries, like the Philippines and Indonesia, but should also be that of the receiving countries. They too should perform serious and concrete actions to combat human trafficking as human trafficking occurs due to the demand of receiving countries for workers and entertainers.

Although the Philippines and Indonesia have imposed strict anti-human trafficking laws and adopted comprehensive measures against human trafficking,

these notions are only effective in combating internal human trafficking. International human trafficking requires that more countries take part in combating human trafficking by adopting anti-human trafficking laws and getting involved in bilateral or multilateral collaborations against human trafficking. The collaborative measure initiated by receiving countries should not only be limited to assisting in the repatriation of trafficked victims to their own countries; rather, it should be expanded to cover preventive, protective, recovery, and reintegration measures. In this regard, both the receiving and the sending countries should share their information, knowledge, roles, responsibilities, resources, and services. The collaborative measure which involves all components, namely, government agencies, NGOs and communities, can be the most effective way to combat human trafficking comprehensively. The model proposed below can be adopted in establishing a comprehensive collaborative measure against human trafficking both internally and internationally.

Global Challenges

Cooperative Measures (CM):
Internal Collaboration and International Collaboration

Conclusions

a. The Philippine Anti-Trafficking Law (R.A. 9208) is a comprehensive law because it provides penalties and sanctions for those who get involved in human trafficking (prosecution measure) and provides a comprehensive measure for human trafficking which cover prevention, protection, recovery, reintegration, and cooperation.

b. Indonesia, whose human trafficking situations are similar to those of the Philippines, should learn that the interpretation of the anti-human trafficking law should be construed liberally in favor of the trafficked victims. The use of other laws relevant to human trafficking should similarly be supported to bring more traffickers

before the (to) court. A special agency consisting of representatives from various sectors such as the IACAT in the Philippines should be established to provide guidance and monitor the implementation of Law No.21 of 2007 in Indonesia. The coordination and referral system between the IACAT and other sectors concerned with human trafficking issues, as constituted in the Philippines, should be adopted by Indonesia for greater effectiveness and efficiency in handling human trafficking cases and victims.

c. The Philippines and Indonesia should take a firm stand in declaring that all prostitutes are trafficked victims and that these vulnerable people will not be punished by the Criminal Code. Serious efforts should be taken to abolish corruption in the two countries because corruption causes poverty. It makes people who seek a better life vulnerable to human trafficking. Collaborative measures between the sending and the receiving countries at the regional and international levels should be taken into account, because human trafficking occurs due to the demand from the receiving countries and the supply from the sending countries. It is necessary for both the receiving and the sending countries to share their information, knowledge, roles, responsibilities, resources, and services in order to combat human trafficking internally and globally.

NOTES

[1] Based on the Resolution of the United Nations General Assembly No. 55/25, on 15 November 2000 the United Nations General Assembly adopted 'Organized Crime Convention' and 'Protocol against the Smuggling of Migrants by Land and Sea' and "Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children"

[2] *Trafficking in Persons Report, June 2007, USA Department of State*. 5 July 2008 <www.state.gov/g/tip>.

[3] Libraries of Ateneo de Manila University, Women Center of the University of the Philippines and the Philippines Against Child Trafficking (PACT).

[4] The Inter-Agency Council Against Trafficking (IACAT), Non Governmental Organizations (NGOs), International Non Governmental Organizations (INGOs), trafficked

victims, peer discussions (dialogues) with lawyers, judges, academes, students through six lectures and seminars on human trafficking in Manila, Cebu City, and Davao City.

5   Batasan, Malate, North Manila Harbor, Pampanga, Baguio, Cebu City, Davao City (Sasa Port).

6   See note 2.

7   *Trafficked into Forced Labor: Selected Case Studies of Domestic Workers in the Philippines*, Manila: Visayan Forum Foundation Inc., 2006: 6.

8   *Human Trafficking: Indonesia.* 5 July 2008 <http://www.humantrafficking.org/countries/indonesia>.

9   Visayan Forum Foundation Inc. "Making an Impact in Transit Points." *Anti-Trafficking Board: Official Newsletter of the RBA-Port Project of the (VF) and Plan Philippines* 1 (June 2007): 5.

10   See note 2.

11   Menchavez, Dean. "The Philippines' Ethical Time Bomb." 9 May 2008

12   Mediavilla, Sam. "President wants to stop organ trafficking." *the Manila Times*, 8 February 2007.

13   *Looking from Within: A Primer on Trafficking in Persons in the Philippines.* Manila: Visayan Forum Foundation Inc., 2005: 6

14   *The Elimination of Trafficking in Persons in Indonesia 2004-2005.* Jakarta: Coordinating Ministry for People's Welfare, 2005: 4-6.

15   IACAT-DOJ Documents. "Updates On the Implementation of R.A. 9208", 2007.

16   See note 2.

17   Interviews: Dr. Tereso Tullao, Jr.,PhD., De La Salle University, Manila, 6 August 2007: 2 pm; Father Fabio Baggio, PhD, Scalabrini Migration Center, 31 August 2007: 2 pm.

18   Interview: Carolyn I.Subritchea, Women Studies Center the University of the Philippines, 4 April 2008: 2 pm.

19   *Endangered Generation: Child Trafficking in the Philippines for Sexual Purpose.* Manila: ECPAT-Philippines: 206.

20   See note 7.

21   Rosenberg, Ruth (Ed). *Trafficking of Women and Children in Indonesia.* Jakarta: International Catholic Migration Commission (ICMC) and American Center for International Labor Solidarity (Solidarity Center): 119-146.

22   Interviews: Loida Bernabe, Kanlungan Centre Foundation Inc. Center for Migrant Workers, 9 August 2007:10 am;

Connie Regalado, Migrante Internationale, 11 August 2007: 4 pm.

23   *Modus Operandi* for international trafficking in the Philippines: fraudulent documentation, tourist arrangements, Overseas Performing Artists (OPAs), escort services, false marriages, training scheme, blind advertisements, contract substitution, Artist Record Book (ARB), and *Au Pair* System (based on the interview of Ma.Cecilia Flores-Oebanda, Visayan Forum Foundation Inc. (NGO), 22 August 2007:3 pm.)

24   See note 14: 4.

25   Ma.Cecilia Flores-Oebanda, Visayan Forum Foundation Inc. (NGO), 22 August 2007:3 pm.

26   Interview via telephone: Enriquez Red, Department of Interior and Local Government (DILG), 18 March 2008: 11 am.

27   General Yolanda G.Tanigue, RSW,PhD (Directorate for Investigation and Detective Management Women and Children Protection Center, the Philippine National Police), 28 January 2008: 2 pm.

28   See note 14: 11-12.

29   See note 2.

30   The Inter-Agency Council Against Trafficking (IACAT) consists of Department of Justice (DOJ), Department of Social Welfare & Development (DSWD) Department of Foreign Affairs (DFA), Department of Labor and Employment (DOLE), Bureau of Immigration (BI), Philippine National Police (PNP), Philippine Overseas Employment Administration (POEA), National Commission on the Role of Filipino Women (NCRFW), NGO Representative-Children Sector (ECPAT Philippines), NGO Representative-Women Sector (CATW-AP), NGO Representative-OFW Sector and Ex-Officio Members: Department of the Interior and Local Government (DILG) and National Bureau of Investigation (NBI).

31   *Anti-Trafficking in Persons: A Policy Resource Book*, Manila: Inter-Agency Council Against Trafficking (IACAT), 2004: 4.

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A Study on the Migrants' Access to HIV/AIDS Treatment in Kanagawa and Nagano

Kannikar Kijtiwatchakul

Introduction

In 2002, Thailand initiated the National Access to the Antiretroviral Program for PHA (NAPHA) to provide antiretroviral medicines for people with HIV/AIDS free of charge. It initially covered approximately 50,000 cases. In October 2005, the antiretroviral treatment was included in the universal health scheme, and was extended to over 100,000 people.

Given the greatly improved access to antiretroviral medicines and an active public campaign against new infections, the number of new infections and AIDS-related deaths has declined in the last 7 years. Nearly all Thai citizens are entitled to the treatment free of charge. The Ministry of Public Health and Thai civil society have begun to look into extending the NAPHA to also cover ethnic groups without Thai ID cards, as well as migrant workers, in the belief that access to treatment is a basic human right.

However, there are still some Thai AIDS patients who have died without access to treatment, among them Thai migrants in Japan, a highly developed country.

This research tries to address the efforts of Japanese civil society and Thai expatriates in Japan to increase access to treatment through campaigns that encourage workers to have blood tests, to support medical staff in hospitals in their quest to overcome language barriers, to link the treatment standard of Japan to that of Thailand as well as establish a transfer system so that patients can continue to receive medical care in their home countries, and to reduce the rates of infections and deaths among migrant workers. In order to see the accomplishments and improvements in the to migrants' livelihood, the research studies the areas of Tokyo and Kanagawa in comparison with Nagano, where there is not much help available,.

The research also wants to show that if these groups of migrants enjoy the cooperation and support of the governments of Japan and Thailand, the model can be applied to solve the problem of access to treatment for migrants in Japan, a country already providing antiretroviral medicines under its health insurance system. The Thai government can also bring this model to apply in the other countries where Thai workers migrate, to improve their quality of life.

The methodology employed in this research involved studying research papers on migrant labor, their access to treatment, and the HIV/AIDS problem. It also involved conducting interviews with the following: doctors who provide treatment to overstaying migrants in Kanagawa and Nagano, NGOs that provide medical services and translation, Thai and Japanese volunteers, Thai embassy personnel in Tokyo, human rights academics, patients still living in Japan but who will be returning to Thailand, and Thai communities in Japan.

API literature review

According to Ruenkaew (2001), most Thai workers presently in Japan have been there since the 1980s. From 1980 to 1997 the number of entries into and exits from Japan by male Thais was higher than those of females, but from 1998 onwards the number of male Thais entering and exiting Japan was lower. The fluctuation in the number of male Thai migrants, however, has grown higher while that of the women has not. Thai women, though, arrive less frequently and stay longer. It can also be estimated that until year 2000, of the 100,000 Thai who overstayed in Japan, about 60 percent were women.

In 2001, the Japanese government implemented a stringent policy against illegal labor. In 2007, according to Japan's immigration office, there were 8,460 overstaying Thais in Japan. But Ruenkaew's research findings show that many Thai workers continue to enter Japan through unlawful entry points and use passports of other nationalities to do so. Therefore, the true figure of overstaying Thais must be higher than reported, but is considerably lower than when their numbers peaked.

Ruenkaew's research also finds that these workers hardly know the Japanese language, and few of them have developed their language skills, despite their long stay in Japan. "Language seems to be a problem, leading

to a lack of knowledge about rights, law and procedures that is necessary for living in Japan," he said.

Most Thai migrant workers complain about bad working conditions. They say that their wages do not cover their living expenses, thereby forcing them to take on jobs in different places, do overtime work or work even during holidays. While working hard, these workers cannot take care of their health. They do not dare visit doctors due to their fear of being arrested and neither do they seek medical treatment while in Japan due to the high cost of doing so without health insurance. And these workers do not want to return to Thailand, unless their goal of economic security has been achieved.

Angsuthanasombat (2005) describes the work that these workers do, most of which the Japanese refuse to do, as dirty, difficult, and dangerous. He said, "They strive for survival and surrender to exploitative and risky situations, especially in terms of their health"

And the research points to the difficulties that the workers in Japan encounter to access treatment. "There were some migrant workers who owed excessive amounts of money in Japan for medical care because they had no health insurance due to their illegal working status. For example, one respondent owed the hospital 900,000 yen (350,000 baht) for a stomach operation. Now he has to pay 50,000 yen (20,000 baht) to the hospital every month. A son of a Thai migrant worker was ill from Thalassaemia and went to the hospital. The Thalassaemia treatment cost 2,300,000 yen (900,000 baht). Fortunately, the employer helped them pay the hospital first and agreed to deduct the amount from the Thai worker every month for the next two years."

With regard to the HIV/AIDS issue, although the research by Trimayuni (2001) does not study migrant workers in Japan, there are similar findings, as follows: migrant workers' having little knowledge about HIV/AIDS, except that it is a fatal disease; their having no knowledge about safe sex, or using condoms; their lacking knowledge on medical care language problems; having to contend with unaffordable medical expenses in the receiving country; and their tendency to mostly take herbal medicines on their own.

Particularly, "female migrant workers are very vulnerable to the HIV/AIDS virus. Their lack of knowledge about HIV/AIDS is alarming. Factors that contribute to the female migrant workers' vulnerability to HIV/AIDS are personal problems (e.g., feeling lonely, bored, stressed, and homesick) and external factors (e.g., sexual abuse and contaminated blood transfusion)."

Problems that migrant workers have faced

Hard work, long hours, stress, alcohol consumption and drug addiction

Stressed from work, many workers turn to heavy drinking and smoking, and lack sufficient rest. According to sources in the Thai communities, many have died because of liver, lung and breast cancers, in particular. Many have psychological problems but are unaware of them.

Some turn to drugs and refuse to undergo medical checkups for fear that their urine test would expose the level of substance in their bodies. But drugs are hard to come by in Japan. So Brontex, a cough syrup with codeine, or just 'Bon', is the most sought after among Thai addicts. They even have a slang expression for taking it: 'Tae Ball' = 'go play football'. The syrup can be bought in any pharmacy, snack shop, or Thai liquor store. Drinkers would warm it with a lighter at the bottom of the bottle to stimulate the opium radicals before drinking the syrup.

The workers' ignorance of their labor rights

Japan's laws recognize the labor rights even of illegal workers, but many workers do not know this and are not included in the social security system. A 40-year-old woman, for example, was injured by falling metal at work. She received money only for her medical expenses during her three weeks in the ICU. And for five years after that, she never had follow-up medical checks, despite the fact that she had a right to them. Japan's laws stipulate that companies must pay for the treatment of injuries occurring at work, compensate 60 percent of the salary lost, compensate for the resulting disability through the labor accident insurance, and pay the insurance premium according to the number of employees.

Illegal workers have no leverage. There is high competition among them in the snack bars, while prostitutes in the small towns find it impossible to require customers to use condoms.

Self-medication

Due to the expensive cost of medical care in Japan, many Thai workers, especially those without visas and health insurance, choose to purchase medicines on their own. They do not undergo medical checkups nor see the doctor, often because the hospitals deny them service. A Thai woman in Ibaraki prefecture, for example, was asked in a hospital beforehand, "*Hyaku man en kakaru?*" (Could she afford the one million yen for the treatment?). She was then suffering from severe anemia and recurrent high fever.

Some workers with visa and health insurance buy medicines by themselves, due to language problems and their being used to Thai medicines. Thai shops and video rental stores always have over-the-counter medicines from Thailand for sale, and they also sell some prescribed medicines for inflammation, obesity, diabetes, and blood pressure. Some of these medicines are brought over from Thailand.

This practice leads to the incorrect and inappropriate use of medicines, especially those requiring specific dosages. Many Thai workers are addicted to medicines for inflammation. The medicines' easy availability and their incorrect use are likely to result in ineffective medication. For example, one man who believed he had gout took medicine for it for over a year. When he finally decided to visit a doctor, he found out that he did not have the illness.

Another example: a woman who had been taking medicine for obesity for years suddenly found out about an irregularity in her heartbeat. The doctor took a very long time to diagnose the symptoms because she had been taking too many medicines.

Health insurance on loan

Many Thai workers, especially those working in the sex business, enter Japan with fake passports. In the Thai communities, some have *Hoken* (health insurance), while others do not. The ones who do not have *Hoken* would borrow the *Hoken* of others, creating confusion in their medical records and making diagnosis difficult.

Many pregnant women do not go to the hospital until the time of delivery. Many of them cannot find hospitals which want to admit them. In some cases, they have to travel a long way to get to a hospital. For example, a Thai woman traveled from the Ibaraki prefecture to give birth in a hospital in Nagano, because this hospital was reputed not to demand money from patients who could not afford to pay.

Language and economic problems

Some workers go to the hospital for the treatment of chronic diseases such as diabetes, but cannot do so regularly because of economic constraints. (case found in Gumma Prefecture)

Some have language problems and thus need a companion when visiting doctors. When their friends are not available, they cannot go to receive treatment. Such was the case of patients with heart problems in Gumma. Sometimes, having friends or relatives helps them communicate but may also obstruct them from seeking treatment because of problems of confidentiality such as in the case of HIV/AIDS.

Too ill for the hospital

The lack of access to treatment and information, as well as wrong attitudes toward certain diseases such as AIDS, prevents many Thai workers from receiving treatment early enough. Many are sent to the hospital only when it is too late, and many die upon arrival.

Human rights violations by the police and immigration officers: No translation and no medical care provided

A woman was once arrested on her way from Nagano to an immigration office in Shinagawa to seek her own deportation. Despite her severe illness, she was arrested at the Shinagawa railway station, detained for one week, and was not sent to the hospital or a doctor.

Unsolved problems

Many researches have been done and proposals made to address the problem of access to treatment among migrant workers in Japan, including a report by the Human Right Watch (2000), the Report of the Experts' Meeting on HIV/AIDS and Human Rights in Asia Pacific (2004), and the NGO Policy Proposal of the Solidarity Network with Migrants Japan, 2007, which have some policy recommendations in common:

1. Offering medical treatment

All foreigners must be provided with the necessary medical treatment. Physicians are obligated to offer medical treatment to foreigners without a proper visa. Physicians should not leak information to immigration authorities.

2. Medical treatment in case of emergency

Medical treatment must be offered even to the non-Japanese who are suspected of being unable to pay for medical fees.

3. Informed consent and securing translation

Regardless of nationality, all patients have the right to be informed and to give their consent regarding their medical treatment. Interpretation service should be provided to guarantee informed consent. Translation is particularly important before a major examination, during the disclosure of results, or when choosing medical treatment.

4. Respect of self-determination

In principle, the person involved is the one who has to decide the course of medical treatment. Medical personnel should be provided with medical knowledge and information on the social system to facilitate the choice of medical treatment.

5. Protection of privacy

The language barrier is not a sound reason for disclosing information about a non-Japanese patient to a third party.

6. Respect of individuality

Individual lifestyles must be respected. The lack of a proper visa is not a sound reason to suggest repatriation to a non-Japanese patient. Cultural diversity, religion, and moral values must be considered in dealing with a non-Japanese patient.

7. Use of social institutions

Access to social institutions such as social workers, counseling, or NGOs must be provided to non-Japanese patients.

8. Understandable information in the proper language

Non-Japanese patients must be provided with basic information concerning HIV/AIDS, medical treatment, and social institutions in a comprehensible manner.

9. Information in the mother tongue of the patient

Information related to medical treatment in the mother tongue of the patient must be provided.

Despite the aforementioned policy recommendations, neither the migrants' access to treatment nor the Japanese government's policy has improved much. Problems still remain: health insurance's not covering illegal workers; government's inattention to providing translation for medical service, and the lack of emergency care for migrants with only certain prefectures enjoying subsidies from their local governments.

Since 1993, nine prefecture governments, including the Tokyo Metropolitan Government in the Kanto block, have allocated budgets to compensate for unpaid medical fees for the emergency care of undocumented workers. Partial compensation would be paid to the hospitals after the patient was confirmed to be unable to pay, after repeated requests for a year. Since the introduction of this "compensate unpaid fee system", the number of migrant workers refusing treatment has dramatically decreased. However, to date, only nine out of the forty-six prefectures have adopted the system.

At present, only three prefectures including Tokyo, Kanagawa, and Gumma have sufficient budgets for the subsidy system. Five other prefectures, namely, Nagano, Chiba, Ibaraki, Hyougo, and Tochigi have insufficient budgets. Due to the lack of public relations, very few hospitals have ever tapped them, while the rest of the thirty-eight prefectures have no such subsidy at all amidst the Japanese government's stringent campaign to arrest illegal labor "to revive the title Japan – The Safest Country in the World", as announced by the Japanese Immigration Bureau.

In Nagano's neighborhoods such as Miyota and Nakagomi where many immigrant workers live, immigration police raid apartments at dawn and snack bars at night a few times a month, and over ten migrants are arrested each time.

Under such circumstances, access to treatment among migrant workers, in particular those without visa and health insurance, is ever more difficult.

While demand for cheap labor is still high enough in Japan to make its economy and industrial productivity competitive with those of other countries, illegal labor and trainees are in high demand. I was told that many times it was the employers who told illegal workers to flee when police or immigration officers came for inspection or to make arrests. Apparently, strong law enforcement is not the solution to the illegal labor problem.

Lack of access to treatment is a major cause of the higher rate of HIV/AIDS infections among migrant workers compared to the Japanese, and for the worst illness conditions as measured by CD4 counts (a kind of lymphocyte indicating the human immunity level). The CD4 counts of the uninsured HIV positive undocumented migrants (around 50 cell/mm3) were significantly lower than for the insured (around 290 cell/mm3). This was one main reason why many Thai PLWHA with low CD4 count pass away soon after visiting some medical facilities.

This did not only reflect negligence of human rights problems, but also resulted to the failure to prevent the spread of AIDS. Arresting illegal workers assumed to be sources of the disease may not be the solution, but could force them to hide deeper underground. And they have done just that in the last 10 years or more, coming out only when terminally ill.

Assistance provided by Japanese civil society

While many problems have not been resolved yet, there are many civil society organizations in Japan that have provided assistance to migrant workers in various aspects.

The Minatomachi Clinic and Kobayashi Clinic in the Kanagawa prefecture are among the few that have health personnel rendering affordable clinical services. Some volunteer doctors and nurses including volunteer medical students and nurses run mobile medical services in migrant communities in Tokyo and Kanagawa twice a month. This provides medical checkups in the Thai consul's mobile activities and some might include legal consultation.

To overcome the language barrier, some NGOs like MIC Kanagawa provide medical care interpretation service free of charge in hospitals. Some provide health information service on the telephone in many languages.

Like Japanese civil societies, Thai people who reside in Japan also get together to help their people. TAWAN (Thai word that means "sun") is a group of Thai women who are either nurses, Thai consultant staff of several Japanese agencies, professional interpreters, or housewives. They gather as a group in order to provide support to Thai migrant workers by running outreach activities that provide information on health care and the prevention of HIV infections. TAWAN with some NGOs like SHARE and some hospitals has tried to contact Thai NGOs to transfer the patients' information on their medical treatment to ensure uninterrupted treatment when they return to Thailand.

While the national policy regarding the access of migrant workers to treatment has not yet achieved a better direction, some academic and NGOs have started to persuade convince the implementation level that includes health personnel and social workers in the prefecture level by running workshops to make them understand how to help migrant workers who cannot afford medical expenses, through legal means and existing governmental assistance programs.

Case 1: Mr.X, 42	Case 2: Ms.Y, 30	Case 3: Ms.Z, 28
Entering Japan in the 1990s, the undocumented worker, ill and unable to walk, was sent to the Saku Central Hospital in November 2005. His blood was found to be positive with the CD4 lower than 50. He was hospitalized for two months, and was sent back to Thailand. With the understanding that AIDS is an incurable and fatal disease, his family stopped sending him to the hospital. He died afterwards.	Also an overstaying migrant, she came to the Saku Central Hospital with symptoms of anemia, but without any other opportunistic diseases. Her blood was positive. She refused to have medical care interpretation to maintain confidentiality. Doctors tried to assure her that the disease was not fatal, and she would receive free treatment when she returned to Thailand. She has been well informed about the medical treatment in Thailand provided by SHARE. Now she is in good health in her hometown in Thailand.	She decided to return to Thailand after she had been denied treatment by a hospital that claimed not to be proficient in dealing with HIV/AIDS, but it was a long New Year weekend and the Thai embassy was closed. Her symptoms of brain abscesses as a result of AIDS worsened and unconscious, she was sent to the Saku Central Hospital. The brain abscesses were already too advanced so that the doctors had a very difficult time trying to improve her general condition enough to start antiretroviral drug treatment. She died soon after arriving in Thailand.

Three case studies

Note: During the API fellowship period, I was involved in these three case studies. Referring Mr. X back to Thailand was my inspiration to do the research. To ensure that Ms. Y would not go into the same grief path as Mr. X, I had to secretly follow up her health condition (bearing the need for confidentiality in mind.) As for Ms. Z, I had followed up her condition from the time she was confined in the Saku hospital until she died.

Some observations

1. Delayed treatment lowers the patients' chance to survive due to their terminally deteriorated state as in the case of Mr. X and Ms. Z. It also raises medical expenses. On the other hand, early detection of HIV will highly likely save a patient's life.

2. Providing information about the free medical treatment in Thailand, particularly the antiretroviral treatment which is a lifelong treatment, is a core factor in making a patient more confident to go back home as in the case of Ms. Y. The understanding of the family is also very important. In the case or Mr. X, it was his family who stopped him from getting treatment, while Ms. Y received very strong support from her family.

3. While doctors in Kanagawa do not bother to worry about accepting patients because there is a government subsidy program, doctors at the Saku Central Hospital in Nagano have to be concerned with increased medical expenses and have to find a solution, instead of just concentrating on the treatment. In these three cases, the doctors were repeatedly asked by the administration section of the hospital about how to deal with the possible unpaid medical fees.

4. The Saku Hospital provided treatment for migrant workers including those who did not have a visa and health insurance, on a very special basis, because this hospital was founded using the money of a farmers' organization and it was the founding doctors' will to save lives.

However, for how long this hospital can continue to do so is uncertain because of, for example, the unpaid expenses amounting to 3,420,250 yen in the case of Mr. X and one million yen in the case of Ms. Y (at first the hospital considered it a loss, but her Japanese boyfriend made the payment through her relatives). Can other hospitals bear the burden? The answer is no, as can be seen in their refusal to accept migrant workers and their insistence to have guarantors prior to treatment as Ms. Z was told by the first hospital.

Without the government's support, hospitals and doctors who wish to help patients and solve health problems will have to exhaust their efforts.

5. The model of Dr. Takayama Yoshihiro of the Saku Central Hospital and the model of SHARE in solving the problem of access to treatment among migrant workers are similar, but, like the Human Rights Watch Report said seven years ago, they would not make any

difference. Everything remains the same, with kind-hearted doctors and NGOs offering help in every tiny spots as best they could. Problems remain. Basic human rights are being violated in the likes of the economic superpower Japan, and these violations are going to cause problems for Japan's public health. The problems will persist as long as the central and local governments do nothing.

6. Despite the doctors' best intentions in helping patients, there are still cultural and language barriers to deal with. Professional medical care interpretation would be of great help. Doctors at the Saku Hospital have found that some of the volunteer interpreters in Nagano are not reliable in keeping confidentiality. And they do not strictly adhere to their job, sometimes doing more than what they are supposed to do. They also lack adequate medical knowledge, unlike professionally trained volunteer interpreters in Kanagawa.

However, to train professional medical interpreters requires expertise, and is not possible if without support from government in the national and local levels. MIC Kanagawa, an NGO working on this field, is facing difficulties because the Kanagawa government has reduced its financial support. If the situation is allowed to go on like this, the interpretation support system would probably fail.

7. The campaign for blood testing does not encourage workers who are at risk to take the test, because treatment is not guaranteed. The three cases gave exactly the same reason why they prolonged the testing. So, in order to achieve an effective prevention measure, the government should consider a program providing basic treatment and referring patients when they need to take the antiretroviral medicine.

In order to advance prevention among the foreign communities in Japan and encourage early diagnosis in hospitals for those identified as HIV-positive, it is important that access to treatment is ensured for those non-Japanese HIV-positive residents before they are sent back to their home country and that such fact is made known widely to the foreign communities at large.
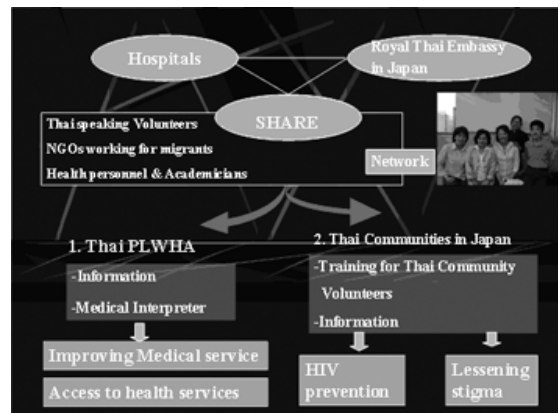
Policy Recommendations

The Japanese government as a major donor of the Global Fund has to put all its efforts into solving the problem, without discrimination regarding citizenship. Or else, Japan would be one of just a few developed countries that will see a rise in the rate of HIV/AIDS infections, while the other countries see a decline. And the Japanese government's reputation will be damaged as Japan is a country that provides AIDS to other countries, but allow deaths from the disease in its own soil.

The Japanese government should allocate part of the aid to set up an emergency fund for local governments to support hospitals so they could provide treatment to migrant workers who cannot pay. Patients should be given initial treatment for opportunistic infections until they are ready to return to their countries to receive the antiretroviral medicines for free. This will help reduce the fatality rate considerably. And the government should support activities that provide information to hospitals and health workers on how to take care of migrants. At present, sending patients to their countries for further treatment can be done, as has been done by SHARE, the Saku Hospital and a few other hospitals. In addition, the central and local governments have to recognize the need to establish a medical interpretation system in every prefecture.

The work of Thai volunteers in giving assistance and providing information on health issues is of utmost importance. These activities should be enhanced with the support of the Thai government through the Thai embassy, which should give high priority to the health care of Thai expatriates, no less than to trade, tourism and culture. And the embassy staff should have

sufficient knowledge on this issue to be able to provide correct medical information upon request.

Thailand's Ministry of Labor and Ministry of Foreign Affairs should cooperate with the Ministry of Public Health in providing information about health care, HIV/AIDS prevention and the rights of workers and trainees before they leave the country. Embassy volunteers should be trained on health issues.

The financial assistance extended to Thais abroad should be in the form of grants, not loans, because no one would want to deplete their savings, if possible.. Everyone wants to return home a victor.

The media that report on the Thais in Thailand and Japan should present the reality that Thai workers in Japan have to face, in order to lower the pressure they receive from their families back home and to make newcomers aware of the real circumstance. Media should also provide information on health issues to really benefit readers.

This research has a weak point that should be further studied: problems among trainees which is increasingly becoming severe, and the obstacles of access to treatment among legal workers in Japan.

However, the Thai and Japanese governments with the cooperation of health workers, NGOs, and the Thai communities in each country will find the recommendations above useful and applicable in any country where Thai workers live, and more lives will be saved.

Epilogue

At the end of July 2008, the Thai Network of People Living with HIV/AIDS, in cooperation with the AIDS Access Foundation, Foundation for AIDS Rights and the Thai NGOs Coalition on AIDS sent a letter to the Prime Minister of Japan and governors of Nagano and Ibaraki Prefectures, urging them to urgently improve their immediate treatment of migrants. The letter cited the case of two Thai migrants who became comatose due to a brain abscess. They fell victims to neglect and subsequently, one of them became disabled, the other lost her life (Ms.Z). On the same day, observing good coordination, the Japanese Network of People Living with HIV/AIDS (JaNP+), in cooperation with Japanese NGOs and doctors, held a press conference in Tokyo in support of the submission of the letter.

Responding to the advocacy on 29th September 2008, the Division of Disease Control, Health Service Bureau of the Japanese Ministry of Health, Labor and Welfare sent a letter to all core AIDS centers in Japan asking them to accept migrants.

The Division of Disease Control, Health Service Bureau states that "however, cases have recently been reported in which some HIV/AIDS Specialized Hospitals have been criticized for neglecting to provide AIDS medical care to non-Japanese patients. We have been asking each prefecture to instruct the management of HIV/AIDS Specialized Hospitals and Prefectural HIV/AIDS Specialized Hospitals about the official policy objectives referenced above. We would like for you to once more instruct both HIV/AIDS Specialized Hospitals and Prefectural HIV/AIDS Specialized Hospitals to provide adequate treatment for non-Japanese patients."

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Implications of Existing Knowledge and Practices of Legal Aid in Japan, Thailand, and Malaysia to the Advocacy for Improving Access to Justice in the Philippines

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Introduction

This paper is a preliminary reflection about the learning obtained from engaging in a set of diverse activities through participation in the Asian Public Intellectuals (API) program that had been generously supported by the Nippon Foundation.

Over a nine-month period, between the beginning of October 2007 and the end of August 2008, I was fortunate to have been introduced to the issues and concerns of different stakeholders grappling with problems involving access to justice in Japan, Thailand, and Malaysia. The initial interest in this topic was developed as a direct result of my observations about the gaps in Philippine judicial reforms. In recent years, some progress had been accomplished in the Philippines regarding reforms in the justice sector, particularly with respect to the court system, but there was still insufficient attention given by policy-makers to ensuring that the marginalized sectors of society might have effective means to avail of those same services.

With the increasing demand for *free* legal services far outstripping the capacity of existing service providers, there is an urgent need to identify viable mechanisms to expand the reach and scope, and enhance the quality of, free legal services to those in need, particularly the poor and disadvantaged. Initial studies have examined the prevailing situation of free legal aid in the Philippines, but no *comprehensive* solutions have yet been mapped out and implemented to address all existing inadequacies.

A 2004 survey of lawyers and judges on the "State of the Judiciary and the Legal Profession in the Philippines" conducted by the respected research institution Social Weather Station (SWS) revealed the perception that legal assistance programs in the country remain insufficient. Identifying workable models for improving public access to reliable, efficient, and cost-effective legal services has become important to the law reform community in the Philippines.

The API fellowship program that I undertook provided a unique opportunity to conduct research and other professional development related tasks with the academic and legal aid related organizations in the countries I visited. The fellowship experience provided valuable insight regarding the state of existing legal aid programs in the region and thereby established a critical resource from which to draw workable ideas in order to develop the contours of an overall framework for similar reforms needed in the Philippines. These reforms might have to be pursued to ensure the enhancement of provision of free legal aid within the context of its own development capacities.

Relevant information was obtained through the kind assistance of key partner institutions in the three countries visited, namely: the Faculty of Law and Politics of Keio University in Japan; the Office of Human Rights and Social Development of Mahidol University in Thailand; and the Centre for Poverty and Development Studies of the University of Malaya in Malaysia. Interviews, visits, seminars, meetings, and research into primary materials were conducted in order to understand the different perspectives articulated amidst the public discourse around the broad theme of "access to justice" within each country.

The New Trends of Legal Aid in Asia

Scholars and practitioners are observing that recently there have been reforms in legal aid systems across several countries in the Asian region. This is a new and significant development that, over time, could lead to the improvement of mechanisms for delivery of justice. It has even prompted one expert to conclude: "The origins and content of the legal aid reforms suggests that a new wave of access to justice has occurred in Asia".

About three decades ago, in a number of developed countries of the west, it had been noted by other researches that there was a marked trend to reform the pre-existing piece-meal legal aid programs towards nationally organized and publicly funded schemes. At

present, this trend of legal aid reform appears to be manifesting itself in Asia in a manner distinct from previous efforts undertaken in the region or elsewhere. This positive development began and is taking root primarily in East Asia. As with the wave of reforms in legal aid that swept western countries in the 70's, this new trend might also lend itself to a practice of "policy borrowing"—whereby different societies in the region might consider alternative models that have been tried and tested elsewhere and adapt them to their own local conditions, needs, and circumstances.

Through this process, it might be possible to encourage more work in the field of law and development that could sweep through other countries in the region (particularly in Southeast Asia) that grapple with the challenges of improving justice systems. I do not mean to suggest that existing models would be blindly transplanted by another model without the benefit of critical assessment. It is certainly possible to consider common values and principles, as well as workable procedures and modalities, in order to craft innovative solutions that are sensitive to local realities and addresses the existing gaps.

This new trend in legal reforms can partially be explained by the vigorous emphasis placed by several inter-governmental (including the United Nations, World Bank, and the Asian Development Bank) as well as international non-governmental organizations to what has been described as the new Rule of Law (ROL) paradigm. Some elements of this paradigm encouraged initiatives that promoted "international standards" of law and law enforcement. Much attention was given to technical assistance for the clarity and consistency of national regulatory frameworks. Such initiatives promote market policies but also often include efforts to improve the capacity for enforcing legal systems (i.e. training of police, lawyers, prosecutors, and judges) and, necessarily, the promotion of national legal aid schemes. The reforms also typically included efforts designed to improve accessibility to justice for ordinary citizens by creating new legal institutions and processes, such as the creation of small claims courts, establishing Ombudsman-like systems, the enunciation of rules for summary procedures, and promotion of conciliation, mediation and other forms of alternative dispute resolution mechanisms.

These international realities coupled with national demands for attention to social justice concerns could,

over time, possibly engender favorable conditions to allow for the re-imagination or redesigning of public institutions (including the legal system) towards ensuring more responsive and accountable governance. As a concrete example, the significant legal reforms in Japan since 1999, based on the recommendations of the high level Judicial Reform Council, were pursued with the purpose of extending the benefits of a rule-based system to all aspects of society, as necessitated by the demands of an increasingly globalized economy.

While some may hold the view that the "push and pull" of "ROL and Governance" at the international level on one hand and citizens' demands for empowerment and entitlements at the domestic level on the other may ultimately be moving at cross purposes, I hold that they are complementary and are essentially based on the primary recognition given to human rights in the contemporary discourse regarding development directions. That is to say that specific policy intervention, designed to promote development, should be framed by state actors in recognition of the inherent human dignity guaranteed by the international community.

In his seminal work, Amartya Sen has posited a comprehensive view of development whose goal is the expansion of *real freedoms* for people to enjoy. From this vantage point, initiatives involving law reform for and on behalf of the poor in general, and legal aid schemes in particular, are as much part of poverty reduction strategies as economic programs. They both seek to address real vulnerabilities within societies experienced by the marginalized. International organizations such as the United Nations Development Program (UNDP) have highlighted the perspective in this manner: "Access to justice is closely linked to poverty reduction since being poor and marginalized means being deprived of choices, opportunities, access to basic resources and a voice in decision-making".

The Rule of Law paradigm has often been critiqued as promoting legal reforms that are inherently top-down or state-centered, especially when it focuses on bureaucratic changes such as improving court and law enforcement systems and as a result may prove ineffective in reaching the poor who are often alienated from most aspects of the law. For example, a major component of the Philippine Action Program on Judicial Reform primarily involved the functioning of the courts.

However, the predominant notion behind ROL programs have involved establishing meaningful restraints to governmental action by strengthening checks and balances through the independence of the judiciary. In the same vein, such a perspective should therefore likewise be able to accommodate efforts directed at strengthening citizens' participation in governance by using the legal system as a tool for social change.

In this context, the work in this area in different countries over the last few years have exhibited new approaches that go beyond developing capacity of state institutions alone. Taking a more comprehensive and inclusive approach similar attention, is also given to developing programs that improve capacity for non-state actors and to reforming broader aspects that impact on the justice sector. These might include programs directed at amending substantive laws dealing with resource allocation or power relations (i.e., land reform, environmental and natural resources, labor, consumer protection, and housing rights), and establishing effective human rights protection and legal literacy programs designed to empower the poor and marginalized in society. The paper seeks to explore the small but increasingly important role of innovations on public policy alternatives for legal aid reforms in the arena of ROL practice.

Findings

In all three countries studied, the predominant modality in legal assistance has been and will likely continue to be the *judicare* system, adapted to each country's specific conditions. *Judicare* is the generic term used to describe a system of private lawyers providing legal aid to qualified persons on a case to case basis. The service is similar to, though less exclusive than, what is traditionally understood as representation by litigation. Recipients of judicare must fulfill certain eligibility criteria, known as the "means" and "merits" tests. The cooperation of the private legal community is crucial to the effective operation of the system.

Significant reforms in Japan and Thailand have succeeded in expanding the coverage of the judicare system by increasing both state participation and financial resources. In Malaysia, an environment conducive to dialogue and debate about improving justice mechanisms has been set. However, despite some initial studies and discussions to this effect, none of the countries have as yet seriously contemplated taking further steps at establishing a public defenders service (the prevailing mechanism in the Philippines) whether as a replacement to or in parallel with their existing legal assistance systems.

Legal Aid in Japan

Japan has had a long tradition of providing legal aid to people, though before recent reforms this support came primarily from the private sector with some support from the state. The 1947 Japanese Constitution states that "No Person shall be denied the right of access to a court" (Article 32). This has been the foundation upon which Japan's legal aid system has been established, and reformed to meet the needs of its citizens.

In 1952, the Japan Legal Aid Association (JLAA) was established as a non-profit non-governmental organization (NPO) on the private initiative of the Japan Federation of Bar Associations (JFBA), the professional organization of all lawyers in Japan. Due to the central role they played in establishing this legal aid mechanism, the bar associations and their individual members fully support the activities of JLAA. As such, the bar associations did not undertake civil legal aid services independently of this principal agency they had helped to create. With respect to criminal legal aid however, the prevailing system was that of court-appointed lawyers at the indictment stage (paid out from public funds, at the current average rate of about 150000 yen per case) for certain types of cases.

When JLAA was created, the founders viewed legal aid as a scheme to "ensure social equality, by eliminating the inequalities in rights that arise from disparities in the financial positions of the parties to the case". From that point onwards, the demands for its services have progressively increased such that by 2001 the number of cases assigned by JLAA had recorded a sharp increase of about 50% compared to the previous year.

Since 1958, JLAA has received government subsidies, allowing it to significantly expand the provision of its legal aid services. However, available resources have remained inadequate and JLAA, as an organization, constantly experienced shortfalls in its budgets, vis-à-vis the growing number of requests for its assistance. Hence, since 1974, the Nippon Foundation has been providing JLAA with significant support in order for it

to begin providing free legal consultation services in the majority of their 50 branch offices.

At its peak, the types of services offered by JLAA included a civil legal aid program that primarily took the form of a loan service for judicial costs with a repayment system that was not a burden on beneficiaries. The free legal consultations were financed from assistance provided by the Nippon Foundation. JLAA has also been giving aid in defense of suspects in criminal cases (financed from special subsidies given by JFBA obtained thru a special assessment imposed on all members) and other aid services such as attention for juveniles in criminal cases, aid for the Japanese people left in China after WWII, Refugee Legal Aid, etc. JLAA has also gradually expanded the coverage of activities that they could cover with their resources such that from 1993 onwards, a subsidy for pre-trial legal consultation costs had been allowed, and by the year 2000, the costs for judicial scriveners or documentation expenses were likewise subsidized.

As a result of this gradual expansion of activities and requests for coverage, JLAA found itself having to seek ever increasing sums from the state as it was unable to raise sufficient amounts from its traditional non-state sources of support. In October 2000, a Civil Legal Aid Law was enacted and government subsidy was once more significantly increased. Meanwhile, the JFBA assistance to JLAA continued and included significant subsidies in the form of provision of office space and augmentation of staff members.

Throughout the process of delivery of critical legal aid services, both JLAA and JFBA had been at the forefront of advocating legal aid reforms. Acknowledging the gaps, study groups were created within the Diet (Japan's Parliament) and the Ministry of Justice whose 1998 report recounted the consultation with multiple stakeholders about the future direction of the legal aid regime in Japan that was conducted.

By the early 1990s, there was significant discussion about the need for Comprehensive Judicial Reform in Japan. In fact, the JFBA had passed several resolutions calling for Judicial Reform beginning in 1990. After the economic restructuring and some bureaucratic reforms, attention began to focus on justice sector reform with active participation of both the business groups and the political parties. The Diet enacted a law concerning the establishment of Judicial Reform

Council (JRC) that mandated it to consider "fundamental measures necessary for judicial reform and judicial infrastructure arrangement by defining the role of the Japanese administration of justice in the 21st century". The Minister of Justice at that time highlighted the significance of the initiative by stating that: "In the 21st century, Japanese society will become more complex, varied and international...changes of the society in many ways will make the role of administration of justice more crucial than ever. It is indispensable to reform [and] reinforce the judicial function so that it shall be able to respond to social needs".

The JRC was chaired by Dr Koji Sato and was composed of distinguished persons from multiple stakeholders. At its inaugural meeting, Prime Minister Obuchi stated: "We must realize a more accessible and user-friendly judicial system. The judicial system we make must solve legal disputes properly & promptly to realize the people's rights, and maintain law & order in compliance with social circumstances. The judicial system we make must fully advocate fundamental human rights of the people".

After two years of work involving research, discussions, consultations, and public hearings, a comprehensive report with specific recommendations was submitted to Prime Minister Koizumi. This report formed the basis for sweeping reforms based on three pillars: a judicial system that meets public expectations; modalities for the legal profession that supports the judicial system; and participation of the people in the judicial system. The JRC chairperson in the course of the activities of the council articulated unequivocal support for legal aid reform. Thus began a major initiative at transforming the Japanese legal system. More than 24 significant laws have been enacted so far, with several other initiatives are underway.

One of the significant laws enacted was the Comprehensive Legal Support Law in 2004 that dealt with reforming the scheme of delivering legal aid. The law articulated the principle of "realizing a society where the information and services required for the resolution of legal disputes can be accessed throughout the country". As part of the mandate of this law, the *Houterase* (Japan Legal Support Center) was established in April 2006 and was operational by October the same year. The *Houterase* is a quasi-independent administrative institution that operates within the ambit of the Justice Ministry and the Supreme Court. With its creation, the Japan Legal Aid

Association was dissolved and its resources and core staff were absorbed by the *Houterase*. It now has an annual budget of 20 billion Yen and has its main offices in Tokyo with 50 branch offices covering all posts. It intends to have a full complement of 300 full time lawyers by 2009.

The law also provided for the Comprehensive Legal Support Plan, designed to make the justice system more easily accessible to citizens by providing all Japanese citizens with necessary information and services for legal solutions of civil and criminal disputes. The principal functions of the Japan Legal Support Center include the following:

- provide free information useful for dispute settlement and the creation of a referral system and a liaison service for legal consultants;

- provide the public with answers to their legal questions by using such information technology tools as the operation of call centers;

- continue and expand the civil legal aid service that JLAA offered through free legal consultations and provision of loans to cover legal and other related expenses;

- deploy staff lawyers to areas where it is difficult to receive legal services because of no or little presence of legal experts;

- develop and expand a victim-support system to include recovering damages incurred by victims, alleviating their pain and suffering, giving relevant information about organizations that provide victim assistance, and referring them to lawyers who specialize in assistance to victims;

- supply technical support and assistance for the judicare program within the courts both during and prior to indictment particularly for serious offenses; and provide such other services at the request of interested stakeholders such as the JFBA.

The *Houterase* will also be participating in preparing the public for the eventual implementation in 2009 of the new *saiban-in* (lay judge) system that would establish an opportunity for members of the public to participate in criminal trials.

In sum, gradual acknowledgement by the government of its duty to ensure the provision of resources for the enjoyment of legal aid represents a significant policy shift. Japan's legal aid policy has evolved over time from simply subsidizing legal aid provided by the private sector, to taking on more responsibility, ultimately represented by its adoption of the responsibilities of the JLAA through the creation of the *Houterase*. To a certain extent, it is heartening to observe that Japan has followed the global trend of expanding state participation in legal aid provision. However, the fact that the activities of JLAA having been discontinued raises the question of the future role for privately provided legal aid services in Japan.

Legal Aid in Thailand

The system for provision of legal aid in Thailand offers many lessons that may be emulated elsewhere even as practitioners in that country continue to reflect on possible areas for further improvement. Though somewhat hampered by concerns involving the administration and utilization of the already available resources, the Thai legal aid system has a multiplicity of service providers (state and non-state actors) that works in its favor, especially in light of the apparent complementarities between the two actors..

As with most other countries that offer legal aid in some comprehensive manner, the role of the lawyers become critical. The Lawyers' Council of Thailand (LCT), through a partnership arrangement with the state, is at the forefront of providing legal aid services for the poor. The Lawyer's Council serves as the professional body for all lawyers in the country and in this respect is similar to the Japan Federation of Bar Associations, the Malaysian Bar Council, and the Integrated Bar of the Philippines. It was established as an independent public organization by the enactment of the Lawyers Act of 1985 and is mandated to provide different forms of legal aid services in order to achieve the Thailand Constitution's guarantee of affording protection of rights and liberties to all citizens.

There are two institutions within the structure of the Lawyers' Council of Thailand that are relevant to the effective delivery of legal aid: the Human Rights Committee and the Legal Aid Committee. These two committees seek to mobilize their members to participate in the council's activities for providing both legal advice and legal representation for civil, administrative, criminal, and human rights cases.

The LCT receives a government budget allocation through its Ministry of Justice in order to expand the scope of legal aid services available to the public. In

2008, it obtained a sum of approximately 65 Million Bhat. In the context of the constraints normally faced by developing countries, the amount can be considered a substantial state support for the legal aid operations of the law society. Still, it is inadequate to meet the real demand for legal aid services. For this reason, the LCT has had to fill in these deficiencies by mobilizing its own financial, administrative, and human resources.

The Thai government also addresses this shortfall by providing other state-operated systems for legal aid. For instance, it has recently expanded coverage for the system of court-appointed lawyers for criminal cases by increasing the schedule of fees (from a minimum of 4000 Bhat to maximum of 50000 Bhat depending on the nature of the case) that will be paid out by the court to attorneys participating in the program through registration on a list held by the judiciary. The appointment of lawyers is triggered upon a petition made by the defendant to the court for such services. The usual critique against this program is that legal protection occurs only at the stage of prosecution, and insufficient attention is given to the person's needs in prior stages. Another observation is that many of the lawyers currently participating in the list are often young and are still gaining experience, which raises questions about the quality of legal representation provided.

A very significant feature of this expanded system is that is not primarily based on any means test requiring the person requesting the service to prove financial disability. Rather, it is based on a principle of guaranteeing representation at least in criminal procedures. This entitlement does not extend, at this time, to civil and administrative matters which continue to employ some form of measurement to qualify for the free legal service (as with most legal aid systems around the world in both the developed and developing world). Aside from the case of legal representation, however, availing of free legal counseling and advice in Thailand, as in Japan, is accessible through both state and non-state service providers.

There are two critical agencies within the Thai government that are at the forefront of these legal aid activities: the Office of the Attorney-General, and the Department of Rights and Liberties Protection of the Ministry of Justice. Other than performing the role of being the principal lawyer's office for the government, the Office of the Attorney-General (AOG), in accordance with law reforms initiated in 1991 and also

by a Royal Decree in 1997, is also mandated to administer legal aid for the people and to protect human rights. It is likewise required to provide the public with information regarding these same matters. To perform these functions, a special division called the Office of Civil Rights Protection and Legal Assistance has been established under the direction of the country's Attorney-General. While it is able to provide some assistance, the scope of work thus far appears to be limited and problematic, particularly in cases with state authorities (in their official capacities) as respondents, since its mandate does not extend to such cases.

Unlike the Office of the Attorney-General, the Department of Rights and Liberties Protection does not, at this time, offer legal representation services. However, it does engage in parallel activities within the broad rubric of legal assistance, primarily through counseling and advice-giving through its "Justice Clinics" project, as well as by providing information and referrals for obtaining legal assistance from other institutions. This department was established in 2002 as a focal point for cooperating with, and providing assistance to, people in order to achieve better access to justice. In particular, it has specific mandate to oversee both the witness protection and victim compensation programs of the government. Among other activities, it is undertaking a study of the viability of developing a public defenders system for Thailand. It also serves as the executive's principal agency for the compliance with international human rights standards. It also provides other agencies with the technical expertise regarding these obligations.

Recognizing the resource constraints and other existing gaps, efforts have been initiated for coordination among state and non-state stakeholders (such as NGOs) in the access to justice community in Thailand. As an example, an agreement to cooperate in the provision of legal aid to people was forged in 2005 among the Ministry of Justice, several non-governmental organizations, and law schools. The program of activities of the cooperation agreement include a commitment from each participating institution to share resources and to work together to receive complaints, promote popular legal education, provide legal counseling, offer legal aid and explore mechanisms to address financial difficulties of both victims and defendants.

As mentioned, certain law schools in Thailand have developed or are developing some capacity for legal

clinics as a contribution to the demand for more legal assistance services. These include the universities of Chulalongkorn, Thammasat, and Chiang Mai, among others. However, most of the university-based legal clinics, with the exception of Thammasat University with its long tradition of offering direct legal representation, limit their activities to legal advice, legal research, and legal information programs.

As had been mentioned, there currently are multiple discussions on improving the provision of legal aid in Thailand. Studies continue to be undertaken both by the government and by the academe about possible approaches to enacting a comprehensive law on legal aid. One proposed component for such a law involves the establishment of a public defenders system. However, there is currently no broad consensus about the desirability of this option and discussions about this matter are still continuing within the bureaucracy. Some significant segments of Thai civil society who view the proposal as a means of replacing, rather than supplementing, the LCT system is inclined to oppose it. The reason for this is that the LCT and its member lawyers, who have been at the forefront of the legal assistance community, have steadfastly protected their independence and have in the process taken up cases against abuses by state authorities.

The conventional wisdom behind this principled opposition is the belief that should a state system of staff attorneys be instituted, two scenarios would necessarily unfold. One is that less state resources will be made available to private lawyers to pursue advocacies on behalf of their clients. Another is that fewer cases involving checks on the state might be allowed to proceed. As evidence of the probability of these scenarios, the critics point to the fact that the legal aid services currently offered by the Office of the Attorney-General specifically excludes any case where the state is a potential litigant. Thus, any efforts at further reforms must guarantee both the independence of legal aid providers to pursue cases on their client's behalf, as well as provide adequate resources to ensure adherence to professional ethics.

Legal Aid in Malaysia

Malaysia's experience in providing legal aid shows fewer instances of cooperation between the state and non-state service providers to achieve some synergy in addressing the growing demand for legal aid. Nonetheless, the commitment and dedication of the institutions that are offering legal aid is both admirable and commendable given the extent of the programs developed despite limited resources. Critical to the expansion of the scope of legal in Malaysia is the realization of both the government and civil society that more legal aid resources needs to be generated in order to keep up with the public demand for improved access to justice.

The first institution for legal assistance established in Malaysia is the state operated *Biro Bantuan Guaman* (BBG) or Legal Aid Bureau. It was originally administered from the Ministry of Justice, but is now an agency under the supervision of the Law Minister of the Prime Minister's Office. It was created under the Essential Powers Ordinance in 1970 and was subsequently mandated by the Legal Aid Act of 1971 enacted by the Malaysian Parliament. It currently has branches in all states and federal territories of the country.

Despite its long history, the BBG does not provide full legal services to the public. It offer free legal advice and counseling on all aspects of the law, but as is the case with many jurisdictions, a means test is employed (allowing for extraordinary exceptions) as a criteria to determine whether applications for further assistance, such as legal representation, will qualify. It has made adjustments from time to time on the income ceiling for qualifying applicants and has also provided innovative subsidized legal services for those marginally above the income ceiling limits set. The lawyers engaged to provide the free legal service may either be staff attorneys or private lawyers participating in their program by inclusion in what is called "panels of solicitors". It has increased the use of mediation and conciliation proceedings in order to reduce resort to litigation.

Unlike the legal assistance provided by the non-state Malaysian Bar Council, the BBG's legal representation in criminal cases is limited and extends only to persons who plead guilty for the offenses for which they are charged (with exceptions for minor offenses and those crimes involving juveniles). Thus, the course of action taken in these instances is necessarily mitigation proceedings rather than full defense proceedings. Also, similar to the case of the OAG in Thailand, the BBG does not take on cases on behalf of persons making a claim against state authorities as litigants in the exercise of their official functions.

Aside from the state operated system offered by the

BBG, there is also a parallel legal aid mechanism operated by the Malaysian Bar Council, the 12,500-plus-member professional organization of practicing lawyers in the country. Initially they provided legal assistance on an *ad hoc* basis to meet requests as they became necessary, but by 1982 the first of the Bar Council Legal Aid Centres (BCLAC) had been formally established. Currently, there are 12 operating centers across Peninsular Malaysia. The Centres fall within the purview of the Bar Council's National Legal Aid Committee. The BCLAC system is exclusively funded from the yearly contributions of 100 RM made by all Bar Council members and relies on the services of dedicated volunteer lawyers who work on cases on a *pro bono* basis. The Bar Council has also devised mechanisms to address the lack of personnel for the service by issuing a ruling that has made it compulsory for all chambering pupils to perform legal aid service before being called to the Bar, as well as by a non-binding resolution requesting each member of the Bar to take on at least one legal aid case a year.

These legal aid centers provide a variety of programs, from providing basic legal advice and counseling, conducting legal literacy training, addressing special needs of vulnerable groups (migrants, refugees, victims of gender discrimination, etc), to full legal representation in most civil and criminal cases. It has entered into partnerships with different NGOs in order to extend the reach of its services even further.

Given its limited financial and human resources, the Centres, as in Japan and Thailand, have had to apply a means test to identify qualified requests for assistance. The program generally covers more types of cases than the BBG does, though some civil and criminal cases are also excluded from it (such as those involving death penalty cases). Also, akin to the practice employed in the LCT, the BCLAC have, in the course of their work, developed expertise for taking on cases in the public interest which are exempted from the stringent requirements of the means test. In recognition of the growing need of legal services in remote parts of the country, a mobile legal aid service has also recently been piloted. Despite all these laudable efforts undertaken by the BCLAC, they have themselves observed that perhaps up to 90% of persons subjected to the criminal justice system in the Kuala Lumpur Courts do not have access to any form of legal assistance. This is perhaps caused by the absence of a comprehensive system of court-appointed lawyers.

Perhaps recognizing the growing gap between legal assistance provided and the concomitant backlogged cases in courts, the then law minister in the Prime Minister's Office announced in late May 2008 that the government intended to expand the responsibilities of its legal aid officers and to seek further amendments to the Legal Aid Act for this purpose. This proposal was welcomed by the BCLAC that asserted in its statement that such an effort was indeed part and parcel of the administration of justice and was in line with the resolution passed during the 2007 National Legal Aid Conference stating the aspiration that the government was responsible for setting up an "Independent Legal Aid Scheme which acts as an Independent Public Defender". The government is responsible for setting up and funding the said scheme, aimed at promoting the objectives of legal aid and administering cases which fall within the ambit of legal aid. The same BCLAC statement highlighted the importance and "extreme urgency" of revamping the existing legal aid scheme which it described as inadequate, particularly with respect to all criminal matters, further asserting the value of protecting individual liberty as guaranteed by Article 5 of Malaysia's Federal Constitution. Noting the increasing number of cases coupled with scarce resources, it further urged the government to immediately take "a progressive step forward" to ensure that every person might be indiscriminately given the right to legal representation. It also stressed the need for the government to support and enhance ongoing efforts to promote legal aid "in order to build a just nation which upholds firmly the principle of social justice". It remains to be seen if concrete steps in this direction will ultimately be pursued.

Reflections on Lessons Learned

A primary objective of this project was to draw insights from the Japanese, Thai and Malaysian legal aid systems and apply them to the Philippine context. I had hoped to draw from my learning experience inspiration and renewed impetus for the task of building consensus regarding viable options to improve the justice system in my country. There are many lessons that have been learned, and I am grateful to have had that distinct opportunity.

As countries strive to become more competitive in the globalizing world and new forms of public management has stressed the need for even greater efficiency, there is a real danger that the poor and

vulnerable may be further pushed to the margins of society. Even so, the modern state ultimately draws its legitimacy from the democratic impulse of the people; hence governments must base structural adjustment measures on principles of citizenship and entitlements, reaffirming their commitment to the public good.

Law, a cornerstone of the democratic spirit, is a means to achieving equality and access to justice for all. In this context, legal aid is a fundamental aspect of the justice system and of democracy itself. It has been described as a gateway into the justice system as it opens the possibility of obtaining relief and redress of grievance to those who would otherwise have been barred from entry because of poverty. States must seek to establish legal aid systems that balance the goals of affordability and good administration and the public interest in achieving justice and fairness. Such a system must be approached holistically, with sensitivity towards the real needs of the people. In particular, it must provide a framework that protects the interests of the poor and marginalized in the society.

Too often, discussion in this field has focused on reducing costs or identifying alternative sources of funds for existing programs. Insufficient attention is placed on the fact that many social problems (labor unrest, domestic violence, corruption, fraud, criminality) decidedly become legal problems when the state fails to prevent the creation of an enabling environment for such issues. In a very real sense, legal aid is reduced to a residual category – the procedures that become available at the end of a social process of decay.

To be sure, legal aid, as a system, is an essential tool in addressing the problems of social exclusion, but it is not sufficient. It is necessary to consider legal aid reforms as part and parcel of a set of integrated reforms that address social exclusion (i.e. reforms must likewise be pursued in other areas of social policy involving delivery of what are considered public goods— education, livelihood, health and sanitation, public safety, and justice). Piece-meal approaches that try to fix one aspect of the problem while completely ignoring the negative impact of other factors will only generate stop-gap measures that may alleviate the situation, but only temporarily. Also critical is the acknowledgment of the valuable contributions of non-state actors in addressing these problems.

In earlier times, legal aid was viewed as simply charitable service, dispensed by virtue of the benevolence and goodwill of the legal profession and its partners. This attitude has gradually been replaced by the profound realization that it is in fact, both a state responsibility and a necessary public good. Thus, should states begin to fail in making adequate provisions for legal aid, they are effectively undermining prospects for peace and prosperity within the body politic. Legal aid is essential to the effective operation of any state's justice system.

The Rule of Law paradigm discussed earlier further strengthens the argument for the state's obligation to provide some form of legal aid. If the direction of how society is to be organized will be "-rule-based" and all disputes will be resolved by these same rules, then those with technical expertise will need to help everyone else navigate this more complex arrangement. Rule of Law, and ultimately justice itself, would be gravely undermined if ordinary people are unable to obtain the legal assistance they will need to fully participate in the society. Public interest dictates that if law is utilized as a key instrument of state policy, then legal aid should be made readily available. That is to say, that when more legal rules are employed to achieve public outcomes, then the necessity for accessible legal aid becomes irrefutable.

There are therefore strong philosophical, political, and policy-oriented rationale for states to invest in a robust justice system that integrates measures to develop a comprehensive legal aid scheme that adequately responds to the needs of the public. Put differently, *substantive* law reforms which create demandable rights and entitlements become illusory if they are not coupled with *institutional* reforms that allow for effective legal representation. Legal aid reform, as with the other necessary social reforms that need to be pursued, must go hand in hand with law and justice system reforms.

Public discussion on the proper place of legal aid in a democratic community and the surfacing of alternative mechanisms by which it can become more effective and efficient must be encouraged. This must begin with government acknowledging its responsibility for ensuring the ready availability of this public good. Previous new public management approaches that merely emphasized cutbacks in resource allocation and streamlining of programs do not sufficiently address the core issues and concerns regarding access to justice, as they effectively mute the rightful demands of citizens for responsive governance. The more successful workable models for legal aid, as

demonstrated in the cases considered here, are those that have healthy partnerships among multiple service providers.

The fact that legal aid around the world remains underfunded can no longer be ignored. Of course, the substance of discussions about the future of legal aid will definitely have to go beyond the call for larger financial allocations from the state—although this, undoubtedly, will have to be a necessary starting point. Whatever additional funding that can be obtained to expand the scope of legal assistance must be accompanied by a thorough review of the delivery systems towards the goal of improving access, accountability, efficiency and effectiveness of the service. It is conceded that there will always be shortfalls, but the challenge would be to develop creative interventions that progressively improve upon current modalities despite the inevitable resource gaps.

The lessons provided by the experiences from the legal aid schemes in Japan, Thailand, and Malaysia highlight some key principles that should be taken into account for any effort at policy reform in the Philippines. These include the following:

1. National legal aid schemes, including setting standards and policy direction, are developed and administered by the national government, usually with the active participation of the bench and bar (among others).

2. A significant, though not exclusive, share in the costs of operating the legal aid schemes will have to be primarily publicly generated;

3. The services provided are essentially free or substantially subsidized and extend to a variety of activities (intervention, advice and counseling, information dissemination, training and education, referral, mediation and conciliation, and litigation or representation at different stages of legal proceedings) for criminal, civil, and administrative cases.;

4. Multiple service providers, such as public legal aid officers, private lawyers, law schools, and NGOs, are increasingly mobilized, utilized, and coordinated in order to expand the reach and scope of available legal assistance and to allow for some degree of specialization; and

5. There is almost universal consensus in favor of the *mixed model* (often further classified as simple and complex) of service delivery, which emphasizes integration of approaches and recognizes that no one single delivery mode is the best for all purposes (i.e. rejection of a 'one size fits all' view).

The traditional discourse on reforming legal assistance is focused on the false dichotomy between judicare-based modalities and staff attorney modalities of service delivery. The proponents of either side raised valid arguments for their respective position. Those espousing judicare placed greater weight on independence from outside control and on the clients' right to choose counsel as the best guarantee for quality service, while those who prefer the staff attorneys mode highlighted the possibility of specialization of expertise and the cost-efficiency of the service ,particularly for criminal cases (i.e. Public Defenders).

Thankfully this debate has now been essentially abandoned for being unproductive and impractical as it became increasingly clear in practice that the emerging trend of successful legal aid systems had been exhibiting hybrid features of both modalities. This has come to be known as the *simple mixed model*. In fact, the success of the first generation hybrid modality has led to further innovation and reforms and has given rise to the *complex mixed model*. With respect to legal aid system, this is the reform trend. I hold the view that the reforms that must take place within the Philippine legal aid regime (and for that matter, those involving the three countries surveyed) should be towards approximating this standard.

The *complex mixed model* is essentially predicated on a flexible and pragmatic approach to providing legal assistance to those who need it, by putting a premium to developing specialized, complementary, integrated, mutually supporting, graduated, and multidimensional legal aid delivery systems. It emphasizes responsiveness to local conditions, factors, and problems, acknowledgement of different client needs, and offering of different types of services. The specific components of such a system will vary across different countries and jurisdictions depending on the actual circumstances unique thereto. It may also be described as a client-centered approach (as opposed to an institutional approach), which makes the previous clash between state and non-state service providers irrelevant, as it offers space for both modalities to coexist and synergize. This approach hews most closely to the challenge of pursuing legal aid reform within the

broader ambit of considering the entire justice sector as it relates to other social policy concerns, and may help identify the most appropriate solutions to real problems by taking into account both legal and non-legal aspects. Thus, the legal aid debate has shifted from concentrating on an evaluation of the merits of various different models, to a debate on the best way to integrate legal aid into other components of the justice process.

Conclusion

Prospects and Direction for Legal Aid Reform in the Philippines

Informed by the knowledge and practice about legal assistance in the three countries surveyed, it may be possible to begin a process of framing a plan for reforms in the Philippines. The rapid developments occurring in East and Southeast Asia in general, and in the Philippines in particular, will most certainly result in increasing the demand for people equipped with the knowledge and expertise needed to appreciate the dynamics of democratic governance, development policy, and adherence to the rule of law.

The concern for improving access to justice by the poor in the Philippines will encompass institutional issues (i.e. re-examining organizational structures in the light of present and future requirements), process issues (i.e. examining how agencies involved in legal aid cooperate, coordinate and communicate), and human resource issues (i.e. identifying problems in human resource management, as well as attitudes of service providers and clients). It will be the task of government to institute and maintain an appropriate social, political and economic milieu where development can proceed in earnest. Further study and deliberation regarding the changing conditions in the Philippines will have to be undertaken. However, as a result of this study, it is now possible to define, in broad terms, some viable options for improving access to justice based on the complex mixed model. The contours of a legal aid reform intervention for the Philippines may involve the following:

1. Strengthen the institutional arrangements of the Public Attorney's Office (PAO) in terms of, among others, autonomy, budgets, resources, and capacity. (New legislation to this effect has already been enacted by the Philippine Congress during the conduct of this study.)

2. Engage all the law schools in the country creating or expanding existing legal clinics that would progressively expand the range of services made available to the public.

3. Expand the operation of *pro bono* activities undertaken by the members of the Philippine Bar and effectively monitor compliance.

4. Mainstream the work of alternative law groups and other NGOs that provide some legal services to the communities they serve, by undertaking capacity-building programs.

5. Establish a career path within the Philippine Justice System for paralegals and similarly situated professionals, who may be able to assume greater responsibility for handling uncomplicated legal matters.

6. Encourage partnerships among multiple stakeholders at the local levels to create community-based comprehensive legal service centers.

7. Develop an integrated program for improving the Court-appointed legal representation system, starting with criminal cases, but gradually expanding to include civil cases.

8. Harness new technologies to be able to increase public awareness regarding available legal aid services, and, ultimately, make them more accessible.

9. Provide appropriate funds for provision of legal assistance to the public by multiple service providers under different contracting arrangements.

10. Explore other modalities for providing legal assistance services consistent with a mixed model approach.

It should be emphasized that these proposed measures are not exhaustive and are primarily aimed at harnessing both government and private sector resources, with the private sector, educational institutions, and civil society acquiring critical and significant roles in providing access to justice for the poor.

The API Program has created a unique opportunity for fellows to explore contemporary public affairs issues confronting developing societies. It has thereby created a wellspring of knowledge available for the improvement of democratic governance. As someone

actively engaged in pursuing political and social reforms, it has become personally important to me, to be able to pursue reforms at a sustainable level empowered by the information and network created by the API community.

It now becomes the duty of stakeholders of the Philippine law reform community to build consensus about the many pressing issues affecting the justice sector. The results of this study could serve as an initial contribution to the discourse regarding the future of legal aid in the country. It is hoped that the findings contained herein might prove useful to others who may be in a position to take full advantage of it. The stakes are high in this country, and reforms must be allowed to take root for the benefit of the great majority of the people who remain poor and socially excluded. Legal aid represents a viable tool for empowering them and must be afforded every opportunity to succeed in its aspiration of affording equal access to justice for all. If legal aid is allowed to fail, justice itself may fail.

Public Opinion Polling and Politics in Southeast Asia

Juli Bestian Nainggolan

Introduction

In various countries, the implementation of public opinion surveys or public opinion polls[1] shows that this is the fastest and most reliable political instrument that can be used in a bid to put together various individual and public political expressions. Given their strengths in representing the political opinions of a certain community, public opinion surveys are therefore beneficial for institutions and political actors in various countries to respond to any events and issues related to political activities.

In theory and practice, the utilization of surveys to determine individual opinions–in compliance with the technical methodologies of social science–is now feasible. It is especially applicable if such an instrument is implemented in the conducive political climate of an ideal and democratic state and society in which the macropolitical culture of the state and the micropolitical culture of the community is democratic and rational as well as favourable for its community members to freely discuss and debate any key issues prevailing in the community. In this context, the United States and some West European countries are references for the above mentioned conditions (Page and Shapiro 1992; Asher 2004; Broughton 1995). On the contrary, countries having no spaces for individual freedom will find it difficult to ensure the existence of such a public opinion. Under such conditions, public opinion surveys are often seen as a "mechanistic and manipulative imperialist invention" (Wilson 1958).

The conditions of public opinion surveys are closely associated with the polarization of the political macroconditions of countries, which are divided between democratic and non-democratic. The problem, then, is more regarding the existence and role of public opinion surveys in countries that have gone through a political transformation from a less democratic situation into a more democratic one. In such conditions, how good is the quality of the public opinion surveys that are conducted and to what extent can the public opinion survey take an ideal role in representing public interests?

Malaysia, Indonesia and the Philippines represent case studies. Though having diverse political conditions, the three countries share common problems in their political struggles closely related with their people's efforts to get rid of political authoritarianism, leading into political transition and economic consolidation.[2] One of the things these three diverse Southeast Asian countries have in common is the emergence of public opinion surveys as a political activity. Some problems closely related to the existence of public opinion surveys have been turned into key issues for further elaboration and are the focus of this study.

This study relies on methods of qualitative description. The analytical approach is at the micro-level: studying survey methodologies and content and the published results of public opinion surveys that were carried out to get an understanding of the existence, development and quality of public opinion surveys in the respective countries under the study. In addition, at the macro-level, the study tries to describe various political discourses related to the both the existence and the role of public opinion surveys in the dynamism of the political activities of the three countries. The public opinion surveys that became the focus of the study refer to public opinion surveys that were conducted during the general elections of each of the three countries included in the study.[3]

Public Opinion Surveys and Elections in the Philippines

In Southeast Asia, the Philippines discovered and implemented public opinion surveys earlier than other countries.[4] Dating back to the early history of the emergence of surveys, surveys were always linked with the name of Robot Statistics. Robot Statistics was founded in 1948 in Manila, two years after Independence. In the beginning, the institution was established with the intention of having it deal with various records of important statistical analyses and to meet the demands of advertising agencies (Meadows 1963). In 1953, Robot Statistics began to carry out surveys on political themes, but was still limited to urban areas. The victory of Ramon Magsaysay from the Party of Nacionalista in the 1953 election was reportedly predicted by Robot Statistics (*Weekly*

Nation 5 November 1965; Mangahas and Guerrero 2004).

This successful prediction led into other significant moments in the general elections of 1957 and 1961 (De Manila 1961; *Weekly Nation* 3 December 1965). However, after the election in 1961, there came a bitter experience for Robot Statistics, which was later changed into Robot Gallup (part of the international Gallup poll institution), that shattered the long-term credibility of the institution. Robot-Gallup was wrong in a number of its predictions regarding party victories and the sequence of the winners of the senatorial election of 1963.[5] The failure came as a big blow to the organization of public opinion surveys in the Philippines. Two years later after the end of the 1965 election, Robot-Gallup's operations also came to an end.[6]

The emergence of surveys related to general elections was not solely associated with Robot, but also with universities and the mass media. The Statistical Center of University of Philippines was a pioneer in public opinion surveys. Under the leadership of Enrique T. Virata, from the general elections in 1953 until 1965 the institution often came up with its predictions using the probability sampling method and socio-economic data analysis. In such a way, the results of its predictions for a series of presidential elections in 1953, 1957, 1961, and 1965 were relatively more precise.[7] However, the mass media implemented surveys starting in 1965 through the use of the straw poll model, which yields predictions that have an unstable quality.[8]

The Marcos regime drastically influenced public opinion surveys. Marcos initially relied on the results of public opinion surveys in general elections, but in a later about face, he himself restricted the publication of survey results in 1972. Basically, since the imposition of martial law until the end of Marcos' power in 1986, surveys were not so prominent, few were conducted, and they were not so openly published (Makil and Hunt 1981). On the other hand, the smaller number of organizations doing public opinion surveys was followed by a growth in the number of survey institutions conducting marketing surveys. Some private research institutions that had previously covered socio-political themes transformed into those dealing with marketing research.[9]

Although they were in a lackluster condition, there were still some public opinion surveys being conducted. From December 1973 to April 1974, the Philippine Social Science Council (PSSC) held nationwide surveys which showed the quality of the socio-economic conditions of the public.[10] Still relatively at the same period, public opinion surveys were also conducted by a social researcher of the Development Academy of the Philippines (DAP). The surveys drew the attention of the scientific society, especially those involved in the efforts to carry out the Social Indicators Project of the Philippines (Mangahas 1976). The characteristics of the surveys indicated some important aspects. In terms of methodology, various public opinion surveys that were conducted in this era used strict procedures not only in designing samples but also in reporting the results. Surveys focused on socio-economic conditions, though to certain extent there were also efforts to correlate politics such as the political indexes. The surveys that tried to link such things as evaluation of the presidential performances, leadership popularity and political attitudes related to elections only came up at the end of Marcos' regime. Such surveys were organized there in April 1984 and July 1985 by the Bishop-Businessmen's Conference on Human Development (BBC).[11] Surveys were also organized by the PSSC in 1995.[12]

The fall of the Marcos regime opened opportunities for the development of public opinion surveys. There were two main conditions that have prevailed since 1986 up until the present. First, new public opinion survey institutions emerged that openly presented on political topics and election predictions. Among these from among the universities were Ateneo de Manila University, which conducted surveys from 1988 to1992. Non-profit survey institutions sprang up, such as the Social Weather Station (SWS) which was founded in 1985, as well as private survey institutions such as Pulse Asia Inc. In addition, previous institutions that had been recognized as marketing surveyors also participated in public opinion surveys during this time. However, the emergence of public opinion survey institutions in the post-Marcos era did not last long. As time went by, some of the institutions closed down. The SWS and Pulse Asia Inc. still regularly organize various public opinion surveys on socio-political themes. Second, the presence of various survey products was followed by the implementation of various methodologies with various levels of quality as well. Different kinds of surveys, starting from pre-election surveys, surveys on the election, up to post-election surveys, were carried out. Previously, if media

publications had introduced terms such as straw poll, later on the terms of tracking survey and exit poll surfaced and became familiar to the public.

The post-Marcos era not only allowed the freedom to have a variety of public opinion surveys but also had an effect on the quality of survey results. A review of surveys published between 1987 and 2007 conducted as part of this study found a wide range in the quality of surveys in the country. As an illustration, in the 1987 election which specifically elected 24 senators, there were surveys conducted by the Nationwide Insurance Sales Agents Association (NISAA); these were later published in a number of print media publications in the Philippines. Also, straw polls were carried out by the *Manila Chronicle*, which managed to predict the victory of 22 candidates out of the 24 Senate seats being contested. However, in terms of accuracy, the sequence or rank of the winners who captured the senate seats was relatively inaccurate. The record for the best performance in organizing public opinion surveys was set during the presidential election of 1998. This time, the pre-election surveys that were carried out by the SWS managed to precisely predict the victory of Joseph Estrada. The discrepancy between the figures of the official counts with the figures released by the SWS survey was only 0.36 percent for the presidential election.

The success of survey predictions in the 1998 election prompted the presence of various institutions carrying out similar public opinion surveys prior to the 2004 election. In addition to the SWS, Pulse Asia, and the Ibon Foundation, some public opinion survey institutions such as Proberz Inc., Research and Consultancy that had never previously conducted public opinion surveys began to conduct them in the run up to the general elections in 2004. However, the results varied from one to the other.[13] The discrepancies among the survey results that were published by the four public opinion survey institutions throughout the 2004 general election posed certain problems as reported by the media at that time.[14]

Public Opinion Surveys and Elections in Indonesia

Public opinion surveys have been present in Indonesia since the early establishment of the New Order. However, one difference with conditions in the Philippines is that there the pioneers of the surveys were non-government institutions, while in Indonesia

government institutions pioneered such surveys. It was the Press and Jakarta Public Opinion Council of the Information Ministry in October 1968 that was assigned to organize public opinion polls in various cities in Indonesia. The institution claimed that the survey they would implement was the first ever such survey to be conducted in Indonesia.[15] However, after the announcement was made, no progress or results of the survey were made known the public. On April 21, 1971, survey results were published by the institution related to the organization of the election in 1971. What was interesting was that the surveys pointed out public opinion about the political parties that were predicted to gain the biggest number of votes. As many as 37.7 percent of respondents stated that Golongan Karya would gain the biggest number of votes. Though the main questions were not about which political party voters would choose to vote for in 1971, and were more concerned with the public's prediction of which party would possibly gain the most votes, a comparison with the actual results of the general election of 1971 shows that the survey results were close to the reality.[16]

In the post-election period of 1971, it was no longer only the government that conducted opinion surveys. An overseas-funded survey institution existed as PT Survey Business Research Indonesia (Suburi). However, the institution did not last long due to the government's repressive moves to put an end to its public opinion surveys. The end of the journey of PT Suburi was also followed by gloomy developments regarding public opinion survey organizations in Indonesia.[17] The traumatic conditions that ensued after the closure of the survey institution were marked with difficulties in arranging permits for such survey organizers. This was the main reason that survey organizers were reluctant to organize research.

The ruin of the New Order and the presence of the reform movement in 1998 prompted the growth of political liberalism. The political changes elevated public opinion surveys to a higher level of political influence. The 1999 general elections became the most important moment in the existence of public opinion surveys up until that time, and during that period new survey institutions emerged. This year also came up as a strategic moment to test the validity of the survey models being implemented. In the general elections in 1999, there were five survey institutions, IFES, LP3ES, the Kompas Research Center, the Resource Productivity Center (RPC), and the Laboratory of

Politics of the University of Indonesia, that conducted surveys on the general election in 1999. It can be said that this was a turning point in the activity of predicting the results of general elections in this country. Despite various constraints such as the selection of survey locations, all survey institutions managed to precisely predict that PDI Perjuangan (PDIP) would be the winning party in the election. However, the five institutions were less accurate in predicting the proportion of votes captured by each political party.

The enthusiasm for organizing surveys continued until the elections of 2004. Unlike the 1999 general election, the 2004 election had strategic value not only in the political dynamism in Indonesia but also in the history of the organization of surveys. The 2004 election became the first ever direct election of a president and vice president. Therefore, the fundamental function of the public opinion survey as an instrument to predict the votes of each candidate became more relevant.

Unlike in the 1999 general election, the 2004 general election was better in terms of the methodologies and the diversity of the survey models that were implemented. Methodological protocols were strictly implemented not only in the strict usage of sampling methods and data collection but also in the data analysis; in such a way, the predictions were more accurate. A variety of survey models were used not only for the pre-election surveys but also for the actual election surveys, such as exit polls and the Parallel Vote Tabulation Model (quick count), that were carried out at that time.[18] There was so much organizational enthusiasm that in the run up to the general election of legislative members, not fewer than seven survey institutions were conducting public opinion surveys during the pre-election period, IFES, LP3ES, and the International Republican Institute (IRI) along with new institutions such as Lembaga Survey Indonesia (LSI), Sugeng Sarjadi Syndicated (SSS), the Danareksa Research Institute (DRI), and the Research and Development of PDI Perjuangan (Balitbang PDIP). The predictions made were relatively accurate, with the results accurately foretelling the victory of Partai Golkar in the general elections for legislative members in 2004 and the victory of Susilo Bambang Yudhoyono as a president.[19]

The completion of the national elections in 2004 led to greater confidence for public opinion survey organizers in going ahead and conducting surveys on every political event in the country. Furthermore, after the 2004 election, there were more political arenas that provided opportunities for more intensive surveys. In this era, the growth of regional autonomy and the decentralization of power prompted survey institutions to shift to organizing surveys in regional or local elections, the elections of heads of regional governments at the regency or provincial levels. Lower-level elections are held on differing schedules throughout the country, so that over that the five-year period from 2004-2008, there were a total of 488 elections held at the city, regency, and provincial level. The results of the surveys that were conducted at the regional level generally predicted the victory of the candidates in these races, though some failed to precisely predict the results, such as the case of the general election for the heads of regional governments in Aceh on December 11, 2006 and the local general election in West Java.[20]

Public Opinion Surveys and Elections in Malaysia

Compared to those prevailing in the Philippines and Indonesia, the presence of public opinion surveys in Malaysia in the beginning was related to the political conditions of the country, especially since the organization of public opinion surveys was relatively new. Only later, in the mid-1980s, did public opinion surveys become a common occurrence. However, since its early presence up until now, the enthusiasm for organizing surveys, survey methodologies, and the utilization of survey results has grown stronger. In fact, surveys have been carried out systematically for needs other than political in Malaysia since 1959. At that time, the Overseas Audience Research Unit, a private research organization, in cooperation with the British Broadcasting Corporation (BBC), organized surveys of its radio audience. Also during that time, there was survey reporting by the *Straits Times* which published readership surveys, but this activity came to an end due to financial constraints and the relatively long period of the survey (Grenfell 1979; Hamdan Adnan 1995).

In the 1960s and 1970s there were many commercial surveys. In 1961, the Far East Research Organization, a private survey institution in Singapore, published survey results on radio audiences. Though its methodology was seen not to represent the public aspirations, the survey managed to make the government more aware of Malaysia's need for public opinion surveys and the role of private survey institutions. Not long after this era, universities

became involved in public opinion surveys. The early initiatives were there since 1985, along with the involvement of a number of academicians of the Universiti Kebangsaan Malaysia in the organization of public opinion surveys on socio-political life at that time. However, the surveys were not intended for public consumption but only government interests.[21] These moves were followed up by other academicians who received support from the government in such a way that the public opinion survey results were exclusive and of benefit only to the government or the ruling political party.

Among the various surveys, some were published, such as those made by the School of Mass Communication, the MARA Institute of Technology and the International Islamic University of Malaysia (UIAM); these published studies were related to the general elections in 1986. The post-election study was conducted by the MARA Institute of Technology with the support of a network of print media, New Straight Times Press Berhad (NSTP), and was able to provide answers about, for instance, why the Parti Islam se-Malaysia (PAS) lost many votes in its own territory (Terengganu dan Kelantan) in the 1986 election (Ramanthan and Adnan 1990: 59-67). Similar surveys were also done by Syed Arabi Idid along with the Election Studies Unit, UIAM, which conducted two surveys in 1989 in Selangor during the run up to the campaign and soon after the two candidates were announced to the public. The survey managed to portray the change in voters' preferences, especially among those of Chinese ethnicity, after the candidates were made known to the public.[22]

Though the presence of surveys in the political field was new for the public, significantly there has been progress in the past two decades both in the number of organizations conducting surveys and the quality of the surveys they have produced. From the aspect of quantity, for instance, in the early times, public opinion surveys were only implemented temporarily by a small number of academicians with their university base, while at present public opinion surveys are organized periodically by people of various institutional backgrounds other than universities. Similarly, from the perspective of quality, in their early emergence in Malaysia public opinion surveys were used more for general elections rather than as an evaluation instrument for political parties' performance. In addition to post-election surveys with a limited scope of study, nowadays there is a variety of

public opinion surveys being conducted. In particular, pre-election surveys have been identified as having been used as prediction instruments for assessing the performances of various political powers in the country during general elections.

In 2002, the Merdeka Centre for Opinion Research, a non-university survey institution that specifically organizes public opinion surveys on various socio-political issues, was founded. If previously the presence of survey institutions was related to the prevailing issues at that time, now the establishment of the Merdeka Centre marked the start of the era of running a professional survey institution outside a university setting. The Merdeka Centre, with the financial sources it gained from various circles such as non-government institutions, international organizations, the mass media and political parties and other institutions that wished to find out public opinions in Malaysia, has since its founding periodically run public opinion surveys related to general elections and other themes outside general elections.

Enthusiasm for organizing public opinion surveys showed in the general elections in 2004 and 2008. In the 2004 elections, the surveys that were carried out were similar to those conducted in past elections in that they were mainly focused on determining the prevailing issues in the public during the campaign period rather than predicting the results of the elections. Efforts to predict the results became eminent in the 2008 general elections though such activities were carried out indirectly. The Merdeka Centre, with its periodic surveys from July 2004 to one day before the general election, which was held on March 8, 2008, revealed the presence of an increasing trend of votes going to opposition parties such as the DAP, PKR, and PAS. The increasing votes were due to changes in the preferences of voters of Chinese and Indian descent. On the other hand, there was a decrease in the number of votes going to parties that were part of the Barisan Nasional. However, in the last survey it carried out (from March 5 to March 7), no fewer than 58 percent of respondents reported that their political preferences were not clear (42 percent of respondents stated "secret" and 16 percent "have not made decision"). With such a high proportion of respondents refusing to answer or still undecided, it was impossible to predict the results of the general elections. Despite making the results available, in cases like this there can be big surprises that may bring consequences and questions over the accuracy of the survey predictions.[23]

Positioning as a Political Subject: The Role of the Public Opinion Survey

Amid the increasing intensity in the organization of surveys, better methodological quality and the increased accuracy of survey results, there has also been a greater acceptance of political parties and the public for such public opinion surveys in the three countries. These conditions have led to public opinion surveys becoming influential instruments in every political event. Public opinion survey results at present have become main sources of reference for political institutions and political actors. In such conditions, as reflected in the principles of a democratic country, it is therefore obvious that public political expression through public opinion surveys became a consideration or subject in the decisions of state policies. Furthermore, it is also clear that the presence of public opinions in the three countries has succeeded in changing the patterns of information utilization and the performance evaluations of political institutions and political actors from traditional and intuitive patterns to more scientific and rational ones that are based on data on the real condition of public opinions.

In the Philippines, since the early presence of election surveys, the survey results became sources of reference for the incumbent government, the president along with supporting parties, and also those in the opposition parties (Meadows 1963; interview with Villavicencio 2007). Despite the constraints to freedom of expression in the authoritarian Marcos era, information taken from the survey results continued to be a reference for former President Marcos to asses his popularity in the public.[24] After the fall of the Marcos regime in 1986, public opinion surveys played an increasingly dominant role. In various situations, presidential, senatorial and congressional institutions along with political actors within the institutions relied heavily on information from surveys.

The need for information and evaluation that relied on public opinion surveys also arose in Indonesia and Malaysia. In Indonesia, when there were changes of government regimes, there was a more optimum utilization of information from public opinion surveys. The government was no longer the dominant institution in the utilization of surveys as the domination or the concentration shifted to other political powers. Big political parties such as Golkar and PDI Perjuangan now rely heavily on information from public opinion surveys to build their strategies in

all political races, including national and regional general elections. Although other political parties do not regularly organize public opinion surveys, they utilize all the information gained from published public opinion surveys.[25] These are used as evaluation material to know the dynamism of public preferences from one time to another. It was only in the run up to the 2004 election that they regularly organized surveys. Before this, pre-election surveys were only conducted incidentally to evaluate the performances of the contesting political parties and their candidates.[26]

In Malaysia, since the general elections in 2004 up until now, public opinion surveys have played a bigger role for the incumbent party, Barisan Nasional (National Front), and the opposition parties such as PAS, DAP, and Keadilan. Barisan Nasional and UMNO, MCA, and Gerakan (except MIC) have utilized the results of surveys such as those conducted by the Merdeka Centre and other institutions under the auspices of the political parties that have held public opinion surveys for the group of opposition parties[27] since the general elections in 2004. In particular, the general elections in 2008 even utilized public opinion surveys as important information for the political parties' decision making process. PAS learned a lesson from its failures in the 2004 general elections in which it did not take heed of the survey results and did not fully utilize the information from surveys in its political strategies. Surveys reminded PAS of its decreasing popularity among the public in the 2008 general elections.[28] At that time, PKR even utilized public opinion surveys conducted by the Merdeka Centre and the public information gathered as influential factors in formulating its general elections strategy, resulting in a victory.[29] In addition, DAP has utilized public opinion surveys conducted by the Merdeka Centre to evaluate the popularity of parliamentary candidates in their respective regions during elections. What the institutions have done is leapt from using surveys only as an evaluation mechanism while formulating strategies based on the quality of individuals' knowledge of the elite parties to strategizing on the basis of scientific public opinion gathering.

Furthermore, public opinion surveys in the three countries have also changed the attitudes of the mass media from qualitative and partial into quantitative and more comprehensive. The changes in reporting and information distribution patterns in reality are still in line with the development of precision

journalism in the world mass media (Meyer 2002). In the Philippines, the *Manila Chronicle*, the *Philippine Daily Inquirer*, and the television network ABS-CBN were very enthusiastic in the utilization of survey results.[30] In Indonesia, the *Kompas Daily* and Metro TV are two media outlets that often organize or simply publish survey results.[31] New Straits Times Press (NSTP) in Malaysia on various occasions organizes public opinion surveys in cooperation with universities and the survey institution Merdeka Center.[32] *The Star* daily also got involved in public opinion surveys on various occasions that were carried out with the International Islamic University of Malaysia (*The Star* 12-13 February 2008).

The increasingly significant role of public opinion surveys in the political arenas in Indonesia, Malaysia and the Philippines can help establish the people's power, which is a positive achievement for democratic development. Public opinion surveys are believed to be able to establish people power as a subject in the politics of state organization and as the ideal principle of the democracy itself. However, on the other hand, to various political institutions or political power holders that have shown a more significant role and existence, public opinion surveys have emerged as threats that need to be controlled and whose activities are to be confined. There were cases in the Philippines and Indonesia in which public opinion surveys were seen to affect the progress of the general elections and their activities needed to be restricted.

Two cases which ended up in legal actions took place in the Philippines. First, after the establishment of new legislation in the 1988 general election, there were aggressive efforts to draw up a bill that became the Fair Election Practice Act of the Philippines. One of the statements in the Act tried to regulate and restrict the publication of public opinion surveys to only 15 days before a national general and 7 days before a local general election. Second, in 2001, there was a lawsuit initiated by Comelec (the Commission on Elections) regarding public opinion results related to the Attorney General; Comelec felt offended by the results of the exit polls conducted by SWS and ABS-CBN. The survey institution and the mass media won the lawsuit in the Supreme Court of the Philippines.[33]

Unlike in the Philippines, where freedom was maintained, Indonesia has gone through various challenges. Though there really is freedom of expression in Indonesia, there are still some regulations related to survey results as stipulated in some laws. In 1997, though some regulation bills were marked with long debates, the Statistics Law (Regulation No. 16 of 1997 on Statistics) was finally approved by legislators as a regulation. In addition, there is also now the presence of Regulation on General Elections Number 10 of 2008 which restricts the announcement of quick count results by survey institutions or society groups; this restriction has become a constraint in the organization of surveys. Survey institutions and mass media stated their objections to these regulations. However, the legislative body decided to enact the bills into law.[34]

Conclusion and Prospects of the Public Opinion Survey in Southeast Asia

The historical journey of the public opinion survey in the diverse socio-economic and political situations of the three countries - the Philippines, Indonesia, and Malaysia -came as a reflection of the existence of efforts to democratize states and the public through the implementation of instruments to assess public opinions. In the three countries, through the ups and downs of their political regime characteristics from the past to the present, both in the eras of authoritarian regimes and in times of more democratic governments, public opinion surveys have remained and developed as the years have gone by. The facts show that in terms of the progress of the public opinion survey in these three developing countries, there have been significant developments, both regarding survey intensity and the quality of the surveys being organized. Also, in terms of the institutions and the actors behind the organization of surveys, not only universities, the media, and non-government organizations are conducting surveys but there are also private institutions that specifically deal with public opinion surveys that have later turned into well-established survey organizers.

On the other side, public opinion surveys in Southeast Asia, especially in the Philippines, Indonesia and Malaysia, apparently cannot cut through the complexity of the social, economic and political conditions that are faced by the three countries. This situation also show how complicated are the constraints on the organization of public opinion surveys in these three countries.[35] Not only do socio-demographic and political characteristics affect the quantity and the quality of public opinion surveys that have been conducted in the three countries, but legal aspects also have an effect.[36]

From the legal and constitutional perspectives, there is also wide variety. In these three countries, there are generally no laws that prohibit the organization of public opinion surveys. Democratic principles such as freedom of expression are stipulated in the Constitutions of the Philippines, Indonesia and Malaysia.[37] However, in the lower hierarchy of laws in Indonesia there is a regulation that regulates the implementation of public opinion surveys under the coordination of the Central Bureau of Statistics (BPS) and the coordination of publications during the general elections.[38] This type of regulation has not taken place in the Philippines. Although Malaysia also shows such freedom, any organization of public opinion surveys may end up in contravention of the Internal Security Act or the Printing Press and Publication Act; furthermore, state control over the mass media may lead to potential constraints in publishing survey results, especially those that speak against the existence of the state and the government.

The significant development of survey organizations and the improvements in the results of public opinion surveys have increased the role of public opinion surveys in the political dynamism of the three countries by some means or other. If before, public opinion surveys were seen as a technical instrument for measuring the opinions of a number of communities that exhibited methodological weaknesses, they have now been transformed into an influential political force, capable even of creating dependency among the political actors and institutions of the three countries. In its role, the public opinion survey is seen as beneficial for regaining the ideal existence of the public's political life as subjects of a government that is based on democratic principles. In addition, public opinion surveys are able to change the political attitudes of political institutions regarding the utilization of information on the public's aspirations from attitudes that are traditional and intuitive in nature to more scientific and rational attitudes which rely more on the real condition of public opinions.

Upon seeing the dynamism of the role public opinion surveys that continues to the present, the future existence of public opinion surveys in the political life of the three countries can be assessed with two correlated conditions. First, if the utilization of surveys is as an instrument to assess public opinions, its role in various political constellations will be more intensive and influential. Second, the increasing role of public opinion surveys in the three countries has been accompanied by various threats which may affect their ideal role in the future. When public opinion surveys are able to identify themselves as the people's aspirations then there is also a chance of domination by authoritarian powers. Though public opinion survey organizers can get rid of the threats posed by authoritarian powers, there may still be the threat of the excessive utilization of public opinions only for the sake of certain parties. In this case, survey co-modification processes potentially may take place in the three countries. Co-modification refers to changes to the ideal functions of public opinion surveys which were previously used as instruments for representing public opinion but then were transformed into a power for creating public opinions which legitimize or de-legitimize other political powers.

NOTES

[1] 'Public opinion survey' in this study refers to a political science term referring to efforts to assess public opinion scientifically through the use of sampling methods, data collection methods, or data analyses methods (Oskamp 1991; Floyd Allport 1937).

[2] The division into stages that are based on the political conditions of democratic and undemocratic countries was made on the basis of the two conditions that directly affect the quality and the quantity of public opinion surveys. For a supporting reference, see Berelson (1952).

[3] Some considerations in using public opinion surveys that were conducted during general elections, among other situations, are: (1) methodological aspects: general election surveys are surveys which are designed to predict the results of general elections. The quality of this kind of survey prediction result can be determined directly by comparing with the official results of the vote count; and (2) usage advantages and impact aspects: general elections have relatively large usage advantages compared to other surveys with different themes.

[4] Referring to the early condition of scientific public opinion surveys in the period of the 1930s, in the Philippines there were not actually specific public opinion surveys being conducted there. Furthermore, public opinion surveys were not carried out by local survey institutes. The country was clearly involved in the publication of internationally reputable public opinion surveys, but the involvement during this period was limited to being the object of research and did not include aspects of survey organization.

[5] Based on previous high confidence, the chairman of Robot-Gallup announced the results of its predictions before journalists at the Army & Navy Club Manila on October 28,

1963. "We'll pack up and go home if our predictions prove wrong," said a top official of Robot-Gallup. See *Philippines Free Press* November 23, 1963.

6 In fact, Robot-Gallup kept on conducting public opinion surveys in the general elections in 1965 although the survey results were not for publication but were merely for the sake of the company's client, President Macapagal. The result of Robot-Gallup surveys in June 1964 showed that the popularity of Marcos was higher than that of Macapagal. See also the publications of Rand Corporation Research Study in 1971.

7 See also "These Prophets Were Right!" *Weekly Nation* 3 December 1965.

8 The straw poll is a mechanism of gathering public opinions through the use of a list of questions that are later published in print media. A survey that uses this method is not scientific in nature and it risks failure in predicting the results.

9 Interview with Angie Ong, chairwoman of Marketing and Opinion Research Society of The Philippines, Inc (MORES).

10 The Philippine Social Science Council (PSSC) is a non-profit umbrella organization which accommodates various professionals in the socio-science field in the Philippines.

11 The Bishop-Businessmen's Conference on Human Development (BBC) is an institution that describes itself as a politically non-partisan group of men and women who take a broad, civic-minded interest in all aspects of human development. Some of its members are affiliated with the Catholic Church and Catholic institutions, though all activities are done on an individual basis and are not representative of the institution.

12 PSSC survey results conveyed various findings among others: first, public opinion on the general elections of 1984 regarding the organization of general elections in the past was that they were carried out in a free and honest manner; and second, respondents had a low level of trust in the government and some government officials had poor credibility.

13 The results of SWS and Pulse Asia showed that President Gloria Macapagal Arroyo was predicted to gain the presidential post by defeating her rival Fernando Poe Jr. The results of two surveys conducted by the Ibon Foundation showed a victory for Fernando Poe Jr. over Gloria Macapagal Arroyo. Also, a series of surveys conducted by Proberz Research and Consultancy, Inc., predicted a significant victory for Fernando Poe Jr. over Gloria Macapagal Arroyo by a margin of 13 percent.

14 On July 9, 2004, Mahar Mangahas, chairman of the Social Weather Station, openly explained various results and the problems of exit polls in his oral presentation in the forum of Kilosbayan University of the Philippines, Manila. He stated that there were discrepancies between the official counts and the results of the exit polls.

15 See *Kompas* October 12, 1968.

16 The results of general elections in 1971 showed that Golongan Karya emerged as the winner, gaining 62.8 percent of the vote. The proportion of votes garnered by each of the other parties was as follows: PNI - 6.9 percent; NU - 18.67 percent; Parmusi - 5.36 percent; PSII - 2.39 percent; IPKI - 0.62 percent; Partai Katolik - 1.1 percent; Parkindo - 1.34 percent.

17 The closure of SUBURI was ordered because one of the survey questions on popularity mentioned the name of President Soeharto in regard to his popularity. This was also because former Minister of Home Affairs Amir Macmud stated that the survey was categorized as subversive or against the incumbent government. The chairman of Suburi, John M. Digregorio was deported. See Dhakidae (1993).

18 The model used for the pre-election surveys is carried out by gathering respondents' opinions a few times before the election is held. In the exit poll model, surveys are carried out several times after the general elections. In addition to public opinion surveys, survey institutions also implemented Parallel Vote Tabulation, commonly called Quick Count, in an effort to gather data from a number of randomly selected vote-casting places and then, based on the data from the general election results, made predictions.

19 In the organization of the general election for the legislature in 2004, except for the SSS, the six survey institutions succeeded in accurately predicting that the Golkar Party would defeat PDI Perjuangan. Furthermore, the accuracy of the predictions of vote proportions was better compared to those of the general elections in 1999.

20 In the local election of Nangroe Aceh Darrussalam, December 2006, there were 4 institutions that organized surveys and predicted that the pair of Azwar Abubakar and Nasir Jamil would be the election winners. However, the results showed that among the eight pairs contesting the race, the winning pair was Irwandi Yusuf and Muhammad Nazar, who were supported by sympathizers of the Free Aceh Movement. In the local election of West Java, the survey results predicted Agum Gumelar-Numan Hakim as the winner, but on election day, Heryawan-Dede Yusuf came up as the winner.

21 An interview with Samsudin Abdul Rahim, Ministry of Youth and Sports Malaysia, June 9, 2008. Samsudin is one of the academicians of Universiti Kebangsaan Malaysia who got involved in the early establishment of public opinion surveys in Malaysia. In addition to Syamsudin, Syed Arabi Idid is also known as an organizer of public onion surveys.

22 In the general elections in 1989 in Selangor, most voters wished to see the nomination of candidate Tun Mohamed Salleh Abas as chairman of Barisan Nasional. However, when former Selangor Menteri Besar Datuk Harun Idris was nominated, there was a shift in voters' preferences , especially among voters of Chinese descent, to the National Front

candidate, Ong Tee Keat. See *New Sunday Times*, Oct 7, 2007.

23 See "Survey Predicted Winds of Change." *New Sunday Times* March 16, 2008. Also see the survey results of the Merdeka Centre and the analysis of this institution of the results of the general elections in 2008.

24 See Mahar Mangahas. *The Philippine Social Climate from the SWS Survey*. Manila: Anvil Publishing, 1994. Even in his first term of office (1965) before the declaration of martial law, President Marcos was opposed to the use of public opinion surveys by his political opponents to find out his popularity in comparison with the popularity of his rivals.

25 The *Partai Keadilan Sejahtera* (Indonesian Prosperous and Justice Party) relies on surveys conducted by its own people within the party. The National Mandate Party, the *Partai Demokrat* (Democratic Party), the *Partai Kebangkitan Bangsa* (National Awakening Party) and the *Partai Persatuan Pembangunan* (United Development Party) also hold public opinion surveys, but in some cases utilize survey results only as considerations in the appointment of their candidates for running in the general elections.

26 In the run up to the 1999 general elections, of the five public opinion institutes - LP3ES, IFES, RPC, Kompas Research & Development unit, and Laboratorium of Politics University of Indonesia - each conducted only one pre-election survey. In the 2004 general elections and after local elections, generally survey institutions such as Lingkaran Survey Indonesia and Lembaga Survey Indonesia organized regular pre-election surveys.

27 MCA has set up the Institute of Strategic Analysis and Policy Research (Insap), which organizes pre- and post-election surveys. The institution has a survey institute, the Socio-Economic Development and Research Institute (Sedar), which also organizes various interviews with the public (Interview with Lai Soon Ket, Head of Research, Sedar Institute, June 2008.)

28 The general elections in 2004 came as a big blow for PAS, with National Front gaining the biggest victory in the history of general elections in this country. In the run up to the 2004 general elections, surveys conducted by the Merdeka Centre informed parties of voter preferences, showing the low popularity of PAS in Terengganu state. The results predicted that PAS would lose power or domination in regions where they won the general elections in 1999. The survey results were not accepted by the chairman of PAS. See *New Straight Times* May 1, 2008.

29 Two years before the 2008 general elections, PKR utilized the services of the Merdeka Centre to monitor the public's preferences for the party. The survey results, along with information gained from surveys through the Internet, SMS, and other media, were used as references in the decisions made on the party's strategies in the general election.

30 Interview with Minerva Generalao, *Philippine Daily Inquirer*, October, 2007 and Vivian Y. Tin, ABS-CBN Broadcasting Corporation, October, 2007. In addition to the results of the interviews, observation of the content of the newspaper also shows that every public opinion survey result related to general elections appeared on the front page of newspapers.

31 Since the reform era began in 1998, various newspapers such as *Republika, Tempo magazine, Media Indonesia, Suara Pembaruan,* and *Pikiran Rakyat* have organized public opinion surveys, although at present only *Kompas* is still regularly organizing public opinion surveys.

32 New Straits Times Press Malaysia has been giving financial support for the organization of public opinion surveys by the MARA Institute of Technology since the 1986 general election, which becomes news material for the newspaper. In the 2008 general elections, the newspaper used the services of the Merdeka Centre. See *News Straits Times* March 16, 2008.

33 Interview with Mahar Mangahas, November 2007. The results of the decision of the Supreme Court are stated in the works of judge Artemio V. Panganiban, *Transparency, Unanimity* & *Diversity* (2000) and *A Centenary of Justice* (2001).

34 Unlike those in the Philippines, where an appeal was made to the Attorney General, despite the objections of four institutions in Indonesia, the rulings were announced as Government Regulation No 10/2008.

35 Regarding socio-demographics, population numbers and growth in all the three countries are relatively high. The population of the Philippines in 2007 reached 88,706,300. The population occupies a vast archipelago consisting of 7,107 islands; administratively, the government is divided into 17 regions, 79 provinces, 116 cities, and 1,494 municipalities. Indonesia is even a bigger area of 17,000 islands divided into 34 provinces and 500 cities/regencies. Indonesia has a population of 230 million. Malaysia has a population of 27.17 million divided into 13 states.

36 There are a number of differences in the way that the Philippines and Indonesia conduct direct general election. In the Philippines, once every six years there are general elections which are conducted nationwide to elect a president, a vice president, provincial governors, and municipal or city mayors. Senate elections are conducted once every three years. In Indonesia, general elections for president and vice president, parliamentary members and members of regional assemblies, and governors, mayors, and regents are held simultaneously once every five years. Malaysia is quite different; general elections are conducted once every five years to elect parliamentary members. The party that obtains the biggest number of seats automatically gains the right for its leader to become prime minister.

37 See Article 3 Section 4, Bill of Rights Principles of the 1987 Constitution of the Republic of Philippines; Chapter 28 of the Indonesian Constitution of 1945; and Part II

Fundamental Liberties, Article 10 (a) of the Constitution of Malaysia.

[38] Under the Law on Statistics Number 16 of 1997 it is stipulated that public opinion survey organizers must report all their findings or results to the BPS, though this institution does not have the right to issue permits to organize surveys. It is also stated in Law No. 10 of 2008 on General Elections that the results of surveys during general elections are not allowed to be published during the general elections but only one day after the general elections are over.

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Conversations with Indonesian Democracy Activists

Joel Rocamora

Introduction

This conversation began a long time ago. My PhD thesis, circa 1971, was on Indonesian politics. It was entitled "Nationalism in Search of Ideology—The Indonesian Nationalist Party, 1945-1965". My thesis adviser, Ben Anderson, said the title should have been "Joel Rocamora in Search of Ideology". A profoundly perceptive and sympathetic man, Ben Anderson was, of course, correct.

I first visited Indonesia as a callow youth of twenty-three. I went to Indonesia in 1964 to study *bahasa Indonesia* to prepare for graduate school at Cornell University. I landed right smack in the middle of the most intense time of mobilizational politics inspired by President Sukarno.[1] I suppose because I was at the time ideologically unformed, and quite adventurous, my friendships spanned both ends of the ideological spectrum. I had friends from the *Pemuda Rakyat*, the youth group of the Indonesian Communist Party (PKI), and from the *Manikebu* group, the artists protesting the PKI cultural organization *Lekra's* attempts to impose social realism as artistic orthodoxy.

When I returned to Indonesia four years later, political choices had been forcibly narrowed. The PKI, the Left wing of the Indonesian Nationalist Party (PNI), and various other "Leftists" had been physically eliminated in the gruesome pogrom of 1965-1966. I had to keep my head down in order to do my field work, but I had an intensely personal experience of *Orde Baru* (New Order) politics. I stopped asking about friends from my earlier visit after being told that many of them had been killed. It was too depressing.

Back in Cornell University after a year and a half of field work, I resolved to do something to denounce human rights violations by the Suharto dictatorship. I wrote pamphlets; I spoke to whoever was willing to listen. The Suharto regime began to notice. After 1970, they named me a "top international agent" of the PKI, a compliment, if untrue, because they put me on the same list as Ruth McVey who had written, at that time, the best book on the history of the PKI. They got very angry after a demonstration I helped to organize in Washington DC at the time of Suharto's first state visit to its most important international backer.

I suppose I should have expected it. I had gotten a grant to study the 1971 election. I was refused a visa. I did not know it then, but I would not be able to go back to Indonesia until a few months after Suharto fell in 1998, twenty-nine years after my last visit. It was the end of my career as an academic specialist on Indonesia. I returned to the University of the Philippines in 1971. A year later, in September 1972, Marcos put me in jail the same day he declared martial law. Although I returned to teaching for a couple of years after my release from Marcos' jail, two dictators, Suharto and Marcos, combined to end my academic career altogether.

"Breaking Through"

When I was jailed in September 1972, I had been back in the Philippines for only a year and established contact with the anti-Marcos underground only a month before. I lost contact with the underground movement during my years in the US and Indonesia. I was jailed because I was in military "intelligence" lists from campus activism a decade before. In classic fashion, I deepened my ties with the underground while in prison. When I was released, I resolved to work to "deserve" classification as a "subversive" by working with the anti-Marcos underground led by the National Democratic Front (NDF). In 1976, I was "deployed" to do international work, first in the US, later in Europe, in the Netherlands.

The intensity of my Philippine work, and the successful repression of progressive groups in Indonesia meant I had minimal contact with anti-Suharto groups. My most extensive contact was with a small Indonesia support group in the Netherlands, and with Carmel Budiardjo and the London-based human rights organization TAPOL after I moved to Europe in 1987. Through my work with the NDF, I established contact with former PKI members who were abroad at the time of the 1965-66 killings but it was difficult talking to them.

The PKI had been the third largest communist party

in the world in 1965. Its defeat was so total, so politically and emotionally devastating that PKI members had a hard time coming to terms with it. Internal self-criticism had focused on "rightist" accommodation with the Sukarno regime, but an attempt to start armed struggle in the Blitar area in East Java had been defeated in less than a year with terrible costs to supportive villagers. Internationally, the communist movement was in a state of ideological disorientation marked by the "innovations" of Deng Shao Ping and Gorbachov, and the collapse of the USSR and the Eastern European socialist regimes at the end of the 1980s.

The communist movement in the Philippines was also in a state of disarray, much of it self-inflicted. In February 1986, the underground decided to boycott a snap presidential election called by Marcos. This removed the party from the center stage when the election led to the massive rallies which brought down Marcos. Although no one saw this at the time, this error marked the turning point in the growth of the national democratic movement. From 1986 on, the NDF went into a slow, inexorable decline.

This period was marked by intense debate within the party and in the Left. Although I was not in the leadership of the party, debate carved a role for intellectuals. Together with a few friends, we started a theoretical journal, *Debate*, in the Netherlands in 1990. This debate reached its peak in 1992 when the party chairman, Jose Ma. Sison, released an assessment of the state of the party which provoked a firestorm of protest and disagreement that led to the first major split in the party since its founding in 1968.[2]

Sison's main argument was that the decline of the party was the result of its deviation from the founding strategy, a Maoist, armed, "surround the cities from the countryside" frame. Even before the "Reaffirm" document came out, I had argued the opposite in several articles under underground bylines and in the pages of *Debate*. I tried to place the Philippine debate in the context of international debates in a book put out by the Transnational Institute in Amsterdam where I worked the whole time I was in Holland.[3] Much later, after it became clear that our efforts to prevent a split in the party had failed, I wrote a book length analysis of what happened.

My twenty years within the party shaped me politically in positive and negative ways. This book, *Breaking Through*, is, in some ways, a political autobiography. In the book's introduction, I said: "I wrote this book because I want to understand my political past. The conclusions I have drawn are guideposts for my political future. I would prefer company in my travels, of course, so I am putting out my opinions. But one of the conclusions I have drawn is that respecting one's traveling companions means not assuming certainty about roads and footpaths."[4] Among my traveling companions are friends in Indonesia, although it was only after the end of my "national democratic" period that I began to reestablish a more regular contact with them.

After the failure of attempts at preventing a split, considerable effort was devoted to trying to build an alternative communist party, which got nowhere, then a broader Left formation made up of groups who left the CPP, Siglaya, which also failed to get off the ground. It was at this point that I and a number of friends concluded that party building had to go outside of the Marxist-Leninist framework, that Left formations coming out of other ideological tendencies had to be drawn into the progressive party building project. Discussions began in 1996, quickly intensifying in a wide-ranging series of consultations throughout the country. In January 1998, Akbayan (Citizens Action Party) was founded as a coalition of four separate Left formations, "political blocs" in Philippine parlance.

Akbayan is a progressive party based on labor, peasant, youth and other social movement groups. Because its component political blocs insisted that they had different ideological vantage points, party unity is not based on ideology but on Akbayan as a "political project" for building a party serving the interests of the poor. Akbayan is, in many ways, consciously designed *not* to be a Maoist party like the CPP. We won three seats in the House of Representatives in the 2004 elections, although a setback in the 2007 elections reduced that to one. We have 19 town mayors, and one city mayor. Often called a "social movement party", we can just as well be called a "local governance party".

Ideas generated in these areas of work were what attracted friends in Indonesia. But it would be sometime before that interest could be given reality through concrete exchanges. In the 1980s, a few young Indonesian student activists had come for "exposure" to the Philippines, a number even visiting New People's Army (NPA) guerrilla zones. Without a communist party capable of using ideas learned, however, these exchanges died on the vine. Apart from

international media, I tried to keep up with what was happening in Indonesia through e-groups such as *Wahana*. Unable to go to Indonesia, I could only cheer in frustration, as the anti-Suharto movement built up after the 1997 *krismon* (financial crisis).

Return

The fall of Suharto was played out in the middle of the May 1998 elections where Akbayan participated for the first time in national party list elections, a special election for twenty percent of the House of Representatives. As preoccupied as I was with the election, I also closely followed the tumultuous events in the last couple of weeks prior to Suharto's fall. I longed to see what had become of Indonesia. The last time I had visited was in 1969; I had been away through most of the years of the Suharto regime. The first chance to revisit Indonesia came only a couple of months after his fall.

I was invited to attend the Indonesian Institute of Sciences (LIPI) conference, "Towards Structural Reforms for Democratization in Indonesia: Problems and Prospects", in Jakarta on August 12-14, 1998. It was a high profile conference attended by the icons of international academic studies on democracy, and equally prominent Indonesians including future president Susilo Bambang Yudhoyono (SBY). I, however, was a refugee from academia, my work firmly ensconced in the NGO world.

The occasion for entering that world in Indonesia came soon enough when I was invited to speak at the "International Consultation Supporting Democracy in Indonesia—The Challenge of Democracy in Indonesia", International NGO Forum on Indonesian Development (INFID), held in Jakarta on October 23-24 1998. I had met a number of Indonesian NGO leaders in international conferences in the past few years. I was also surprised, and not a little bit pleased that my book on the PNI, translated to *bahasa Indonesia* in 1991[5], was still being read. In general, intellectuals are more respected in Indonesia than in the Philippines, nice if you are an intellectual, but not necessarily with salutary effects on the society.

In my talk at the conference, I said: "While it remains to be seen what kind of regime will replace the Suharto dictatorship, the democratic space carved out by the pro-democracy movement has radically changed the political terrain for NGOs. Before May 21, 1998, NGOs were among the few pro-democracy groups allowed by the dictatorship. This was because of the supposedly "non-political" character of NGOs and the protection they received from international NGO partners. Today, the much greater political room available for maneuver has spawned many new political groups including political parties and social movement groups. For all intents and purposes, NGOs now have to reinvent themselves."[6]

I studied the political transition carefully, the first time I studied Indonesian politics in three decades. Together with an Indonesian friend, I wrote "An Incomplete and Uncertain Transition—Indonesia After Suharto" for a book on *Transitions to Democracy in East and Southeast Asia* published by the Institute for Popular Democracy in 1999. In "An Open Letter to Young Friends in Indonesia" appended to the article, I said (1999, 255-256):

> I am probably being more optimistic about these political developments than you are. As an outsider not directly involved in your political struggles, I have not accumulated disappointments in political personalities or lost battles on specific issues in the way I am sure you have. Being an outsider, however, also gives me a certain … call it "aesthetic distance". From the vantage point of the Philippines, I understand, perhaps better than you, how difficult and often frustrating a political system democracy is. Having grown old in the progressive movement here, I have learned the value of incremental change, of patience.

Although I developed a wide range of contacts and friendships at this time, as an avowed Leftist, I went out of my way to relate to those who considered themselves on the Left. In February 2000, in a talk at a conference on "The Left in Indonesia" at *Hutan Kayu* in Jakarta, I said that one of the most important tasks of the Indonesian Left is to bridge the ideological gap between the destruction of the PKI and the Left in 1965, and the resurgence of the Left in the later years of the Suharto dictatorship. "Events in the last decade or so of the 20th century have destroyed much of the theoretical base of the Left. Under conditions of theoretical disorientation, with so much of our theoretical legacy wiped out by history, we have to start with real people and their struggles, their attempts to make sense of their confusing social and political reality, their often stumbling struggle to devise new progressive strategy and tactics under very difficult conditions."[7]

One group of Indonesians I went out of my way to meet were members of the People's Democratic Party (PRD). Even before I made it back to Indonesia, I ran into them, often in the context of solidarity work with the struggle in East Timor. I was, at this time, quite supportive of the young people who founded PRD. It was in the forefront of anti-Suharto struggles in the last few years of the regime. After the fall of Suharto, we agreed that the main task of progressives was to rebuild people's organizations. But they insisted that they should have an underground party, to keep their cadre safe from harassment by the government and worse, by the police and military. While I sympathized with their security problem, I told them that having an underground structure made it impossible to practice inner party democracy.

One person I met at this time was the economist, Faisal Basri. Together with a number of university student activists and progressive journalists, Faisal agreed to join Amien Rais in creating *Partai Amanat Nasional* (PAN; National Mandate Party). Rais was quite prominent in the *reformasi* movement and is a leader of *Muhammadiyah*[8]. I told Faisal that even if PAN is a secular party, the weight of *Muhammadiyah* within PAN would be such that PAN would *de facto* be a *Muhammadiyah* party, and none of the people in his group came out of that tradition. "I suspect you will leave PAN in a few years," I said. "You just have to make sure you don't leave with your tail between your legs, that you bring out at least a bunch of lessons useful to the next party you join." Faisal and his friends left PAN three years later.

Circles

At a certain point, the conversation expanded to include more people and wider circles in both Indonesia and the Philippines. The first circle was the Institute for Popular Democracy (IPD) which, at this time, I was director of. An advocacy internship program of IPD and the Southeast Asia Committee for Advocacy (SEACA) brought three or four bright, young Indonesians every year for four years, at least a couple of whom I'm still in touch with. Logolink, an international learning network of civil society engagement with local governance, facilitated IPD research on Indonesian decentralization. Another circle is Akbayan, a crucial link because more and more Indonesian democracy activists were becoming interested in party building. In the last few years, the traffic of IPD staff and Akbayan activists going to

Indonesia, and Indonesians coming to the Philippines has steadily increased.

The Akbayan circle linked with the Swedish scholar-activist Olle Tornquist who has built an academic career keeping track of progressives in the Philippines, Kerala, and Indonesia. A few years back, Olle and some Indonesian friends, worked to build a progressive think tank consciously patterned after the IPD. We hosted a couple of people from Demos (The Center for Democracy and Human Rights Studies), the product of these efforts, and have participated in many Demos projects. A Demos conference in Jakarta in November 2005 enabled me to summarize in one presentation many of the things I had been saying to friends.

> First, don't be too harsh in judging yourselves—the task of pro-democracy activists in Indonesia is very, very heavy... You went through 41 years of authoritarian government, from the declaration of martial law in 1957 by Sukarno to the fall of Suharto in 1998. The Philippines only suffered 14 years of authoritarianism under Marcos, from 1972-1986... While the elite has been more successful in shaping new democratic institutions, at least their dominance in these new institutions is also new. In the Philippines, the elite has had almost a century to shape the institutions of democracy.[9]

More importantly, the conference focus on the results of a massive Demos study of democracy actors throughout Indonesia[10] enabled me to engage many of the issues confronting democracy activists at this time. I am quoting extensively from a paper I wrote for the conference because, in many ways, these are the key ideas that civil society in the Philippines and Indonesia has been grappling with for much of the last decade. The italics are the tentative conclusions of the Demos study, interspersed by my reactions.[11]

> Indonesian NGOs have been shaped by their history arising out of *reformasi*, a history that conspired with foreign connections to generate anti-state attitudes and a preference for working certain areas of democracy promotion and not others. If you've lived under a dictatorship for decades, being anti-state is only to be expected. So is preoccupation with focusing on *liberal freedoms, certain social and economic rights, civil society and participation*. Shifting to working on democratization and governance is difficult not just because NGO funding partners have been slow

to recognize the importance of this work (more so in the Philippines than in Indonesia), but because NGO staff have to learn a new set of skills.

I cannot define the challenge better than in the report: *This is partly a question of political will. The first recommendation is, thus, that the movement needs to take a stand as to whether its activists shall continue to promote democracy from the margins in supplementary, corrective, lobbying and pressurising groups, or whether its ambitions lie in a more comprehensive alternative. There is an urgent need for the latter in view of the fact that the dominant actors are in the main monopolising and abusing democracy. There is simply no democratically sound political elite to correct, supplement and lobby.*

In the last few years there has been renewed interest in political parties after the initial, failed attempts at transforming existing, elite political parties in the years immediately after 1998. This interest is partly out of need; existing political parties do not serve the democratization process. *Our first round results indicate clearly that while some 40% of informants deemed elections to be reasonably free and fair even before 2004, most of them believed that the contending parties and politicians were not controlled by party members, rarely represented the interests and opinions of the voters, were negatively influenced by money politics, abused religious and ethnic loyalties, and were bad at forming and running government.*

I find the suggestions of this study very useful. Staying on the sidelines playing 'watchdog' has its benefits. Even if civil society's political impact is declining, one can always console oneself with remaining politically 'pure'. But pure does not produce votes nor provide the kind of power needed to effectively serve our constituencies. *Mainstream politics tends to be a rather dirty business, at both local and national level, but congregating in the margins is not a solution. This is another reason why good knowledge and training, in combination with internal democracy and firm principles, are so important: as a way of keeping oneself reasonably clean whilst slugging it out in the mire.*

Another consolation is feeling morally superior to politicians, true enough as far as corruption is concerned. But another attitude, feeling that one's links with the poor are stronger because we serve their interests is a self-defeating illusion. *Any strategy on the part of pro-democrats which assumes that the dominant actors are not broadly rooted and are in fact isolated at the top is doomed to failure.*

The point here is not that democracy activists from civil society have to abandon their ideals and learn to become 'dirty' politicians. With few exceptions, that has not happened. But it is important to realize that electoral and parliamentary struggle require different skills from civil society campaigns and advocacies.

Party Building

These ideas provided empirical basis for the more theoretical presentation of John Sidel a year earlier.[12] "Six years later, it is now often suggested, the fruits of *Reformasi* and *Demokrasi* have largely died on the vine, ... The state has been 'captured' by corrupt, even criminal, elements acting not in promotion of the public good but on behalf of private, particularistic, and partisan interests. The once vibrant forces of 'civil society'—student activist groups, NGOs, reformist figures—have been coopted, neutralized, or otherwise marginalized from the field of political competition and policy formation" (Sidel 2004, 2).

Sidel's paper provided the main talking points for a pivotal conference of Ford Foundation governance and civil society grantees in late 2004.[13] The conference linked the IPD's Logolink circle through the Ford Indonesia governance program officer at that time, Hans Antlov. Hans asked me to give a talk at the conference where I took Sidel's arguments further. I argued that, if six years before I advised against democracy activists organizing political parties in favor of focusing on building people's organizations, now it was necessary to provide political direction to the fast expanding mass movement by organizing political parties, or short of that, political blocs.

I still remember the excitement in discussions over drinks and clouds of *kretek* smoke during breaks at the conference. These discussions led to the organization of the *Front Politik* (Political Front) which brought together a number of democratization activists and party building initiatives. More intersecting circles: IPD's Logolink project led to the Citizens' Participation in Local Governance (CPLG) project whose local partner was the Indonesia Corruption Watch (ICW), an active participant in *Front Politik*. After leaving PAN, Faisal Basri helped to put together *Pergerakan Indonesia* (PI), a party building initiative.

Front Politik began a series of discussions on the issue of party building. Since a number of groups with party building plans were in on the discussion, the question immediately focused on whether civil society groups should unite around a particular initiative or attempt to build a "front party" where all of the initiatives would be united. I was quite skeptical about the possibility of forming a 'front party'. There were three party building groups in the discussions, the PI of Faisal and his friends, *Papernas*, a PRD initiative, and a new formation, the *Partai Perserikatan Rakyat (PPR)*, an initiative of peasant groups in Sumatra and West Java with scattered support in other places.

What happened to *Papernas* reveals a lot about the problems and dilemmas of an old-style Left party. Military and police operatives continue to harass them. At the *Papernas* founding congress in Jogjakarta in January 2007, something called "Anti-Communist Group of Indonesia (FAKI)" attacked the congress site with police just standing by. Founded seven months before by PRD, *Papernas* tried to win over other progressive groups with no success. People I talked to said they did not believe PRD would allow *Papernas* inner party democracy. In May 2008, PRD gave up the *Papernas* project.

I suspected that for ideological reasons and, probably more importantly, personal and organizational wounds from past battles, it would be difficult for the three initiatives to merge. Sure enough, after more than a year of trying, *Front Politik* gave up. The two party building initiatives that I found closest to my idea of what a new-style Left party should look like were PI and PPR. After an initial burst of enthusiasm, PI organizing slowed down, at one point focusing on exploring running Faisal Basri as governor of Jakarta. PPR looked like the more serious initiative. Its peasant base was extensive. I liked the fact that while they had bases in the Javanese heartland of Central and East Java, their strongest bases were in West Java and in Sumatra, especially Bengkulu and North Sumatra.

The PPR argument was that they had to try and organize the local party units needed to secure registration in time for the 2009 elections; otherwise, they would have to wait until 2014. They believed, and I agreed with them, that if they had to wait until the groups in Jakarta reached a level of ideological agreement necessary to form a front-type party, they would have to wait forever. They were willing to continue discussions in Jakarta with other party-building groups and civil society coalitions such as

Walhi, the large environment network, and AMAN, the network of indigenous people's groups. But they wanted to go ahead and talk to groups in the provinces where they believed there was less ideological and inter-personal baggage.

Partai Perserikatan Rakyat (PPR)

The past year and a half (2007-2008) marked the high point of these conversations. Partly because I decided to focus on interacting with the PPR, delving deep into their party building process instead of flitting from one initiative to another. The other reason is the generous Asian Public Intellectuals (API) fellowship I received which enabled me go to Indonesia as often as I wanted. In between visits, a "collaborator", Tunggal Pawestri, a former IPD advocacy intern, kept track of what was going on.

This period was "opened" by a seminar with the theme "From Social Movement to Political Party-Perspectives on Social Democracy in Indonesia", held in Bogor on May 26-27, 2007. The seminar brought in another key player in our circle of conversations, the Friedrich Evert Stiftung (FES) headed by an "old Indonesia hand" Erwin Schweisshelm. The FES in Manila had organized a small conference on party building the year before, which brought Indonesian and other Southeast Asian progressives engaged in party building to meet with Latino militants from parties such as the Workers Party of Brazil.

I already knew most of the participants, from PI, *Papernas*, PPR and NGO networks interested in the whole set of interrelated issues. For me, the most important new groups were the people from Aceh. They included people from Sera, a civil society network that later formed a local Acehnese party, the *Partai Rakyat Aceh* (PRA), a group with links to the PRD, and the liberation movement group GAM, a spectrum of new political forces therefore. It was at this seminar that PPR and PI met to thresh out issues for merging the two initiatives, merging the two groups is a project I was closely working with. Later the leadership of *Partai Sera* committed to be in a coalition with PPR at the national level.

So far so good. I was, at this point, very optimistic about PPR's chances for becoming the main alternative party for Indonesian progressives. Discussions at the FES seminar gave me hope. More importantly, over the course of several visits, I got to know the key leaders of PPR very well. Syaiful Bahari,

the PPR Chairperson, is an experienced peasant organizer; assertive, but at the same time low key, a very difficult balance to achieve. Mbak Lely Zailani, the leader of the women's network HAPSARI, combines farsightedness and practicality. Bung Darno, a peasant leader from North Sumatra. Sapei Rusin, I knew the longest, a Bandung urbanite devoting his energies to rural organizing. There were many other PPR leaders I met, these I have highlighted, not just because they are the key national leaders but because as a group they exemplify the quality, the depth of skill, and commitment I found impressive in PPR.

Many of the key elements of PPR looked like Akbayan. I never asked if they consciously built PPR with Akbayan as a model; I was a bit embarrassed about asking. I just assumed that, facing the same conditions internationally if not domestically, we made similar choices. It does not really matter. I'm sure there has been no slavish copying akin to what communists have done. There have been enough occasions to get to know each other. Other Akbayan people had visited Indonesia, at least one to do training in electoral campaign methodology. Many PPR leaders, including all four I described above, had visited the Philippines.

Although I could mobilize formal party documents, I trusted what I saw and heard in innumerable conversations with dozens of PPR activists. I saw a party that is not anxious to define itself in ideological terms. "The less rigid the formal documents, the less splits", one party leader explained. Nevertheless, they are serious and unequivocal about being a party of, and for poor people. This is a commitment that comes out of personal experiences such as those of Bung Darno. They understand what this means in terms of how difficult it will be for their party building, how hard it will be to raise money, how they will have to face obstacles that other, more mainstream parties, do not face.

They attempted to get registered as a "national" party, but that's because that is the only political party they are allowed to be. Local parties are not allowed except in Aceh and Papua. Because the PPR came out of social movements, they are of necessity, local. One sympathizer complained that they do not have a "political presence" in Jakarta because they do not take positions on key national issues. On local issues, they not only take positions, they mobilize and organize mass actions. In West Java, party leader Agustiana, head of the *Sarekat Petani Pasundan* (SPP) was jailed by police in June 2008 at the height of mass struggles

against illegal logging. Muspani, the only PPR leader with some kind of national "presence" was elected to the DPD (*Dewan Perkawilan Daerah*), one of the two parliamentary chambers, as representative from Bengkulu.

In theory, PPR had enough bases in the provinces to fulfill the stiff registration requirements. The PPR's peasant base in West Java, Bengkulu and North Sumatra, and Sulawesi, combined with the more urban, middle class, town base of PI provided strong enough bases for negotiating with other social movement groups. Successful negotiations with AMAN, a network of indigenous peoples groups, opened up Kalimantan and Nusa Tenggara Timor. When PPR documents were submitted for verification in early 2008, party leaders were confident, but I was a little bit nervous. I was stunned to hear in mid-April that, in fact, the PPR did not pass the process. Out of 115 new parties registered, only 24 passed the verification process.

A letter from a friend in PPR explained what happened: "We have concluded that political reasons other than administrative ones were the basis for our not passing. One party which was created only three weeks before registering was allowed to pass. Only two kinds of parties were allowed to pass: splinter groups from big parties specifically created to weaken parties such as PDIP, PKB and PAN, and parties created to support the presidential ambitions of their founders such as Sutiyoso and Prabowo. Parties built from the ground up such as PPR and Parade Nusantara were denied" (personal communication, 2007). One report said police and military people were called in by the Ministry of Justice to participate in the last stage of what was supposed to be a purely administrative process.

The disappointment of PPR leaders dominated email communications. When I saw them a couple of months later, concern about what would happen to the party now was uppermost in their minds. They worried that what they had pieced together with heroic efforts would now fall apart. Several local party leaders joined other parties. They planned a party congress to shore up spirits, postponed it a couple of times, and in the end gave up because they could not find the money for it. One quick decision was to support independent local candidates for *bupati* (mayor) in Bengkulu. Instead of allowing local leaders to join whatever party asked them, they built an

alliance with a small Sulawesi based party, but told them this would only be for the 2009 election.

In discussions with PPR and PI leaders and other progressives in Jakarta, the consensus was that what needs to be done is get as many local officials elected in the coming years, then to build on the momentum of local struggles to form local alliances. As John Sidel puts it (2004, 10): "Such a shift in perspective would imply a commensurate move from 'strengthening civil society'—or 'empowering participatory governance'— towards the promotion of 'countervailing power'— mechanisms that reduce, and perhaps even neutralize, the power-advantages of ordinarily powerful actors."

The Demos study we commented on in 2005 was replicated in 2007. The new study, only recently released, provides detailed quantitative data from a nationwide study that is cause for optimism.

> The [alternative] actors are now more active in both government institutions and political parties. For institutions like political parties, elected government officials, bureaucracy and judicial institutions, the level of the participation of alternative actors has increased almost 100 percent. ...Aside from NGO and other figures (informal leaders and professionals)—which hit the biggest number in the list—pro-democracy actors also build alliances with members of government institutions, bureaucracy, politicians and members of parliament. In addition, alliances are also built with informal figures and professionals such as academicians, lawyers and media.[14]

The 2008 Demos recommendation to establish links "...between the specific grass-roots issues and the top-level perspectives..." is not far from the consensus reached in many meetings I had in Jakarta since April 2008. "This is in order to define joint platforms, wide support and alliances, and control genuine politicians—rather than being the victim of fragmentation and dominated by various parties or political actors. Second, this may also be the level on which it is possible to combine parliamentary and extra parliamentary activity, as well as representative and direct participation. Demos' recommendation is thus that democratic social movements, popular and civic associations wishing to engage in politics should build coordinated Democratic Political Blocks on local and central levels" (Demos 2008, 10).

These conversations will continue. These circles of discourse will continue to expand; new friendships will continue to be made. What I said in my talk at the conference on "The Left in Indonesia" in 2000, I have said in many different ways and forms to friends in PPR and other circles. "The problems of poverty that we face in our countries provide enough reason for a lifetime of political commitment for each of us. But what we do in fighting for the future cannot be too distant from that future. If we are forced to distort our lives and our relationships during the period of struggle, if we do not allow ourselves to laugh and to have fun at this time of struggle, how can we build societies where we can enjoy ourselves together with our people?"

NOTES

[1] To balance the power of the military, Sukarno encouraged the growth of the Left led by the PKI. Because Sukarno himself imposed limits on "class struggle" and the redistribution of power, the Left continuously flexed its power in massive demonstrations.

[2] See Executive Committee, "Reaffirm our Basic Principles and Rectify Errors", in *Big Red Book*, 282-334.

[3] See Joel Rocamora, "Third World Revolutionary Projects and the New World Order" in *Paradigms Lost The Post Cold War Era*, eds. Pedro Vilanova and Chester Hartman (London: Pluto Press, 1992).

[4] Joel Rocamora, *Breaking Through—The Struggle within the Communist Party of the Philippines* (Manila: Anvil, 1994).

[5] J. Eliseo Rocamora, *Nasionalisme Mencari Ideologi - Bangkit dan Runtuhnya PNI, 1946-1965* (Jakarta: Pustaka Utama Grafiti, 1991).

[6] Joel Rocamora, "The Philippine Progressive NGO Role in *Democratisation, Lessons for Indonesia", in International Consultation Supporting Democracy in Indonesia, Report of a Conference*, INFID (Jakarta: INFID, December 1998).

[7] Ibid.

[8] *Muhammadiyah* is a large Islamic social service but ultimately political organization with a base in *santri* communities in the north coast towns of Java and in Sumatra.

[9] Joel Rocamora, "Demos Conference Presentation". Paper presented at the Demos Conference, Jakarta, Indonesia, November 25, 2005.

[10] See Stanley Adi Prasetyo, A.E. Priyono, Olle Tornquist, eds., *Indonesia's Post-Soeharto Democracy Movement* (Jakarta: Demos, 2003).

11 Joel Rocamora, "Demos Conference Presentation". Paper presented at the Demos Conference, Jakarta, Indonesia, November 25, 2005.

12 John T. Sidel, "Watering the Flowers, Killing the Weeds: The Promotion of Local Democratization and Good Governance in Indonesia". Paper prepared for the Ford Foundation, Indonesia, September 12, 2004.

13 I've misplaced my copies of papers from that conference other than Sidel's. I know it happened at that time but I am not, at this time, sure of the exact dates.

14 Demos, "Democracy—building on the Sand-Advances and Setbacks in Indonesia Executive and Summary Report from the 2nd National Expert-Survey on Problems and Options of Indonesian Democracy (2007–2008)", (working paper, Demos, Jakarta, 2008).

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A Study of the Forms and Approaches to the Decentralization of Power and the Mechanisms for Popular Participation in Local Administration in the Philippines and Indonesia[1]

Olarn Ongla

Introduction

Decentralization has very much been on the agenda of several Southeast Asian countries since the 1990s. Nevertheless, it has been a highly contested issue, and both the depth of decentralization as well as the extent of local popular participation fostered by it have varied, depending on the specific circumstances of the different countries.

Unfortunately, to this date, nowhere has decentralization resulted in governments' being brought close enough to the people, with the door being opened to thoroughgoing self-determination in the form of truly substantive citizen participation in local governance. On the contrary, it seems as if decentralization has, in practice, often been stalled, and that the prospects for greater popular participation stemming from lower barriers to access to government have not been realized. In the case of Thailand, where I worked for two years as an elected local government official and attempted to introduce mechanisms for villager participation in the decision making processes of the local government, I could see clearly that there were particular interests working to subvert my efforts. After becoming all too familiar with the obstacles blocking popular participation in local governance in Thailand, I realized that it would be useful for me to study the experiences of decentralization and popular participation in the neighboring countries, in order to find out what valuable lessons might be learned.

With the support of the Nippon Foundation and the Asian Public Intellectuals Program, I was able to study decentralization and popular participation in local administration in the Philippines and Indonesia. I spent nine months in the Philippines, where I was based in Manila and hosted by the Institute for Popular Democracy, but made many trips, some of them lasting for several weeks, to various localities throughout the country, including Naga City and Tabaco City in the Bicol Region; General Santos and Surallah in South Cotabato; Governor Generoso in

Davao Oriental; and San Fernando La Union in North Luzon. I used various methods of information collection and research, including literature review, individual and small group interviews and exchanges, as well as participant observation in non-governmental organizations (NGOs), people's organizations (POs), and local governance units. I spent a shorter period of three months in Indonesia, primarily in Yogyakarta, with the Institute for Research and Empowerment as my host. I used similar methods for data collection and research as in the Philippines, but because of time constraints and greater language barriers, was not able to be as thorough as in the Philippines. In my studies in both the Philippines and Indonesia, I was interested to learn how decentralization has proceeded and what forms people's participation in local governance is taking.

Although my studies as an API fellow focused explicitly on the experience of decentralization and popular participation in local administration in the Philippines and Indonesia, because of my own background as a local government official in rural northern Thailand and as someone who has been working for several years to advocate for the genuine decentralization of power that provides space for the villagers' participation in local administration, my studies on these two cases also necessarily involved implicit comparisons with the Thai case. Indeed, the comparative study on decentralization and popular participation in local governance involving these three countries is quite instructive, since all three have major similarities; yet the outcome in terms of their levels of participation differ rather significantly.

Despite having populations that come from different ethnic and religious groups, the Southeast Asian countries of Thailand, the Philippines, and Indonesia all share a political culture dominated by patronage, as well as the constellation of problems intricately linked to it, including corruption and vote buying. Furthermore, all three countries have ethnic minorities at their periphery who, at various times, have made demands for greater autonomy or

independence, while, at the same time, nervous and insecure centers have argued for the need to maintain strong central control in the name of national unity. Historically, Thailand, the Philippines, and Indonesia have also endured long periods of rule by military dictators, who concentrated power at the center, within their own personal circles. In all three cases, however, this pattern of dictatorial rule has also led to mass popular uprisings that have succeeded in toppling the dictators and paving the way for more open, democratic political systems. Finally, as part of the effort to bolster democracy and prevent the accumulation of absolute political power at the center or in the hands of the military, proponents of democracy in the period following the dictatorships have lobbied for decentralization to be included as a main part of the democratic political reform platform. Consequently, decentralization as it has emerged since the 1990s in all three countries has come with the implicit expectation that it would bring the processes of government closer to the governed and open up opportunities for citizens to participate in the decision making processes on matters that directly affect them.

Despite the above-mentioned similarities, decentralization has, in practice, meant different things in the three different countries. Furthermore, the degree of popular participation that has been fostered or has emerged to fill the new spaces created for it within the context of decentralization has varied tremendously from one country to the next, and even within the individual countries themselves.

After determining that there were differing levels of popular participation, my research attempted to answer why these differences existed in spite of the similarities in factors leading to decentralization in all three countries. The answer to this question is important in fulfilling the objective of my study, which is to draw lessons from the experience of decentralization in the Philippines and Indonesia that can be adapted for use in upgrading the work currently being done to build greater popular participation in local governance in Thailand.

In the following sections of this paper, I will first briefly examine the historical and legal contexts for decentralization in the three countries. Next, I will report my findings on some NGOs playing a key facilitating role in the Philippines and Indonesia, trying to foster people's participation in local governance, thereby contributing to the building of

democracy from the grassroots up. I will then report the findings of my observations of the participation of organized people's organizations (POs) in the field sites of Naga and Surallah in the Philippines, and Kebumen in Indonesia. Finally, I will end by drawing conclusions based on my observations of the legal frameworks, and the work of NGOs and POs in the Philippines and Indonesia that will be applicable to Thailand and to the struggle for more intensive decentralization enabling and facilitating greater popular participation and democracy in local governance.

Findings

The historical and legal contexts of decentralization

Thailand

Thailand has had a long history as a highly centralized state, with power concentrated in the hands of the bureaucratic elite in Bangkok. Since the transition from absolute to constitutional monarchy in 1932, Thai politics has been characterized by the steady alternation between civilian and military controlled governments. After the first major period of democracy in the country's history (1973-1976) came to a violent end with the extreme right-wing backlash against the democratic student movement in October 1976, the Thai military once again seized control of politics for more than a decade. Finally, in 1988, the country appeared to be back on track toward democracy, when Chatichai Choonhavan became prime minister through the first democratic parliamentary elections held since the mid-1970s. However, the military intervened in politics once again, launching a military coup in 1991 to remove the Chatichai government on allegations of corruption. When the leader of the coup group, General Suchinda Kraprayoon, broke his promise to return power to a civilian government in 1992 and had himself selected prime minister, mass popular demonstrations broke out in Bangkok. The subsequent massacre that occurred when the military used lethal force to crack down on the protesters left large numbers of dead and wounded, and led to royal intervention and an eventual transition back to an elected government.

With pro-democracy and anti-military sentiment high in the period following the bloody events of May 1992, progressive elements in Thai society rallied for political

reform and a new, more democratic constitution that was eventually promulgated in 1997. Due to the unprecedented degree of popular participation that went into its drafting, the said constitution came to be known as the "People's Constitution". One of its significant elements was its provision for decentralization, based on the notion that weakening the center and increasing the power of local government would bring about greater democracy and militate against efforts to accumulate power at the central level. The latter had characterized absolutist and military dictatorial regimes in the past. In addition to mandating decentralization, the People's Constitution called for the passage of an organic law, the Decentralization Act (1999), to serve as a guideline for the planning and practical implementation of decentralization. Under this act, a decentralization plan and an implementation plan laid out a timeframe for the transfer of precisely stipulated powers and duties to various levels of elected local governments. Notwithstanding the legal mandate for decentralization, however, the entire process has been hampered by the reluctance of the bureaucracy and the Ministry of Interior, in particular, to relinquish authority. Consequently, to date, decentralization in Thailand has tended to be more pro forma rather than substantial, and genuinely significant popular participation in local governance has proven to be much more the exception than the rule (Wong 2007).

The Philippines

During the period of the Marcos dictatorship (1972-1986) in the Philippines, the President of the Republic centralized all power around himself and his trusted allies, with monopoly control over the economy, politics and society. This stranglehold on control allowed President Marcos, his family, friends and supporters, to accumulate and gain personal benefit from the nation's resources in a way that did not support equal growth or development within the country. As a result of this pattern of exploitation, there were many conflicts with the people at both the national and the local levels, leading progressive civil society groups, groups of the middle class, NGOs and POs, to stand up and join those forces demanding for just political, economic, and social change, and for decentralization from the dictatorial government. With the Marcos government using violence, the military, and the law to oppress the people, the people's struggle began to expand steadily to include ever wider circles, until finally, after the assassination

of Marcos' political rival, Benigno Aquino, in 1983 and the stolen presidential election in February 1986, a massive mobilization of people numbering up to, perhaps, two million participated in the historical demonstrations known as the EDSA Revolution to drive out Marcos. But the victory of the struggle against the Marcos dictatorship did not create social, political and economic change within the country as fast, efficiently, or progressively as many had hoped. The wounds that had been inflicted during the dictatorship required a considerable amount of time to heal. The subsequent government of President Corazon Aquino (1986-1992) announced efforts to recover political, social, and economic stability and to reform the political structure and various laws. One especially important example of such laws was the Local Government Code (LGC) of 1991, a new law stipulating participatory mechanisms involving local government units, villagers, and NGOs together in local administration. The LGC was signed into law on 10 October 1991 in Republic Act No. 7160, and came into force on 1 January 1992. The code consists of four volumes containing 536 articles (Villarin 1996: 61).

The LGC places importance on the decentralization of power in two main areas. First, local government units are granted autonomy, and various roles and duties are devolved to them from the central government, including the following: agricultural extension and research, community-based forestry projects, health, hospital and other tertiary health services, public works and infrastructure funded out of local funds, school buildings, social welfare services, tourism facilities and tourism promotion and development, telecommunications for provinces and cities, and housing for provinces and cities.

Second, the LGC does not just call for the decentralization of power to local government units in the localities, but also gives legal power to the villagers' organizations, the people's sector, and NGOs as stakeholders in local development, concretely making them part of the mechanism for conceptualizing and drafting local development plans together with the local government units. In particular, the code specifies that there shall be local special bodies (LSBs) which are "semi-autonomous, politico-administrative structures in LGUs that assist, recommend, plan, formulate, determine and oversee the implementation of development plans and programs in their respective localities" (Villarin 1996: 39). Local special bodies include the following: Local Development Councils;

Local School Boards; Local Health Boards; Local Prequalification, Bids and Awards Committees; Local Peace and Order Councils; and People's Law Enforcement Boards. The LGC also provides for NGOs and POs to have representatives in the other local bodies such as the Provincial, City and Municipality Councils on Culture and the Arts, and the Council for the Elderly (Villarin 1996: 40). Furthermore, although Filipinos are still waiting for the relevant enabling law to be passed, section 41(c) of the LGC also mandates specific sectoral representation in local government for the women, the workers and one of any of the following sectors: the urban poor, indigenous cultural communities, disabled persons, or any other sector as determined by the local council.[2] Finally, in addition to the above-mentioned mechanisms, the Code also specifies participatory mechanisms in the following forms: recall; people's initiative and referendum; mandatory consultations and public hearings; and active partnerships (Fabros 2004: 176).

Indonesia

Historical experiences similar to those in Thailand and the Philippines can be found in Indonesia. From 1967 to 1998, rule by the Suharto regime involved the monopolistic centralization of power and the establishment of a system of political dictatorship that dominated for more than 30 years. It had absolute control over three institutions, namely the bureaucracy, the military, and the dominant political party, Golkar (Sujito 2008). Ultimately, student groups, activists, and various civil society organizations came out to mobilize opposition to the military dictatorship. While struggling against the dictatorship, many people were suppressed, arrested, imprisoned, or murdered. In combination with this climate of political violence, the economic crisis that struck the country in 1997, as well as external pressure, brought about a major political change with the collapse of the Suharto regime in May 1998.

Suharto's successor, President B. J. Habibie (1998-1999), attempted to build and restore the democratic system in Indonesia once again by rehabilitating the People's Consultative Assembly (MPR) and the People's Representative Council (DPR) at the national level, He did this while transforming the power structure through decentralization from the central government to the four different levels of local government administrations: the province, the district/municipality (*kabupaten* in rural areas, and

kabupaten-kota in urban areas), the sub-district (*kecamatan*), and the village (*desa*). However, it is clear that decentralization emphasized the district level, whether the *kabupaten* or the *kabupaten-kota*.

According to Law No. 22/1999, districts and municipalities are given full autonomy to manage a number of services and duties. As in a federal system, control over finances, the legal system, foreign affairs, defense and religion are retained at the center; while authority over roads, harbors and other "areas of strategic national interest" are transferred to the province. The province functions as an administrative arm of the central government. Districts and municipalities, on the other hand, are given authority over the remaining functions, including health care, education, public works, the arts, and natural resource management.

Later, in December 2003, Law No. 22/1999 was reviewed and revised, resulting in Law No. 32/2004, which contains three important provisions, clearly not all of which are positive from the point of view of deepening democracy. First, procedures for choosing local executives were changed from election by the local council, to direct election by the people, both at the district/municipality level as well as the village level. Second, Village Representative Boards, which under Law No. 22/1999 were directly elected, became now either elected or appointed, and subject to the regulations of the district. Third, lines of accountability for district level executives were changed from having to report to the local council, to reporting upward to the Ministry of Home Affairs via the provincial governor. In sum, Law No. 32/2004 reversed the course of decentralization set in Law No. 22/1999 by once again granting the central government greater control over local governments. Furthermore, one of the biggest challenges presented by Law No. 32/2004 is its failure still to include participatory mechanisms for the people's sector in local governance (Legowo and Djadijono 2007: 73; Ongla 2008).

The work of non-governmental organizations (NGOs) in fostering popular participation in local governance

The Community Organization of the Philippines Enterprise (COPE) Foundation and organizing the urban poor in Naga to have a voice in government

Naga City is located in Bicol, one of the poorest regions in the Philippines. The city's poverty incidence rate in 1998 was 40 percent, and the entire region ranked as the country's second most depressed out of 16, with a poverty incidence rate of 50.1 percent (Vicente-Angeles and Torres n.d.: 4). Against this backdrop of deep poverty in an urban setting, the NGO, Community Organization of the Philippines Enterprise (COPE) Foundation, began doing community organizing work with the urban poor in Naga City in 1986. COPE works in the Alinsky-Freie tradition of organizing for social transformation.

Community organizing work with the poor and marginalized groups in the Bicol region had been going on since 1975, largely under the auspices of Christian affiliated organizations inspired by liberation theology. COPE had been collaborating in the efforts of some of these organizations in Legazpi, another city in Bicol, since 1978. Then, just one month after the EDSA Revolution in 1986, with the assistance of leaders from the Legazpi Slum Dwellers' Federation, which was the PO it had been working with in Legazpi, COPE expanded its urban poor community organizing work to other areas in Bicol, including Naga. The approach to community organizing employed by COPE required the NGO to work very closely with its urban poor constituents for extended periods of time, in effect, traveling the road of the struggle together. Consequently, COPE has established very deep relations with and gained the confidence of the urban poor communities in which it works (Vicente-Angeles and Clavecillas n.d.).

In 1993, taking advantage of new opportunities created by the Local Government Code of 1991 and the Urban Development and Housing Act of 1992, COPE and the Naga City Urban Poor Federation (NCUPF) (the PO federation with which COPE works in Naga), lobbied for the passage of Ordinance 93-057 in Naga City creating the Naga City Urban Development and Housing Board, that would initially include three representatives from NCUPF and three from NGOs working with the urban poor sector.[3] Two years later, again because of the lobbying efforts of COPE, NCUPF and other allies, the city government passed the Empowerment Ordinance (Ordinance 95-092) institutionalizing the partnership of NGOs and POs with local governance in the form of the Naga City People's Council (NCPC). In essence, the NCPC became the first of its kind in the Philippines, a mechanism giving both NGOs and POs

from 13 basic sectors an active role in jointly governing the city (Vicente-Angeles and Clavecillas n.d.: 2; Patiño 2003: 10).

Sustainable Integrated Area Development (SIAD) Initiatives in Mindanao-Convergence for Asset Reform and Regional Development (SIM-CARRD) and BATMAN

SIM-CARRD, my local host in Davao City, is a regional NGO working in Mindanao (southern Philippines) to achieve local community empowerment and sustainable development. It was established by a group of like-minded people in Mindanao who were working on issues of local governance, peace building, and agrarian reform. SIM-CARRD has only five regular staff members, including the executive director; but it works in partnership with a large number of NGOs in individual localities around Mindanao through a network building strategy. Although it engages in a variety of different projects, it is perhaps most well known for being the Mindanao regional secretariat of the Barangay-Bayan Governance Consortium (BBGC). In this capacity, it works together with community-based NGOs, POs, and progressive local governments in Mindanao to foster the people's participation in local governance (SIM-CARRD, Inc. n.d.).

Hailed by many observers as an important experiment in grassroots democracy, the Barangay-Bayan Governance Consortium (BBGC) traces its origins back to October 1997, when nine Manila-based NGOs met to discuss how to capitalize on the inroads made through the 1997 electoral victories of many progressive NGO workers and PO leaders, who had taken the big step of running for local political office. The nine NGOs that went on to form the core group of the BBGC agreed to develop a training manual on local governance. Called the Barangay Administration Training Manual, or BATMAN, the manual soon became synonymous with the BBGC itself. From this starting point, the BBGC expanded to include 233 POs, NGOs, social movements, and progressive local government officials by 2003, carrying out interventions in participatory local governance all around the country (Villarin 2004: 8-10).

The BBGC's transformative agenda seeks to create empowered, sustainable communities. It has the following three objectives: to strengthen the capacity of those previously excluded from the state for them to be able to participate in local governance; to develop

the capacity of local government officials to govern in a responsive and accountable way, and to use public resources to further advance popular participation; and to organize and strengthen the legally mandated local democratic institutions, and create new power relations between citizens and the state. To fulfill these three objectives, the BBGC has three primary local governance programs: the Basic Orientation on Barangay Governance Program, which imparts fundamental knowledge on local governance and participation in local governance to local NGOs, POs, local government officials, and local professionals; the Barangay Development Planning through the Participatory Resource Appraisal Program (BDP-PRA), which essentially facilitates the drafting of a bottom-up participatory local development plan; and a Training of Trainers Program for BDP-PRA (Villarin 2004: 12-18).

Before becoming the current executive director of SIM-CARRD, Tom Villarin was executive director of the Manila-based NGO called KAISAHAN (Solidarity Toward Countryside Development and Agrarian Reform), which was one of the original nine NGOs that collaborated in developing the BATMAN training manual. In 1999, the mayor of the Municipality of Surallah (South Cotabato, Mindanao), Romulo O. Solivio, attended a conference hosted by KAISAHAN and other BBGC members, where he learned about the BDP-PRA program. He expressed interest in having BDP-PRA conducted in Surallah, and agreed to have KAISAHAN and the General Santos City-based NGO, Building Alternative Rural Resource Institutions and Organizing Services, Inc. (BARRIOS), come to Surallah to carry out the program, with the municipality providing the funding. As provided for in a memorandum of agreement, BARRIOS and KAISAHAN began conducting BDP-PRA in three pilot villages. They also carried out a BDP-PRA training of trainers program for 54 participants, who in turn carried out BDP-PRA in an additional 14 villages in Surallah (Iszatt 2004: 166-172).

In spite of the fact that BDP-PRA was executed in 17 villages in Surallah with great fanfare, the longer-term effects of the process need to be questioned. After Mayor Solivio failed to retain his position as mayor in the May 2001 elections, the spirit of participation began to decline (Iszatt 2004: 182). Perhaps, this is not surprising, given that the entire endeavor had been started on the mayor's initiative to bring in two NGOs from outside to conduct the processes with Surallah

residents. Both KAISAHAN and BARRIOS were, in effect, invited by the municipality to complete a technical task. It is most unfortunate that these two, and later, SIM-CARRD, after intervening in 17 different villages in Surallah, were unable to continue working with the local residents who had begun to be empowered to form POs or PO networks through their inclusion in BDP-PRA. In part, the inability to commit to working with a particular group of villagers on an ongoing basis is surely attributable to the lack of resources. Because of the absence of secure and sustained funding, NGOs such as SIM-CARRD, often find themselves having to work based on funder-driven exigencies, to some degree. The decision of SIM-CARRD's executive director to pursue other avenues of work involving coordination with various organizations rather than settling down and conducting organizing work should be viewed in this light. The latter option could have led to more sustainable participation on a longer-term basis by the residents of the 17 villages in Surallah. These residents had gone through the BDP-PRA facilitated in part by KAISAHAN.

Institute for Research and Empowerment (IRE)

The Institute for Research and Empowerment (IRE) was established in Yogyakarta in June 1994. At first, it functioned as a study group, hosting regular activities consisting of critical discussions on social and political issues, as well as the most recent developments in the literature of sociology and politics. Often, discussions involved the analysis of events carried by Indonesian newspapers. In 1997, IRE began to transform itself from a study group into an NGO focusing on developing popular democracy (Organization Profile of IRE Yogyakarta n.d.). Nevertheless, because of its origins as a study group, IRE's internal organizational culture still tends to place great emphasis on open debate and the discussion of ideas. The latter contributes to clear and common understandings that underlie the organization's unified approach to work.

IRE implements four main types of activities to carry out its programs. First, it engages in participatory critical action research addressing the condition of powerlessness in various communities. Second, IRE conducts education and training with people from the state, political, civil and economic society in order to disseminate critical ideas and alternative discourses, as well as for capacity building purposes with key strategic actors. Third, it produces publications as a means of articulating critical ideas and circulating them in

society. Fourth, IRE is involved in advocacy work through policy analysis, dialogs and public hearings in order to reform public policy (Organization Profile of IRE Yogyakarta n.d.).

For the specific areas of local governance and people's participation, IRE facilitates the process of development planning deliberation (*musrenbang*) at the village level. Musrenbang is an officially sanctioned process whereby in theory, a development plan is drawn up based on inputs from individual villages. From the village level, the development plan is passed upward through the sub-district, where further prioritizations are made from among the plans submitted by all the villages in its territory. Then it moves on to the district, where final decisions are made as to what projects from which villages will actually be supported with how much budget. The entire process tends to be viewed as not really giving rise to participation, insofar as the projects proposed at the village level are, in practice, often ignored and not funded, while the work plans of the central and regional government are given priority instead (Legowo and Djadijono 2007: 83). In spite of the prevailing dismissive attitude toward the importance of musrenbang as a genuinely participatory mechanism, IRE decided to get involved with local communities, facilitating musrenbang in a participatory and empowering fashion. However, according to a staff member of IRE, the decision was not made out of a belief in the importance of the process under existing conditions. Rather, it was made because IRE viewed it as an entry point to working with local communities over the longer term, in order to build up community-based organizations capable of demanding the right to participation (Zamroni, 2007). In addition to its work with musrenbang, IRE has also been supporting networks of civil society organizations in the rural areas. Specifically, during the time I spent with IRE, I was able to observe, on several occasions, activities with REWANG, an emerging civil society network in Bantul, Yogyakarta, and GAMPIL, an emerging civil society network in Kebumen, Jawa. As advisor and capacity builder, IRE is working very closely with REWANG and GAMPIL. Its dedicated staff is living in the respective localities and working on a day-to-day basis with the networks and their members.

People's Organizations (POs) and their participation in local governance

The Naga City Urban Poor Federation (NCUPF) and the Naga City People's Council (NCPC)

Considering the historically high rate of poverty in Naga City, it comes as no surprise that the most influential organized sector in the city is the urban poor. The urban poor of Naga are represented through the Naga City Urban Poor Federation, which consists of 64 community organizations in 19 villages. NCUPF has been working since 1987 and is also a key member of the Bicol Urban Poor Coordination Council (BUPCC), a confederation of urban poor federations from several cities and municipalities in Bicol that works at various levels on urban poor issues. In 1989, NCUPF began to be involved in efforts at policy intervention in Naga City, and succeeded in persuading the city to develop a community mortgage program beneficial to the poor, and to establish an Urban Poor Affairs Office. As NCUPF engaged more and more with the city, governed since 1988 by the extraordinarily progressive minded young mayor, Jesse Robredo, it became one of the key elements in the Naga City NGO-PO Council. The Council is an informal consultative body for civil society organizations.

After a series of incremental victories at the policy level, NCUPF scored a major victory with the passage of the Empowerment Ordinance (No. 95-092), which paved the way for the institutionalization of the Naga City People's Council. NCUPF is represented in the Council and serves as its current secretary (Vicente-Angeles and Clavecillas n.d.; Halili 2008).

The Naga City People's Council was formally established in 1997 on the foundation of the less institutionalized system of an NGO/PO consultative partnership with local government, the Naga City NGO-PO Council. Today, NCPC consists of representatives of 13 basic sectors coming from 108 organizations. Its representation of the urban poor, senior citizens, labor groups, and people with disabilities is especially strong.

NCPC engages with the local government in three different areas. First, the NCPC executive board works together with the city council and mayor in the areas of policy and programs. Second, the 13 sectors represented in the NCPC work together with the individual departments and officials of the city on

projects and activities. Finally, members of the organizations represented by the NCPC serve at the village level on the Barangay (village) People's Council and work with the official Barangay Council on capacity building in various relevant areas (De la Rosa 2008). In each of these three important locations, NCPC, as the representative of the city's basic sectors, is working in parallel with the official city government. Its high degree of efficiency in serving the interests of the organized people's sector is due to the fact that it involves these different levels of intervention.

In the words of Naga City Mayor Jesse Robredo, the NCPC is "basically a conflict resolution mechanism, wherein stakeholders are given better alternatives regarding public issues rather than creating opposition between and among them" (personal interview 2007). Elsewhere, the mayor has explained that the Empowerment Ordinance created the structure for an active partnership between the city and the people of Naga in formulating, implementing, and evaluating the city government's policies, projects and activities. Today, in some areas, NCPC is effectively co-managing the city. Specifically, NCPC has the power to appoint at least 25 percent of the total membership of local special bodies, which have the duty to monitor and evaluate how the government implements its programs and policies. It also appoints at least 25 percent of the membership of the city council's standing committees, which are responsible for drafting legislation (Robredo, "Civic Engagement" 2007).

Surallah: Where are the people's organizations?

I visited Surallah in November 2007, eight years after the BDP-PRA program was implemented by BARRIOS and KAISAHAN, the former organization of SIM-CARRD's executive director. BDP-PRA was supposed to have been a participatory process leading to the drafting of a village development plan and the empowerment of villagers through engagement with this process. However, when I was in Surallah, I learned that after the completion of the BDP-PRA in 1989, very little further progress was made in the area of active citizen participation in local governance. In trying to understand why this might be so, I reflected that although I was only in Surallah for a limited time, I saw no evidence of active POs there. My observation in this regard corresponds to one insider's critique of the original BDP-PRA program itself: "In Surallah, however, since there were no established POs, people merely participated as individuals without a specific agenda or collective representation" (Iszatt 2004: 184).

In fact, the move to bring participatory processes to local governance in Surallah began not with the people, but with the mayor, who asked for NGO technical assistance with BDP-PRA training. Surallah Mayor Solivio clearly expressed his progressive convictions in an interview (2007), stating, "Good governance and good politics, these two factors, a leader must follow". However, regardless of the positive intentions of the mayor, the absence of strong, organized POs in Surallah capable of using the participatory spaces opened up by the mayor would seem to have hindered the development of democratic processes at the level of local government in the area.

GAMPIL and the people's participation in Kebumen

In Kebumen District, Jawa, the civil society network being facilitated by IRE is called GAMPIL. IRE has been working to transform GAMPIL into a more institutionalized network of civil society organizations for the last three years. Its members appear to be fairly young, with most of them under 40 years old. In practice, the goal is for GAMPIL to serve as an important link of the civil society sector to local government, eventually. At the same time, GAMPIL has also been approached by the business sector, which has shown interest in supporting capacity building for GAMPIL members, to enable them to better participate in engaging with the local government.

GAMPIL is receiving training from IRE on at least three different areas. First, it is receiving capacity building training using a training of trainers format, with the expectation that those receiving the training will train others in the network. Second, GAMPIL is being trained in musrenbang processes, as well as in participatory budgeting. The third area of training that receives a considerable amount of emphasis is training on social analytical skills and ideology. In all of the training sessions that I observed, I noticed a high degree of interest and engagement on the part of GAMPIL participants, resulting in high-spirited exchanges. Even though it has not yet been completely institutionalized, GAMPIL is already recognized by the local government as a legitimate partner.

The project funding IRE's involvement with GAMPIL will come to a close at the end of 2008, and GAMPIL will very possibly be left to fend for itself if IRE is compelled to withdraw from Kebumen.

Nevertheless, because of the efforts made to build up GAMPIL as an institutionalized local civil society network over the last three years, it should be able to survive with the potential of being a sustainable mechanism for popular empowerment and for fostering people's participation in local governance in Kebumen.

Conclusions

In this section, I intend to draw upon the information presented in the findings section above, to identify those factors most relevant to efforts advocating for greater decentralization that would lead to democratic spaces for the people's participation in Thailand. The three areas to be considered are the legal context, the work of NGOs in fostering people's participation in local governance, and the role of POs.

From the legal point of view, the Philippine Local Government Code of 1991 is a far more progressive decentralization law than Indonesian Law No. 32/2004 or the Thai Decentralization Act (1999). The reason for this conclusion is that while the Indonesian and Thai decentralization laws call for the devolution of authority and responsibilities to local government units, the Philippine law goes beyond this purely structural reform to also open up concrete spaces for the participation of civil society. This comes in the form of provisions mandating civil society representation in local special bodies, as well as local sectoral representation (although this remains unimplemented). Nevertheless, I do not wish to imply that progressive legal provisions are sufficient to give rise to meaningful popular participation in local governance. Indeed, in most local governments in the Philippines, there is still little in the way of genuine people's participation in local administration. The real importance of legal provisions more likely lies in their granting legitimacy to efforts by the organized people's sector to make rights claims for participation. Without an existing legal framework to support such rights claims, these claims remain no more than the shouts of the "angry masses" in the streets. At the same time, in the cases of Thailand and Indonesia, people working in the areas of decentralization and participation are quite aware of the limitations of their respective decentralization laws. Nonetheless, they remain committed to advocating for legal reform in order to obtain conditions conducive to people's participation similar to or better than those that exist in the Philippines.

If the law sets the framework for the potential scope of "legitimate" people's participation, the role of NGOs is instrumental in realizing this potential. Comparing the work of COPE, SIM-CARRD (and the previous organization of its executive director, KAISAHAN), and IRE, it seems clear that all three have aimed to raise the capacity of POs to make greater use of the spaces available to them for participation, which decentralization created. However, the results of their efforts have not been the same. COPE has succeeded in making the greatest gains, insofar as it has forced open the door to participation in local governance the widest. Its ability to do this undoubtedly rests on its tight relationship with the organized urban poor in Naga and its legitimate status as a standard bearer of their interests.

COPE is known as an NGO that works on urban poor issues rather than governance. Working in the community organizing tradition, it sends organizers to live in urban poor communities where they experience first-hand the problems of the urban poor, while at the same time, building solidarity linkages with them. Through a series of interventions, community organizers guide community residents to a more comprehensive understanding of their problems, and link these problems up to social structural issues. At the same time, they bring residents together to engage in collective action to solve their problems, and elevate the level of intra-community cooperation into a people's organization.

COPE began these processes in Naga City 22 years ago, and has been working with a great seriousness of purpose and continuity ever since. Due to its holistic approach in addressing the needs of the urban poor, COPE recognized the importance of opening up a new angle of work that takes advantage of the possibilities offered by the Local Government Code after 1991 and the young progressive mayor of Naga City.

Even though COPE did not work directly in the area of governance, its long-term, committed relationship with the urban poor sector of Naga, which it organized, proved to be a great asset in its practical work of promoting popular participation. This factor, a long-term and close link with an organized PO, was lacking in both Surallah and Kebumen, and this lack may at least be partially responsible for the absence of greater gains in these two localities. Finally, the fact that COPE was eventually able to advocate successfully for the establishment of the Naga City People's Council is testimony to the relative

importance of the closeness of the NGO-PO relationship, even in the absence of extensive technical expertise in governance. The Council grants representation not just to the urban poor sector, but to all social sectors in the city,

Operating under a different set of institutional limitations in Indonesia, IRE, like COPE, has staff members living in its target communities; but their primary duty lies in performing coordination work. One of IRE's greatest strengths is its organizational culture of open debate and discussion. Most of its staff members are also university lecturers. Yet, rather than leading to division, this culture of intellectual openness in practice helps foster organizational unity which guides IRE's work in the same direction. It might be helpful for Thai NGOs to take note of the benefits that can be gained from adopting this kind of institutional culture.

While NGOs perform the vital functions of providing support to POs and helping in the coordination between POs and government, ultimately, it is the strength of the organized people's sector that is instrumental in bringing about the conditions for popular participation. Even if the legal context enables people's participation in local governance as happens in the Philippines, if POs are weak or absent in a locality, as in the case of Surallah, then any participation that occurs is likely to be relatively insignificant and unsustainable.

The example of the NCUPF and its role in pushing for the establishment of the NCPC reflects the significance of the POs' not focusing their work narrowly on a single issue area. Even though NCUPF is an urban poor PO federation and has worked to achieve a number of victories in the area of housing in Naga, specifically for its slum dweller members, it also recognized the need to keep abreast of the decentralization issue and to expand to working on local governance in order to elevate its struggle to the policy level. A strong PO working on a single issue that lacks interest in engaging with local governance would perhaps have missed out on the new opportunities available in Naga City under Mayor Robredo. Furthermore, in the process of pursuing gains at the level of broad popular participation institutionalized in the NCPC, the NCUPF also came to value the importance of reaching out to link up with other POs from the other sectors. If it had not formed a broad alliance of POs with a common interest in pushing the borders outward to create a wider space for popular

participation in local governance, NCUPF's efforts might have gone unrewarded.

In sum, my experiences in studying decentralization and popular participation in local governance in the Philippines and Indonesia have led me to conclude that the three most essential factors that could help facilitate local democracy in Thailand, in the form of deeper people's participation in local governance, are as follows: 1) a legal framework that allows for the people's sector to have genuine participation together with the local government unit in administering the locality; 2) NGOs' working closely with POs, empowering them and developing their capacity while, at the same time, having a strong commitment and clear vision with regard to the direction of their work and goals; and 3) strong POs' being linked with other POs in a network, and understanding the importance of decentralization and working to create spaces for popular participation in local governance. Learning these lessons over the last year as an API fellow has encouraged me with even greater resolve to continue my own decentralization work here in Thailand and the promotion of people's participation.

NOTES

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[2] For an interesting account of the advocacy efforts and struggle relating to the yet-to-be implementation of local sectoral representation, see Cuarteros 2005.

[3] Representation of NGOs and POs on this important board was subsequently expanded to five persons each, with the passage of Ordinance No. 98-033 in 1998.

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Human Rights in Inclusive Development: Experience from Ethnic Highlanders in Thailand

Akio Kawamura

Introduction

The purpose of this paper is to assess the usefulness of employing the concept of human rights in efforts to enhance social integration of marginalized groups by drawing on experiences of ethnic highlanders in Thailand.

The concept of human rights is one of the core ideas that define the character of many modern nation states. Similar to other important concepts such as rule of law and democratic decision-making, the belief that every human being is equal in rights and dignity is generally seen as paramount. In societies where human rights are protected, everyone is supposed to be treated equally and expected to contribute actively in organizing "their" society.

Unfortunately, in many ways, reality often differs from this ideal. Equality has often been restricted to laws that are subject to wide interpretation and/or lack enforceable anti-discriminatory provisions, thus creating vast discrepancies in people's capabilities to lead dignified lives. Even where democratic institutions exist, marginalized groups may not benefit.

In this region however, various groups such as marginalized people themselves, professionals, academics, NGOs, legislators, and government officials have worked to realize the implementation of human rights. Recently, international organizations and international development NGOs have started to explore the idea of a "Human Rights-Based Approach to Development (HRBA)", shedding new light on the concept's potential, and introducing new programming/analytical tools to the field of development.

In the following sections I explore the potential of the human rights concept by analyzing the social functions associated with it. I then examine two issues where human rights were actively employed by ethnic highlanders and their supporters: the lack of nationality, and the insecurity of their land and forest.

1. Potential of human rights framework

The concept of human rights is based on equality "in dignity and rights" of "all human beings" (Universal Declaration on Human Rights 1948), which is then formulated into a language of "rights". Being "rights", the concept implies the following: 1) they can be claimed legitimately based on moral principles, 2) there should be those who have duties to realize or protect the rights, 3) there should be measures, such as the judicial procedures or democratic process, to hold the duty-bearer accountable. These principles make the concept a strong tool for empowerment. Once an issue is understood as a human rights issue, those suffering are no longer seen as at fault. They can then organize into a legitimate entity to act on their own and to demand remedy from those who are responsible, thus strengthening individual and collective self-esteem.

Another important aspect of the human rights concept is its role in legal instruments. The principle of a right is that it is guarded through legal means: laws, constitutions and international treaties. As part of a legal system, a "right" can be considered to be an agreement within society. A "right" is also a standard that guides government conduct, and a mechanism to measure the wrongdoings of the governments and other actors. Failure to uphold the legal obligations associated with these rights allows those affected to seek remedy through judicial proceedings.

Those two faces of human rights—a moral call and a legal obligation—gives the concept a unique nature. Being a tool to empower the disadvantaged to act on their own, human rights can be seen as a means to transform the power structure. At the same time, when integrated into a legal system, human rights can be an indispensable element to maintain social order through the rule of law. After all, laws are supposed to be the legitimate agreements among members of the society on how they should be organized, though this is not always the case and Southeast Asia is no exception[1].

Based on this conceptual analysis, we can clarify the potential role of the human rights concept as follows. First, **empowerment**: human rights may help empower disadvantaged people through strengthening their self-esteem as rights-holders. Second, **social recognition**: the human rights concept can help foster recognition of previously ignored social issues as a matter of priority-raising moral questions that should be regarded as matters of priority that in turn stimulate government policies. Third, **implementation**: human rights, if and when codified into legal instruments, could force governments to implement policies necessary for the realization of these rights.

Human Rights-Based Approaches to Development (HRBAs) are strategies that attempt to exploit these potentials. Beyond empowering people with the human rights concept, something that is already commonplace among social movements and grassroots organizations, HRBAs introduce several new tools and methodologies. One is human rights-based situation analysis. This tool employs human rights standards and principles to systematically assess the situation of poverty, which typically leads to identifying disadvantaged groups in a more objective manner, and to clarifying problems based on human rights standards. As an "human rights-based" assessment, it is expected to be accepted by society as a matter of priority, facilitating use of the assessment's results to persuade governments and other actors[2]. Another tool used in HRBA is duty-bearer/rights-holder analysis, which clarifies who has the duty to realize the rights, and who are the claim-holders. The gap between the duties and duty-bearers capability to fulfill their duty, and the rights and rights-holders ability to claim their rights will then be assessed. To reduce the gap, intervention strategies should be developed in a process, which guarantees accountability to, and participation of, the rights-holders.

What HRBAs contributes depends very much on what development workers have been doing prior to employing HRBAs. For example, in the framework of HRBAs, development agencies such as the United Nations International Children's Fund (UNICEF) and the United Nations Development Program (UNDP) started to recognize the importance of strengthening local communities and civil society organizations' ability to claim themselves as rights-holders in order to obtain effective and sustainable policy changes from governments. Some development NGOs are giving increased importance to policy advocacy after adopting HRBAs.

The value-added of HRBAs to existing human rights-based activities conducted by social and human rights movements can be summarized as follows. First, HRBA may introduce more systematic and comprehensive poverty analysis based on human rights standards, thus creating an opportunity to identify new issues. And second, HRBAs offers greater insight into the potentially weak capacity among duty-bearer to fulfill their responsibilities such as: lack of legislation that provides duty-bearers clear mandates and standards, need for training in human rights principles and standards, and lack of resources to implement policies.

In the following sections I will analyze the development of national policy related to ethnic highlanders to: one, understand the role the human rights concept can play in actual social processes, two, assess the potential and limitation of the human rights concept in these processes, and three, reflect on the complimentary role HRBAs may be able to play in these processes.

2. The potential for the human rights concept to effect Thai government policy toward ethnic highlanders.

In Thailand, ethnic groups, especially those living in the hills, have been marginalized in various ways. First, they tend to suffer from lack of nationality. Being different from neighboring countries such as China, Lao PDR and Vietnam where nationality is given to ethnic minorities at birth, ethnic minorities in Thailand must attempt to attain nationality through complicated and restrictive processes. Without nationality, political rights are out of reach, basic freedoms such as the ability to travel and move are restricted, and social and economic rights such as the rights to property, education, and medical care are less accessible. An UNESCO survey among 64,000 ethnic people in bordering provinces found that lack of citizenship is the single greatest factor contributing to the trafficking and exploitation of girls and women (Feingold 2007). Second, as cultural minorities, ethnic groups are further disadvantaged. Education that ignores their cultural traditions negatively impacts their cultural identity and self-esteem, exacerbates social stigmatization (Committee on the Rights of the Child 2006: 21-22). Primary education through a non-mother tongue is less effective, lowering enrolment in primary and secondary education (Benson 2005). Third, as highlanders depend on the forest for their

livelihoods, they are put in a particularly vulnerable position since the government tends to view them as contributors to deforestation and often forces them to relocate in the name of environmental conservation.

These vulnerabilities were often caused or exacerbated by government policies. Some policies, however, have been revised to become more compatible with human rights standards. I will now address two areas where such revisions have occurred: policies on nationality, and polices pertaining to forest and land management.

2.1 Policy on nationality and human rights

In Thailand, the residential registration system, which functions as the basis for recognition of nationality, started in the 1950s. Initially the system did not effectively cover the whole region, leaving many ethnic highlanders unregistered. In some cases, those who were not registered at that stage were later treated as illegal immigrants and given status as mere temporary visitor. Since the end of the 1960s, as conflicts with the Communist Party of Thailand intensified, the government accelerated the registration process, allowing a greater number of highlanders to attain Thai citizenship. Nevertheless, many remained unregistered. From 1985 to 1988, the Ministry of Interior conducted a new survey of unregistered highlanders, which in 1990 led to the issuance of resident permits to more highlanders. Despite this new survey and registration effort, many highlanders still remained unregistered. According to the Hill Tribe Welfare Section of the Department of Public Welfare, of the 774,316 hill tribe people in Thailand in 1997, only 214,127 were recognized as Thai citizens. Of those 560,189 unregistered, 98,549 were foreigners, and the others either qualified for Thai citizenship or lacked the necessary evidences to attain it (Charoenwongs 2002; Nagai 2006).

In 1999, ethnic highlanders who had yet to receive any status staged a mass rally in Chiang Mai. Partly in response to this protest, the Cabinet in 2000 decided to grant legal residence registration to those who had entered Thailand prior to 1985, which also assured their children nationality. In 2005, the National Security Council took up this issue and formulated the "Strategy on the Management of Problems Related to the Status and Rights of Individuals". This strategy viewed the issue as a matter of national security, human security and human rights.

The Senate took up this issue in 2000, establishing the Subcommittee on Stateless Children leading to a draft law aimed at resolving the problems. Following the 2006 military coup a special committee within the National Legislative Assembly (the replacement body for the democratically elected Senate and Parliament) also took up the matter. This committee's work resulted in the enactment of the New Nationality Act (2008) and Civil Registration Act (2008).

Most of the early policies related to nationality can be seen as government responses to external and internal threats to national security. They were aimed at ensuring that ethnic minorities held strong allegiances to the government as opposed to the Communist or warlords engaged in opium cultivation. In many instances, nationality was conditional on ones demonstrating "good behavior", such as not cultivating opium. In other words, nationality was treated as a reward rather than a right. What the government failed to recognize, however, was that the lack of nationality discourages support for their policies among stateless individuals and reduces their willingness to act "properly".

In the early stages of naturalization policy formulation, the human rights concept did not play much of a role. Thailand was rather slow to ratify international human rights treaties (See Table. 1) and the ratifications often came with extensive reservations[3]. Thai constitutions were not very clear about human rights until 1997, when broad participation of civil society led to the creation and ratification of the "People's Constitution".

	Entry into force	Ratification by Thailand
Convention on the Elimination of All Forms of Discrimination against Women	1981	1985
Convention on the Rights of the Child	1990	1992
International Covenant on Civil and Political Rights	1976	1996
International Covenant on Economic, Social and Cultural Rights	1976	1999
International Convention on the Elimination of All Forms of Racial Discrimination	1969	2003

	Entry into force	Ratification by Thailand
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	1987	2007

Table 1: Ratification of major international human rights treaties by Thailand

Source: United Nations Office for High Commissioner for Human Rights.

The 1997 Constitution and its successor, the 2007 Constitution, guaranteed a broad range of rights: economic, cultural and social. They also founded a National Human Rights Commission, creating a dedicated actor for human rights promotion within the state apparatus. The participatory process associated with drafting the 1997 Constitution also helped to raise awareness of human rights issues. More recently, besides civil society groups committed to human rights defense such as the Union for Civil Liberties and the Coordinating Group for Religion in Society, development NGOs working with ethnic highlanders also started to work for the "rights" of ethnic minorities. These groups, along with networks of highlanders themselves such as the Network for Northern Farmers (NNF) and the Inter-Mountain Peoples Education and Culture in Thailand Association (IMPECT), organized a rally in 1999 demanding, among other things, a right to nationality.

Human rights advocates began to be more active in parliament as well. In 2000, during the first Senate election under the 1997 Constitution, Tuenjai Dethes, a long-standing NGO worker and an advocate for the rights of highlanders, was elected. She started pushing the nationality agenda within the Subcommittee on Stateless Children. Since 2004, "Stateless Children's Day" was organized every year to help publicize the issue. Following the 2006 military coup, Tuenjai participated in the junta's National Legislative Assembly (NLA), and continued to work on the issue as a member of a special committee. This committee consisted of eight members from the NLA and seven members from outside including a member of the National Security Council, a lawyer, and the rest academics. As a result of the subcommittee's work, two laws were enacted in 2008 to advance respect for human rights principles such as due process.

One example that illustrates the extent to which the government has begun to accept human rights principles is the "Strategy on the Management of Problems Related to the Status and Rights of Individuals" released by the National Security Council (NSC) in 2005. As its title suggests, the statelessness issue was treated as a matter of human rights. This 13-page document contains an additional table that lays out concrete measures for action, and roles for those agencies that should be charged with implementing them. The NSC estimated that there were 1-2 million people who were unable to return to their own country for various reasons, and warned that their children will face social problems. The NSC also recognized that the existing policies and practices, as well as the mindset of government officials, did not reflect the reality of statelessness on the ground. The NSC therefore proposed a more realistic set of polices founded on basic human rights. Quoting King Bhumibol's 2001 speech to the Cabinet, which stressed the importance of inclusion of presently stateless people into the Thai society, the NSC proposed the following principles as the basis for a new nationalization policy framework:

1. Measures should be non-violent and based on respect for human dignity for everyone, as well as be accepting of diverse ideas, lifestyles, and cultures.

2. Measures should respect basic rights of individuals and national security.

3. Policies should recognize that some groups of people have problems with status and rights, and some groups cannot go back to their own country, thus these issues should be managed through balancing basic human rights, human security and national security.

4. Nationality should be provided to those who meet legal requirements, thus bringing Thailand into compliance with international law.

5. Measures must provide both clear solutions to present problems and strategies to help to head-off future conflicts.

6. Maintain a database of the relevant groups.

7. Allow all sections of society opportunities to participate (Saphaa Kwaammankong Heng Chaat 2005).

Although balanced with national security concerns, this strategy gave unprecedented importance to human rights. According to one NSC member, it was about 1997 when the NSC first began to take interest in the knowledge and ideas from sources outside the government such as NGOs, lawyers, and academics. Globalization then accelerated this interest as international linkages to the region became more important. Treaty bodies established under

international human rights conventions, which Thailand had ratified, stimulated further interest, as they too began to scrutinize the issues relating to the nationality of Thailand's ethnic highlanders. For example, in 2005, the Human Rights Committee, which monitors a state parties' implementation of its obligations under the International Covenant on Civil and Political Rights, studied the Thailand report for the first time and expressed concern, "that a significant number of persons under its jurisdiction remain stateless, with negative consequences for the full enjoyment of their Covenant rights, as well as the right to work and their access to basic services, including health care and education," (Human Rights Committee 2005). Likewise, in 2006 the Committee on the Rights of the Child for the Convention on the Rights of the Child recommended to "ensure access to birth registration for all indigenous and minority children and continue to implement measures to address the issue of statelessness," (Child Rights Committee 2006).

As described above, human rights started to play an important role among civil society organizations, legislators, and in some segments of the government sector. Human rights demonstrated its potential for empowerment of vulnerable people and creating legitimacy for the issue of statelessness. However, questions still remain as to the effectiveness of implementation. Even though a strategy was formulated and new laws enacted, it is too early to tell if they have been effective in changing government implementation in the field. Some observers see little change in government action on the ground. But within districts, where NGOs are monitoring the implementation of the new legislations, the situation seems to be better.

One positive development within the Thai political system is the remedial function of the Administrative Court, which was established under the 1997 Constitution. Individuals can now seek adjudication of their claims of government wrongdoings. With regard to nationality, there was a successful case involving Mae Ai district in Chiang Rai Province, where many villagers who were arbitrarily stripped of their nationality by the Ministry of Interior, had their nationality restored following court hearings (The Human Rights Sub-Committee on Ethnic Minorities, Stateless, Migrant Workers and Displaced Persons, The Lawyers Council of Thailand 2007).

2.1 Policy on Forest, Land and Human Rights

Early Thai government's forest policies were motivated primarily by a desire to manage logging profits. Later policies began to be shaped by an interest to "protect" natural resources by establishing protected areas such as national parks and wildlife sanctuaries. Forestry policies have been also influenced by national security concerns. Local business and political interests often influence their implementation. For many villages of ethnic highlanders these polices often led to forced resettlement for such reasons as to stop the illegal occupation government-owned land, to protect natural resources, to stop the cultivation of opium, or to protect the nation from the infiltration of communism (Sato 1999).

While the driving forces behind theses forestry policies changed from time to time, there was one consistent characteristic: people living in the forest were not taken into consideration, creating conflicts between the people and the government, and ongoing hardship for the people. The government-designated natural parks often included areas where people were living, sometimes for generations. In other cases, the government devised ambitious plans to promote plantations of fast-growing trees for pulp production without considering existing patterns of land use. One such example was the military-initiated "Khor Jor Kor" program of the early 1990s, which attempted to reorganize forest and land use for cultivation and plantation-based activities on the assumption that people living in the forest were "illegal squatters" requiring relocation (Pye 2005). Following this project's cancellation in 1992 due to strong protests from farmers and NGOs, the government began to address the relocations targeting ethnic highlanders in the North. More than 3,000 communities were potential candidates for relocation. Concerned villagers rallied together at Chiang Mai University in 1994, and formed the Northern Farmers Network (NFN). Together with the Assembly of the Poor, NFN campaigned against the forced resettlement in the name of natural resources preservation and the development of infrastructure. The NGOs' campaign led to a 99-day rally in Bangkok in 1997. During this rally NGOs reached agreements with the government on more than one hundred specific cases. Unfortunately, the succeeding government rescinded these agreements in 1998.

During the campaign, NGOs and academics used the rights framework to advance their demands. Rather

than using the "rights" found in existing human rights laws and conventions, they have chosen to advocate for a new category of rights, which is "community rights"[4]. Academics and NGOs at this time succeeded in getting references to community rights into the 1997 Constitution. These references were subsequently preserved in the 2007 Constitution that followed the 2006 coup. The following community rights were recognized by these documents: to participate in the management of natural resources, to derive benefits from natural resources, to participate in decisions involving development projects that may impact their communities, and to be allowed to preserve and promote their own cultural heritage and local knowledge.

The recognition of community rights in the constitution increased the sense of legitimacy among community organizations and NGOs. However, as the concept is still too abstract to be implemented by the government. As Jaran Distaaphichai, member of the National Human Rights Commission, points out, in order for the concept of "community rights" to be enforceable, there should be a series of laws, such as a law on community forest, a law on the protection of traditional herbs and medicines, and laws pertaining to water management (Distaaphichai 2006: 73-74).

Some progress was made in the area of "community forest". This concept was used by campaigners to gain recognition of highlanders' traditional ways of living with the forest. In late 1996 NGOs and other campaigners began demanding legislative action on community forest. The government along with some environmental NGOs fought this legislation claiming that communities cannot be trusted to be guardians of the forest. Nevertheless, a community forest law eventually passed the National Legislative Assembly in 2007[5]. However, implementation of the law has been stalled as the National Legislative Assembly's legitimacy to enact such a law has been challenged in the Constitutional Court.

These concepts of community rights were not derived from international human rights laws, at least not directly. Elements of community rights do show up in various conventions however, such as those related to culture in the Convention on the Rights of the Child. Rights related to management of natural resources are found in the Declaration on the Right to Development and the Declaration on the Rights of Indigenous Peoples[6]. Neither of these declarations, however, is a legally binding international treaty.

Nonetheless, the rights of indigenous peoples are used actively by some groups of ethnic highlanders such as the Inter-Mountain Peoples Education and Culture in Thailand Association.

While it is unclear the extent to which the international human rights framework may have influenced the concept of community rights, what is clear is that, in Thailand, the concept is perceived to be created locally. For example, Saneh Chammarik, the Chairperson for the National Human Rights Commission, views community rights as a "new set of rights" based on distinctive lifestyles, such as those in Southeast Asia reliant on a "tropical resource base", and views these as a foundation for grassroots democracy.

Again, with respect to forests, the concept of human rights was used, but in a rather unique way. Rather than using already existing set of rights, a "new" category of rights, a community rights, was created. While community rights achieved recognition in the Constitution and helped empower grassroots organizations[7], the implementation of these rights has remained in a nascent state. There could be several reasons for this. First, community rights face more substantial political obstacles than other human rights. As the history of the people's movement shows, the issue of forests is closely related to vested business/political interests wanting to use land for plantations and infrastructure development. Additionally, The Royal Forestry Department has had a vested bureaucratic interest to preserve its authority as an environmental steward[8]. Second, the concept of community rights itself is not yet very clear. Many key terms, such as community, local community or original local community, are not yet defined clearly in enforceable laws. The precise nature of the rights and the corresponding duties of government organizations to fulfill the rights are not clarified, leading to the confusion in the field.

3. Conclusion

3.1 Role of the concept of human rights and its challenges

In the first section I pointed out how employing the human rights framework creates potential to: empower marginalized people, garner social recognition of their concerns, and achieve implementation of solutions.

In both the nationalities and the forest cases, the actors

for empowerment chose for various reasons to utilize the human rights framework. This tactic helped them to attain a sense of legitimacy, to organize themselves, and to negotiate with the government.

In both cases, the concept was used not only among the NGOs and ethnic highlanders to empower themselves, but it was used also to mainstream their issue nationally through public campaigns designed to enhance social recognition of the issues as well as to make the implementation of rights possible. In the case of the forest and the land issue, direct negotiation with the government also took place. The results vary however. In the case of nationality, the issue was recognized as a matter of importance and became part of national government policy. The Stateless Children's Day campaign may have helped to gain acceptance of the issue among the general public. With respect to the forest issue, the initial success through direct negotiation was soon lost due to a change in government. Even though the concept of community rights found its way into the Constitution, it still faced difficulties being translated into enforceable laws. According to Saneh Chammarik, to be effective rights must be recognized and respected as legitimate in society, but this remains lacking with community rights (Chammarik 2004). In other words, for the issues of relocation and forest usage to be perceived as actionable social issues, two levels of recognition must first be achieved: recognition of community rights as legitimate rights, and recognition that these specific cases are matters of legitimate community rights. Different from the right to nationality, which enjoys recognition as a right under various international treaties, the challenge for community rights, which are newly conceptualized rights, could be much greater[9].

This different amount of legitimacy associated with community rights versus individual human rights may have implications for community rights' implementation. In the case of nationality, a strategy and law were created for implementation that was partly based on human rights. In the case of community rights, implementing these rights is limited to the Community Forest Law, which has yet to come into force. Until this concept is codified into laws that can be understood and implemented by government officials and the courts, implementation of community rights could be difficult, as it would face strong opposition from those with vested interests in the present system[10].

3.2 Potential contributions of HRBAs

In the above cases, HRBAs could be relevant even when stakeholders are already using the human rights concept. First, more systematic analysis of situations using human rights standards can be useful in identifying issues already covered by existing human rights standards, but not yet well acknowledged. An example of this was the survey by UNESCO and the Ministry of Social Development and Human Security of 64,000 ethnic highlanders on a vast range of issues such as health and education.

Another perspective that HRBAs may offer is the need to evaluate duty-bearers on the nature of their duties and gaps in their capacity to fulfill them. This may generate renewed attention on the specific mandates of the relevant duty-bearers, thus potentially helping them to demand additional resource for the implementation of rights both from the government and the international community.

3.3. Implications and issues for further consideration

Being a concept for empowerment, and also being a tool to maintain social order under the rule of law, human rights could be arguably one of the most important concepts for peaceful social transformation. However, the above cases also reveal several challenges to this hypothesis. One issue that may hamper the potential usefulness of human rights could be a general distrust in the legal and political systems. While the power of human rights for empowerment of local communities is appreciated by NGOs and academics in Thailand, there's another face: legally binding standards that guide and improve the practices of duty-bearers. This face seems to receive less attention, except among some legislators and lawyers, possibly due to the general distrust in the political/legal systems which led to the understanding that political pressure through people's struggles are the most important way to solve problems. It is true in many cases that struggles by enlightened communities are indispensable in solving social problems. However, if that is the only way and no institutional remedy is available, those who cannot afford campaigning would never be able to enjoy "rights". This in turn would create discrepancies among people in their enjoyment of rights, leading to possible distrust in the concept of human rights generally. If this is the case, the capability of the political, administrative and judicial systems to implement rights may have to play a greater role in order for human rights to gain legitimacy in society.

This also leads to a more general issue: the interdependence between democratic and effective governance, and social recognition of the legitimacy of human rights.

The other related challenge could be the technicality of rights. As in part a legal concept, some basic knowledge of the law and legal principles is required to fully grasp the concept of rights. This hurdle also may lead to a lack of interest in institutionalizing human rights.[11] In the case of community rights, this challenge is greater as it assumes "community" to be a rights-holder. In general, the concept of human rights exists to protect individual's rights, as an individual is the only unit that has feelings, thus is the most basic unit that suffers from human rights violations. In order to protect the rights of individuals, the community may have power vis-à-vis the state, but it is also a duty-bearer vis-à-vis individuals. This hybrid nature of community adds extra complexity, leading to difficulties in understanding the precise nature of community rights as well as how to codify these rights into the law. This then raises the importance of civic education including legal literacy and understanding the democratic law-making process.

NOTES

[1] For example, Jayasuriya argues that in East Asia, laws are regard as tools of the government rather than instruments to protect people. See Jayasuriya 1996, esp. pp.376-7.

[2] In the case of UN Agencies, human rights standards based on various human rights treaties are often used. This may deliver extra weight as there are monitoring mechanism, such as treaty bodies, to assess the human rights in the international fora.

[3] Ratification of the Convention on the Rights of Child came with reservations that states application related to the refugee (article 22), child birth registration, and right to nationality (article 7) "shall be subject to the national laws, regulations and prevailing practices in Thailand". When Thailand ratified International Convention on the Elimination of All Forms of Racial Discrimination in 2003, it declared that "The Kingdom of Thailand does not interpret and apply the provisions of this Convention as imposing upon the Kingdom of Thailand any obligation beyond the confines of the Constitution and the laws of the Kingdom of Thailand", causing criticism from several state parties which believe this kind of declaration actually makes the ratification meaningless (See declarations made by Sweden, Germany, Romania, and France, which are available at website of UNOHCHR).

[4] For example, in the campaign strategy of the Assembly of the Poor, "community rights to the management of local resources" are listed as one of the major demands.

[5] There are different views on the law among the NGOs too. Some see this law is severely limiting as it does not allow commercial use of the community forest while many communities depends their cash income from selling products collected from the forest, while others see it more positively. For positive perception, see Nurjaya 2007.

[6] This Declaration was adopted in 2007 by United Nations General Assembly.

[7] For example, according to Pochanat Intaramanon, project leader for "A New Paradigm towards Ethnic Highlanders' Community Development" project in Northern Thailand supported by National Human Rights Commission, the concept of community rights and right to development helped empowerment of local community and enhanced their self-esteem (interview by the author in May 2008 at Chiang Rai Rajabhat University).

[8] Royal Forestry Department has been receiving considerable amount of financial support from international aid community for its work to "protect" the nature. For detail, see Sato 1999, esp. p. 74.

[9] In order to create wider social recognition of the issue of community rights, deliberative process involving general public could be necessary, especially in the Thai political context where the social cleavage between the urban middle class and rural poor is wide.

[10] For example, if the community rights became laws, Royal Forestry Department might lose some of its power and local business would face greater difficulty using the forest for their business.

[11] This question also related to the issue of human rights education's role in enhancing legal literacy in public and in schools, which cannot be dealt in this paper.

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Changing Landscapes, Changing Lives: The Changing Cinemas of Asia

Edward Paciano Delos Santos Cabagnot

Introduction

The year 2008 was a milestone for Southeast Asian cinema. No fewer than two films from the region competed for the grand prize in the world's most prestigious international film event, the Cannes Film Festival. Recent breakthroughs in digital filmmaking have further opened up the field in this region. More Asian stories continue to be told on global screens thanks to the increasing interest of international festival programmers in what we have to say. The films chosen are consistently "small," personal and grounded in the Asian experience.

Wave upon wave of enhancements to digital technology have made filmmaking a most accessible art and a career choice for young Asians. Technology continually configures not just the way films are being made[1] but also how they are being delivered and appreciated,[2] particularly so in our part of the world. Bearing most of its brunt is the animal we call "the independent film," or "indies."

Traditionally, the term "indie film" was coined to refer to films produced outside of the big studio (Hollywood) system—a highly structured and monopolistic system that controlled all aspects of a film's production, distribution and exhibition.[3] In contrast to the stereotype that they are cheap and unprofitable, not entertaining, and do not attract big name actors, indie works have proven to be lucrative, attracting global audiences as well as big name actors. As we shall see in the changing cinemas of the five Asian countries[4] covered in this report, indie films are shape-shifters by nature–they just refuse to sit still and be pegged.

Findings

Malaysia: Strength in Numbers

The article "Love and Death on the Rapid KL: Brief Encounters with New Malaysian Cinema"[5] cited encounters with the leading proponents of the Malaysian indie scene. In it, Malaysia film expert Hasan Muthalib claimed, "Today, we have three types of filmmakers. First, the ones who work in the mainstream for whom fame and box-office results are most important. Second, we have independent filmmakers – like Amir Muhammad, James Lee, Tan Chui Mui, Yuhang Ho... who make films primarily to express themselves. And then we have filmmakers like Yasmin Ahmad who straddle both worlds and are in a class by themselves."

The two latter types cited by Muthalib belong to a small, tight network of film artists who enjoy supporting each other's creative efforts. A fine example of creative collaboration is Kuala Lumpur-based Da Huang Pictures – set-up in 2004 by filmmakers Amir Muhammad, James Lee, Tan Chui Mui[6] and Liew Seng Tat.

The reason for Da Huang's being is plain and simple: survival. Thus, the four directors wear other hats in each other's productions.[7] For example, Tan produced Muhammad's *Apa Khabar Orang Kampung?* (2006) and Lee's *Before We Fall In Love Again* (2006), while Muhammad produced and Lee photographed her own work *Love Conquers All* (2006).

To date, the company has several titles under its belt. Like other Asian indies, these films have still to enjoy a full commercial run in local theatres. Particularly problematic are Muhammad's works which have been consistently picked on by local censors and thus banned from public screening. Despite (or perhaps because of) this, his works have enjoyed phenomenal exposure in the international film festival circuit –*Apa Khabar* has played (and won awards) in about twenty festivals abroad.[8]

Another name that helped placed Malaysia on the world map is Yasmin Ahmad. Her six films—*Rabun* (*My Failing Eyesight*, 2003), *Sepet* (*Slit Eyes*, 2004), *Gubra* (*Anxiety*, 2006), *Mukhsin* (2007) and *Muallaf* (*The Convert*, 2008)—have reaped worldwide recognition. Ahmad retrospectives are becoming a staple of these events, the more recent ones include the 19th Tokyo International Film Festival (October 2006), Taipei's Golden Horse Film Festival (November-December 2007) and the Center for Southeast Asian Studies, University of Hawaii and the Honolulu Academy of Arts.

Oddly, the films which have brought Malaysia world-class status are also the ones that suffer the most at the hands of its censors (Muhammad's) and draw the most violent of responses from reactionary groups (Ahmad's). In a way, this is reflective of a certain "double standard" when it comes to how indie films and governments relate to one another—we shall see later it is a pan-Asian phenomenon.

Malaysian indies rarely find any theatrical distribution. Instead, local audiences—mostly students, artists and cineastes – get to see these works in informal mini-festivals around KL and other parts of the country. Popular alternative venues are the Kuala Lumpur Performing Arts Centre (KLPac) and the Annexe Gallery, literally at the Central Market's annex building. The latter is home to exciting, often danger-courting exhibits, screenings, forums and other activities. Annually, the venue hosts a festival of protest documentaries and experimental shorts entitled FreedomFilmfest.[9] However, the longest-running art house in the city is the Klab Seni Filem Malaysia located at the HELP University campus in Pusat Bandar Damansara. Run by rabid film fanatic and expert Wong Tuck Cheong, the venue features, on regular basis, the best of local, Asian and world cinema.

Censorship stands as one of the biggest challenges facing the Asian filmmaker. The cinemas of our region experience it in varying degrees, with some countries inching slowly towards reforms, while others (namely, Indonesia and Thailand) are at the peak of locked-horns engagements between theirs artists and governments.

Scholar Khoo Gaik Cheng sums up the question of censorship in the *Malay/sian Films: Cinema of Denial* section of her book *Reclaiming Adat: Contemporary Film and Literature* (2006). In this work, she claims that there are two streams of filmmaking in the country running parallel to yet counter to each other: the mainstream "Malay Cinema," which is formulaic, imitative and bound by censorship laws; and the pluralistic, more inclusive, multi-cultural and independent "Malaysian Cinema." She cites the advent of digital technology as posing a serious threat to this Cinema of Denial in terms of revolutionizing Malaysian filmmaking's themes, styles and methods of production (Cheng 2006, 123).

With a current atmosphere of political reforms in the air, Malaysian independent filmmakers are hopeful that their censorship woes will ease up in the near future. When that time comes, their best unfettered works will finally take flight.

Japan: The View From The Other Side

Japan is considered one of the first countries[10] that firmly placed Asia on the world cinema map. It accomplished this through the ground-breaking efforts of a long list of film masters that began with Akira Kurosawa, Yasujiro Ozu and Kenji Misoguchi. The Japanese presence in international film festivals continues to be strong—the torch being carried into the present century through the often quirky efforts of its new auteurs such as Takeshi Kitano, Takashi Miike, Hirokazu Koreeda, Kiyoshi Kurosawa and, for *anime*, Hayao Miyazaki, Mamoru Oshii, Satoshi Kon and Hideaki Anno.

Much of the country's cinematic foothold can be traced to its technological and economic leadership in the region. These advantages inevitably place Japanese filmmaking on a different footing than its ASEAN neighbors, its indie scene included.

Whereas the independent cinema scenes of Asia's emerging economies (i.e., Malaysia, Indonesia, Thailand and the Philippines) all seem to have a sense of ground-breaking immediacy to them, the case is quite different in Japan. Contemporary filmmaking in Japan covers a wide range of styles and themes that can be found in both mainstream and alternative worlds. There seems to be enough room for both types of filmmaking, and everything in between, to flourish. High concept, avant-garde videos that straddle cinema and the visual arts coexist with purely commercial efforts. Small art houses devoted to all types of independent film and video oeuvres can be found Japan's major cities, alongside mega-cinemaplexes touting both *Nihon-Eiga* and Hollywood blockbusters.

It is no wonder that the country boasts a bevy of international film festivals[11]—some considered by festival programmers and filmmakers as "important" worldwide. Like their films, these festivals come in all shapes and sizes. There are festivals strictly on *anime* and animation, on ecological films (e.g., Earth Visions Film Festival), on documentaries (e.g. the Yamagata International Documentary Film Festival), on gender/gay/lesbian themes, and so on.

As mentioned earlier, the burgeoning international

film festival scene can be considered one of the driving forces behind Asia's changing cinemas. In the past five years, these festivals have been mushrooming around the globe. The increased number of such events suggests a greater demand for fresh, new content – as world premieres, competition films, and exhibition works. Such an increase has proven to be both a boon and a bane for Asian indies.

On the positive side, these festivals have given previously unheard-of voices a chance to be heeded worldwide. And the emerging cinemas of Southeast Asia have proven to be fertile hunting grounds for the programmers of these festivals.

By the same token, and because of their sheer numbers, foreign film festivals are also finding themselves on the receiving end of the magnifying glass. Since the same people (programmers, market folks, filmmakers, festival groupies) haunt the same circuits year-in and year-out, it is inevitable that an exchange of notes about the proceedings will happen sooner or later.

The international festival scene continues to fan the flames of the ever-changing cinemas of Asia, in both good and bad ways. To many an indie filmmaker, an invitation to such an event could spell fortune and fame. However, as we have seen, there is more to being the Flavor-of-the Month than meets the eye.

Indonesia: Spreading the News

Indonesia's independent cinema scene truly feels like a movement, in the sense of groups of people moving towards the same goal. This can be felt not just in Jakarta but all around—from Bandung to Yogyakarta to Bali—as well as other cities, towns and villages of the sprawling archipelago.

Film-related activities dot the calendar of the Indonesian arts and culture scene. In just the last two months of the previous year, three such events were held in the Capitol City—the country-wide indie cinema competition, the Festival Film Pendek Konfiden, at the Taman Ismail Marzuki; a regional conference on Asian Cinema, the 4th Annual Southeast Asian Cinemas Conference, at the Goethe Institut; and one of the most successful international film festivals in a non-first-world setting, the 9th Jakarta International Film Festival (JIFFEST).[12]

As in other Asian countries, the local *culturati* love to mix activism with their cultural activities. During the height of JIFFEST, local and international delegates were whisked to the Justice Department by festival organizers to observe the second in a series of crucial hearings[13] that was to decide the fate of film censorship in Indonesia. They were all for the squashing of antiquated (and often abused) censorship laws[14] along with the Film Censorship Board in favor of a self-regulated classification system. At the helm of the battle is the Masyarakat Film Indonesia (MFI), an organization that was set up in reaction to the alleged anomalies[15] of the 2006 Indonesian Film Festival.

The MFI cites censorship as one of the main causes why Indonesian filmmaking is still in the doldrums. Local cinema was at its ebb in 2001 with only five titles produced by year-end—considering that in the 70s the yearly output reached the hundreds mark. Though the number of productions has increased, many of the titles belong to the profitable genres of horror and young romance.

As in other Asian countries, serious filmmakers who want to tell personal stories with "delicate" subject matters risk a run-in with the censors—and often for arbitrary reasons.[16] Though it played to thunderous applause as the 9th JIFFEST closing entrée, Nia Dinata's omnibus film, *Chants of Lotus*, was one of its victims.[17] As predicted, the censors jumped on the print the day after its JIFFEST premiere—excising 190 feet from its total of 4,000 feet and thus mutilating the film's narrative and continuity (Kusuma 2008). But despite these horror stories, well-crafted and daring works continue to get made.

Though most of the international attention is focused on the feature works of known directors (e.g., Dinata, Rudi Soedjarwo, Riri Riza, Hanung Bramantyo and the reclusive Garin Nugroho), it is the field of documentary filmmaking where local indies shine most. Most of these docus are products of self-sustaining indie coops quietly cropping up all over the country.

Similar to Malaysia and the Philippines, indie filmmakers here realize that there is safety in numbers and that more can get done in the company of like-minded souls. Two of the more successful collaborations are the Yogyakarta-based Four Colours Films and Jakarta's Ruangrupa Artists' Initiative, created by the city's visual artists to facilitate collaborations between students and local and visiting international artists in early 2000. Set up in 2001 by Eddie Cahyono, Ifa Isfansyah and Narina Saraswati,

Four Colours' vision was to become a sustainable production company that would help them give form to their dream films. One of their missions is to turn young cineastes of Yogya into filmmakers. Similarly in Bandung, alternative film screenings are seen as opportunities for networking. Aside from making films, indie director Ariani Darmawan[18] also runs a venue for such activities—a book club/art space/ screening venue/coffee shop called Rumah Buku.

Other film activities in the hillside city are regularly organized by the Liga Film Mahasiswa, a school-based film society of the Institut Teknologi Bandung, as well as by local mavens such as up-and-coming experimental filmmaker Muhammed Akbar and Moh Syafari Firdaus, producer of the Yamagata International Documentary Film Festival awardee, *Laut yang Tenggelam* (The Drown Sea).

As in previous years, the 9th JIFFEST included a strong indie component. This year's documentary highlight was *The Conductors* by Andibachtiar Yusuf. Two winners of the JIFFEST's script development contest[19] were also premiered—Yuli Andari Merdikaningtyas' *Crescent Moon Over The Sea* (Bulan Sabit de Tengah Laut), which dealt with issues of modernity faced by a previously isolated island; and *Boy Meets Girl* by Erik Bachtiar and Utawa Tresno, a short feature on love and illusion.

The long queues lining up for the screenings at the festival's six venues[20] were testimony to JIFFEST's success in having developed a faithful following. It is no wonder that international film festival programmer and writer Stephen Cremin (2008) cites the JIFFEST as "one of Asia's most important film festivals." JIFFEST proves that, despite our present economic and political tribulations, this region can compete even with the rest of the globe film-wise.[21]

Thailand: Dissolving Boundaries

One of the success stories of Asian Cinema is that of Thailand's. It is a regular stop for international film festival programmers in their annual hunt for the year's finest from this region. It produces a healthy number of films each year—31 in the past year.[22] The figure may seem small compared to the outputs of other Southeast Asian countries, but if we take into account that the number of productions ten years ago was only two titles, a different picture emerges—the rate of growth for Thai Cinema is phenomenal. It is

also amazing that these foreign programmers are looking at everything that is projected on Thai screens.[23] Their films help put the global spotlight on the nation's cinema.[24]

Though all were slick productions, each had solid narrative cores and individual stylistic nuances.[25] Without intending it, the three introduced something previously unheard of in local cinema—the successful art film—a movie made within the system but allowed a great degree of latitude by their producers, an indie-mainstream hybrid, in other words.

Because of this, Thailand's film scene is unique. In other sites (i.e., Malaysia, Indonesia and the Philippines), a great divide exists between mainstream, commercial movies and the indies. However, in Thailand there seems to be a middle-ground.

These works could not have been made without the support of this rare bird called "the enlightened film production company"—producers willing to take a gamble on the previously untried and untested; producers willing to look beyond the profit line; producers with fine intuitive sense coupled with a certain degree of trust. Fivestar Production Company Limited seems to fit the bill.

Thailand's longest running production company, Fivestar bankrolled both Wisit's (Tears of the Black Tiger, Citizen Dog) and Pen-Ek's (Ruang Talok 69, Monrak Transistor, Last Life in the Universe, Invisible Waves) films.

"We're very proud of their works," states Aphiradee "Amy" Iamphungporn, one of the company's managers.

Aside from the two, Fivestar's directorial stables include Rutaiwan Wongsirasawad, Bhandit Rittakol, Poj Arnon and Thanit Jitnukul (who directed the high grossing Art of the Devil in 2004).

Amy laments that they may cut down the number of their yearly releases due to the worldwide economic crunch production costs are rising.

She adds: "That also means people aren't spending as much for movies as they used to."

When asked about their plans are for their "prestige" products. Amy just smiles and shrugs her shoulders.

To attract a wider audience base, all Thai films have

English subtitles when they play in theatres. It's a very wise strategy since Thailand is one of the world's top tourist destinations. However when they come out on DVDs, they have no subs.

Amy explains it's a demand from their distribution partners from nearby countries. The moment the subtitled DVD comes out, the film becomes the pirates' fair game. I point out it's a choice between two evils unsubtitled DVDs may not be as attractive to local pirates, but it also means you shut out potential non-Thai-speaking customers.

Across town, Gilbert Lim, Executive Vice-President of rival Sahamongkolfilm International echos her sentiments. His company has the honor of being one of Thailand's biggest moneymakers.

"Even though I personally prefer watching artistic films," he claims, "business is business."

One of their top-grossers in recent years was the hugely popular *Love of Siam*.[26] Its director's cut continued to attract art house audiences at the UMG RCA House Cinema,[27] a known Bangkok "alternative" venue. It also managed to sweep most of the year's local film awards.

Amy and Gilbert represent a new generation of producers—money-savvy but not greedy. Both try to outdo the competition by upping the scales with each new production. And both are chummy with foreign festival programmers who haunt their offices the whole year-round. They know what these festivals are *not* after—carbon copies of Hollywood blockbusters. Both are aware that the films that get invited abroad must be culturally-anchored in the Thai experience—whatever that means at different times.

Bleak economic outlook or not, film companies are still on the lookout for fresh new directors—mostly youngbloods from the advertising world, as well as fresh-from-school preppies.

Despite Thai cinema's unique opportunities, similar region-wide challenges await would-be auteurs. Censorship tops the list. However, Thailand's brand of "artistic restraint" is not as religion-based as its Muslim neighbors. It is more because of the culture's imperative to preserve the traditional, as well as an over-arching respect for its standard-bearers.[28]

Still, at this moment in time, Thai artists and filmmakers are locked in a deep battle with the State for more freedom of expression.

One of its more radical voices is filmmaker Apichatphong "Joe" Weerasethakul. Joe is known for his uncompromising, often difficult films—works that have won the lion's share of international acclaim. Unfortunately, like his other Southeast Asian comrades, these films play more abroad than locally.[29]

In a passionate article he wrote for the Thai Film Foundation, he mentioned that the powers-that-be are particularly sensitive to any material that may, directly or indirectly, put at risk three fundamental local institutions: *chart* (nation), *sasana* (religion) and *phra mahakasat* (monarchy). However, as the law presently stands, *anything* can be construed to be against these institutions if it fits their purpose (Weeresathakul 2007).

This brings to mind another issue that cuts across all the API countries—the need to develop audiences for quality cinema. The two work hand in hand—audience and film—and must be cultivated simultaneously. With audience development programs in place, the climate can be made more conducive for the creation of sensible, culturally-anchored films and vice-versa.

As mentioned in the beginning of this section, Thai Cinema is in a privileged place in the regional filmmaking scene. It is the first stop for new Asian films for most festival programmers. Now it is at a crossroad of sorts—the gains of the past are being eclipsed by a parade of slick yet lightweight commercial productions. At the same time, there are apprehensions that the new Film and Video Act being proposed by both the government and the mainstream film sectors to replace the outmoded Film Act of 1930 may not be a step forward. Also, the scandals that rocked that once prestigious Bangkok International Film Festival are still fresh in the community's mind.[30]

The question is can Thai Cinema ride out this wave? And if so, what steps does it need to take in order to move on to the next level?

The Philippines: Hitting It From All Angles

During the recently held Cinemalaya 2008[31] a viewer exclaimed, "Now is a great time to be a film buff in the Philippines!"[32] Going on its fifth year, Cinemalaya is

an annual independent film competition that encourages the production of new works.[33] Each year ten fresh Filipino talents receive seed grants[34] based on an original story idea and screenplay[35] to produce new full-length features[36] in digital format. The finished works are then exhibited in a nine-day festival at the Cultural Center of the Philippines,[37] one of the festival's founding institutions,[38] along with an exhibition[39] of other works representing the best recent efforts of other local indies. At its closing ceremonies, awards are given in several categories[40] to the most outstanding works and filmmakers.

Cinemalaya has become one of the country's most successful efforts, film-wise. Local dailies tout it as having almost single-handedly turned around not just local production but the whole of Philippine cinema.[41]

Media accolades zero-in on the festival's success earmarks: the production of excellent new works,[42] its acceptance by a broader audience[43] and its impact on the world cinema scene.[44] As of this writing, three of this year's batch have competed and won major prizes in prestigious international film festivals.[45]

Cinemalaya started out as search for content to fill up the Center's programming.[46] In four years it evolved into the country's most successful indie festival. However, despite all the bells and whistles, Cinemalaya is not an overnight success. Its roots can be traced to more than two and a half decades of recent Philippine independent cinema history (Cabagnot 2008).

Its success can be largely attributed to the collaboration between three important sectors: the private sector, government and the academe.[47] If one leg is dysfunctional, any film incentive just will not stand.

Sector details are as follows:

- Participation from the Private Sector—those who create and their support systems,[48] with three subsectors: creatives and their auxiliaries, media and sponsors.

- Assistance from Government—aside from policy-formulation and grants-assistance, government provides other institutional assistance through film-related agencies and non-film agencies—this may include diplomatic services (e.g., Foreign Affairs), tourism, education, local governments, etc.

- Support from the Educational Sector—via a two-fold approach: audience development (i.e., film appreciation and criticism) and artist training/skills development (i.e., film production).

That being said, the Philippines' Cinemalaya template may not work in other Asian countries. It is an imperfect model and can easily go "lame" with sudden shifts of the country's economic and political picture. Government institution heads are co-terminus with the president. What if the next heads of film-related bodies have "different" ideas about cinema? Though there is a film regulation body,[49] the current atmosphere is relatively "liberal" and uncontroversial.[50] What if new laws are passed that call for stricter control over local productions? Finally, what if the present economic crisis makes it more difficult to mount productions, indie or otherwise?

Thus, the government arm of the triumvirate could prove to be its weakest link due to power shifts and changes in policy. Also, another reason why this model may not work in other countries is that not all governments are the same. Some are overly "protective" of their interests, preferring to sacrifice artistic freedom in the name of the status quo. As earlier sections of this report have shown, it is for this reason that certain Asian cinemas have been kept from flying.

In the case of the Philippines, there is a move to strengthen Cinemalaya's private status by slowing easing it out of government arms through the establishment of the Cinemalaya Foundation Inc., "a non-stock, not-for-profit, non-government foundation, committed to the development and promotion of Philippine Independent film".[51] By that time, CCP will primarily be its venue, as well as its provincial outreach conduit.

The revitalized state of filmmaking in our part of the globe could be maintained by a sharing of best indie practices around the region. This includes Cinemalaya's relative success through the Philippines' particular blend of private, government and academic interests. Though nations move at their own pace, it is hoped that all shall reach a stage of synergy among their own sectors. If this comes to pass, each country will have become an active participant in maintaining Asia's foothold on the world cinema scene.

Conclusion/Implications

These are exciting times for Asian Cinema with the rest of the world waiting for the fresh, new visions of its independent filmmakers.

And yet indie cinema, at this point, needs balanced nourishment. Too much structure, like the ones buttressing its mainstream counterparts, can kill its spirit—a spirit that somehow refuses to be pegged down. Like any business, filmmaking, indies included, depends on a certain measure of peso & centavo sensibleness.[52]

The question now is how to nurture its growth without smothering it.

Among some suggestions to help Asian indie filmmaking gain its legs—enhancing inherent strengths while lessening basic weaknesses—are: strengthen existing cooperatives, encourage new collaborations (local and pan-Asian);[53] link existing alternative venues; encourage the establishment of new ones in underserved sites;[54] support local indie events; create a database of such activities; find areas for collaboration and best practices sharing;[55] link up international activities (i.e., festivals, conferences) and, again have best practices sharing;[56] share (i.e., conferences, forums) on Government reform efforts, creating a database of resources; network; initiate co-productions; and create templates.[57] These suggestions underline the importance of creating holistic strategies to sustain independent filmmaking in our region.

Film is unique from the other art forms in the sense that it is a child born of the marriage of art, business and technology. As technology, it is never in a state of stasis—it is relentlessly impelled to move forward both in terms of narrative and theme (content) as well technique (form). As business, it understands its need to be sustained and its relationship to resources—people, equipment, funding, etc. As art, it is subject to the Imponderables—a unique voice at its core, that of a visionary (i.e., filmmaker) who wants to share his/her take on Life, Man and the World.

The independent film may not be the loudest voice in the arena of cinema, especially in Asia, but it is its purest. Much more than the mainstream film which is at the mercy of fame and fortune, supply and demand, the independent work, if honestly done, has the gift of reminding us of who we are and our Asianness, as well as giving us clues to why we are here and where we are going.

NOTES

[1] Digital cameras with higher definitions and lower tag prices are getting into the hands of hungry, new talents. Lightning-speed processors, bottomless disk drives and smarter software are turning laptops into personal production houses. Thus, each year a new army of indies appears on the scene, each one with potentially fresh, new stories to tell. In the last five years, Asian indie productions have increased significantly and along with them the quality of their narratives and technical styles.

[2] At the same time, cinephiles everywhere are getting their fixes in previously unimaginable ways. Aside from hi-tech movie-plexes or art houses, people can now watch films streamed to their PCs or mobile phones; fed to their giant flat screens via satellite, cable or wi-fi; or through high-capacity DVD/Blueray discs.

[3] "Mainstream films" were seen primarily as products which cost money to produce and thus must bring in substantial returns to sustain the factory line. These films were first and foremost products that were at the behest of supply/demand models. Mainstream films are also known as "commercial films" −their survival relied on moviegoers spending hard-earned cash at the box-office tills. To attract bigger b.o.'s, commercial films displayed certain earmarks: name stars, large entertainment factor (no thinking please!), familiar genres (no surprises also!), and big production value (but depending on the budget).

[4] Japan's place in this report is significant in the sense that its sits as a counterpoint to the experience of this author in the other API member-countries (Malaysia, Indonesia, Thailand and the Philippines).

Malaysia

[5] Cabagnot, Edward Paciano Delos Santos. "LOVE AND DEATH ON THE RAPID KL: Brief Encounters with New Malaysian Cinema." October 2007. The SAE-IMAGES (Synergy Europe-Asia) website of the Asian-Europe Foundation (ASEF). <http://sea-images.asef.org/ArticlesDetail.asp?ArticleID=124>.

[6] Tan Chui Mui has directed one full-length picture, *Love Conquers All* (2006), and three shorts − *Company of Mushrooms* (2006), *South of South* (2006) and *A Tree in Tanjung Malim* (2005).

[7] As well as other Malaysian indie filmmakers like Azharr Rudin, Ho Yuhang, Khoo Eng Yow and Zan Azlee.

[8] Argentina's 9th Buenos Aires International Independent Film Festival; Australia's Brisbane International Film Festival

and the Inaugural Asia Pacific Screen Awards 2007; France's 29th Festival of the 3 Continents and 30th Cinéma du Réel International Documentary Film Festival; Germany's Berlinale – Forum; Hong Kong's 31st Hong Kong International Film Festival; India's 9th Osian's Cinefan Festival of Asian and Arab Cinema; Indonesia's Jogja Netpac Asian Film Festival, Jakarta International Film Festival and 6th Film Festival Dokumenter; Italy's 2007 Asian Film Festival and Festival Dei Popoli International Documentary Film Festival; Korea's 12th Pusan International Film Festival; Norway's Tromsoe International Film Festival; the Philippines's 9th Cinemanila International Film Festival; the 2007 Singapore International Film Festival; Thailand's World Film Festival of Bangkok; the U.S.A.'s Smithsonian Institute Festival of Asian Cinema and 2008 The Athens International Film and Video Festival.

9 Then, it goes around the country to satellite sites in Johor Bahru, Kuching and Penang.

Japan

10 The other country is India, through the breakthrough works of director Satyajit Ray.

11 Including the Tokyo International Film Festival (TIFF), the Yamagata International Documentary Film Festival (YIDFF), the Tokyo Filmex, the Japan Media Arts Festival, the Niigata International Film Festival, the Tokyo International Anime Fair, the Short Shorts Film Festival, the Tokyo International Lesbian & Gay Film Festival, the PIA Film Festival, the International Animation Film Festival in Japan, the Kinder Film Festival Japan, the Fukuoka International Film Festival, the Con-Can Movie Festival, Hiroshima International Animation Festival, the Kansai International Film Festival and the Earth Visions Film Festival.

Indonesia

12 Also, in my thirty-day stay in Indonesia we were able to organize a series of lectures and screenings on Philippine Cinema at alternative film venues (Kino Forum in Jakarta and Kinoki in Yogyakarta) and art centers (Selasar Sunaryo Art Space in Bandung).

13 Unfortunately, the Constitutional Court rejected the proposal in March 2008, raising the alarm that films classified as Adult may attract unhealthy attention from the youth sector.

14 Set up in 1926 at the same time as the first Indonesian movie productions, the censorship laws were created to protect the largely Muslim population from the tainting influences of outside cultures via the power of cinema. During the country's New Order (1965-1998), films were at the service of the State's propaganda machine, and the laws guaranteed that no content could go against government policies.

15 At the center of the controversy was the awarding of Best Film to the film *Ekskul*. Artists complained that the film used another movie's soundtrack without permission. All the winners of that year got together and returned their trophies in an act of indignation.

16 For example, the foreign documentary *The Black Road* (2005) was banned because it focused on Aceh's bid for independence. Likewise, the subject of Nia Dinata's production *Long Road to Heaven* (2006) – the 2002 Bali Bombing – helped guarantee its spot on the verboten list. The road movie *3 Hari Untuk Selamanya* (Forever Three Days, 2007) got the axe because of sex scenes, while the experimental *Pasir Berbisik* (Whispering Sands, 2001) ruffled sensitive government sensibilities with its depiction of local poverty and violence.

17 Directed by four women (Fatimah T. Rony, Upi, Dinata and Lasja F. Susatyo), the film bravely dealt with touchy women's issues –abortion, free sex, child trafficking and HIV/AIDS. Some of the most memorable, powerful scenes came from the second installment by Upi about liberated students in Yogyakarta. In one, we see a Muslim girl complete with *hijab*, smoking incessantly while talking about the sex she had the previous night.

18 Her documentary *Anak Naga Beranak Naga* (Dragon Begets Dragon) traces the origins of the *Gambang Kromong* musical form of the traditional Jakarta (Betawi) to its ethnic Chinese communities. Her short film *Still Life* (2006) centers on the stresses and strains of inter-racial relationships between four women carried to absurd limits.

19 Aside from its main competition and the screenwriting contest, JIFFEST boasts of eighteen other modules – exhibition screenings, tributes (this year to P. Ramlee), focuses on the cinema of various countries (Sweden, Germany, Africa, and Italy, to name a few), workshops, photo exhibits, and more.

20 The venues were the Djakata XXI (4 theatres), Blitz Megaplex, Kineforum TIM 21, GoetheHaus, Erasmus Huis and the Hotel InterContinental Mid-Plaza.

21 During one of the socials of the recent Cinemalaya Philippine Independent Film Festival in Manila, I had the chance to exchange notes with one of JIFFEST's founders, Ms. Shanty Harmayn, along with other visiting international film festival programmers. When the topic got to the last installment of the Jakarta festival, we were all unanimous that Indonesia would be the next Asian cinema to take center-stage.

Thailand

22 31 for the year 2007, 30 in 2006, 23 in 2005, 17 in 2004 and 2003, 11 in 2002, 10 in 2001, 4 in 2000 and 1999, 2 for 1998, 3 in 1997.

23 These include action epics like *Chocolate* (directed by Prachya Pinkaew, 2008) to its subgenre, the *muay thai* film, like *Ong Bak 2* (Tony Jaa, 2008); to all types of horror films—scary like *Art of the Devil 3* (Ronin Team, 2008),

funny like *Ghost-in-Law* (Saphai Breu... Aw Aw, by Tanit Jitnukul and Seree Phongnithi, 2008), and just plain odd like *The 8th Day* (Chodchai Yoadsaranee, 2008); including kids' treats like *Dream Team* (Kittikorn Liawsirikul, 2008) and full-length animations, *Nak* (Natthaphong Ratanachosirikul, 2008); dramas like *First Flight* (Tanit Jitnukul, 2008); teen romances like *Handle Me With Care* (Kod, by Kongdej Jaturanrasamee, 2008); and big budget, historical epics like the Ananda Everingham starrer by top director Nonzee Nimibutr, *The Queens of Langkasuka* (2008).

24 Pen-Ek's debut oeuvre *Fun Bar Karaoke* premiered at the 1997 Berlin Film Festival and his *6ixtynin9* was Thailand's official entry to the 1999 Oscars Foreign Language category. In 2000, Wisit's debut film *Fah Talai Jone* (*Tears of the Black Tiger*) was the first Thai film featured at the Cannes Film Festival. Nimibutr's *Dang Bireley* and *Nang Nak* were huge box-office hits, while *Tears* clinched an international release deal. Miramax bought the rights from Fortissimo but the distribution hit a snag when Wisit refused to re-edit his work. Eventually Magnolia Pictures bought its rights and the film finally saw a limited international release.

25 Wisit's films are all visually arresting in a 60s psychedelic way – *Tears* and *Citizen* made eclectic use of art design and special effects. Pen-Ek's works have become quirky mood pieces with angst-filled characters, while Nonzee enjoys the challenge of not repeating genres.

26 Directed by Chookiat Sakveerakul, the film is about two boyhood friends, Mew and Tong. When Tong's family moves away, the two are separated. Years pass and they meet again as young adults; they renew their friend and start hanging out together again. Until one night, they look into each other's eyes... and kiss.

27 Unfortunately, the 3-hour director's cut was not subtitled. However, from the way the packed audiences reacted at the extended RCA screenings, you knew this made the Sahamongkolfilm folks very happy.

28 Mainly the monarchy in the person of His Majesty King Bhumibol Adulyadej.

29 Though it premiered at the 2006 Venice Film Festival, Joe recently pulled his most controversial work, *Syndromes and a Century*, from theatrical release when the Board of Censors insisted he cut out some scenes.

30 For some years now, the festival has been in the hands of a Miami-based events management group, much to the chagrin of the local film community. When their contracts were terminated, the foreign group dropped a media bomb implicating certain members of the Thai government as having accepted bribes from them.

The Philippines

31 Cinemalaya Philippine Independent Film Festival, held at the Cultural Center of the Philippine from 11 to 20 July 2008.

32 From an audience member of the festival's *Sine Taktakan* –a forum featuring this year's batch of Cinemalaya competition directors, held 17 and 18 July 2008 at the CCP Tanghalang Huseng Batute.

33 That "boldly articulate and freely interpret the Filipino experience with fresh insight and artistic integrity," as its official blurb goes.

34 PHP500,000, approximately USD10,408.53 (based on the currency exchange rates as of this writing, October 2008). It is called a seed grant because the filmmaker may seek out counterpart funding to augment his/her production budget. Some Cinemalaya works are produced within the seed value, while others go up as high as PHP2.5 million (approximately USD52,000). In any case, Pinoy indie full-lengths cost a lot less than the average local mainstream production (approximately PHP20 million).

35 The competition goes as follows: interested parties are requested to submit the following – a one- to three-page synopsis of their proposed film and a detailed sequence treatment of about fifty to sixty sequences, along with their biodata and a sampler of their previous works (if any); out of all the entries (approximately 120 per year), around twenty (20) are chosen by a selection committee composed of filmmakers, film scholars and other experts – the 20 are then given a month to flesh out their treatments into a full-blown screenplay; out of these screenplays, ten (10) are selected and given the seed grant.

36 Full-length entries were *100* by Chris Martinez; *Baby Angelo* by Joel Ruiz and Abi; *Boses* (Voices) by Ellen Ongkeko-Marfil; *Brutus* by Tara Illenberger; *Concerto* by Paul Alexander Morales; *Huling Pasada* by Paul Sta. Ana; *Jay* by Francis Xavier E. Pasion; *My Fake American Accent* by Onnah Valera and Ned Trespeces; *Namets* by Emilio "Jay" Abello; and *Ranchero* by Michael Christian Cardoz. Shorts entries were *Andong* by Rommel "Milo" Tolentino; *Ang Ibang Mga Pamilya* (Other Families) by Joel P. Ruiz; *Angan-Angan* (Dreams) by Sheron R. Dayoc; *Diamante sa Langit* (Diamond in the Sky) by Vic Acedillo, Jr; *God Only Knows* by Mark V. Reyes; *Huling Biktima* (The Last Victim) by Vitaliano A. Rave; *My Pet* by Anna G. Bigornia; *Panggaris* by Dexter B. Cayanes; *Trails of Water* by Sheron R. Dayoc; *Tutos* (Cost) by L.A. Yamsuan.

37 The films are screened in six venues of the CCP – including the Tanghalang Nicanor Abelardo (CCP Main Theatre) which seats 1,800 people and the Tanghalang Aurelio Tolentino (CCP Little Theatre) which seats circa 450 people. Each day there are about five screenings per venue, starting at ten o'clock in the morning.

38 Along with the Econolink, Inc.; the University of the Philippines Film Institute, ABC-5 Broadcasting Network, the Film Foundation of the Philippines, among others

39 The exhibition module includes world premieres of new works, the director's cut or integral versions of previously exhibited titles, aside from what has been shown in the indie

circuits the last year. This year included a new module, the Tribute to Manuel Conde, considered on the original indies of Pinoy film history. Conde worked both in and out of the local studio system. He is also know for tackling social, cultural and political issues not found in more commercial movie fare. Seven of his works were screened in Cinemalaya 2009 – including his masterpiece *Genghis Khan* (1950). Also, a book on his life and works entitled *The Cinema of Manuel Conde* was launched as one of the festival's highlights.

[40] Full-length awardees: Best Actress - Mylene Dizon, *100*; Best Actor - Baron Geisler, *Jay*; Best Supporting Actor - Yul Servo, *Brutus*; Best Supporting Actress - Eugene Domingo, *100*; Best Director - Chris Martinez, *100*; Best Film - *Jay*; Audience Choice -100 (directed by Chris Martinez); Best Cinematography (tie) - Jay Abello, *Brutus* and Dan Villegas, *Huling Pasada*; Best Screenplay - Chris Martinez, *100*; Best Editiing - Francis Pasion, *Jay*; Special Jury Prize - *Brutus* (directed by Tara Illenberg); Best Sound Design - Lito Cruz, *Ranchero*; Best Original Music - Joey Ayala, *Brutus*; Best Production Design - Cristina Honrado, *Baby Angelo*. Short s awardees: Best Director (Short Film) - Mark Reyes for *God Only Knows*; Audience Choice (Short Film) - *God Only Knows* (directed by Mark Reyes); Best Screenplay (Short Film) - *Andong* (directed by Rommel Tolentino; Special Jury Citation (Short Film) - *Angan Angan* (Dreams) (directed by Sheron Dayoc); Best Special Jury Citation (Short Film) - *My Pet* (directed by Anna Bigornia).

[41] "Cinemalaya, which is now considered by many as today's most prestigious Filipino film festival, has supplied an excellent roster of motion pictures for local and international consumption, introduced novel approaches in storytelling and gave the public an assemblage of actors and actresses whose caliber are undoubtedly world-class." From Ignacio, Alwin. "Hope springs eternal for indie cinema." *The Daily Tribune*, 5 July 2008.

"Successful *ang* Cinemalaya 2008 *at mukhang mas malakas ito ngayong taon. Ang sigla ng* CCP *nitong mga nagdaang araw dahil sa dami ng mga taong nanood sa mga pelikulang kalahok.* (Cinemalaya is stronger this year. The CCP has been vibrant these past days due to the crowds viewing the films.)" From Tilamzik, Abu. "Mylene at Baron, naghubo't nagwagi." Abante Tonite (Entertainment), 22 July 2008.

"I was impressed by this year's Cinemalaya entries (quoting Raymond Phathanavirangoon, Toronto Film Festival programmer)... Even though most of them are first-timers, there's a lot of talent and passion in their works. Filipino cinema is definitely one of the most exciting in Southeast Asia." From Bayani San Diego Jr. "Foreign programmers: RP film scene exciting." Philippine *Daily Inquirer*, 17 July 2008.

[42] This year a total number of 186 films were exhibited in six venues of the Center with five screenings daily for a whole festival period (10 competition full-lengths, 10 competition shorts, plus 163 exhibition titles) – all point out an increase in the level of production in local cinema.

[43] More than 27,500 people attended the screenings, around 85% of them paying audiences –mostly students, filmmakers, young professionals and general cineastes.

[44] Nine international film festival programmers graced the event to look out for possible titles in their respective festivals. They include Kim Je- Seok of Pusan International Film Festival Korea (PIFF); Raymond Phathanavirangoon of Toronto International Film Festival, Canada (formerly with Fortissimo Inc., worldwide distributors for Asian films); David Ocon of Asia-Europe Foundation (ASEF); Shanty Harmayn-Hofman of Jakarta International Film Festival (JIFFEST), Indonesia; Max Tessier, film critic from France; Robert Mallengrau, Festival Director, Belgian Independent Film Festival, Belgium; Paolo Bertolin of Venice International Film Festival; Mr. Ansgar Voght of Berlinale, Germany; Gertjan Zuilhof of International Film Festival Rotterdam; Axel Estein of the Berlin Hot Shots Festival, Germany.

[45] Namely *100* by Chris Martinez, *Jay* by Francis Xavier Pasion, *Brutus* by Tara Illenberger. *Jay* was nominated in the 65th Venice International Film Festival's Orizzonti Award and won a Special Mention Award in the 6th Bangkok International Film Festival's main competition. *100* bagged the KNN Audience Choice Award in the 13th Pusan International Film Festival. *Brutus* recently won The NETPAC Award at the Louis Vuitton Hawaii International Film Festival. Plus Cinemalaya 2008's Best Short Film, *Andong* by Rommel "Milo" Tolentino won The Sonje Award for Best Short Feature in Pusan also.

[46] Specifically the screenings slots of its CCP Dream Theatre and CCP Dream Channel.

[47] In Cinemalaya's case the private sector is represented by the filmmakers themselves, the media and the sponsors; government by the CCP, alongside other film-affiliated bodies; and the academe by the U.P. Film Institute and other educational institutions in Metro Manila.

[48] It is best to keep the creatives and their support system (especially the finance) as "private" as possible to allow for little government intervention – thus escaping the "propaganda" ambience of most government-subsidized works.

[49] The Motion & Television Ratings Board or MTRCB.

[50] Local indie productions that have controversial (e.g. sex and violence) scenes can be shown without passing through the MTRCB in two venues – the Cultural Center of the Philippines and the U.P. school system. This fluke came about in the early 80's when Marcos himself declared the two government institutions as censorship-free, in order to make local productions competitive internationally.

[51] From the Cultural Center of the Philippines' website, http://www.culturalcenter.gov.ph/page.php?page_id=105

Conclusion/Implications

[52] All the more so for indie filmmakers: successful indie efforts attract the "right" funding which can go into their next production–hopefully allowing them their measure of artistic and creative independence.

[53] As we have seen from the examples in Malaysia (Da Huang Films), Indonesia (Four Colours Films and ruangrupa) and the Philippines (uFo Pictures, Arkeo Films and the Indie Sine Cooperative), indie coops are an effective means of making the best of limited resources. At the same time, the time is ripe for trans-national, pan-Asian collaborations.

[54] Today, we have quite a number of alternative venues for indie films –Klab Sine Filem Malaysia and The Annexe (Malaysia); Kine Forum, Kinoki and Rumah Buku (Indonesia); MagNet and IndieSine (Philippines) –thus giving filmmakers a wider audience base, and cineastes opportunities to see the best works from other Asian countries. Aside from that, we need to identify key, strategic areas (and partners) that can serve as new venues for such indie activities.

[55] Each of the above venues have regular, year-long alternative cinema programmes –examples include the KL's Freedomfest, Jakarta's Konfiden and Hello-Motion festivals, Manila's Cinemalaya, CCP Sineklab and Freefest. We need to make a database of all such indie activities in these sites for possible areas of collaboration, as well as compare programming notes and styles.

[56] Sites with international festivals like Japan (Tokyo International Film Festival, Yamagata International Documentary Festival, Tokyo FILMeX), Indonesia (Jakarta International Film Festival and QFest) and the Philippines (CineManila) could closely coordinating with each other. Some areas for sharing include festival programming, design of festival events, festival audience development and, of course, traffic management with other international film events (i.e., programmers' visits).

[57] Again, there is a need for each site to identify its resource base –listings of people and companies involved in all aspects of film production; listing of grant-giving bodies and potential sponsors; listing of venues, equipment-rental groups; as well as training/scholarship institutions. A database of resources could be the first step in initiating co-productions between countries, as well templates for such productions as possible SMEs.

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Challenges of Dance Artists in Contemporary Thailand: Tradition and Creations

Takako Iwasawa

Introduction

It is remarkable that to this day, the traditional form of the Thai performing arts remains the dominant art form in Thai society as a result of government's nationalistic influences and a thriving tourist industry. (Traditional culture is an important commercial resource in Thailand.) Although western forms of theater and dance such as ballet, jazz, and modern exist in Thailand, they have not flourished in Thailand due to the government's nationalistic interest and influence on the performing arts. Over the last decade, a new genre known as 'contemporary performance', also referred to as 'contem', emerged in Thailand. In the narrow sense it is considered avant-garde performance, while in the broader sense it is understood as performance art developing out of the present, contemporary context. While contemporary performance consists of various styles, the western movement of contemporary performing arts is less of an influence on Thai performers and creators. The trend of creating out of traditional performance, which can be seen in many Asian countries, such as India, South Korea, Taiwan, Indonesia, Malaysia, and so forth, is particularly strong in Thailand. Regardless of its popularity, however, few scholars have conducted in-depth research on the subject. Instead, it has been the practitioners themselves who have been at the forefront of research and information gathering. They have developed networks for analyzing and exchanging information on the dance of the 'here and now' as it exists in various cultures. One interesting example is the Asian Dance Conference[1] held in Japan. The conference is a meeting place not only of scholars, but also of 'informers' such as choreographers, dancers, and dance critics. Participants gather to share and exchange information on contemporary Asian performing arts. It is through networks such as this that up-to-date information on the contemporary performing arts movement in Asia is collected and processed. This form of communication among multi-layered practitioners has deeply influenced the contemporary movement of the performing arts in Asia.

In recent times, Thai traditional performances have been evolving multi-dimensionally. It is impossible to preserve tradition and culture in a way that they remain intact and unchanged over time. At present, Thai traditional performances are changing and undergoing modernization through various forms including revival, reinterpretation, new creations utilizing traditional/ cultural elements, new findings on local wisdom, and the emergence of community arts movements. To investigate the many challenges performers and creators face, particularly the challenge of their survival in a rapidly globalizing Asia, it is key to understand the core message and philosophy of the art landscape in contemporary Thailand.

From August 2007 to July 2008, I conducted field research in Thailand, mostly in the capital city of Bangkok. My research focused on the current condition of the performing arts in contemporary Thailand, with emphasis on dance and theater works. I chose to concentrate on dance and theater because much of my experience has been in ethnomusicology. In the past, I also conducted research on Thai traditional dance performances. In trying to understand contemporary developments, I felt that my past experience and previous knowledge would prove valuable in gaining a broader and deeper understanding of the issue. I chose dance and theater also because the two have a long-standing relationship with one another. Historically, dance and theater combined, also known as 'dance-drama', is considered one genre in the performing arts. Moreover, dance and drama are also the most highly respected forms of performing arts in Thailand and continue to thrive in modern day Thai society. Therefore, some practitioners continue to approach the two art forms as one genre, even in the contemporary context.

In the course of my research, I made it clear that there were four important areas to investigate: 1) dance education in schools, 2) dance/theater festivals, 3) individual artists and groups, and 4) community arts.[2] I applied the approach of ethnography to my research. I conducted interviews and engaged in observatory participation. As for references, I consulted some books and journal papers written in English and in Thai, the most useful resource being those from websites published by individual artists, groups, and institutes.

Findings

1. Cultural Policy and Dance Education in Schools: The Tradition Revival Movement

In the Thai national curriculum, traditional performing arts is recognized as an important area of art studies. Thai tradition and culture, especially Thai music and dance, exist in the general school curriculum more than western styles of performing arts do. Both in public and in private schools, Thai students can study Thai traditional performing arts from kindergarten up to the university level.

The College of Dramatic Arts, *Withayalai Natasin*, is the central institute for training in the performing arts, both in the Thai and western traditions. Many Thai professional dancers, musicians, and teachers in these fields are graduates of this college. Its curriculum has had a great influence on the curricula of the other schools throughout the country.

The College of Dramatic Arts as the Basic Training Center for Dramatic Arts

The College of Dramatic Arts has twelve campuses scattered throughout the country. The college functions as the national conservatoire and it is where both dramatic arts and music are taught. In Bangkok the school was established in 1934 and was named 'The National Dance and Music School'. It is the oldest national school for the performing arts in Asia.

In 1932 Thailand became a constitutional monarchy, a development that affected many dancers and musicians who previously belonged to the royal dance-drama troupe. They were dismissed in that capacity and were instead employed as teachers in this first national school of music and dance. Its founder was Major-General LuangVichitvatakarn, first Director-General of the Fine Arts Department (1934-1942). Since then this school has been run by the Fine Arts Department, which was under the Ministry of Education. It is now under the Ministry of Culture. Later, in 1972 the school offered college level courses, henceforth becoming 'The College of Dramatic Arts'. Also in the 70's, the college established other campuses throughout the country.

In the 2007 academic year, the college began to offer courses in three different levels. The first level consists of the beginner's course and runs for three years. It is equivalent to the lower secondary school level. The second level, the intermediate course, also runs for three years and is equivalent to the higher secondary school level. The third level is a two-year advanced course equivalent to the diploma level.[3] In college, students are required to take classes in both general studies and in their area of concentration. Half of each day is dedicated to general studies, the other half to one's area of concentration. There are six specific areas of concentration available: Thai dance/drama, Thai instrumental music, Thai vocal music, Western dance (ballet and other dances), Western instrumental music, and Western vocal music.

During the second semester of the 2007 academic year and for the first semester of the 2008 academic year, I conducted intensive research in the Bangkok campus of the College of Dramatic Arts. I observed and participated in the third year class in the intermediate level for Thai dance students. I also observed a western dance class for third year students in the intermediate level.[4] Comparing the number of students in each of the different concentrations in this college made evident the fact that the Thai traditional performing arts still has a stronger presence than western arts in Thailand. For example, of the third year intermediate level dance students, there were 100 students in Thai dance/drama and only 5 students in western dance (ballet) in the 2007 academic year. This is mostly due to the fact that the government supports Thai traditional performing arts more than western arts. Thai music and dance are also mandatory subjects in the national school curriculum, while western forms of music and dance are not. Thai primary and secondary school students interested in learning western dance and music thus have to take lessons from private studios or schools. Further, given that musical instruments and costumes are used as educational tools, the government allocates more money for traditional Thai instruments and costumes than for western ones.[5] Moreover, Thai traditional performance is more accessible to students in general. Some teachers in the college told me that the number of Thai dance/drama students has increased compared to the time the teachers themselves were students at the college, when there were only twenty or thirty dance/drama students. Most likely, the increase is due to practical reasons: college and university graduates have more opportunities to become professional performers or teachers. In Thailand, students from this college are noted to have a relatively easier time finding employment after graduation.

In the college the curriculum is organized in steps. During each semester, the students study five to eight repertories. Upon completion of each repertory, an examination follows. In the preliminary course, students have to complete the basic dance repertoires of Thai classical dance. This is followed by repertoires in basic Thai folk dance.[6] In the intermediate course, students take lessons in the advanced dance repertoires of Thai classical dance and advanced folk dance. While students in the preliminary level are required to master classical dance postures, in the intermediate level, students are required to build upon and develop their own dance postures and costumes.[7] For each dance repertoire, students are also required to have a theoretical understanding and knowledge of the dance's history, costume, music, song lyrics and so forth.

Through observatory participation, I witnessed at times a continuance of traditional dance pedagogy. For example, before learning particular dance repertoires, which are regarded as 'sacred', students are required to engage in the ritual known as *wai khru* (*wai* means 'to respect', *khru* means 'teacher'). In this annual ritual practiced at the college, students pay respect to their dance masters, both living and dead. Senior teachers are invited to attend the first lesson. The lesson begins with a demonstration by senior teachers who perform for the students. Afterwards, the students practice alongside the teachers. Following the completion of this ritualistic first lesson, class teachers are 'permitted' to teach the students without the senior teachers' supervision. By preserving tradition in this manner, the school is careful to protect the authentic form of traditional dance.

Bunditpatanasilpa Institute: The Higher Education Institute of Dramatic Arts

In 1998, the Bunditpatanasilpa Institute was established as the national university for the arts, that is, of fine arts and the performing arts. Before its establishment, the students at the College of Dramatic Arts could only obtain an associate's degree. If they wanted to obtain a bachelor level degree, they had to transfer to another institute or university. It was for these students who showed an interest in furthering their studies that the government later established the Institute, which to this day draws students from both the College of Dramatic Arts and the College of Fine Arts. When the Institute was established, many teachers transferred from the college to the Institute, which is located in the same area as the college.

The Institute consists of three departments: fine arts, dramatic arts and music, and arts education. In both the department of dramatic arts and music, and the department of arts education, students can learn dance and drama. At the Institute, as in the college, Thai traditional performance art has a stronger presence than the western forms of performance art. In the department of dramatic arts and music, which trains students to become professional performers after graduation, only Thai traditional performance is offered. This department offers smaller sized classes and puts great effort into training strong professionals. Once again, Thai traditional performance art is emphasized, as evident in the students' final productions.

The graduation requirements for students studying Thai dramatic arts consist of two final productions: tradition revival and new creation.[8] For the 'tradition revival', students are required to revive one solo dance likely to die out in the near future. To be able to do this, students seek out one senior master who specializes in the chosen dance and study under the master for at least one semester. After this training period, students are required to present their performance onstage and in a final paper. Alternatively, a 'new creation' is a Thai dance performed in the contemporary context. Students are required to direct their own project and create everything on their own, including the concept development, title, project design, music, choreography, costume, and casting. The concept must be related to Thai traditional culture (e.g., values, beliefs, customs, etc.) Although it is a 'new' creation which they have to come up with, students cannot go beyond the framework of Thai dance and their 'new' creation must be made within the boundaries of Thai dance. Though students are required to create something new in their productions, they must ensure that their choreographies have a certain Thai-ness to them. In the 2007 academic year, one production entitled "Khwan Khaw" (The Spirit of Rice) was conferred the most excellent work award (see photo 1). It presented a traditional farmer's life in central Thailand. Awarded productions such as these are collected by the Institute to constitute Thai dance repertoires which are then put to wider use throughout the country.

Photo 1: 'New' creation by university students: Khwan khaw (the spirit of rice)

The curricula of the two different schools—the College of Dramatic Arts and Bunditpatanasilpa Institute—become the model for performing arts education in Thailand. These two institutions promote Thai traditional performance through its preservation, the training of successors, the revival of traditional dance at risk of becoming extinct, and the encouraging of new creations within the context of Thai dance. It can be concluded that contemporary Thai society develops and sustains the traditional performing arts through formalized education curricula.

2. Festivals as Space for Artistic Creation and Networking among Performers

Through educational preservation and revival, as well as new creations, Thai traditional performance is renewed and deemed relevant to contemporary society. Outside the formal education system, on the stage, new contemporary works are also developing and emerging, produced by individual artists and groups. The dance/ theater festival is the best venue for witnessing such developments. Two examples where I conducted extensive research were the Bangkok Theater Festival and the Bangkok Fringe Festival. The following paragraphs describe the manner in which individual artists and groups survive contemporary challenges.

The Bangkok Theater Festival

Photo 2: Opening ceremony of the Bangkok Theater Festival, 2007

In 2002, the largest local theater festival was first launched as an annual event in Bangkok, Thailand. That year the festival was called the 'Bangkok Theater Season'. In the year following, the event came to be known as the 'Bangkok Theater Festival'. The 6th Bangkok Theater Festival (BTF) in November 2007 lasted for three weeks (see photo 2).

This festival which started at the grass roots was organized by a small group of theater people in Bangkok that gathered frequently and often discussed the problems they were facing. One such problem dealt with the number of theatergoers whom they observed to be far fewer than those that watched movies or television. This observation made them recognize the need to build a strong theater network that would effectively introduce theater as an alternative form of entertainment. To this end they decided to organize such a network themselves by putting up the festival. However, in order to make this happen, they needed the support of the local community in the Banglampoo area, which eventually became the festival site. The Banglampoo area was once the artist district in Bangkok. The wealth of its arts tradition is evident in the beauty of its old architecture, temples, palaces, the houses of its nobility, theaters, and schools, which stand to this day. The festival aims to promote theater art among Thai and international audiences,[9] strengthen networking among independent theater groups in Thailand, and encourage dynamic arts activities in the Banglampoo community.

The latest BTF was organized by the Bangkok Theater Network, the Thai Health Promotion Foundation, the Banglampoo Civic Network, and the Bangkok

Metropolitan Administration. Ten local theater groups that are active in Thailand constitute the main organizer, the Bangkok Theater Network. In 2007 there were more than 45 theater companies participating and 60 performances mounted, inclusive of traditional Thai and experimental performance arts.

The festival's performances are mainly held in the Banglampoo area. The main theater is in Santi Chai Prakarn Park where there are five stages: the art site (main stage), the kids and family site, the traditional site, the ex site, and the street site. Every performance staged in the park is open to the public, free of charge. Around the park are several gathering spots such as a café, a bar, a restaurant and a school. In 2007 BTF planned to open the festival site to other small theaters in Bangkok outside of the Banglampoo area.

Performance styles at the festival vary: spoken-drama, multimedia, experimental performance, experimental Thai folk theater, solo performance, comedy, youth theater, shadow puppetry, puppetry, contemporary dance, contemporary Thai music and dance, pantomime, physical theater, Butoh, Thai traditional performance, improvisation, satire, drama for kids, and cross-cultural exchanges. These examples demonstrate that not all performances are influenced by the Thai tradition. While each artist engages in issues surrounding himself or herself, the trend to veer away from tradition is also present.

Participants consist of performers active in Thailand. Nationality does not factor in so that performers are either Thai or non-Thai. With the exception of the festival's cross-cultural exchange program, the BTF motto, however, is to create opportunities for the 'local' theater people. In 2007 the participants included professional theater companies, individual artists, university students, and amateur groups organized by the local community.

Among the performers in 2007 were the Makhampom theater group, famous for experimental Likay (Thai folk theater), 8×8 (physical theater), Crescent Moon Theater (physical and experimental theater), Naked Masks Network (youth theater), Flower of Love Entertainment (gay performance), Babymime (pantomime), Moradokmai troupe (modern theater by youth), Monta Performing Arts (marionette and youth theater), and Pichet Klunchun, which is currently the most internationally active in contemporary dance. The 2007 lineup drew the attention of many people who crowded the

Banglampoo area during the festival. Apparently, the festival had succeeded in becoming a joint venue for both traditional and experimental performances.

The Bangkok Fringe Festival

In Bangkok there is another key festival for contemporary dance and theater. Called the Bangkok Fringe Festival (BFF), it is hosted by the Patravadi Theater, one of the most important contemporary theater companies in Thailand. Its owner, Ms. Patravadi Mejudhon, is a dynamic stage performer, scriptwriter and theater director-producer who has been a pioneering force in the local arts scene for more than three decades. In 1992, Patravadi founded the Patravadi Theater, an independent theater which became a famous venue for staging a variety of productions, ranging from classical to contemporary styles. A self-funding institution, the Patravadi Theater is not only a theater but is also Bangkok's only open-air playhouse consisting of a black box studio, a lodge, a gallery, a café, and a restaurant where a stage show is mounted every weekend. The Theater also gives performance lessons to both professionals and amateurs. Many foreign artists have performed in the playhouse, thereby making it a venue for networking with international performers as well as Thai performers.

The 1st Bangkok Fringe Festival in 1999 successfully brought many first-time visitors to the theater. It showcased both classical and contemporary works of distinctive quality by many Thai theater groups and overseas guest companies and artists.[10] Since its inception, BFF has been hailed by the local and foreign media as a significant center for the performing arts in Thailand. It is a unique platform for local, regional, and overseas artists to present and exchange expressions in traditional and experimental dance theater, effectively promoting cultural appreciation and public education.

BFF aims to present cross-media and multi-disciplinary creations embracing diverse genres, including stage plays, mime, dance, music, film and the visual arts. Its philosophy is to create an exciting and relevant language inspired by artistic fusion and cultural hybridism.

During the festival's eighth year which lasted five weeks (from January to February 2008), over 20 performances, 3 exhibitions/installations, various short films and workshops were presented by artists

from 16 different parts of the world: Austria, Greece, Germany, Hatia, Hong Kong, India, Indonesia, Japan, Macau, Malaysia, the Netherlands, Norway, South Korea, Taiwan, Thailand, and the US. The scale of the program is mainly determined by the participating artists' own initiatives and by the support of various cultural agencies. Hand in hand with Patravadi Theater, all the festival's partners have worked together to help create a unique space for the performing arts, for artists and art lovers, not only in Bangkok, but also in the international art community.

In 2008 there were many genres of contemporary performance exhibited: acrobatics, dance, multimedia performance, physical theater, improvisational music and dance, site-specific dance, Thai musical, dance theater, Butoh, live music, and puppetry. The Thai participants consisted of the Patravadi Theater Company, the SEMA marionette group, and the Lifework Dance Company. All three companies are very active in contemporary Thai performance. The Patravadi Theater Company has a unique style of performance known as the 'Thai musical', which was inspired by 'Sangthong', a Thai literary classic. As a contemporary approach to the traditional Thai musical, it is a mixture of Thai traditional performance and other forms. The SEMA marionette group, on the other hand, is another independent group, which is fast gaining attention. Its work which consists of a variety of marionette characters is inspired by both Thai classic literature and contemporary society. The Lifework Dance Company directed by Pichet Klunchun gave the most avant-garde and conceptual performance on stage. Pichet, who was trained in Thai classical dance, has successfully created his own unique method of body movement through the development of Thai classical dance movements and philosophies. He is a highly regarded contemporary dancer/choreographer both internationally and nationally.

Several other collaborative works with Thai and foreign artists were presented in the same festival. These included acrobatic and multimedia works by the Thai acrobat (Rajakara Kaewdee) and a circus company director from Canada; physical theater by the artistic-director of B Floor, a theater company famous for physical theater in Thailand (Teerawat Mulvilai) in cooperation with a theater company from South Korea, and dance and multimedia work by a modern Thai dancer (Puttiluk Sonklib) who performed with a Hatian dancer. The festival provided attendees with the opportunity to witness overseas artists working alongside Thai artists.

Comparing BTF and BFF, I found that Thai participants in BFF have a tendency to be more concerned with Thai tradition than participants in BTF. In BFF, almost all Thai participants are committed to the Thai tradition. They seem to have an interest in various Thai dance elements and are challenged to create works developing out of these elements such as body movements, philosophies, literature, and culture.

Both festivals, BTF and BFF, serve as venues for performers to construct a stronger and broader network as well as to exhibit their own creations. In BFF, the Asian network was much stronger than the western one. Still, the network extends outward and is open to visiting other locations, including those abroad, for various occasions and purposes. Performers as well as festival producers visited this festival in order to support each other.

Both the BTF and the BFF offer space for artistic creation as well as for networking opportunities among artists. Though the festivals' artists and producers put in much effort to raise the visibility of theater, however, low turnouts during performances prevail. In the case of BTF, as the performances were open to the public free of charge and as the stage itself was located in a public park, the Festival succeeded in drawing a large audience. However, it appeared that the audience mainly consisted of the so-called 'intellectuals' or those from academia. It did not appear to appeal to the masses. In order to develop and support new art works, connecting artists to one another should not be the sole focus of these festivals. Also important is for them to connect artists to audiences.

3. Community Arts

In Thailand, 'community arts' is a very new trend. When people speak of 'community arts', they are referring to the art activity which non-governmental theater companies support and work at in collaboration with community members. The Makhampom Foundation is the most active Thai theater company in this field. The following description of the Makhampom foundation tells of the latest developments in contemporary performance in Thailand.

The Makhampom Foundation

The Makhampom, originally formed as a theater group in 1981, became a non-profit foundation (2004) that used theater as a tool for communities to be able to address social and cultural issues. It uses a knowledge-based, participatory approach in working with communities and in training non-governmental organizations and community-based organizations. In short Makhampom's programs can be categorized into four: performance, the community theater program, the education theater program, and the international program. These programs consist of over 60 staff and volunteers. Makhampom is based in Bangkok and in the Chiang Mai province.

In 2007 'the Makhampom Living Theater' was set up at the edge of Chiang Dao town, Chiang Mai province. Chiang Dao is a small town 75km north of Chiang Mai, home to many hill-tribe groups and farming communities. The Makhampom Living Theater was built in the middle of rice fields and consisted of housing for the staff, a theater, a guesthouse, a kitchen, and the grounds (organic rice fields, vegetable gardens, a children's playground and a sculpture garden). Here programs are put up mostly for the local community and two hill-tribe communities, while work with schools to develop a creative learning program curriculum is simultaneously taking place. It is the center for international study tour programs as well. In fact, from June to July 2008, I joined one such study tour program for over two weeks hosted by the Makhampom Living Theater.

Community Arts and the Inter-Cultural Exchange Program

Photo 3: Performance 'Village Dreaming' by study tour group staged at village

Makhampom's study tours are designed for students and practitioners interested in theater and community development. They provide a hands-on introduction to Makhampom's approach within the context of the community in northern Thailand. The tour also provides a comprehensive study of Makhampom's process of theater for community cultural development through a mix of workshops, discussions, performance making, research, participant observation, and cultural immersion within the context of the Chiang Dao community. It consists of three main programs, namely, the facilitator training program, community interaction, and the inter-cultural performance program.

The participants of the study tour in 2008 were Australian university students majoring in theater (myself excluded). Therefore, the tour was conducted in English and Makhampom staff members spoke to participants in English throughout the workshops and in regular daily conversations. When the participants found themselves in the local/ hill-tribe community, however, they were immersed in the local lifestyle, which was quite different.

What was interesting about this program was that we, as participants, interacted with the local people in a process of theater devising. The participants were expected to meet the local people and stay close to them in order to learn more about their lives and the issues they face. Productions varied depending on the study tour group and its participants. In the case of the 2008 tour, when devising a performance, the participants worked to bring together everything they encountered (see photo 3).

The students did not just copy local performances; rather, they worked on interpreting the local lifestyle and created new movements out of the local villagers' daily movements. They also worked on incorporating into their production issues that the villagers faced, such as challenges attendant to tourism. While doing this, the participants rediscovered their own culture and incorporated the Australian aboriginal story into their production. Doing so had a good (positive?) effect on the production entitled "Village Dreaming",[11] in that it served as a bridge between two worlds—tourist participants and the local villagers. Through this interaction, the participants came up with an art production that they performed in the village—their way of giving back to the villagers.

The tour participants were involved in some form of

community arts, a feature unique to Makhampom. Makhampom staff members always provided opportunities for participants to debrief after each and every new experience. These opportunities were essential to the development of new performances as they allowed participants to process their experiences thoroughly and, from there, to conceptualize a new cultural mix. At the same time, through this program Makahampom connected local villagers to people outside their community, while through performance, Makhampom offered locals the chance to rediscover and access their local wisdom so as to help them overcome the challenges they faced in daily village life. The Makhampom experience is not merely a blending of eastern and western cultures. Rather, it is a venue that provides opportunities for sincere, thoughtful, inter-cultural exchanges and understanding.

The Makhampom Living Theater has already made significant contributions to the Chiang Dao society through such community arts activities. It has been promoting a sustaining vision of community arts and has been incorporating the youth in the various activities. Through performance young people develop stronger networks within the community in their search, for a way to describe their own community's local wisdom. In this way, Makhampom supports the research of local community members on their own culture, history, and local wisdom. After such research, Makhampom leads the community in reassessing its own culture by itself and does this through performance media.

The international tour participants work closely with the community members in developing such a performance. By way of Makhampom, both overseas visitors and local community members can engage in the dynamic process of experimental performance creation. This undertaking can be considered one of the newest forms of the contemporary performing arts in Thailand.

Conclusion

When we think of contemporary performance arts in the narrow sense, we recognize that there are quite a few practitioners in this field in Thailand. But if we move slightly outside this viewpoint and work to see what is happening in contemporary Thai society, we discover not only the latest trends, but also the social dynamics and its relation to the arts and vice versa.

In this paper I discussed the present circumstances of the contemporary performing arts in Thailand as a central point in the way Thai society is dealing with tradition. In Thailand, both the traditional and the contemporary are found on opposite sides, simultaneously co-existing in various ways: tradition revival, the reinterpretation of classic performances, new creations made by Thai traditional/ cultural elements, new findings on local wisdom, and the emergence of the community arts movement. Most practitioners of contemporary performance in Thailand have roots in Thai traditional performance and strive to create new productions out of this traditional context. To such practitioners, contemporary performance is understood and practiced as performance, which exists in this moment, in the contemporary age. Due to the enormous effort and work of such performers, creators, educators, and other practitioners active in this field, Thai traditional performance is reinterpreted and modified to create a new form of performance that bridges art and contemporary society. The emergence of contemporary performance regenerates Thai traditional performance in a manner that appeals to people in a different way, in a manner relevant to the individuals and groups of people living in contemporary Thai society.

NOTES

[1] The Asian Dance Conference was launched by the International Dance Committee of the International Theater Institute (ITI/UNESCO) in 2003. Since then it has biannually organized three conferences in Japan. During each event, choreographers, dancers, critics, and scholars, who are active in Asian countries, have been invited to Japan in order to exchange and share information.

[2] Here I will describe the current situation of the performing arts in contemporary Thailand from three different points of view. I will discuss two sections at a time together: dance/ theater festivals and individual artists and groups.

[3] After graduation from the advanced courses, the students can move on to third year in the other university in order to get a bachelor's degree. The year 2008 marked a transition period for the College of Dramatic Arts. The Bunditpatanasilpa Institute was newly established as the highest institute whose organization was separate from the College of Dramatic Arts. In the academic year of 2008, the advanced course was abolished.

[4] As with the curriculum for the western dance major (ballet), the training system of RAD (the Royal Academy of Dance in the UK) is being followed. The students in the college take the examination under RAD every year.

[5] The College of Dramatic Arts is facing financial problems. The course on western ballet and music which it manages is encountering more budget difficulties than the Thai traditional course.

[6] In general 'Thai dance' is recognized to have two categories: Thai classical dance and folk dance. The former indicates the dance repertoires from the more sophisticated Thai classical dance-drama under the patronage of royalty and the aristocracy in the central part of Thailand. The latter refers to the rest of the dance repertoires developed in the regions other than the central part.

[7] They said that they cannot initiate any changes on some Thai classical dance repertoires which are recognized as sacred dance repertories for Thai dancers. Except for these repertoires, however, the students were free to come up with their own creations.

[8] The curriculum in this Institute mostly follows the one in the Department of Dramatic Arts, Faculty of Fine and Applied Arts in Chulalongkorn University. At the university level in Thailand, it is the first department that offers training on dramatic arts in both the Thai and western traditions.

[9] This area is one of the most famous tourist spots in Bangkok so that many foreign audiences were able to watch the festival for free.

[10] For the first time, BFF was a very local performance event. In 2002 the Bangkok Theater Festival was a festival for local artists. But later, the Patravadi Theater began to accept more overseas guest performers to the festival so that the BFF grew to be a more international event.

[11] "Village Dreaming" is the story of a girl who grew up in the village. In her dream, she met a spirit who took her on a journey during which she encountered various kinds of problem. Eventually, she found solutions to them.

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Nusantara in the Twenty-First Century and Beyond: *Pantun* as a Form of Cultural Identity

Ding Choo Ming

Introduction and Objectives

A region is a geographical term, though it is often used in various ways for different purposes. It can be defined by physical, human, economic and political characteristics. As a way of describing spatial areas, the concept of region is widely used to describe areas in regional terms. For example, the European Union, the Association of Southeast Asian Nations, and NATO are called regions, as well as other informally defined regions such as the Third World, Western Europe, the Muslim World and the Middle East, which are all regions in the general sense of being bounded-spatial units. These regions refer to units of individual countries grouped together for political, economic, military and other purposes.

The term "region" has also been used formally in reference to a supra-national entity which leads to the term "Nusantara," used in this paper to refer to Singapore, Malaysia, Brunei and Indonesia. Nusantara is not a political and administrative unit but a cultural and historical reference that is essential for a regional identity and a sense of belonging. The immense Nusantara or Malaysia-Indonesia-Singapore-Brunei region was once a united entity, especially from a cultural perspective. Before European colonial powers divided this area into different political and administrative units in 1824, the inhabitants enjoyed a freedom of movement throughout this region. As a result, there exists a continuum of culture among the local peoples in the region.

As regional peace, unity and development are becoming all the more relevant and important as we move forward into the borderless world propelled by migration, technology and multi-layered citizenship, we aim to be more united, putting aside divisive notions of race, politics or religion. Sectarian interests and exclusive ethnic, religious, and political interests are all considered unrealistic in a globalized world. However, proposals to strengthen regional unity are still treated with suspicion. The root of the problem is sectarian interests which are often used as the basis for the politics of communitarian interests, which is a potential time-bomb (Farish A Noor 2005). Cultural diversity is not a threat to regional unity but a challenge to build a powerful and united region.

In multicultural, multi-religious and multi-racial societies, the rise of a politics of exclusive and confrontational religiosity would destroy the very democratic culture we are trying to promote and defend. We cannot allow our social fabric to be torn apart by centrifugal forces bent on emphasizing differences. We have to stress the commonalities among us. The way forward is to persuade the members of the region to unite. Living in an era that encourages the promotion of a hybrid form of collective action (Kalra et al. 2005, 4), we have to think big, to think in terms of the region, instead of being parochial.

A regional cultural identity, which involves group membership and a sense of belonging, is a complex issue in Nusantara, which has a population of 350 million people. A search for regional identity was declared ever since ASEAN was established in 1968, but no attempt has thus far managed to describe and identify it in a sufficiently acceptable manner. This is partly due to a lack of comprehensive analyses of any local cultural heritage done from a purely local perspective, which is the key to tying together most, if not all, of the different ethnic groups in Nusantara.

It is a fact that Nusantara has for a long time been one of the great laboratories of human civilizations. It is here that the great civilizations of Asia such as India and China mingled with each other and within their diverse local cultures and transformed themselves in the process. It is also here that the world-transforming-forces of colonialism, capitalism, communism, nationalism, pluralism, trade, and ethnic diversity were themselves transformed and indigenized in the process. As a result, the present social structure and ethnic composition in Nusantara are witnesses to migration, diaspora and culture contacts are the very elements from which Nusantara's regional identity is constructed. The failure to unite Nusantara ethnically or religiously, which has been proven time and again, serves to remind us that the attempts to unite Nusantara must lie elsewhere. The enormous

sociological experience of Nusantara taking place in managing its very multicultural challenges and diversity and unity is the basis of the regional cultural identity researched in this project. Our search for a regional identity, an extension of national multiculturalism, must be based on a permanent coexistence of different ethnic groups and their cultures, heightened through common heritage, our common experience and memory. A regional cultural identity must be based on a cultural continuum of the people. This is where the role of the *pantun* (a Malay poetic form) comes in as a cultural identifier in Nusantara.

The present uniqueness of Nusantara stems from its cultural continuum and common past that links the different ethnic groups together. The diverse peoples' sense of unity emerging out of common history, heritage and culture is the essence of the regional identity. That sense of regional unity was promoted in 1967 when a regional pact was established between Indonesia, Malaysia, the Philippines, Singapore and Thailand known as ASEAN (the Association of Southeast Asian Nations). This paper promotes the idea that unity can be nourished and strengthened from a cultural perspective that is free from political and economic interests. It will attempt to answer two relevant questions. First, can the *pantun*, which is so rich, so dynamic, so durable and so unique, be accepted to play the role of regional cultural identity with endless lessons on inspirations? Second, can the traditional roles of the *pantun* be expanded to take on the role of a new symbol of different ethnic groups in Nusantara? These questions encourage a wider perspective of regional grouping which leads to the possibility of a multi-layered citizenship that recognizes the importance of ethnic interdependence in regional cultural identity. The point is there is unity in diversity, which is the purpose of aphorisms such as *Bersatu Bertambah Maju* in Malaysia and *Bhinneka Tunggal Ika* in Indonesia.

Methodology

Many factors are involved in developing regional identity. Aside from biological differences, the social divides which include race, ethnicity, and ancestry are further complicated by class consciousness. Social consciousness, which is partly determined by culture and history, is also dictated by the social system. In our social context, the latter is more pragmatic than the former. The primary factor that determines the social

divide is ultimately the cultural factor. The issue of cultural identity in this region would be made more complex and obscure if we were to attempt to answer the questions "Where do you come from?" and "Where do you belong?" This is due to migration and intermarriage, such as those between Javanese, Sundanese, Bugisnese, Banjarese, Toba-Batak, Minangkabau, Achehnese, Sasak and Malays. The great mix of ethnicity and race renders the questions about origins and homeland redundant. Only the political divide differentiates people, such as the differences between the Malays of Malaysia and those of Singapore, which is linked to citizenship. However, they are unanimously united through their Malay language, the *lingua franca* and culture that is a Nusantara tradition. The versatility of culture that consists of education, marriage, contacts, interaction and many other means of socialization allows for changes and transformations in an open and democratic society. Since biculturalism or multiculturalism is a given in Nusantaran society, it is in the national interest to promote it as a way to foster better understanding between the peoples. The *pantun* as a symbol of cultural identity encapsulates this multiculturalism and allows a conceptualization of regional identity and the acceptance of the peoples in Nusantara. The objective of this research is to determine the spatial imaginaries and ideologies involved and reflected in the *pantun*, which could only be done through interviews with selected informants.

In the field work, made possible by a research grant from Asian Public Intellectuals Fellowship (API) under the Nippon Foundation and a three-month research leave (from 15 August to 14 November 2007) granted by the Institute of Malay World and Civilization (ATMA) from the Institut Alam dan Tamadun Melayu, Universiti Kebangsaan Malaysia (UKM), I solicited opinions from a wide range of informants that included public intellectuals, cultural activists and professional *pemantun* in Solo, Pontianak, Makassar and the surrounding areas as mentioned earlier. My reason for selecting Makassar, Surakarta and Pontianak as my research stations was because of the presence of an abundance of material from libraries, museums, and other cultural institutions from which I could procure my main sources of information, which were the *pantun* books. Together with local guides and informants in these areas I expected to find a concentration of *pantun*-poets from different regions in these cosmopolitan cities. Due to time and budget constraints I adopted a field work methodology that consisted of interviews

with selected informants. Data were gathered through interviews and discussions, as well as conducting seminars in Universitas Hassanuddin in Makassar, Universitas Haleleo in Kendari, Universitas Sebelas Maret in Surakarta, Balai Kajian Bahasa Melayu in Jogjakarta, Universitas Indonesia in Depok, Pusat Bahasa in Jakarta, Universitas Tanjungpura and Istana Budaya in Pontianak. Lastly, I managed to record *pantun* recitations in Pulau Muna and Kendari in Sulawesi Tenggara, some *parikan* recitations in Solo and more Malay *pantun* recitations in Sambas, Sungai Punyit, and Mempawah in Kalimantan Barat.

I found interviewing and exchanging ideas without a fixed set of questions very challenging and rewarding because I had the liberty to either stay within or go out of the limits of my questions and make the necessary changes to suit the interest, expertise and sensitivity of the informants. This comparatively flexible method of research allowed me to begin my interviewing with broad questions and then narrow my focus as I progressed. I emphasized participation and exploration rather than prescription or prediction. In this way, through direct interaction, involving a certain degree of participant observation, both sides managed to get a better insight into the feeling and sensitivity of the other on the topic. Though this method has received much criticism, it nevertheless provides a systematic way of looking at events, collecting data and analyzing information. The data collection was organized through a repetitive process that was conducted from informant to informant in the selected zones. An in-depth understanding and a better interpretation of the feelings of the people on the topic was generated by combining the case studies over a period of three months to test my hypothesis, with an emphasis placed on exploration and description.

Context: Regional Togetherness in the *Pantun*

Culturally, the peoples in Nusantara are as diverse as its geophysical feature of being composed by thousands of islands. Tweddell and Kimball (1985, 263) describe it as a region of contrast and paradox. Thus, to ascertain the cultural identity of this region is challenging, if not impossible. Over the centuries, there have been changes in the cultural identities of most of the peoples in Nusantara that can be traced through the changes in names from those derived of animistic Hinduism to those inspired by Islam, including those influenced by colonial rule. Its implication is that a new identity is formed whenever a new cultural environment is established. Cultural identity is certainly not a simple matter of a name, birth or current location of residence. Preliminary research with limited data from a short period of field work, given the immense size of Nusantara with 350 million people living in 30,000 islands, speaking more than 1,000 languages and dialects, does not yield a cultural identity.

From the research, I noted how the people in Nusantara have altered their sense of identity and group membership by social phenomena such as migration, marriage, colonialism, Westernization and globalization. Many feel that they have to re-construct and re-define their sense of cultural identity in view of the fact that their sense of self has entered into dialogue with other different selves after they have moved from one country to the next and claimed loyalty to their adopted country. In terms of regional identity, they agreed that they must not think in terms of narrow communitarian politics, but as an entire region. This is commendable for us to forge a sense of commonality given the ethnic and religious differences of the population in Nusantara. This search for social glue and cohesion must be based on collective and shared values as well as regional ethos that must be drawn from within the local culture.

Despite the fact that Nusantara has never been effectively administered from one central authority, our review of its cultural continuum shows that the peoples of the region cannot be viewed in isolation. Their links of common historical and cultural experiences are often found in profound cultural commonalities that persist through time, political boundaries and linguistic ethnic diversity. Among the common cultural heritage that drew the people together is the long tradition of the *pantun*, which is called by different names in different languages. In Manado there is the *pantung*, in Kerinci the *panton*, *ende-ende* or *umpasa* in Tobak-Batak, *parikan* in Java, *sisindiran* in Sunda, *kalang* in Bajau, *wewangsalan* in Bali, *pamiula* in Iranun, *sudawil* in Kadazandusuun, *badendang kapata* in Maluku, *kalindaqdaq* in Mandar, *ungut-ungut* in Padangsidimpuan, *sengo-sengo* in Pitu Ulunna Salu, and *nyuriah* in Selum. Nevertheless, they are all forms of *pantun* to the Malays in Malaysia, Brunei, Singapore, Indonesia, the Philippines and Pattani. In addition, we came across the name of *pantan* in Jawai and *sambas* in Kalimantan Barat (Sri Wahyuningsih 2007). Both Muhammad Haji Salleh (2006, 3-4) and Bazrul Bahaman have jointly collected them from 39 dialects of the Malay language and 25

non-Malay languages in Malaysia, Brunei, Singapore and Indonesia. These varieties of *pantun* can be likened to the branches of a growing tree of literature which has not only stood for centuries in Nusantara, but has also been constantly producing beautiful flowers that have flown far and wide. No other literary form enjoys the versatility, power and cultural allusion better than the *pantu* with its philosophy and animating principle that can weave all the different ethnic groups together.

The *pantun* is a form of indigenous folk poetry in Nusantara. Despite its age, the *pantun* is still popular among the people and is recited according to the a-b-a-b rhythm. There are couplets, quatrains, sestets, octtava rima and interlocking *pantun*(s). Since rhythm is the paramount feature of the *pantun*, every line contains between eight and twelve syllables. With limited linguistic styles, a *pantun*-poet can crystallize the imagery and impart wisdom creatively through simple essential rhymes and words that are transformed through a clever arrangement of words. Thus, in a quatrain *pantun*, which is the most common form of the *pantun*, a poet is able to convey his ideas and values in just 16 words that are divided into four lines. A skilled *pantun*-poet can convey a complex idea that is belied by the simple rhythm and words used. (See examples in the Appendix.)

Being indigenous to Nusantara, the *pantun* is evidence of its ancient cultural roots all over the region. Developed also as a celebration of joys and triumphs and as a medium for expressing and highlighting individual and community ideas and ideals, it is constantly recreated by the peoples in *majlis berbalas pantun*, weddings, circumcisions, opening and closing ceremonies, and auspicious occasions. It is here that the cultural identity of the people and their sense of belonging has been forged, renewed and strengthened since time immemorial. These celebrations serve not only as forms of a cultural anchor, but also as a sign of rootedness, continuity and identity which helps to define and redefine Nusantara's cultural characteristics and identity as a group. In other words, far more than mere entertainment, the *pantun* has played an important role in reaffirming and reinforcing a sense of belonging and identity among people of diverse languages and culture. Despite being called by different names, the many varieties of *pantun* have connections to one another as can be seen in the examples in the appendix. The variety of *pantun*, which reflects the diversity of languages and cultures among the people of Nusantara, can thus be seen as a continuum of culture from one end of Nusantara to the other.

In the survey, we note that these varieties of *pantun* have been woven seamlessly into the daily lives of the people whose living is eked out in the sea, by the rivers, and in the paddy fields, the valleys and the fertile plains as well as urban areas and cities. As part of the folk culture, the local people throughout the length and width of Nusantara have made use of these *pantuns* as accompanying rhymes sung to make the monotony of work bearable as well as to grace important occasions, functions and celebrations. It can now be made into a cultural icon that embodies the philosophy, values, culture, wisdom and imagination of the peoples of Nusantara. The popularity of the *pantun* is reflected in its integration with other forms of the performing arts such as *bangsawan, boria, dikir barat* and *dondang sayang*. Aside from its popularity with the local ethnic people, the *pantun* has a preeminent position among the folk arts because the "non-indigenous" ethnic groups in Nusantara have also adopted it as part of their culture. This includes the *Baba* and *Nyonya*, descendants of the Chinese (Ding 2008), the *Chetti* who are descendants of Hindus and Muslims, and the offspring of Eurasians of mixed local and Portuguese descent in Melaka (see Appendix).

This indicates the *pantun*'s versatility and vitality in a multicultural backdrop that is more appealing and pervasive than other forms of performing arts, visual arts, clothing or cuisine. After studying them, Daillie (1988, 3-6) praised the *pantun* not only as one of the finest, cleverest, most effective and touching poetical forms in the literature of the world, but also said that the *pantun* is often perceived as an epitome of life and a universe in a grain of sand. It reflects all the elements of a man's life, in particular a man of Malay descent. Various customs and traditions, wisdom, beliefs, feelings and all manners of love are captured in the most linguistically economical manner. Most importantly, the *pantun* has no cultural boundaries as it belongs to everyone who is able to identify with the simplest words that are used in the creation of *pantun*. The ingenuity of the *pantun* is also demonstrated in its ability to move across culture, race, age and language. In this sense, the *pantun* meets the criteria for a cultural icon.

The *pantun* is a suitable form of cultural identity for Nusantara because of its deep and abiding community-renewing effects, demonstrated by the various *majlis*

berpantun or celebrations that are frequently held in villages and towns. It is through these *majlis* that all the people in the community, whether Malays, Javanese, Achehnese, Bataks or Bugis all over Nusantara renew their sense of belonging to a community and an identity. To a great extent, the success of these *majlis* is a measure of community interaction, community spirit, and the social and inter-personal sharing of the people. In short, the regular *majlis berpantun* in *kampong* and cities are important in bringing along a heightened sense of community life. People in Nusantara, especially urbanites, are known to time their yearly sojourn back to their hometown or *balik kampong* to coincide with the celebrations of *majlis kahwin* and *berkorban* (sacrifices) where a session of *pantun* is mandatory. These *majlis* allow them to feel a connection to other people that has been eroded by living in the busy cities. In other words, the *majlis kahwin* (marriage celebration) and other festive seasons are graced by *pantun* to provide them with a special sense of belonging, an attachment that is committed to memory, thus forming a borderless identity.

The majority of the informants also concurred with the choice of the *pantun* as the most appropriate literary form to reflect the regional cultural identity. They argued that the communal activities of *pantun* can be extended to trigger new desires, new social groupings and new spatial and temporal belongings that influence the ways ethical decisions are made, as well as alter our perceptions of our identity and mediate relationships between one another.

Conclusion and Implications

As we make our way towards an uncertain future, characterized by the ever shifting cultural, social and political frontiers, many elders and active cultural activists cannot help but lament the loss of the old certainties of the past. Popular culture has also rendered our ties to the past increasingly fragile, especially among the young who know less and less about the past. Most of them are educated and trained for ways of life alien to their home towns and are more attracted to the Western popular culture propagated through mass media, particularly television. They are alienated from their roots. With a few friends to keep them company in times of loneliness in the vast cities, they are inevitably more attracted to popular culture from the West. Can the occasional *majlis berpantun* during weddings, for instance, in the villages make

them interested in the *pantun*, one of the common prized childhood memories they have in the *kampong*? Can their homecoming for weddings and other festive occasions renew the lost times and revive their sense of shared community joys in the act of *berpantun* in the villages? The answer is "yes" and "no" depending on the attitudes of the individuals.

To many of them the occasional *berpantun* cannot compare to the attractions of popular Western culture or industrial modernization. This rejection of the past not only comes as we surge towards the future and learn new codes and rules of dealing with the challenges that lie ahead, but also that many of our cultural heritages are in danger of being squeezed out of the memories of the young with the modern pace of life, popular culture, consumerism, and globalization which bring about the homogenization of the world (Farish Noor 2003, 140). Nevertheless, there is a glimpse of hope as the *pantun* cherished by elders have attracted the attention of the young. The traditional arts may be ignored in the urban areas, as is most evident in the developing countries all over the world, but not with the *pantun*, which is still used to grace important functions. Although the Western-educated elites may regard native arts as folk relics in a fading culture fit for museum collections and as objects of curiosity for local and foreign tourists, the *pantun*, which always find a keen audience everywhere in Nusantara, is still very much alive.

Beguiled by the charms of *pantun*, we have faith in its power in re-unifying Nusantara culturally. The *pantun* has proven that it can transcend time, place and people. Thus far, there are 50,000 of them in different languages that can be accessed through a special database named *Sejuta Pantun* in ATMA's portal http://www. Malaycivilization.com. The research also hopes to find ways to help the young appreciate the beauty of *pantun* and encourage them to be proud of the *pantun* rather than popular culture. These developments would have profound consequence on the future development of *pantun*. This step should be taken to avoid the erosion of cultural awareness among the community that will eventually surrender to another dominant culture, a fear expressed by Crystal (2000, 76-77).

Famed for its cultural diversity and complexity, the choice of *pantun* as a symbol of cultural identity is based on the following factors: firstly, besides being indigenous, the *pantun* is also aesthetically pleasing, popular, durable, distinctive, easily memorable and

functional; secondly, regional identity cannot be based on ethnicity, politics, or religion, which are sensitive, divisive, unstable and self-defeating in pluralistic societies, since regional identity is about belonging to a bigger grouping; thirdly, the interconnectedness of peoples in Nusantara demands that this regional grouping must provide a space for each and every one of the groups; fourthly, the survival of each group is paramount in a bigger regional space while creating a collective identity in pursuit of a regional destiny. A supranational identity in a globalized world facilitates easy travel and sometimes provides economic benefits as demonstrated by the countries in the European Union. We also want to move forward with dignity and do not want to retreat back into any form of parochialism (Farish A Noor 2002, 296).

Appendix 1: Pantun in different languages from different regions and some with peculiar names

1. *Parikan (Jawa)*

Kacu biru kabur kanginan	*Sapu tangan biru bertiup angin*
Kabur ngulon kecemplung kalen	*Tertiup angin ke barat jatuh di selokan*
Bojo ayu dadi fikiran	*Isteri cantik jadi pikiran*
Yen lekaon ja nggoa dolanan	*Jika terlaksana jangan untuk main-main*
Suwe ora jamu	*Lama tidak berubat*
Jamu pisan godhong tela	*Sekali berubat daun pepaya*
Suwe ora ketemu	*Lama tidak berjumpa*
Ketemu pisan aja gela	*Telah berjumpa jangan kecewa*
Wis suwe ora jamu	*Sudah lama tidak berubat*
Jamu gohong meniran	*Berubat daun meniran*
Suwe ora ketemu	*Lama tidak berjumpa*
Ketemu pisan dadi pikiran	*Sekali berjumpa jadi fikiran*

2. *Pantun Minangkabau*

Bibangunlah pondok dua tigo	*Dibangun pondok dua tiga*
Rimbo menjadi sebuah taratak	*Rimba menjadi sebuah teratak*
Martabat partamo di ruang kayo	*Martabat pertama pada orang kaya*
Sakli-kali usahlah tamak	*Sekali-kali usahlah tamak*
Pambantu panghulu manti namonyo	*Pembantu penghulu manti namanya*
Pegawai dublalang sarato malin	*Pegawai hulubalang serta malin*
Martabat ka ampek di urang kayo	*Mertabat keempat orang kaya*
Pamurah kapado urang misikin	*Pemurah kepada orang miskin*
Malanguah jawi balang pantuang	*Melenguh jawi belang puntung*
Malanguah marauang panjang	*Melenguh meraung panjang*
Daripado duduak bamenuang	*Daripada duduk bermenung*
Eloklah kito cubo baladang	*Baiklah kita cuba berladang*

3. *Pantun Ambon*

Kalapa apa tinggi bagini	*Rubu rubu ka saparua*
Sarangku jato sitalamburang	*Jangang rubu siri tanamang*
Susa apa macam bagini	*Satu kubur kat orang dua*
Dudu di parite manyasal pulang	*Abang di kiri beta di kanang*
Pukul manyapu kampung merella	*Pukul sagu di tana rata*
Tanah hitu punya maenang	*Buang ela di alor miring*
Baku sepupu atau pela	*Rindu itu deng ingat bapa*
Jaga mulu ingat orang	*Air mata jato di piring*

4. *Pantun Kerinci*

Kamai rambo muo radeik mandai	*Kami mahu membawa adik mandi*
Kamai takauk duhi singkuang	*Kami takut duri singkuang*
Kamai rambo muo radeik jadoi	*Kami mahu membawa adi jadi*
Kamai takauk radeik turang uhang	*Kami takut adik tunang orang*

Jangeang disengko kamai manjak pinang	*Jangan disangka kami memanjat pinang*
Sengkolah kamai manjak batang upeih	*Sangkalah kami memanjat batang upih*
Jangeang disengko kamai tunang uhang	*Jangan disangka kami tunang orang*
Sengkolah kamai bureung ngan lah ipeh	*Sangkalah kami seperti burung lepas*
Kalau radeik alau Tanjoung Bateu	*Kalau adik pergi ke Tanjung Batu*
Kimak uhang dimunuc padoi	*Lihatlah orang menuai padi*
Kalau riyo katolah bagitu	*Kata memang kata begitu*
Maei kito dimumukak janjoi	*Marilah kita memikat janji*

5. *Pantun Muna*

Aekotomo oro popasa	*Saya memetik daun popasa*
Ateie welo kalangka	*Ku simpan dalam keranjang*
Nowolomo wulunno mata	*Kering sudah air mata*
Adhangka watu nelali mata	*Tapi si dia (laki-laki) mendahului saya*
Akalamo welokaruku	*Saya pergi ke dalam hutan*
Apoghawagho orato-rato	*Ku bertemu dengan rato-rato*
Kaniniku obehendo sintu	*Perhatianku sama kamu*
Lalomu keda nempodaimo	*Tapi hatimu berbalik arah*
Aetisamo okahitela	*Saya menanam jagung*
Tonotiumbu okadondo	*Yang tumbuh kedondong*
Oina koemo ntigho mosaba	*Mama jangan selalu susah*
Inodi ini akumalamo	*Saya ini akan pergi*

6. *Pantun Saluan*

Aittu sapi i hadapmo	*Sapi ditangkap jangan ditinggal*
Sapi akenet ponikaanmo	*Biar dipotong untuk pesta*
Tumat tina opalaimo	*Ayah ibu jangan ditinggal*
Boine mo'ane sumo aitumo	*Laki perempuan tentulah sama*
Kalu kopotil anu motu'u	*Kalau ada kepala kering*
Boli' openek potil numian	*Jangan dipanjat kepala orang*
Kalu anu mbada' totu'u	*Kalau suatu tidak benar*
Kolu gagau' mbaha kopitan	*Berbuat dusta jangan disebar*
Lengkat santoa momboa surat	*Membawa surat dari seberang*
Sonso' mongata boa'nya nusihat	*Singgah mengamblbuah silar*
Kala mo'osoa boli's mogaat	*Kalau kahwin cerai jangan sekarang*
Lengkat dunia toka akhirat	*Dunia akhirat biarlah sedar*

7. *Pantun Serawai (Bengkulu)*

Ala kclamq mandi di ulu	*Alangkah enak mandi di hulu*
Kami mandi di jangkaqh kagbit	*Kami mandi di akar karet*
Ala kclamaq nyadi guru	*Alangkah enak menjadi guru*
Kami nyadianaq murid	*Kami menjadi anak murid*
Terataq batang teriti	*Teratak batang teriti*
Batang temeghan berang sano	*Batang temaru sebarang sana*
Teragaq belum bereti	*Terpikir belum mengerti*
Belum keruan bataq kato	*Belum tahu membawa kata*
Ala koalap dabuaq itu	*Alangkah bagus bambu itu*
Ndaq ditebang rubus kajaq	*Hendak ditebang roboh ke air*
Alaka alap budaq itu	*Alangkah cantik anak itu*
Ndaq ditunang lagi kecjaq	*Hendak ditunang masih kecil*

8. *Umpasa/Ende-ende (Toba Batak)*

Dulang na so dulangon	*Pokok dulang yang tidak dipetik*
Dulang bajora di bonana	*Dulang bajora di pokoknya*
Hula-hula ndang jadi sumpaon	*Hula-hula tidak boleh disumpah*
Habiaranta sapatana	*Kutuknya harus kita takuti*

Ovuk do jambulan
Na nidandan bahen samara
Pasu-pasu ni hula-hula
Pitu sundut so ada mara

Rambut yang panjang
Indah didandan menjadi sanggul
Pahala berkat dari hula-hula
Tujuh generasi membawa keselamatan

Lambiak ni pinasa
Tinuhor sian onan
Molo jot jot marbada
Jumpangan hamagoan

Daging bauh nangka
Debeli di pekan
Jika sering berkelahi
Akan ketemu malapetaka

9. Pantun Lampung Pubiyan

Way lima Padasuka
Kedondong kubu batu
Kebabangkon di sama
Nyak tiaram jama niku

Way Lima Padasuka
Keondong gudang batu
Kuasuhkan kepada siapa
Saya rindu kepada kamu

Relam bingi mak pedam
Kak liyu pukul lima
Badan ji lansung ngiram
Kesepik niku di pa

Larut malam tidak tidur
Sudah lewat pukul lima
Diri ini sangat rindu
Kucari kamu entah di mana

Sanak sai mengan di way
Mejong di lambung batu
Menan nginumku lalai
Jak pisah jama niku

Anak satu makan di sungai
Lalu duduk di atas batu
Makan minumku jadi lalai
Sejak berpisah dengan kamu

10. Pantun Totoli, Sulawesi

I sadang ilaeng bona
Bobo poguru pononga
Dunia kode sandona
Akhirat tolotolona

Demi daun bona
Deka belajar dan bertanyalah
Dunia hanya pinjaman
Akhirat juga yang sesungguhnya

I sadang ilaeng malisa
Mou geiga tumadika
Baga lube pandita
Mai mangajari kita

Demi daun lombok
Biar bukan orang bangsawan
Asalkan pintar mengaji
Datanglah memberi pengajaran kepada kami

I sadang ilaeng tabako
Mau inako-inako
Jagai dalan dako
Dalan mopido lalako

Demi daun tembakau
Biar ke mana-mana
Ini jalan yang lurus
Jalan yang bagus dilalui

11. Pantun Aceh

Tajak ublang tajak pot campli
Pasoe lam guni ba u langsa
Nyum sang lon jeuh ie mon hayati
Laupie that atee ngon lon ngieng gata

Go to the field to pick chilies
Take them in a bag to Langsa
Intending to drink from the well of life
No wonder I was glad to find you

Koh on pisang tabalot payeh
Ranub seulaseh di dalam baling
Bak malam nyoe reungent that lopn eeh
Ke meuwoe gaseh loon ngon cutbang

Cakes are wrapped in banana leaves
Betelis kept in a jar
Tonight, I'm sure that sleep will come
For my lover has just arrived

Tka meususon bineh jih sukeleuet
Bantai meukasab dia teuh ketua
Gaya di gampong lon keubah bak beuet
Dilon adoe cut leupaih kebungka

Embroidered mats lie neatly in wait
Pillows are on the bed
My friends in the village, I leave you now
For now is the time to roam

12. Pantun Baba & Nyonya

Dari Linggi pergi ka hutan
Bakar rabun pangkal rumania
Sunggu pun tinggi harga intan
Besar rachun dalam dunia

Sapu tangan punca plakat
Ati ati dalam prau
Luka di tangan dapat diliat
Luka di hati siapa tau

Orang Serati pergi ke China   *Putus tali melambong wau*
Dari Kuala Kalo ke pekan   *Wau di lambong sbarang paya*
Kalau seperti bersunting bunga   *Putus hati pandang ka pulau*
Sudah layou orang champakkan   *Pulau tidak memanggong sahaya*

Dari Mintek ka batu hampar   *Tenggiri busok di tarok garam*
Saya tidak ke Jawa lagi   *Buat recha sayor lobak*
Bomi ditepok langit ditampar   *Brapa digosok brapa di siram*
Saya tidak perchaya lagi   *Jikalu kulit berdaki jugak*

13. *Pantun* from the descendents of Portuguese

Kafrinyu kiteng santadu   *Pasa na bordu maar*
Lanta pie bate-bate   *Ola nabiu kere nabiga*
Kafringyu kire anda kaju   *Vilu vilu nangkorsan mal*
Tira terban naji sake   *Nungku aca dijustisa*

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Searching in the Shade of a Flower: Changes in Learning Processes of Javanese Court Dance Yogyakarta Style

Naoko Uneme

"When speaking of flowers, in all their myriad varieties, it can be said that they will bloom at their appointed time during the four seasons; and because they always seem fresh and novel when they bloom at that appointed season, they are highly appreciated... Flower, charm and novelty: all three of these partake of the same essence. There is no flower that remains and whose petals do not scatter. And just because the petals scatter, then, when the flower blooms again, it will seem fresh and novel."

Fūshikaden, *On the Art of the Nō Drama, The Major Treatises of Zeami*
translated by J. Thomas Rimer and Yamazaki Masakazu, p.52.

Background And Significance

From 2000 to 2005, I studied Javanese Court Dance in Yogyakarta, Indonesia. During my training, I developed a particular curiosity about the process of learning and teaching this dance-form. This was in relation to the concepts in the teachings of arts in Japan. It began with my approach to translate "*Fūshikaden*"; the once secret book written in the 14th century by master of *Nō* drama, Zeami which expresses the method and principles of learning *Nō*, Japan's masked, lyric drama. More than merely an intellectual interest in just a collection of theories of an art, or detailed instructions; my greatest impression was the power of these old words to have modern relevance. In the book, the mode of communication between teacher and student is thoroughly established. With this translating work as a base reference I thought it possible to consider the study of other art forms in parallel or from various angles, in this case the Javanese court dance, Yogyakarta style.

I took the word "Flower", a central concept in Zeami's "*Fūshikaden*", for the title of this study as a metaphor of the nature of growth and development of a student of an art. Before we discuss the growth, the blooming and wilting of a player based on the concept of Zeami's "Flower"[1], we need to identify whether these or similar states are acknowledged in the customs of Yogyakarta court dance.

In fact, at the moment in Yogyakarta court dance, most of the dancers who are teachers have long since retired from the performing world, long before their prime, teaching only by instructing not by example. Also, the search for source material such as Zeami's "secret book", some tome or text passed on from teacher to selected students (not being the work of scholars but of practitioners) has proven fruitless. My question is "how the specific images or views which have not been written or formalized could be handed down from one generation to the next"? These particular concepts might be casually laid in the words which are breathed by chance when teachers tell stories to their students. Many of the people I interviewed mentioned the differences between the state of their practice experiences of the past and how it is today. But what, specifically, do they tend to value of the past, and how has the process of change occurred up until the present state of Yogyakarta court dance education?

A Brief History Of Yogyakarta Court Dance

The dancers and the teachers sometimes call their dance "*Joged Mataram*", meaning Dance of the Mataram Kingdom. Thus it seems they reconfirm the historical value of their dance. And they recognize that the origin of the dance is in the Mataram Kingdom, long before the Sultanate of Yogyakarta, in the era of the New Mataram Kingdom (1585-1755), or perhaps the model already existed in the Old Mataram Kingdom (800AD-1000AD).

In 1775, the New Mataram Kingdom was divided in two, the Susunate of Surakarta (under Pakubuwono III)[2], and the Sultanate of Yogyakarta (under Mangkubumi /Hamengkubuwono I) by the Giyanti Agreement with the Dutch Government who had occupied the land of Java since 1678[3]. Then, in 1757, Puro Mangkunegaran was built as an independent principality in Surakarta. And the final division of the royal house of Mataram occurred in 1813, by the establishment of the palace Puro Pakualaman as an independent principality within Yogyakarta[4]. So, there were four courts and thus four court dances which have existed in Java. Each of the four dance styles were

formulated and developed with direct mutual influence.

In the Yogyakarta Court, from the first Sultan until the present (Hamengkubuwono X/ HB X), all Sultans and their servants highly prized the arts for generations. The dance symbolized the Sultan himself, and it was dedicated as a *pusaka* (heirloom), while the dancers were identified as the power of the Court. This even touched the people's religious devotion, which considered dances as sacred (there are certain kinds of dances which have been kept in the state as *pusaka* or "state rituals"[5]).

Today, the Yogyakarta court dance is greatly accessible. In general, anyone so inclined can study the dance. There are a variety of places and occasions one can choose to study. From private dance organizations to groups and formal institutions, also private lessons, it is even taught to foreign students, locally and abroad. However, the court dance study came to this state since only ninety-years ago; to be accurate, in 1918 (during the era of Sultan Hamengkubuwono VII, the 7th ruler of Yogyakarta court). Prior to this, the dance was only performed and studied within the Royal Court. It was a privilege only for people of royal blood or people belonging to the court, such as *abdi Dalem*-s (court servants) and their children. A common practice in that period was for children to begin studying dance at age eleven[6].

The dance was first conveyed from inside to outside of the court by a new dance organization, Krida Beksa Wiromo (abbreviated as "KBW" below). It was established in 1918, due to the dissemination of the court performing arts (gamelan music and dances)[7] by the Nationalism Movement which started at the beginning of the 20th century, through appeals to two important figures of the court dance; Prince Suryodiningrat and Prince Tejakusuma. Then through their immediate successor, Prince Purbaya, it finally approved by Hamengkubuwono (HB) VII, their father. From that time, dance specialists went through the court wall to the general society. HB VII surrendered his place to Prince Purbaya, who ascended the throne as HB VIII, beginning the era which has been recognized as the "Golden Age" (1921-1939) in the history of Yogyakarta court dance. As he ascended the throne, HB VIII immediately began on the reformation and creation of new work[8], reinforcing the identity of Yogyakarta court dance. The styles of dances were reformed/reconstructed, then classified in detail. Large-scaled productions had been done

frequently in the era. Dance training was carried out every day inside the court to supply demand. The dancers taking part in main roles had started to be required to have high techniques and tough spirits, and they answered by working on training their bodies and minds.

The Changing Conditions Of The Dance Practices And The Systems Employed In Its Dissemination

There is a large-scale educational institution which was established in 1921, called Taman Siswa[9], in the central part of Yogyakarta City. This is the first general educational institution using the traditional arts (especially gamelan[10] music and dance) as part of their curriculums, and had been concerned in creating a system for their practice. The central figure in the establishment, Ki Hajar Dewantara (RM. Suwardi Surjadiningrat), emphasized traditional songs and gamelan music for teaching culture to children. His thought paralleled the teachers in KBW. The teachers of KBW entered this school in 1931 to teach the court dances[11]. The teachers both in KBW and Taman Siswa aimed for dance education for students from various backgrounds, which had great effect in a short time by a few teachers.[12]

When the dance activities were only done inside the court, the central teaching method was only by emulation, with no segmentation by year, and always accompanied by live gamelan music or the teacher's oral gamelan. The first change in their educational method was the introduction of counting systems (rhythm and tempo monitoring through numeric allotment) due to the need for efficient group learning. Another product of the systemizations was creating the *etude* for female dancers due to the increase of female participants learning the dance.[13] Though male students already had the etude *tayungan*[14], there was no preparatory training dance for the female students, whether senior or beginner, up to this point. What those teachers did was pick out the main movement motifs from representatives of Yogyakarta court female dances, called *bedhaya*[15], and structured them to fit with the rhythm of gamelan music. They named it *Sari Tunggal*[16] choreographed in 1928. Then, the teachers turned their attention to defining the rules of the dance, considering proper posture and positioning of torso and limb, and correct use of eye and gaze, in numerical terms, as illustrated in the book which was published in 1949[17].

In the 1940's, there were many places for the practice of Yogyakarta court dance, and especially dance organizations established since the 1950's, some of which still exist today. Even today's national institutions, such as SMK N1[18] (National High School for Performing Arts) and ISI[19] (National Arts Institute) existed as early as 1961 and 1963, and were established by the Indonesian government. The court dances, now being taught at formal general schools such as elementary schools or junior high schools required teachers to simplify the etude so that they could answer the demands of students with general interest to learn various dances in their limited study terms. For instance, the new version of *Sari Tungal*, women's etude, was developed in the 1970's, significantly shortened from the original version (40 minutes) to a more approachable 10 minutes, in order to maintain the intensity of the practices. Then various short solo dances began to be arranged and added to the repertoire of the court dance. Students started learning those new practice subjects which could be covered as the dance pieces of performance for tourists.[20]

The people I interviewed are current dance teachers and senior dancers (approximately 40 people), ranging in age from their early seventies (who are still active in teaching dance) to early thirties. So, this research has been mostly reflected by memories of the dance practice from the 1950's until 1990's. Most of those interviewed emphasized in detail the differences between the state and the situation of student's learning dance in the past and today.

They continually stressed their long terms of studying dance in their respective organizations. They had been practices one subject for a long time, especially etudes, both male and female. For male dancers, they had specific dance practice pieces (*tayungan*, mentioned above, for male students and *Sari Tunggal* for female students). They learned this for about a year on the sand beside the *pendopo* (stage). The next year, they went up on the stage and did the etude again for a year accompanied by live gamelan music. Then, in the next year, they went into the next etude. In the following year, they could reach during practice the battle scene from dance-drama. It took four years for them to be allowed to appear in the so called "dance pieces" for performance. It means the whole terms of their study in each dance organization took approximately four years. And even this length was dependent on the student's ability, not on how many terms they had

already studied. If a student was not good enough yet, it meant [s]he was not allowed to go up to the next stage[21].

The changes had come after they adopted the semester system of dance education. For instance, the dance courses at a dance organization called Yayasan Siswa Among Beksa (YSAB) were four years to complete, yet take only two years since this semester system started in 1981. At the end of every term they carry out examinations. Normally no students fail the examination.

Customs In Their Learning Process

These above cases trace some of the system-shifts in their education. However, the real meaning of what they say "different" is not only about the changes on the systems, but to more individual matters. For instance, there is one thing which teachers point out that the young generation would not let themselves do, because of the time and trouble or validity in this era, they call it "*wejedan*" in Javanese (*wedjedan* in old spelling). It is the intensive private or semi-private lessons to learn specific techniques for improving their dance, and the word itself does not seem to be used in common daily life. Most of the teachers (especially male) had this experience. In general, they recognized the meaning as "forming" (or shaping) to find the substance and aesthetic, from the view of both the physical and the spiritual aspect. According to a dance teacher who had learned the dance intensely in the late 1970s to 1980s, Bambang Pudjaswara, there is "*wejek*" or "*wejak*", meaning "wring" or "squeeze" in English, which seems closest expression to the "*wejedan*". Also he indicated that if one wanted to study dance, one looked for the expert of certain roles or techniques first. Teachers themselves would direct the student to the expert for particular roles to make them ask. For instance, about the proper technique for a certain character, or how to train for speech, and he would learn the art concerning that role, including substantial practice. Or, if he needs to improve his skill for a dance performance, he went to a person who has mastered instruction of it. Students go to one of the teachers by visiting his house[22] or wherever he may be. That is what they call *meguru*[23], to search the way to learn a certain subject in detail and find the proper teacher to learn it from. It fully enveloped in the actual practice with a specific teacher. It might take several months[24]. Through this process, the student builds up his or her

own rules on dancing and makes the body memorize them, so that the teacher is required to know the varieties of ways to fix students' peculiarities.

Such practice was being done regularly at least until the 1980's. Yet I heard practicing like this is decreasing. Yet the place and content for each person's training will be differ according to individuals.[25] This is also radically different from one student trained intensively only by certain teacher which is almost never changed during the mastery process. Also, the dancers in Yogyakarta, themselves distinguish between teachers whom they go to receive occasional learning and teachers whom they call *guru pokok* (primary teacher) from whom the student was given his or her intensive training (*wejedan*). For example, Bambang Pudjaswara (mentioned above) has various teachers whom he received specific techniques, knowledge and experience through *meguru*, his temporary teachers. On the other hand, a *guru pokok* for him is the teacher(s) who built up his frame and shaped him as a dancer including the teacher who influenced him greatly. This seems to have come from their custom of specializing in particular roles, especially in the practice of *wayang wong*.

Wayang wong is the dance drama considered to have been created by the 1st Sultan (1755~1792), in which the *Wayang Kulit* (shadow puppet theater) depicts the Javanese versions of the great Hindu epics "The Mahabharata" and "The Ramayana"[26] played by human dancers. The origin, the "model ideals" for the dancers, are the characters in those epics. For performances character type-castings were held where the dancer's inner nature as well as his physical attributes was the criteria for auditions. Each aspect of a character (one puppet/one *wanda*[27]) personality was played by one dancer, thus a dancer would expend body and mind on one aspect of one character-part, stoically, his entire performing life. That is the outline of how the custom of specialists occurred, and it caused the necessity of students to look for and visit each specialist to get the specific teachings. For the court traditional performances in the past which were produced by Sultan, the casting for the lead role was extremely stressed. As the rank of the role is high, the rank of the dancer in the royal family is high, too[28]. For a dancer who would portray a certain god's role, it means his features also need to be polished. He would be an object of worship from the people in that time. The existence of the royal palace was reflected greatly in the dancer's status in those days. In such ways,

specialists of specific nature and technique in each role had begun to be existed, and each of them polished the proper art for their own role. They avoided to invading each other's area of expertise, recognizing their own strengths and specializations.

After dance education began to permeate outside the court, and it became systematized. Aspects which had been placed to the center of casting considerations, such as physical appearance, class or social position and so on began to shift to skills and attributes of each individual dancer. The performers of the new era did not overlook the modern realities, keeping keenly abreast of the changing times. Performers became more concerned with actual human experience, and not harshly adhering to the symbolic ideals that had come to express those stories.

Their customs, like that of character part-sharing, had begun to be shifted from one aspect of a character to one whole character, then to one style, such as *alusan* (refined male character), *gagahan* (strong male character) etc. It meant that dancer's repertoires had gradually been expanded. Paguyuban Siswa Among Beksa, a dance organization, was requested by Sultan HB IX to go on a performance expedition[29] to Europe (visiting five countries in 56 days) in 1971[30]. At that time when a refined dancer (who is a 70 year-old dance teacher now) took the rough character on the stage for the first time in his life[31]. So there, the custom ended in 1971. Even after the custom itself ended, if *wejedan* is based on the learning process of both the physical and spiritual, it means the act itself, of the student going to the teacher's place, might have some specific function beyond just as a space for gaining the skills in their dance.

The Atmosphere Of The Place Where The Teacher Exists, And Its Effect On The Students

I would like to discuss the custom in dance practice called *meguru*, when student visit teachers' place to gain the intensive training. Ki Hajar Dewantoro (a founder of Taman Siswa) notes,

> According to the ancient Javanese system of education, and indeed that of ancient Indonesia and perhaps even of Asia in general, the school should be at the same time the dwelling place of the teacher wherever that may be. The entire atmosphere of the *paguron* is imbued with the spirit of his personality.[32]

Perguruan (Javanese: *paguron*) is derived from the word *guru* (teacher), which literally means the place where the teacher lives. It also can be taken as a derivation of the word *ber-guru* (Javanese: *me-guru*), learning from someone else. In this sense, the word may also mean a centre of study. *Paguron* often implies the teaching in itself, notably in those cases where the personality of the teacher constitutes the most important element, and in this sense it means the school of thought being pursued. So "the place" is also indicated as the "time" itself in which the student is in the master's presence and so afforded the opportunity to see and hear the teachers' way of life and be imbued with the spirit of his personality. I also have often heard that discussion took up substantially more time than actual practice during dance training sessions in the past. Teachers told students their stories which related to their various experiences of dance, the special way of practicing which they had employed, and so on. Once students become involved in the space, it means that they enter the space that is womb-like in nurturing their growth. They are protected, but not because the dance is the royal property, nor by hierarchy, but through aspiration to immerse themselves in their teachers' history. While in the institutional atmosphere, teaching is a one-sided transmission process, the image of *paguron* is more circular. I think that the primary difference between the state of the practice in the past and today which todays' teachers indicate is in regards to the state of being in the experience of one's teacher. It is evident that the *paguron* in Java remains as the undercurrent while the systematization and rationalization of the training process have come to the surface. However, we also need to recognize that Dewantara and the institution's approach were the very methods criticized as autocratic in those times. And this also existed in the backs of the minds of the people in Java.

Does The Study Of Court Dance Involve A Life-long Development?

Since the court dance has been taught in national institutions, teachers and the students have needed to struggle to find new purpose. Teachers need to consider how to guide students to graduation. Students write papers or create dance pieces for graduation requirements. Yet the court dance is not the only the subject studied here. This is one dilemma faced by most present-day teachers: many of whom experienced the court dance in its prime, and then were directly educated by past dance masters trained

with the old, non-institutionalized methods. On the other hand, they recognized that the past pedagogical practices have not been effective for the dance classes at the university level, where the grading system is applied. To broaden the spread of the court dance, it needed to be taught at universities or other institutions, but it is hard to cover what they really want the student to learn. This seems the fundamental concern of their stage life.

In the case of the Yogyakarta court dancer, the peak of their development tends to occur in youth. In the old days, a teacher would become full-fledged in their mid-thirties, or even mid-twenties, although in the past, dancers' stage lives were even shorter. One obvious factor is that Yogyakarta court dance for men needs a lot of physical energy. Especially for *gagahan* (rough-aspect roles), they often put all their weight on one leg while stretching the other leg out at right angles and holding this stance for a few moments, or suddenly begin moving furiously from a motionless state. Dancers are required to have vigour and stamina both physically and mentally. In the case of women dancers today, occasionally we have the opportunity to watch teachers of advanced age take to the stage, but it is still rare. The dancers who appear in the actual performances are almost all of a young age, and we often see the sight of teachers watching young dancers from backstage. Actually, it would not be a special case if a teacher also were active as a dancer. Essentially, with exceptions, along with age comes more proficiency in the art of a dedicated practitioner. Many interviewees mentioned that during the '70s or '80s (when today's teachers were still students), their teachers taught intensely in each of the dance organizations. They had almost completely ceased as active dancers once they became teachers.

However, there are also those of the opinion that the dance requires such intense movement, it cannot be practiced in later years, or because there are few opportunities for senior dancers to take the stage. If this opinion is accurate then it can be seen that it is not a corporeal problem but a problem of custom. I wonder about the value system of the people in Yogyakarta, especially of the court dancers/teachers, in how they estimate the depth of an accomplished and mature dancer of advanced years. The students were captured not only by what the teachers taught, but also by what they were doing and by their simple presence. Probably the image became their target and gave them a sense of stability. What about the current teachers? When they, who had practiced severely in their early

stages, passed their prime as a dancer and became a teacher, then why could they not further develop their technique and expression of their own court dance? What is the true cause that they no longer dance when they reached middle age? Do they not observe the beauty in the wilting process?

Essentially, they regard about the aged dancer whom along with ageing comes more proficiency in the art of a dedicated practitioner. To inspire discussion on this matter, I presented an Indonesian translation of Zeami's "*Fūshikaden*" to the dance teachers, to elicit views of how they capture the concept of "Flowering", as an image of transformation of flowers in nature, and used to guide insight into the dynamic process of a player's development. Flowers in nature grow in phases. Their life span going from seed to shoot, stem to bud, then blossoming, wilting and withering away, decaying into the soil to become nourishment for the next flower to be.

Bambang Pudjasworo, mentioned earlier, relates the "Flower" as "*Joged Mataram*", or "*Kawuruh Joged Mataram*"), and is structured by four principles; *sawiji* (focus), *greged* (inner dynamics), *sengguh* (self confidence), and *ora mingkuh* (discipline). These originated as soldier's preparations in the New Mataram Kingdom by Sultan I (1755-1792). Besides technical considerations in the dance, this kind of mental preparative has also been conveyed. However, due to the harsh military nature there are a variety of ways in which the ideas have been grasped and conveyed.

"*Kawuruh Joged Mataram*" is known as one of the symbols and products of past masters, indicating their efforts to define the identity of their dance, so that they (and their descendents) could have something solid to hold. Perhaps they did it for the sake of confirming their emotions toward the art, the dance. Yet the teachings are well-grounded and depends only on their way of imaginative interpretation. Bambang Pudjasworo decoded the presence of the "Flower" in *Joged Mataram*.

> So it is in Java. We always have to have encounters with *greged*. If the *greged*, inner dynamic, dies, it all dies. There will be no fire in [her] him, no inner dynamic. Because of that, only in those who have already begun to believe in themselves (*sengguh*) will the "Flower" grow. So, if we see in this matter the whole process, the seed we plant is our self-discipline. The bud, which is polished and polished until it begins to take the shape of a performer, is

the seed which we raised. Then, [s]he has to be brave to grow, has to be brave to adapt [her]himself with nature, with rays of the sun, with the wind, with the rain. And that's why, at first, a dancer has to be *sengguh* (concentrated), has to be able to face audiences, trainer, anywhere, anytime. [S]he has to show [her]him-self while being watched. By this effort, little by little, the Flower inside the individual, in his or her heart, is brought out. At that point *greged*, inner dynamic, is awakened.

To be sure, the principle needed for the process of dancer's growth is expressed there. However, it can be said that the Flower for them is very restricted in their stage-lifetime, if their traditions do not consider it irregular if an elderly dancer appears on stage. Once the Flower which once bloomed closes (withers with age), it is impossible to make a "Flower" bloom as a dancer on the regular stage again. Does the young dancer intending to be a craftsman exist? Needless to say, a teacher is required for transmitting the traditions of the dance (and a patron is required to support the teacher, a patron who not only supports economically, but mentally). And the student asks for teacher after teacher, whenever they feel their technique, knowledge, and consciousness will benefit them. Probably it is not only instruction that they ask of the teacher, but for he who shows them by moral example. When the teacher has gone, what will remain with the student?

The Dance teachers did not indicate anything especial about the revised versions of the etudes for female dancers, which were made after the systematization occured, these being, Sari Sumekar and Sari Kusuma. Both titles refer to flowers. Sumekar means "pure bloom", and Kusuma means "flower" itself. The names were given by teachers who have since passed away. Unfortunately, I could not find any relevant answer for this, what the "flower" indicates. And a question, how do people in other countries consider the "Flower" as the process of her/his maturing and withering in their respective fields.

Conclusion

The dance under consideration here was transmitted as Yogyakarta court dance for 254 years since the year 1755, acknowledged since its first inception by royal decree up until the current Sultan HB X. Surviving and overcoming social upheavals through adaptation

and transformation, the dance's very function changed when the royal rule ended and Indonesia became a Republic (even though Yogyakarta has been designated "a special district" and retains to some extent an independent status). Yet still the Court Dance retains its essence and devotees despite the severing of its royal roots. What encourages the dancers and teachers to persevere in maintaining this dance, even while acknowledging its inability to earn them a living? As we have seen, present masters agree that something has been lost in the institutionalization of this dance. Also, in the past, each dancer may have participated for the sake of the dance and their own accomplishment, regardless of the Sultan's authority. This would be the root beneath their pride. Not only I but also those interviewed see the current contradiction between the surface title of "Royal Court Dance" and its actual distance and decay from its Royal origins. They recall, however, the stories of their teachers and senior dancers' experiences. They were confident of and felt dignity toward how they were trained by their teachers, and how they had pride and felt pleasure in that. I thought of how they received such great, though strict, but grounded education (for those in Yogyakarta) from their teachers. I think that their teachers had shown them the essence of the art through living example, mannerisms of speech, way of grappling with the challenges of the dance. Thus I use "shade," intended to refer to the results of the past teachers' education of today's teachers and senior dancers in the sense of a shadow cast; and "Flower", inferring the past teachers manifest principles. In their daily practices, those students were giving themselves fully to those teachers whom they trusted and respected. So, for young students, this kind of experience might give birth to specific feelings within themselves. Indeed they were asked to concentrate as sharply as possible. In this way, they did not directly practice "dance" by way of training in the dance technique. I believe this state may be similar to feelings occurring when students were experiencing the method of "imitating" the teacher, before the new methods of counting and regulation were introduced. They extinguished themselves through concentrating only on the teachers' movement, grasping it wholly, and moved their own bodies following those images. They have been cultivated in empathy with their surroundings, like the sound of water, trees growing in the earth, and through *meguru*, substantively and also imaginatively.

I took the approach of reading Zeami's words as the words of past masters of Yogyakarta court dance. For this text to have relevance for any field, not solely upon Javanese dance, the method of interpretation would need to differ, as would for the experience of the "flower" which occurs inside each individual.

NOTES

[1] Zeami mentioned that "Flower has the stages". The Flower of youthful beauty, the Flower of the voice, and the Flower of Grace: all these concrete virtues are qualities easily comprehensible to the spectators. Yet such Flowers, since they grow from particular techniques, just like the beauty of a live flower even eventually come to scatter their petals as well.....Yet the fine actor who possesses the true Flower has at his disposal the principle of blooming and of fading. How can one come to grasp this principle? First, having practices since the age of seven, the actor will have learned through years of rehearsing the various components involve in Role Playing. How will have understood how to distinguish these various elements, will have practiced assiduously, and will have mastered the various necessary techniques. Only the character of an actor formed by such a thorough training can know the seed of the Flower. For before he can know the Flower, he must know the seed. The flower blooms from the imagination; the seed represents merely the various skill of our art." ("On the Art of the $N\bar{o}$ Drama, The Major Treatises of Zeami" translated by J. Thomas Rimer and Yamazaki Masakazu)

[2] Pakubuwono III also can be counted as 10th ruler of Mataram Kingdom. The name of the ruler of Mataram Kingdom had been changed by inherit struggles since the foundation.

[3] See the detail in Moedjanto. G. "The Concept of Power in Javanese Culture", 1993, p50: "In this agreement it was again obviously the VOC that got the most benefit, succeeding yet again in applying the principle of 'divide and conquer'. With this division of the kingdom, Mataram clearly became weaker."

[4] Referenced from a manuscript; "*Kratons* Of *Jawa*", American Express Foundation

[5] This was mentioned by a well-known scholar R.M.Soedarsono, and also it is in his masterpiece; "*Wayang Wong*~the state ritual dance drama in the court of Yogyakarta", Gadjamada University Press, first printing in 1984, second printing in 1990, 108

[6] Jennifer Lindsay, 1991.

[7] Jennifer Lindsay, 1991, p.21-22

[8] Such as; made the complete costumes for the dance, constructed a stage, reformed floor with marble, established a school for *dalang* (*wayang* puppet player), directed to make the gamelan compositions as the march to accompany him, etc.

[9] Taman=horticulture, Siswa=student

[10] Gamelan is a musical ensemble which has a variety of instruments such as vibraphone, xylophones, drums, gongs, bamboo flutes, sitar, bowed strings, etc, and vocalists are also included.

[11] "*Buku Peringatan Taman Siswa 30 tahun 1922-1952* (the book for commemoration the 30 years in Taman Siswa)"

[12] "*Mengenal Tari Klasik Gaya Yogyakarta*", 1982,?p222.

[13] *Wayang wong* itself, which always performed in a grand scale, the all dancers were male, for the female roles also were taken charge by male dancer. See Theresia Suharti's articles "*Penari Wanita Keraton Dulu dan Kini*" in the Jurnal "*Pengetahuan dan Penciptaan Seni*", VII/04 – April 2000, p302.

[14] *Tayungan* is from word "*ayung*", means "sway". It is a really long walk, like dancing in line. When each of the dancers comes to the end of the *pendopo* (stage), they do one phrase of movement, and turn back in reverse direction to walk again until the end of the music. I could not find when it was made, but some of the interviewees indicate that it was made at least before HB VIII [1920~1939] to train dancers in whole kind of roles appear in *wayang wong*. It is effective for coordinating body in all levels, from the beginner to advance.

[15] Currently, *Bedhaya* dances are quite often performed in various places and occasions, but this *Bedhaya Semang* is one of the dances which have been kept as a privilege only for the court, so the practice is also only done inside the court. Actually there are many pieces of *Bedhaya* dance, and still has been made (structured) one after another now, and performed in various places even abroad. But this *Bedhaya Semang* is particularly only performed inside the court.

[16] *Sari Tunggal* means "*pamor inti*" in Indonesian (the word "*pamor*", generally it is recognized as the pattern inherent in the blade of good *kris/ keris* (wavy double-bladed dagger) = luster's core in English.

[17] In 1949, Department of Education and Culture and Science in cooperation with "*Java Institut*" published a book entitled; "*Tari Jawa dan Sunda* (Dance of Java and Sunda)". The first chapter is "Javanese dance" written by P.A.Soerjadiningrat (one of the two founder of KBW). He used the title "The Way of Learning for practicing Javanese Dance", and described standard positions and movements in each body part, showing sixty-two photos and eleven figures. It is to make a point of the form; especially from the eleven figures which are calculated in centimeters. The contents are detailed. It seems to show how the teachers of KBW and the people concerning about Yogyakarta court dance educational in those days attempted to make the dance movements to be conversed as written grammar. We can see their point of view: making "the textbook" about correct postures and the movements which were fixed on the numbers. It is quite valuable as a reference, but it raises a question about whether the students really used it. However, one thing which is clear to see from the "textbook", how the teachers there were sensible about their teaching methods.

[18] SMK N1/ *Sekolah Menengah Kejuruan Negeri 1* (National Vocational High School).

[19] ISI = *Institut Seni Indonesia* (Indonesia National Institute for Arts), in here about the Yogyakarta branch.

[20] Every Sunday, daytime, the court dance and the gamelan music performance for tourists are held at a *pendopo*, where nearest from the main gate/ in the central part of the court, named *Bangsal Srimaganti*. It began in 1971, and has been held regularly until now.

[21] Interview with Imam Riyadi in Yogyakarta, Oct/2007.

[22] Referenced by the speech text of Suryobrongto "*Ceramah BPH. Suryobrongto tentang Tari Klasik gaya Yogyakarta*", Museum Kraton Yogyakarta, 1976, p14.

[23] *Meguru= me + guru*, means "to visit a certain *guru* (teacher)". In general Indonesian language there is also the word "*berguru*" which indicates the same meaning. But when people say "*meguru*", it seems more to emphasize their learning process on the spiritual aspects.

[24] Interview with Bambing Pujasworo 24/sep/2007.

[25] In "*Pendidikan Tari Yayasan Siswa Among Beksa Yogyakarta*" (1987, "*Anarisa Gerak* (Movement Analyzing)" by RM. Dinusatomo. p 2), there are reference about this matter (the intensive practice in the era of HB VIII). "They practiced "*Ngambruk* (landing by knee)" at the Parang Tritis beach (the south coast of Yogyakarta) so that they do not feel hurts, or practiced speaking loudly at near water fall until their voice drowned out the sound of the water. Also they practiced "how to laugh", or even there were a dancer who took elephant role (in *wayang wong*), he had to do voice exercises near a real elephant until he could utterance like the elephant".

[26] The Mahabarata is the ancient Indian religious, philosophical, mythic epic that traces the war between two royal families, Pandava and Corava as the main subject, adding various folklore, Hindu tales, and poems. It has been thought to be the work of Vyāsa (who is also a character in the stories) in the era of the Gupta Empire (±320AD-550AD). However it seems that the actual author has not been confirmed. The Ramayana is an ancient Hindu epic, fusion between Hindu myth and legend of an ancient hero Rama, the Prince of Cosara Kingdom, it has been thought to be compilation of various folklore by Valmiki - approximately 300BC. According to R.M. Soedarsono (see his book "*Masa gemilang dan Memudar Wayang Wong gaya Yogyakarta*", 2000, p37) "most of the branch stories which

were performed in the era of HB VIII were based on the Mahabarata epic, in which the branch stories from the Ramayana epic had only been performed as a mixture between the Mahabarata and the Ramayana."

27 It is about the certain mood or psyche or personality aspect of any one character. See more detail about "*wondo*" in the article "*Perwatakan Tari Klasik Gaya Yogyakarta*" by GBPH. Suryobrongto in "*Mengenal Tari Klasik Gaya Yogyakarta*",1981, p70. "*Wondo* indicates shape of face, feature, and expression which draw the nature or the psychical mood of role of *wayang*. In *wayang kulit*, normally one *wayang* character has duplicates which differ in each "*wondo*". Especially for *wayang* "*angger*" (main role), there are three puppets for one main role. Each of the three kinds of '*wondo*' draws certain moods of the psychics or the character respectively. So too it used to be sometimes in *wayang wong*." "*Wanda* is feature of character, especially it indicates one *wayang* figure of one character in the certain atmosphere, for example *wanda* will be different when one fights, love, meditate, or when one succeed to a throne" (see more detail in RM. Pranoedjoe Poespaningrat, 2005, "*Nonton Wayang dari Berbagai Pakeliran*" p.218)

28 Jennifer Lindsey 1991, p96.

29 One of the causes of the shifting will be thought that their performance expedition. Since the court and the society begun to be absorbed their system of the government of the kingdom to the form of the modern society, they encouraging the performance expedition, especially very frequently in the 50s to 60s. In this connection, besides the shifting on their custom of the character specialization, there is another problem which seems to be brought by performance expeditions, it is about shortening of dance piece. According to Suryobrongto, for example they shortened *Bedhaya* which is normally very long since have many repetitions of the movement pattern, so that the spectators overseas might not get bored.?see RM. Sordarsono,2000, p183?

30 Sudarso Pringgobroto.

31 Interview with Romo Dinu in Yogyakarta. August/2008.

32 Also Ki Hajar Dewantoro mentioned that;"Our school calls itself *perguruan* (Javanese: paguron). Derived from the word guru (teacher), it means literally the place where the teacher lives. It can also be taken as a derivation of the word berguru (Javanese: meguru), i.e., learning from somebody else. In this sense, the word may also mean a center of study. Paguron often implies the teaching in itself, notably in these cases where the personality of the teacher constitutes the most important element, and in this sense it means the school of thought being pursued." From "*Journal 'Indonesia'*", 1967 No.4, 158.

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The Malaysian Dilemma: Race, Religion and the Quest for National Unity

Dicky Sofjan

Political Context

Malaysia is quintessentially a race-based society, where the population is segregated along traditional, i.e. racial and religious cleavages. For the past fifty years, the Malaysian nation has been held hostage by divergent racial and religious interests, rendering national unity an arduous task.

Racially conscious policies of the state, which give preference not to the minority but the majority group, have been the mainstay of Malaysian politics. This is done in the pretext of leveling the playing field for the indigenous class. Such affirmative action was based on what is known as a "social contract" in the Malaysian political lexicon. Proponents of the so-called social contract theory, most of whom are members of the *Barisan Nasional* (abbreviated hereon as BN) or National Front, contend that prior to the establishment of the 1957 Federation, Chinese and Indian migrant workers had been granted full citizenship based on the *jus soli* principle in return for their acceptance, if not tacit approval, of the Malay Muslims as the definitive 'Sons of the Soil' or *Bumiputeras*.[1]

This has lent political legitimacy to the New Economic Policy (NEP), instituted in 1971, that gave provisions for positive discrimination to the *Bumiputeras* and the building of a Malay capitalist class. The policy was largely based on the rationale that to establish a just and prosperous society, the country needed some form of re-distribution process to create economic equalization effects. Consequently, the NEP set in motion a target for the indigenous class, mainly the Malays, to achieve corporate equity ownership of up to 30% and as much access to public sector and professional jobs, government scholarships, as well as opportunities for business and trade.

After decades of *Bumiputera*-centered politics, the supposed social contract inadvertently made way for the return of the notion of *Ketuanan Melayu*, literally meaning 'Mastership of the Malays', which historically dates back to the rise of Malay nationalism prior to World War II.[2] *Ketuanan Melayu* connotes a system that bestows special rights and privileges, as enshrined in Article 153 of the Federal Constitution, to the largest indigenous class and gives surety to the preponderance of the *Bangsa Melayu* or Malay race as the *tuans* (masters). The assumption is that so long as *Ketuanan Melayu* is firmly intact in the system, defended and perpetuated, the indigenous class would have a better chance of 'catching up' with the Chinese, who control the economic and business sectors.

In public schools, *Ketuanan Melayu* is taught to secondary school students. Its entrenchment is made through the consistent teaching of the doctrine in government-sanctioned history textbooks, where *Ketuanan Melayu* is formally defined as: "A passion for all that is related to the Malay race, such as political rights, language, culture, tradition and the homeland. The Malay peninsula is regarded as the Malays' traditional land."[3]

Thus, while the BN government tries hard to maintain the *status quo*, the Chinese and Indian minority groups are increasingly calling a spade a spade. From their viewpoint, any presence of "masters" would imply the existence of "slaves" or secondary citizens, who would have to yield to the primary demands, needs, interests and preferences of their masters. It is such master-slave logic that the *Ketuanan Melayu* has come to be both detested and rejected by not only the minority Chinese and Indians but also liberal, progressive Malay Muslims.

Currently, *Ketuanan Melayu* is being challenged by the *Pakatan Rakyat*, or the Opposition Alliance that is determined to oust the BN government. They comprise not only the Chinese and Indian aggrieved minorities but include the restless Malay populace, who consider the NEP and Malaysia's political design as merely benefiting a minutiae elite ruling class that is severely out of touch with the masses. As an alternative to the Malay supremacist political paradigm, the Opposition Alliance, headed by the dethroned deputy prime minister and former finance minister Anwar Ibrahim,[4] a Malay, has come to champion what the Alliance call *Ketuanan Rakyat* or the Mastership of the

People, a rallying cry for those who seek to build an equitable Malaysia, free from any discriminatory policies based on race, color or creed.

The Election Debacle

With the stepping down of Mahathir Mohamad in 2003, and the rise of Badawi as the Malaysian premier, the long overdue agenda for *reformasi* (reform) began to crystallize. The opposition's formidable attacks on the government reveal signs of elite intransigence and fragmentation with the BN government.

Even Mahathir, the Malaysian leader responsible for the NEP and its undisputed ideologue, has ironically been criticizing his appointed successor since 2004, claiming that Badawi is unfitting for the premiership and ill-suited for the UMNO presidency. The disappointment over Badawi's leadership reached its climax when UMNO had to eat humble pie after its embarrassing and unprecedented defeat in the March 2008 general elections. Mahathir's criticism of the Badawi administration culminated in a highly publicized decision in May 2008 to quit UMNO, the party that he himself had helped bolster for more than three decades. In his resignation announcement, Mahathir likened the UMNO leadership crisis to "removing gangrene".[5] "If we love UMNO, we must be willing to dissect the party to revive it and to ensure its survival," Mahathir was quoted as saying.[6]

In arguing so, Mahathir insisted that Badawi step down as prime minister and UMNO president, and simultaneously called on party members to resign *en masse* as a vote of non-confidence against Badawi. Being a seasoned politician, Mahathir knew well that his standing and stature in the party would force Badawi to rethink his strategy for reform and make major political concessions to prevent internal strife within the BN rank and file.

As far as Mahathir is concerned, Badawi's failure stems from his lame image and inability to firmly resist *reformasi* and to stand up for the interests of the Malay ruling class and their associates among the Chinese and Indian communities. Badawi's leadership frailty has thus upset the balance of power and negatively affected Malaysia's long-held political formula of *M-c-i-o* (*Malays+chinese+indians+others*) [note: "Malays" with upper case, while "chinese", "indians" and "others" with lower case]. It is this winning formula that has delivered Malaysia's continued relative political stability and remarkable success in economic development. Furthermore, Badawi has come under fire for being too timid with Singapore, and conceding to the city-state's pressures on issues ranging from the Causeway to water supplies and others.

However, it would be erroneous to assume that only Mahathir, known for his many political exaggerations, has turned away from Badawi. Most of the UMNO constituents also concur that Badawi has failed to stamp out corruption and cronyism, which was the focus of the reform agenda promised and expected of a post-Mahathir Malaysia. The overwhelming support Badawi received in 2003 has now rapidly diminished, as evidently indicated by the March 2008 polls, where the BN government lost its longstanding 2/3 majority across the Federation, including in many key UMNO states. Consequently, the BN lost five out of the nine states in the Federation to the Opposition Alliance, enabling the latter to control a significant portion of state resources. Due to such humiliating losses and the ensuing pressures from within UMNO and beyond, Badawi recently conceded and handed over power to his deputy Najib Razak, sending glaring signals that the BN government is clearly losing its political ground.[7]

In the aftermath of the elections debacle, BN component parties, namely the Malaysian Chinese Association (MCA) and the Malaysian Indian Congress (MIC), realized that they too were losing ground, prompting some factions within both parties to seriously reconsider their allegiance to the BN. Some factions from other smaller parties in Sabah and Serawak have also crossed over to the Opposition Alliance, further destabilizing the BN government.

Symptoms of political ruin had actually emerged prior to the holding of the general elections. In November 2007, violent rioting by the Indian community broke out in Kuala Lumpur, the nation's capital, highlighting the plight and grievances of the many Malaysian Indians. The rioting came about due in part to the failure of the MIC to articulate the plight and rights of the community. It also signaled an urgency to make way for a new generation of leaders in the party. The longtime MIC stalwart, Sammy Vellu, is currently being challenged by younger generation leaders, who feel that the veteran politician, having led MIC for two decades, has become something of a political liability rather than an asset for the party.

An almost similar phenomenon can be found in the MCA. The MCA leadership felt that the elections

debacle merely confirmed the diminishing support for the BN government. It also originated from the failure of the Chinese party to stay in touch with the needs and interests of the Malaysian Chinese, who may regard themselves as, politically speaking, second class citizens of the country.

Clearly, both MCA and MIC realize that they are dealing with a chronic problem of internal decay within their own parties, and that political renewal would be the only option available for them to survive the so-called 'political tsunami'. However, they are also cognizant of the fact that the BN government relies on UMNO's ability to remain popular among the majority Malay Muslims. If not, it is likely that the BN government may experience major political fallout.

In view of the political fragmentation, BN component parties fully acknowledge the urgency to shift gear, and become more responsive to their progressively critical constituents. Such a maneuver, however, is not without its consequences, as it may run the risk of political incoherence and leave gaps in the BN, which in the end may spell an end to Malaysia's longstanding *Mcio* political formula.

Negotiating and Redefining Islam

The shift in paradigm also occurred in the realm of politico-religious discourse, specifically on Islam's supposed special position in context with the Malaysian nation-state. The Federal Constitution of Malaysia's Article 3 (1), for instance, recognizes Islam as "the religion of the Federation" and that "other religions may be practiced in peace and harmony in any part of the Federation". The same Article Clause 2 also states that "the Ruler", the King of Malaysia, acts by law as the "Head of the religion of Islam".

This is not to say, however, that Malaysia is advertently an "Islamic state", as some may argue, including Badawi himself.[8] What the Constitution provides is a distinctive privilege held by Islam *vis-à-vis* other religions in the Federation, notably in establishing, maintaining and assisting "Islamic institutions".[9] Arguably, the framers of the Federal Constitution did not intentionally deploy the phrase "formal religion" in this Article with the full realization that such wording would otherwise have ensnared the country into granting legal provision to enforce the *shariah*, the Islamic legal framework, upon Muslims and profusely embark on Islamization of the polity, bureaucracy and

society. Such a move could potentially damage the unwritten social contract.

However, when Badawi came to occupy the prime ministerial office, his political instincts informed him of the need to appease the rising assertiveness of conservative Muslims. This would essentially be done through the introduction of a 'new' form of Islam compatible with Malaysia's vision of a modern, progressive state, and would politically and economically capitalize on its Islamic identity. It is against such a backdrop that "Islam Hadhari" came into being, and later propagandized by UMNO to become Malaysia's adopted religious aphorism.

An alternative account on the origins of Islam Hadhari was said to be related to the BN government's concern over the rise of civil society in Malaysia, which could potentially undermine the *status quo*. As Hishamuddin Rais, a political dissident turned writer, pointed out, 'Islam Hadhari was instituted to undercut Anwar's notion of "Islam Madani".'[10] This is understandable considering that the latter entails a greater role for the burgeoning of civil society, which would operate as a counterweight to the state's political, economic, cultural and religious hegemony.

Islam Hadhari, literally meaning 'civilizational Islam', is a progressive form of Islam expounded by Badawi that hinges on internal capacity development of the Muslim society. Islam Hadhari, according to Badawi, is all "about working hard, hunger for knowledge and information in science and technology".[11] Thus, Islam Hadhari is expected to promote a comprehensive model for the renewal of the Muslim world, while simultaneously providing a buffer amid the onslaught of modern Western civilization that is notably predominated by Judeo-Christian tradition.

In *Islam Hadhari*, a compilation of prime ministerial speeches on Islam, Badawi attempts to explain how the doctrine contains what seem like a lofty set of idealism or principles to be emulated by Muslim societies around the world (see Badawi 2006). The ten principles are as follows:

1. Faith and piety in Allah
2. A just and trustworthy government
3. A free and independent people
4. A vigorous pursuit and mastery of knowledge
5. A balanced and comprehensive economic development

6. A good quality of life for the people
7. The protection of the rights of minority groups and women
8. Cultural and moral integrity
9. The safeguarding of natural resources and the environment
10. Strong defense capabilities

From the viewpoint of political expediency, Islam Hadhari serves Malaysia at two distinct levels: international and domestic politics. At the international level, Islam Hadhari is a convenient marketing tool to aid Malaysia's pursuit to become the prototype Muslim nation that is both modern and moderate, and able to withstand the pressures of the globalized, competitive world economy. Having succeeded in pursuing its national development agenda while retaining its Islamic identity, Malaysia has established itself both as a critical spokesperson for the Muslim *ummah* (Islamic universal body politic) and an enviable leader of the developing states.

Furthermore, Islam Hadhari plays a defining role in Malaysia's contemporary foreign policy. Amid the seemingly endless and winless "war on terrorism"—perpetuated by American neo-conservatives—Malaysia as a leading Muslim nation has a responsibility to allay the global fears against Islam and Muslims. In this context, Islam Hadhari serves to prove before the court of world opinion and the media that Islam does not, and should not, necessarily have to be associated with retrogressive politics, social stagnation or economic backwardness. Islam, in the Malaysian context, can and has proven itself to be a constructive force for political, social, economic and cultural progress. That is what Badawi's Islam Hadhari practically stands for, and was intended to be used as a foreign policy objective.

Domestically, Islam Hadhari functions as the negotiated and redefined form of religiosity for many Malay Muslims trying to come to grips with the heightened sense of Western prejudice in a post-September 11 political landscape. Being a scholar of Islam, Badawi clearly understood the politico-religious sentiments coming from the country's Muslim conservative quarters, which may conceivably harbor some feelings toward Usama bin Laden and/or any groups attempting to wreak havoc against Western political, economic and cultural hegemony.

Islam Hadhari therefore serves to domesticate, if not tame, the forces of conservative Islam and make way

for a more progressive yet still religious Malaysia. This, in Badawi's view, should first be initiated by Islamizing the civil service, while putting forward the principles of Islamic universalism that have sadly elapsed from the contemporary Muslim world. To allay fears over the increasing role of religion in politics, Badawi explained, "The Islam Hadhari approach does not mean that our country is theocratic … The implementation of Islamic principles in the country's administration had not changed the social contract nor the basis of our Constitution."[12] In any case, Islam Hadhari suffers mainly from lack of authenticity and is exceedingly prone to multi-interpretation. The supposed failure of Islam Hadhari is due to at least three reasons.

First, the concept lost the battle from the outset in 2003 when it was too closely associated with the post-September 11 global politico-religious discourse on Islam. This external factor has made Islam Hadhari appear to be lacking in authenticity in the eyes of many, notably progressive, Muslims, who truly seek a more genuine response to the retrogressive version of Islam ala Usama bin Laden.

Second, Islam Hadhari has been seen to be linked with UMNO's political branding exercise with the hope that the party can 'out-Islamicize' PAS (Pan-Malaysian Islamic Party), which has been the vanguard of traditional, conservative Islam in Malaysia. It is no wonder then that state-sponsored religious authorities spontaneously jumped on the bandwagon, and defended all-out Islam Hadhari while hoping to use the momentum to further their Islamic agenda. As one activist from the Sisters in Islam, Masajaliza Hamzah,[13] succinctly explains, "Islam Hadhari has been hijacked by the religious authorities… Even the Ministers don't buy into Islam Hadhari. One minister would give a different answer on Islam Hadhari from another."[14]

Third, Islam Hadhari regrettably lacks substance and articulation, making it thoroughly difficult to distinguish from other forms and interpretations of Islam. The critique is also directed toward the content of Islam Hadhari, which excessively emphasizes "material development" as opposed to the more comprehensive societal development as espoused by the Quran or the Islamic holy book.[15] Clive S. Kessler, a longtime scholar of Malaysian politics, considers Islam Hadhari as "woefully unexplained and unelaborated. It remains discursively underdeveloped and intellectually impoverished despite the great official investment in seminars, prime ministerial

lectures worldwide, and ensuing books on the subject" (Othman, Puthucheary and Kessler 2008: 73).

In view of the above, and taking into account Badawi's declining political influence, the future of Islam Hadhari looks bleak. In fact, it would be conceivable to think that Islam Hadhari may end up as a mere footnote in Malaysian history books.

National Unity: Quo Vadis?

With the intransigence of the current Malaysian leadership and refusal to discard the business as usual attitude, it is almost plausible to think that the growing support for the Opposition Alliance will bear fruit and topple the BN government. If this were to occur, the Opposition Alliance may stand to reverse the logic of the *Bumiputera*-centered politics and policies of the state, which in turn will render the BN, and possibly even UMNO, irrelevant.

Therefore, the challenge is to be able to sustain, if not enhance, national unity in a way that would ensure social progressiveness and divergence from the existing system that perpetuates discrimination based on race, which merely benefits a cabal of UMNO loyalists. It is true that Malaysian public perception on the state of national unity still displays positive signs. However, with the unfolding drama and the hardened oppositional politics, it is possible that the public's attitude may well change to the detriment of the BN government.

A survey on the young generation, conducted in early 2007 by a Kuala Lumpur-based Center for Public Policy Studies (CPPS), concludes that the perception of the youth is generally high.[16] Overall, Peninsula Malaysians provided a positive outlook on the nation's achievement and prospect of national unity.[17] When asked, "How would you rate national unity of Malaysia at this moment?" (early 2007), most respondents answered positively, with 90.4% saying either "united" or "very united", as can be seen in Table 1 below:

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not united at all	7	.7	.7	.7
	Not so united	90	8.9	8.9	9.6
	United	658	64.8	64.8	74.4
	Very united	260	25.6	25.6	100.0
	Total	1015	100.0	100.0	

Table 1: Perception on Current State of National Unity

Respondents were also highly optimistic about Malaysia's future state of national unity "ten years from now" (2017). Table 2 shows that only 13.3% of

the respondents were either pessimistic ("not united at all") or not so optimistic ("not so united") about national unity, as illustrated below:

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Not united at all	12	1.2	1.2	1.2
	Not so united	123	12.1	12.1	13.3
	United	520	51.2	51.2	64.5
	Very united	360	35.5	35.5	100.0
	Total	1015	100.0	100.0	

Table 2: Perception on State of National Unity in 10 Years from Now

Despite the seemingly positive outlook, there remain inherent problems with national unity. When queried over their pattern of socialization with "close friends", 65.2% of respondents said they mainly socialize with their "own racial group", while only 34.8% responded by saying that they normally hang out with "different racial groups". The survey also revealed other

disparaging attitudes among Malaysian youths. Based on the survey data, two out of three respondents said they socialize mainly with people of similar religion, while only about a third (36.7%) would hang out with people from "different religions".

Such socialization, if unimpeded, can pose a major problem for Malaysia, which boasts a multi-cultural and multi-religious society. The problem, however, is a relatively new one, caused by the systematization of the BN government's NEP, which spilled over to the education, civil service and business sectors. According to the fifty-something Rais, "In the old days, it was not like that. We used to socialize and mix around with all kinds of people, regardless of race and religion. We Malays mixed with the Chinese, Indians and others. There was no segregation."[18]

With the current racial polarization, it is evident that social distance between one racial group and 'the others' in Malaysia has increased dramatically. One only needs to casually observe the interaction among students in, let's say, Universiti Kebangsaan Malaysia (UKM), supposedly a national university funded largely by the federal government. In the canteens and libraries, students typically hang out with their own racial and religious kinds, an utter contradiction to the ideas and idealism of Malaysia's founding fathers.

Another corresponding issue with national unity is identity. A 2006 Merdeka Center survey found that more than 60% of Malays see themselves first and foremost as Muslims and *not* Malaysians.[19] Meanwhile, almost half of the Malaysian Chinese (47%) identify themselves first with their race or ethnicity. Interestingly, three quarters of the Indians (75%) see themselves as Malaysians first. For some, such findings may not be too surprising, as the symptom of a decline in national unity, as discussed above, is the manifestation of the Malaysians' personal attachment (or rather, detachment) to their nation and state.

However, from the perspective of national unity, the Malays carry serious political liability when it comes to self identity *vis-à-vis* their Malaysian citizenship. As Malaysia's majority racial group, the Malays are therefore assumed to have the largest stake in the country and expected to contribute the most to national unity. In addition, the Malays have been the vanguard of the BN government and dominate the civil service, which in turn implement policies that affect the overall Malaysians, Chinese and Indians included. Thus, it is essential that the Malays, more so than their Chinese and Indian counterparts, have the correct attitude and mindset toward their nation and state.

As indicated from the survey findings, the deficit for 'Malaysianness' among the Malays can be detrimental to the forging of a unified nation. Furthermore, this deficit is exacerbated by the fact that 92% of the respondents said they "rely on religion or belief to make major life decisions", which by default would further supplement the Malays' preference to bring Islam to the political center stage.[20] To a lesser degree, Chinese Malaysianness can also be called into question, as half of them see themselves not as Malaysians but rather essentially Chinese, which may (or may not) take the form of an attachment to their ancestral homeland China, be it culturally or politically. This reinforces the stereotyping of the selfish Chinese, who have persistently been accused of being fair weathered Malaysians, merely interested in doing business without due consideration for the nation's unity, let alone nation-building.

What is clear is that the Indian Malaysians seem to be the most obvious asset for the forging of national unity in Malaysia. Despite their downcast position and status in Malaysian society, the survey informs us that the Indians may have a greater attachment to the concept of Malaysia as a nation-state, compared to the Malays and Chinese. However, whether or not this can be seen as a successful form of integration is a different matter altogether.

In terms of the future of Malaysian society, then, it is noteworthy to state that across racial groups, 60% of Malaysian youths desire to see Malaysia become "an equitable society".[21]

The Malaysian Dilemma

In 1970, Mahathir wrote his political manifesto, *The Malay Dilemma*, as a way to defend his once 'ultra' political stance and vision of Malaysia's economic trajectory. Contextually, however, the book was instrumental in that it was published in the wake of the May 1969 racial rioting between the Malays and the Chinese, which until today is constantly brought up by the BN government to justify its more-than-often draconian measures against political dissenters.[22] Mahathir wrote the book when he had just been sacked from UMNO for his brazen critique of the government. This had not sat well with then liberal prime minister Tunku Abdul Rahman, who was also at the time UMNO president.

In *The Malay Dilemma*, Mahathir essentially argued for the "constructive protection" of the Malays from the "predatory Chinese" (Mohamad 1981 edition: 25). He continued by saying that "removal of all protection

would subject the Malays to the primitive laws that enable only the fittest to survive" (Ibid: 31). Mahathir further wrote that it would probably take 4000 years to make Malays competitive and as "hardy and resourceful" as the Chinese migrants, who were out to undertake a "complete sinocization of the economy of the country" (Ibid: 51).

It was under such a premise that the NEP was justified, instituted and supported, albeit mainly by the majority Malays. The dilemma posits on two options confronted by the Malays The first one was whether or not to confer Malaysia's economy to the Chinese, which would almost certainly ensure the former's extinction. The second option was whether or not to have a systematized form of positive discrimination to level the economic playing field. As far as the Malay Muslims were concerned, such an assertion does not seem much like a "dilemma", as the latter option seemed to be the viable one,.. Rather, the 'dilemma' seemed more like a predicament that the Malays had to deal with in the face of socioeconomic challenges posed by the hardworking Chinese migrants.

After more than thirty years since Mahathir's controversial book, *The Chinese Dilemma* (2003), written by Ye Lin-Sheng, a Malaysian Chinese businessman, came into print. With much less candor, and an obvious deficiency in political authority, Ye attempts to reinforce some of the finer points made in *The Malay Dilemma* by providing justifications for Mahathir's hard-nosed approach to helping the Malays.

In his book, Ye argued that much of the precarious relationship between the Malays and the Chinese "stems from our [the Chinese] fear of giving ground to the Malays and creating openings for them to weaken our position *vis-à-vis* theirs" (Ye 2003:57). For that, Ye tried unabashedly to persuade the Chinese Malaysians to be more "grateful" for having the Malays take them in as guests in the country and be allowed to prosper.

According to Ye, the 'dilemma' faced by the Chinese Malaysians is in reconciling the hard truth that they have been living and successfully acquiring great wealth in the land of the Malays. It is therefore imperative for the non-Malays, based on Ye's line of reasoning, to by all means help the *Bumiputeras*, who were noticeably lagging behind from the more enterprising and hard-pressed Chinese migrants. It is

for this reason Ye supports the NEP, because without it:

> There would have been a disaster scenario. There would have been an enormously widened gulf between Malays and non-Malays, and there would have been a dangerously lopsided economy, inviting Malay despair, disaffection, hatred and violence. All this weighing of who gains and who loses obscures a fundamental fact: that if the Malays lose, then the Chinese lose too; because if racial hatred tore the country apart, then everyone loses. (Ibid: 87)

In view of the above dilemmas confronted by both the Malays and Chinese, it is conceivable to think that the Malaysian nation was once and still remains to be at a crossroads. The nation currently sits at a critical juncture where it needs to determine once and for all the path that the three major racial communities want to embark on. Thus, the time has come for Malaysia's racial communities to decide whether to tread on the path of equality and plurality or continue living separate lives while masquerading as one nation.

The dilemma is no longer about whether or not to further institutionalize preferential politics for the Malays. It is also not about whether or not the Chinese, being the largest minority, should accept the *status quo* and be thankful to the indigenous class for letting them live and prosper. Moreover, it should not be about whether or not the Malaysian Indians should set out to express their political grievances more directly as opposed to being mere bystanders.

This is an issue for the Malaysian nation to resolve. It is quintessentially the Malaysian nation's dilemma and not of one racial community per se, much less UMNO's alone as the ruling party. The present-day dilemma should firmly be decided upon by all races collectively. If indeed Malaysia were to project itself and become a beacon of light for Muslim nations and developing states alike, then racial politics, which often comes with its usual petty, little squabbles, should be done away with entirely.

As a former colony, accustomed to the typical divide and conquer policies of the colonialist state, Malaysia has come a long way from being a backward country, struggling to come to terms with socioeconomic development. Thus, to embark on yet another epoch in racial politics in the 21st century would deny Malaysia the position and prestige it deserves

internationally. This is due to the fact that race and religion—almost inseparable elements in the Malaysian political context—frequently suppress the nation's socioeconomic accomplishments, and concomitantly divulge the ugly side of racial and religious communities. Furthermore, any public discourse on race relations in Malaysia would always raise the specter of the 1969 rioting, prompting BN government officials and state apparatus to remind the public on the relevance and legal validity of the ISA.

It is high time therefore for the Malaysian nation to rise above such quandaries and focus on building a stronger fabric for a progressive nation that transcends racial and religious lines. It is true that race and religion are indeed essential ingredients to all past and currently existing societies. However, learning from other nations and past generations, it would do Malaysia good to consider the potentially strategic value that the nation can add to the world, saturated with inequality, injustice, prejudice, senseless violence and inborn hatred of others.

The question of whether or not Malaysia should and could be an "Islamic state", as some would proclaim, therefore pales in comparison with the hope and promise of Malaysia to become an affable nation that is truly tolerant, fair and non-discriminatory. In this instance, it may be worth to wonder and ponder about a proverb that can be traced back to a prominent medieval scholar of Islam, Ibnu Taymiyyah, who once proclaimed that Allah prefers an unbelieving but just society to an Islamic society that is unjust.

Conclusion

In March 2008, Malaysians voted for change. All indicators seem to point to a desire for change in the way the BN government has been conducting and commanding the business of politics, including in the areas of race relations and religious harmony. Unfortunately, after more than fifty years of independence and the BN government's hold on power, communalism, which wholly and affectionately embraces race and religion, remains to be "the major vector on which the terrain of Malaysian politics and political options is demarcated" (Noor 2005: 229).

Bumiputera-ism and *Ketuanan Melayu*, which have been a bone of contention in the recent history of Malaysian society, undoubtedly still pose a major political liability for the BN government. In fact,

UMNO has found it increasingly difficult to convince liberal, progressive Malay Muslims and the large body of non-Malays on the efficacy of the post-colonial logic, which the latter view as essentially unfair, discriminatory and counter-productive for the Malay Muslims.

A similar result is found in the BN government's attempt to out-Islamicize PAS by introducing Islam Hadhari to the fore. Despite huge investments in airtime, opinionated propaganda campaigns and prime ministerial roadshows, the appeal for Islam Hadhari is steadily diminishing parallel to Badawi's declining popularity. Furthermore, even the Malay Muslims are unconvinced of UMNO's insistence on Malaysia being an "Islamic state", a subject that has come to be seen as obsolete, despite the fact that Malaysians still turn to religion for making major decisions in their lives.

Arguably, the precarious relationship between and among race, religion and the state has dented, if not undermined, the government's efforts in forging national unity. Racial and religious polarization in society, as the recent survey findings suggest, is taking a great toll on Malaysia's social capital, not to mention the BN government's credibility.

With such a condition, the Malaysian dilemma—juxtaposing preferential and progressive politics—needs to be resolved, and decided upon swiftly. The time has come for the nation to dismantle the barricade that has long divided and segregated Malaysia's racial communities. Regardless of the assessment on the level of Malay equity ownership, both the NEP and NDP, which have to a large extent created divisiveness in society, have over-exhausted their usefulness as a policy instrument to assuage the Malay Muslims, and to free them from their siege mentality, dependency syndrome, and self doubt.

The deficiency in the sense of togetherness as being one nation is clearly evident now more than ever in Malaysia. In spite of the current political contestation between the BN government and the Opposition Alliance, the Malaysian dilemma will continue to carry the residual problem of national identity and unity. It is evident that the *M-c-i-o* political formula worked well for Malaysia in the past, and provided it with the economic prowess that other developing nations can only envy. However, the formula has stopped short of creating a just society for Malaysia. Hence what is required is to amend the formula to *M-C-I-O* so

minority racial communities will not be relegated to second of third class citizens.

Should there be a new deal or a revised social contract for all the racial communities in Malaysia, so be it. However, until and unless the Malaysian dilemma is firmly tackled, the nation will permanently fall short of becoming a beacon of light for other Muslim societies and developing countries.

NOTES

1. The NEP will formally make way for an affirmative action given exclusively to the indigenous class, namely the Malays, the Kadazans, Ibanis, Dayaks and other indigenous groups in Serawak and Sabah. However, political machinations have somehow driven the NEP to favor a small circle of Malay elites, who are mostly based in Peninsula Malaysia, raising questions about the efficacy and benefits of the policy to the overall indigenous class.

2. It is unclear when exactly the notion of *Ketuanan Melayu* came about or who first coined the phrase. What is clear is that the phrase shot to prominence again and around 2000, at a time when Malaysians started to pose the politically sensitive question on the predominance of the Malays.

3. *Sejarah Tingkatan 3*. Kuala Lumpur: Dewan Bahasa dan Pustaka, 2004: p.45

4. For his *de facto* leadership of the People's Justice Party and the Opposition Alliance, Anwar is now considered, by many of his supporters, to be a prime minister–in-waiting.

5. "Dr M quits UMNO" in *The Star*, published on May 20, 2008: p.1.

6. "Dr M cuts ties with UMNO" in *The Star*, published on May 20, 2008: p.N3.

7. At the time of writing this article, Badawi was in the process of resigning and making last courtesy calls to various leaders in the region.

8. "Malaysia a 'negara Islam' but not a theocracy; Abdullah: Country is governed by Islamic principles but is also a parliamentary democracy" in *The Straits Times*, published in Singapore on August 28, 2007.

9. Article 12 (2) states that "…it should be lawful for the Federation or a State to establish or maintain or assist in establishing or maintaining Islamic institutions or provide or assist in providing instruction in the religion of Islam and incur such expenditure as may be necessary for the purpose."

10. Exclusive interview with Hishamuddin Rais on May 23, 2008 at Bau-Bau Café, Kuala Lumpur.

11. "Islam Hadhari and PM's aspirations" in *New Straits Times*, published on June 26, 2004: p.11.

12. "Malaysia a 'negara Islam' but not a theocracy; Abdullah: Country is governed by Islamic principles but is also a parliamentary democracy" in *The Straits Times*, published in Singapore on August 28, 2007.

13. Sisters in Islam (SiS) is a Malaysian women's self-help organization that has increasingly symbolized the rise of progressive Islam in a country that is gripped with conservatism in politico-religious thought and practice. Established in 1987 within the Association of Women Lawyers, SiS now runs numerous activities including a regular study circle and a legal clinic for women seeking redress in cases of divorce, polygamy, domestic abuse and human trafficking.

14. Interview at SiS office on May 20, 2008.

15. "Malaysia's Islam Hadhari criticized for focus on material development" in *BBC* Monitoring Asia Pacific on May 26, 2005.

16. I am indebted to Tricia Yeoh as the CPPS Director for sharing with me the survey data on national unity and the intense discussion we had in her leafy, uphill office.

17. There were 1015 respondents of the survey, whose ages ranged between 18 and 35. The survey, conducted in Peninsula Malaysia, excluded Sabah and Serawak. It was conducted in the first quarter of 2007, and was therefore done prior to the Hindraf rioting in November and the general elections in March 2008.

18. Exclusive interview with Rais.

10. The Merdeka Center for Opinion Research is based in Bangi, Selangor, and focuses on socioeconomic surveys and research. This National Survey of Malaysian Youth on Civic Engagement was supported by the Asia Foundation and had a sample size of 1505 Malaysian youths aged between 18 and 32.

20. The Merdeka survey indicated that 34% of the Malay respondents "favored increasing the implementation of Islam further", while 3% viewed that "religion and government affairs should be kept separate", Main Survey Findings and Highlights (2006: 16).

21. Main Survey Findings and Highlights (2006: 20).

22. The May 1969 racial riots was ignited in the wake of a general election, where UMNO's coalition almost lost the usual 2/3 dominance in Parliament. This caused the opposition, ostensibly Chinese-based parties, the Democratic Action Party and Gerakan, to parade through the streets of Kuala Lumpur, while sneering at the Malays. Although an apology was offered by the opposition, the Malays retaliated and racial rioting broke out for three consecutive days, prompting the government to declare a "national emergency" and activated the Internal Security Act, which gave the government the right to detain without trial anybody deemed to be a threat to national security.

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Indonesian and Thai Ghost Films

Yomota Inuhiko

Introduction

One of the problems researched by Asian film historians and critics is how to define and organize the alternative mode (or genre, theme, style) against mainstream Hollywood cinema. One insisted that wartime Japanese cinema had some possibility as it has been isolated from the other trends of world cinema. The others stressed that the Asian masters like Satajit Ray, Kurosawa and Glauber Rocha were important in the period of international film festivals as their artistic and humanistic styles acquired strong reputations in the West.

My approach as a film historian is quite different. I have searched for the possibility of the cinematic alternative in local cinema among the Asian societies and analyzed ideological meanings in the Kunfu (martial arts) and the Asian Western movies. I have also discussed hybridities of Hollywood melodrama and the traditions of popular theatres among Asian societies, which is the base of the identity of the local cinema.

The theme I am going to pick up now is the case study of the ghost horror movies of Thailand and Indonesia. Both societies have different backgrounds on religion and politics, but the movie industries developed in similar ways. They produced enormous numbers of ghost movies, which are now the main genre of their film industries. I will mention briefly the histories of the genre's developing and the contemporary situations especially after the 2000. The discussion here will, I hope, suggest some possibility in the broad context of comparative cultural study when we think of the alternative stream of experiences of images and sounds in the Asian countries.

1. Hollywood Monster and Asian Ghost Films
2. A Brief History of Indonesian and Thai Ghost Films
3. Indonesian Ghost Films from 2000
4. Thai Ghost Films from 2000
5. Conclusion

Hollywood Monster and Asian Ghost Films

Within the study of film history, horror, ghost or scary movies have always been considered an inferior genre, and have thus been either looked down upon or ignored. While declaring that one likes detective movies or romantic comedies may be admissible within bourgeois codes, stating one's love for horror movies—while not to the extent of confessing an interest in "perverted" pornography—has tended to invite suspicions of abnormality. Moreover, most horror films have in actuality compared unfavorably both technically and artistically to other forms of production, as they are often coarsely made or overproduced due to their relatively cheap production costs.

Such statements are certainly applicable to the field's central focus of Euro-American audiences. Yet these judgments cannot generally be made in regard to East Asian locations such as Japan, Korea or Hong Kong, nor in relation to such Southeast Asian cultures as Indonesia, Malaysia or the Philippines. The various popular theater traditions of these regions, from Kabuki to Peking Opera, Rikey or Wayang, have offered horror films of these regions a set of well-polished stories, artistic settings and actors, as well as cultivated a level of audience to aesthetically receive the genre. From childhood, people have been familiar with the ghosts appearing on screen, and have to some extent regarded them as folk heroes. For the average person, it has therefore never been taboo to say that the ghost movie should be counted as a core genre, alongside kungfu action and melodrama, within local film industries. What has been a problem for film researchers, however, is the fact that many horror films have been produced by small-scale film companies and have targeted local audiences. Thus, they have received little attention from international film festivals, and for the most part have been distributed and consumed unknown to international contexts.

While often working under the same label of the "scary" or "horror" movie, there are many points of difference between the Hollywood and Asian versions of this category. For example, among the superhuman creations that have come to exist in Hollywood

throughout the twentieth century, most have been male monsters—such as King Kong, Dracula, the Werewolf, Frankenstein, Fu Manchu or the appearance of the devil in the *Exorcist* or *Omen*. They have had either hugely grotesque bodies or held wickedly inhuman abilities, and devoted themselves to the evils of tempting and attacking women. Women are always the victims in these cases. Correspondingly, the American men who protect these victims and rid the world of evil have an absolute understanding of the good. And what brings this good to justice is science and humanism, or in other cases a belief in Christianity. From Transylvania to a small island in the South Pacific, these monsters, generally without exception, suddenly arrive from outside America to entrap society in chaos. A similar kind of alien is always the metaphor for communism in science fiction films of the 1950s. No matter the situation, an exceptional "other" must be killed and removed from society. The awesome order of America is maintained as a result of this—this is the ideological instruction of Hollywood horror films.

In this regard, Asian horror movies revolve around a completely different vision of the "other." The majority of ghosts are women, and they are women who had been driven to their deaths by such gendered crises as accidents at birth, violence, rape or suicide. Women are victims; they are weak. Yet when these women, once dead, come to attain their supernatural powers, a vengeance with no mercy commences against the men and society that had persecuted them. At the same time, in contrast to this ferocious attack, these women often also incarnate to a merciful mother figure, protecting the children to whom they had given birth in the real world and destroying all those hostile to them. In Asian film, ghosts are never solely dangerous or unsettled. Before searching for a means of punishing the ghost, people first lend their ears to listen to the voices of these women, and quietly grasp for a way to appease her. Here is suggested a completely different world view from the strictly discriminating good versus evil, living versus dead, self versus other— the former removing the latter—of Hollywood film. The basis of this worldview may be seen in the dual aspects acquired by the weak woman after death. She likely invites calamity to society, but at the same time takes her place as a motherly protector. I visited Jakarta's Sinematek Indonesia in August and September of 2007, researching Indonesian ghost movies and interviewing people linked with film. From February to April of 2008 I also visited the Thai Film

Archive, located in the Bangkok suburb of Salaya, to research the history of Thai horror films. While there was no opportunity for me to interview anyone having to do directly with ghost or monster movies, I have summarized below what has become clear to me over the course of this research.

A brief History of Indonesian and Thai Ghost Movies

From the second half of the 1990s and into the 2000s, a new wave of Indonesian and Thai film industry was born. With an unprecedented level of capital and technological investment, films produced with the international market in mind came to garner a reputation at international film festivals and acquire a global presence. Ghost movies and horror films hold a fairly large position within this development. Yet before discussing this, we must first briefly explain the development of the local film industries of these two countries.

In Jakarta, a film industry began in 1926 under Dutch colonial rule. In the beginning, simple silent films taking their themes from Chinese folktales or *One Thousand and One Arabian Nights* were filmed. Less appealing to horror fantasies, these films were rather silly comedies. Ghost films were not truly produced in Indonesia until the late 1970s. In watching films featuring the two big female horror stars, Suzanna and Farida Pasha, audiences responded with both fear and a strong sense of charm. These women were lovely and erotic, as they played goddesses who avenged with dignity and corrected the dishonesties of the human world.

For example, in Susanna's first film, *Birth in the Tomb* (Beranak dalam Kubur, 1971), an older sister covers her beautiful younger sister's face with a powerful drug, and buries her alive in a tomb. The younger sister secretly gives birth and leaves the baby with a servant. When this heroine becomes a ghost, she scarily entraps the older sister and the villagers. At this moment, her husband returns from overseas and a happy end ensues. In *Santet* (1988), a wife calls upon the goddess of the forest in order to avenge the death of her husband who had been murdered by the violent leader of their fishing village. After she goes through a stern rite of passage, she attains supernatural abilities. As a witch, she then wreaks a terrible vengeance upon the violent leader and his conspirators, and causes great misfortune for the village. Here, the village headman's

young son returns from the city where he had been studying Islam. He loudly chants words from the Koran, and persuades the witch and the village to return to peace.

A typical situation that recurs throughout these films is one in which a woman who is unjustly persecuted by a village collective hides herself in the sea or in the forest and devotes herself to a goddess or an apparition. After going through a fixed set of study, she attains supernatural abilities. What protects these women are the animist gods and goddesses that existed in society before the arrival of Islam—that have been forgotten by the religious powers of today. These female protagonists are persecuted victims of the village collective, and mothers full of motherly love who burn with a strong desire for revenge. They throw society into disorder, and when it comes to the point where such calamity can no longer be withstood, a strong and dignified man arrives from outside the social collective and subdues the situation. Behind this man is often the power of Islam.

Countless horror films were produced from the 1970s to the 1990s. A majority of them were low budget local films, getting their material from folklore based in Java, and were likely unknown internationally. Ironically, one horror film that was produced with a larger scaled budget during this period addressed the September 30 1965 *coup d'etat*, and was a propaganda film depicting a military officer and a politician being violently killed one after another. Produced to justify the political power of Suharto, this film aimed to distort and cover up history, is full of countless cruel scenes, and became more or less compulsory viewing every year on Indonesia's national day.

What about Thailand? Here, the earliest narrative film was produced in 1927 although, ghost films were already an important genre for Thai film even before. In 1936, the legend of *Mae Nak Prakanong* was adapted into film, the first of over twenty times this would be done and in the process becoming a nationally recognized horror melodrama for Thailand. The heroine of the story, Mrs. Nak, waits in a house along a river for her husband who had gone off to war. She gives birth, but meets her own death in the process. In spite of this, she takes on the figure of a ghost and raises the child, continuing to wait for her husband. In time, her husband returns home but doesn't know the truth about her, and the three of them begin a peaceful family life again. The villagers advise the husband of what had happened, but he is unable to hear what they say. Then one day, he comes to know the truth—that she isn't a living being—and flees to the Buddhist temple driven by fear. His angry wife envelops the village in calamity, attempting to get her husband back. At this point, a great priest from Bangkok arrives, and explains the way of the Buddha to the wife. The wife departs for the world of the dead, and the husband, understanding the emptiness of this world, becomes a Buddhist and later a famous priest.

Many Thai believe that the sad story of Mae Nak actually occurred around the middle of the nineteenth century along the Prakanong river, in a suburb of Bangkok. However, this story resembles legends handed down from China, and in Japan this was made into the film *Ugetsu monogatari* by Mizoguchi Kenji. It is a tale that we can thus understand as having spread across East Asia.

The *Mae Nak* series, along with the *Phii Pop* ghost series that was popular in the 1990s, constitutes the core of Thai horror film. In it, the animistic gods and goddesses of popular belief before the introduction of Buddhism fall to ruin and are removed from the center of society, as apparitions and ghosts are returned back from whence they came. For Indonesia the *Deus ex machina* was carried out by an Islamic haji or initiate, while the same role was carried out in Thailand by a Buddhist priest.

What the ghost movies of these two countries share in common is the problem of religious hegemony in society, as well as the problem of the mother. The strong religious ideology that has continued throughout society demands the persuasion and submission of the once peripheral gods and goddesses. In this situation, the fallen goddesses are mainly women who symbolize the weak worldly society, and it is in this respect that a strong motherly love is utilized as a melodramatic element. This element is always defeated in the face of a male ruling ideology, and the different possibilities of meaning suggested by these women are ignored in the continuation of society.

Indonesian Ghost Movies in the 2000s

In 1998, the Suharto dictatorship fell and Indonesia was visited by the confusion immediately following democratization. Within all of this, as the 2002 *Jelangkung* (Jose Poernomo) appeared and became a big hit, a new wave of horror films emerged. The low budget yet well-made ghost film—the local Indonesian

film—transformed into a large scale genre around this time.

Unlike in the past, this 'new wave' no longer displayed the problems of religious hegemony within the village collective. The new problems of horror became the post modernization and mass consumptivization of the big city, as well as the tourist storm that was violently blowing in the remote regions of the country. The weak woman no longer appeals to pagan goddesses or apparitions in the forest, but rather sits at the fringes of public urban space, solitarily absorbed in a ceremony of revenge. The relief from such ghosts that religious leaders might have once offered now runs into difficulty, and the horror story often ends without any sense of settlement. If one looks at this from the context of the increasing power of Islam in Indonesia from the late 1990s, one can begin to see some contradictions. In order to understand these circumstances, let us concretely introduce a few films:

Let us begin with the most frequently produced "youth horror" film, featuring a high school girl protagonist in Jakarta. Here, we can sense the influence of Hollywood's 1977 *Carrie* or Japan's *School Ghost Story* (*Gakko no kwaidan*) series of the 1990s. In *Call the Name 3x* (Pangil Namaku 3X, Koya Pagayo, 2005), a young girl who is always persecuted at school makes a deal with a female ghost, and pursues the classmates who had persecuted her to their violent deaths, one after another. In fact, the female ghost herself is a victim who had once been raped at school and been driven to suicide. In *After Midnight* (Lewat Tengah Malam, Koya Pagayo, 2006), a girl who is unable to connect with her mother, no matter what she does, often comes to witness a female ghost in her house. At first she is strongly fearful, but soon comes to understand what the ghost is trying to convey, and instead comes to feel more of a parental bond with the ghost than with her mother. In the end it becomes clear that the main protagonist girl is actually a ghost who had been killed by her mother, and whose body is shut up in the refrigerator.

In all of these films, a girl who is a societal weakling confronts an uncontrollable space—such as the school toilet or bathroom—and meets a female ghost who had once been a victim, and carries out her revenge in order to console herself. It is here where Indonesian films of the 1990s are different, as there is no point at which a religious authority appears so as to solve this chaos. *Jelangkurn to Angkerbatu* (Jose Poernomo, 2007) can also point us toward an understanding of the tendency of "remote region films." In this film, builders and journalists come from the city to an untrodden remote region for the development of a resort. There, they are one after another threatened by a mysterious enemy and the construction is unavoidably stopped. This enemy is actually a spirit that had since olden times lived in the forest. And it becomes clear that it has been attacking people because the development had caused it to lose its dwelling. Here too there no indication of a solution to this problem. In these films, the story ends at the point where the youth who had run away from this evil space with barely their lives amazingly make it back to Jakarta. No one ever appears to punish the spirits; no one even possesses the strength to simply return them to the forest. This is to say that the place to which they should return no longer exists.

At the fall of Suharto in 1998, what had long been concealed within Indonesia's recent history—the actualities of the horrific anti-communist campaigns of the 1960s—came to be known. *Red Lantern* (Lentera Merat, Hanung Bramantyo, 2006) sets the university communist anti-government movements of the 1960s in a village ghost film. This time, a beautiful ghost who had been a female college student killed by communists under the suspicion of being a spy is revived forty years later in the university. After carrying out revenge on colleagues who had betrayed her, she proves her innocence. Yet there is no one who can stop or remedy her attacks. This film is a reversal of the propaganda brought to female communist members during the Suharto era, and is an illustration that grotesquely revolves around suppressed victims.

Thai Ghost Films of the 2000s

In 1999, right after the International Monetary Fund currency crisis in Thailand, Nonsee Nimibutr's *Nang Nak* presented a glorious opportunity for starting a new kind of ghost movie genre. This has since been greatly developed, and has come to be known and received as an important element of international as well as contemporary Thai filmmaking.

Nang Nak is a remake of *Mae Nak Prakanong*, what might be considered the national ghost movie of Thailand. This film invested an unprecedented amount into production costs and special effects, and was clearly produced with an international market in mind. Emphasizing a nostalgic look at nineteenth century Thai life and customs, it fulfills a foreign

touristic curiosity. At the same time, the protagonist couple seems to be molded within a Western modernist mentality. What this film conveys is less a fear of the horror of ghosts, but rather the beauty of the couple's love that will never die, even when torn between two worlds. In this regard, the villagers that would tear the couple apart are only caught in premodern superstitions, and only living a backward existence.

In these ways, *Nang Nak* took on an outsider's gaze, and as its direction and filming were fully conscious of this, it became an international hit. The female ghost, once only a local and grotesque show, is wiped clean of its premodernism in this way. And as it moves on to a postmodern context, it revives the representative melodramatic heroine of Thailand. This tendency was furthered in the 2008 children's animation in which Nak appeared. Here, Nak is a forest apparition who possesses superior ecological powers and continues to look for the son from whom she had been separated.

The big hit made by *Nang Nak* reenlivened, in one breath, the Thai ghost film production that had hung low for so long. Until then a genre that had assumed a local audience and had been produced with a low budget, it was developed and changed into a new genre aimed toward young people living in a mass consumptive society. The setting shifted from a village in the countryside to the rapidly growing city of Bangkok. In line with this sudden urban development, the settings of the story that are adopted and privileged are remaining places on the fringes—ruins, decaying movie theaters, etc.—as they are set against high-rise buildings. A ghost's residence full of nostalgia appears and Thai cultural traditions come to be taken up as kitsch.

One characteristic element of contemporary Thai ghost movies is the grotesque images that revolve around the female body. When one compares this to the neighboring countries of Indonesia or Malaysia, one can understand how particular this image is. In films such as *Body Jumper* (Bporp Wheed Sayoung, Heamarn Cheatance, 2001), *Buppa Rahtee* (Yuthert Sippapak, 2005), and *Art of the Devil* (Ronin Team, 2005), a woman's aborted baby, a separated siamese twin, etc. all hold the meaning of evil. The heroines of these movies take on the figures of ghosts, and use supernatural methods to avenge the tyranny inflicted upon them by men. A beautiful woman's face and body often weirdly contorts and transforms into a menacing figure. A ghost (as though a metaphor for the Aids crisis in Thailand at this time) again and again possesses a young girl's body, and society falls into confusion and chaos. However, these women do not possess simply a dangerous or attacking existence. In the first place these women are mothers who have simply broken down, or who do not object to sacrificing themselves for their children who have remained in the living world. Here, large amounts of blood flow from their bodies, and they vow revenge full of hate as the bed becomes stained dark red.

Up until the 1990s, ghost films always ended with the appearance of a powerful priest who would point the female ghost suffering from evil passions toward the way of relief. In the 2000s, it became difficult for this kind of religious authority to bring a close to a story. Instead, in these films, the priest gives way to a layman's context, as a common woman gives birth to a baby and becomes a castaway ghost.

As it renders all history relative, postmodernism has had a large influence on this genre. *Ghost Game* (2005) depicts the story of a Bangkok TV crew that brings twelve contestants to the site of a massacre in neighboring Cambodia in order to shoot them in a survival game. Here, the ghost of Pol Pot appears, and everyone is cursed to death save for one surviving couple. Under the strong protest of the Cambodian embassy, a section of this film was revised. For Cambodia, this was a serious historical tragedy, and as it became a target of play for a Thai television show, they severely criticized the film. *Victim* (Mothon Arayongkorn, 2006) tells the story of a girl who happens to like to play fantasy and is employed by the police as a kind of video replay in the service of solving bizarre cases. In the course of acting the roles of all kinds of victims, she comes to be possessed by a female ghost who had died an unnatural death, at which point fact and fiction become undistinguishable. What we can glean from this kind of film is how self-referential the significance of the Thai ghost film genre is. Every image has an equivalent. For the extremely high speed of consumption within advanced capitalist societies, film becomes the medium in which continues a quest for addressing how a media society is made up as it ties together nostalgia and horror, tourism and exoticism, melodrama and the grotesque.

Conclusion

Upon the arrival of the 2000s, the film studio in Phnom Penh was revived, and at long last there was an

organization supporting the production of everyday narrative movies. At this time, the first film shot by a Cambodian was a remake of a hugely popular hit of the 1960s, the snake woman series. In 2002, Malaysia remade the 1950s hit *Ponti Anak*, a mother-focused ghost melodrama that became the subject of much discussion. It is on this point that the new ghost movie wave of Indonesia and Thailand following 2000 might be said to display a phenomenon common to all of Southeast Asia.

In all these societies, the traditionally familiar and well-known ghost movie has been newly remade. Its contexts for production and reception have greatly changed. The low budget and small-scaled film made only for domestic sale has announced its ending. The new ghost film is produced to target international markets, as it excessively emphasizes foreign sensibilities and nostalgia. Needless to say, their production has gone beyond domestic motives and moved on to more global conceptions. In the 1990s, Hollywood remade classic horror films on a large scale, and it is not hard to imagine what this suggested to producers in Southeast Asia. At the same time, it is important not to forget the strong influence from Japanese ghost movies. J-Horror such as *Ring* (Nakata Hideo) or *Ju-On* (Shimizu Takashi) also strongly stimulated Thai and Indonesian filmmakers in terms of their independent spirit and style. What has thus also worked to form the Southeast Asian ghost film is the power of border-crossing plurality, as well as collective production and cooperation. As soon as the films *Eye* and *Shutter* became a topic of conversation in Thailand, Hollywood made English language remakes of them. I would also note that a Japanese director was appointed to direct in this case. In the context of globalization, what had once been an individual country's ghost film based in local folklore has achieved a huge transformation.

Of course, even with such frequent negotiation and collaboration, Southeast Asian ghost films still have not lost the characteristics that differentiate them from Hollywood. Gender studies are a likely interesting case in point that deserve more inquiry. In this regard, all these ghosts have in the past been ordinary women; moreover, many of these women were brought to an unnatural death by male abuse or a suppressive societal system. These women achieve their revenge, yet at the same time are affectionate figures who work with the living. After entering the 2000s, the screen came to no longer depict, as before, the power of religion to relieve the problems of the present world. Society has lost sight of a means to catalyze chaos incited by the ghost. It no longer depends upon a masculine power (Islam's religious guidance or the Buddhist priest). Where the possibility for solving these problems lies is instead suggested to be its exact opposite. This generic link between family melodrama and ghost films in Thailand and Indonesia offer a particular paradigm, as film history revolves around supernatural existence. If we were to compare it to the depiction of the female warrior or martial artist of East Asian action film, we would likely bring to light even more interesting problems.

As we return to the context of Japan, we see that ghosts are also traditionally women. The basis of today's Japanese horror is not the opposition of ghost and human, but rather the confrontation and peacemaking between mother and daughter. There is much more research to be done surrounding the particularly Asian bodily symbols and melodramatic imagery of film.

During the workshop I fortunately got an interesting suggestion from my discussant and some commentators. Yeoh Seg Guan mentioned Jean Baudrillard and commented that a hyper-mobile and uncertain capitalist driven society, media representations of reality have become equally real as what we usually know the real to be. This pointing seemed to help much in my further research in the ghost genre. It will also be a key to understanding the recent phenomena of nostalgia as one of the strong themes of the newest ghost movies as I analyzed in the paper.

Malaysian and Philippine ghost movies must be researched in this direction. With this work done we hope to attain the idea of alternative representations of the Asian societies not only in the problematic context of film history but in the rather large one of comparative cultures.

Rethinking the *Chao Le* Identity in the Context of the History of the Malay Peninsula

Sirirat Katanchaleekul

Introduction

Chao Le[1] is the general term used to refer to the people who live along the coasts and islands in southern Thailand; in other words, the fishermen or people who make their livelihood from the sea. On the east coast of Thailand, '*Chao Le*' means fisherman, but on the west coast, this term has another definition. Besides fisherman, the word also refers to an indigenous people who speak Malay, or possibly Malayic languages (Sather 1999), and who historically had a nomadic lifestyle around the Malay Peninsula.

The notion of *Chao Le* as an indigenous people in Thai society is limited. Research and public perceptions have recognized a *Chao Le* background only in the country of Thailand but not throughout their traditional lands, which encompassed southern Thailand all the way down to Sumatra in Indonesia. As a result, the positive image of the *Chao Le* as a part of the ancient Malay Kingdom has been lost and unfortunately what has remained is a stereotype of the *Chao Le* as an undeveloped, primitive, dirty, uneducated and lazy people. However, I would like to correct this misrepresentation of the *Chao Le* by putting their culture into the context of the history of the Malay Peninsula. I will demonstrate that in the history of the Malay Kingdom, these negative images were constructed by the authorities and reproduced by community prejudices.

In the history of the maritime trade along the Malay Peninsula, the Orang Laut played various important roles. For example, in the 5th century the Orang Laut were the main suppliers of exotic marine products for the Chinese market because only they were able to collect and gather such products. In the 15th century, when the early Malay Kingdom was founded in the straits of Melaka, the Orang Laut also provided a naval force for successive Malay kingdoms, navigating treacherous straits, and supplying the court with exotic spices and medicinal herbs (Chou 2003). During this period, there were Orang Laut rulers who had royal status, such as the second king of Melaka.

However, the importance of the role of the Orang Laut declined when Europeans entered Southeast Asia and brought the region under the control of the colonial powers. One thing the Europeans did was to destroy the maritime influence of the Orang Laut, whom they referred to as "pirates," by staging a campaign against the 'problems of piracy' (Chuleeporn 2002). In order to make the region safe for European commerce, in the 16th century some Orang Laut were forced to resettle away from busy commercial ports to ensure that they would not interfere in the running of those ports. Thus, by the 19th century the Malay sultanate had transformed the indigenous political system into a colonial protectorate. In another words, the sultanate did not rely on Orang Laut power anymore but rather sought assistance from the British. Later in the early 20th century, the sultanate was subjugated by the British General Advisor who strongly influenced the general administration of the country[2] and proposed Britain as its nominal ruler (Dentan 1997).

Therefore, from the 19th century onwards, a misrepresentation of the Orang Laut developed which depicted them as a dirty and contemptible group who were little better than animals (Andaya and Andaya 2006) or as practitioners of black magic - harmful people (Chou 2003). As a result, the negative image of Orang Laut spread to the other groups around Southeast Asia, including those of Myanmar, Thailand, Malaysia, Indonesia and the southern Philippines.

In the era of a modern nation-state, the Orang Laut are also perceived in negative ways. They have been categorized as a *masyarakat terasing* (isolated society) (Edi 2000) or a *suku-suku terbelakang* (backward tribal people) (Chou 1997) or an *orang asli* (original people). The Malaysian government perceived them as an aboriginal people whose livelihoods were still isolated and out of reach of normal society. Therefore, the government believed that they must be educated and integrated into normal society. The government implemented several development programs such as re-grouping/ relocation schemes, the promotion of plantation agriculture, education, and religious promotion, etc. For those who resisted the changes,

the negative image of Orang Laut as uncivilized, primitive, dirty and practitioners of black magic was brought back and used as a tool to curse them.

Therefore, this paper examines the formation of the ethnic identity from both inside and outside of Orang Laut society. The result of this examination will show the current situation and adaptation of the Orang Laut who settled around the straits of Malacca where the capital cities of the ancient Malay Kingdom were founded—currently Malaysia and Indonesia. The data were collected from participant and non-participant observations, interviews, and daily life conversations with both Orang Laut and non-Orang Laut from those two countries. This paper is not trying to compare the Orang Laut situation between two countries but is rather trying to understand their situation in the era of modern nation-states.

This paper is mainly divided into five parts: the introduction, which describes the origin of the project; the general background of the Orang Laut in the Malay Peninsula; the current situation of the Orang Laut and their struggles; their response and adaptation within the existing structures; and, finally, the findings and conclusions.

The Orang Laut in the Malay Peninsula

'Orang Laut' is a general term used to refer to indigenous people who have a nomadic lifestyle in the sea in the *Alam Melayu* (Melayu world), which is divided among five nation-states—namely Indonesia, Singapore, Malaysia, Brunei, and Thailand (Chou 1997). A century ago, *orang laut* or sea people were boat-dwellers, variously described as "sea nomads" or "sea gypsies," and found throughout a wide area of maritime Southeast Asia. They once occupied much of the maritime zone that surround the Straits of Malacca, including parts of the East Sumatran coast, Southwest Malaya, and the Riau-Lingga and Pulau Tujuh island groups (Sather 1999). They made their living by exploiting the resources of the sea, the adjacent coasts, and the coastal forest swamps, gathering forest products such as tubers, wild yams, fruits and wood for cooking as well as plants for traditional medicine, and also hunting *babi hutan* (wild pig), mainly for subsistence needs. They dwelt in small houseboats, traveled around in groups of kinsmen, and followed animistic beliefs (Lenhart 2001).

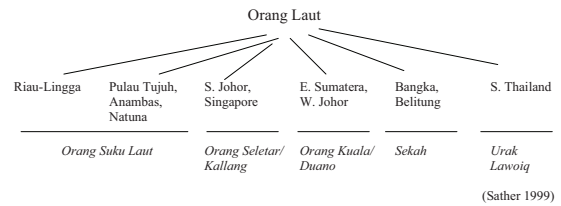| Orang Laut					
Riau-Lingga	Pulau Tujuh, Anambas, Natuna	S. Johor, Singapore	E. Sumatera, W. Johor	Bangka, Belitung	S. Thailand
Orang Suku Laut		*Orang Seletar/ Kallang*	*Orang Kuala/ Duano*	*Sekah*	*Urak Lawoiq*

(Sather 1999)

Figure 1: Major Orang Laut Groups by Regions

In Malaysia, Orang Laut were known as Orang Seletar who once lived along the Straits of Malacca but have now settled along rivers in south Johor. Orang Seletar literally comes from *orang selat* or 'the people of the straits.' The straits refers specifically to the straits of Singapore and the many narrow water passages of the Batam Archipelago. In the seventeenth century, when the Dutch seized Malacca from the Portuguese, the Dutch rendered the word as Seleter by adding the suffix 'er' that indicates a people's place of origin. Thus, Orang Seletar can be fully translated as 'the people of the Singapore and Batam Straits' (Ariffin 1979). However, they do not call themselves Orang Seletar, but *kon*. They explain that *kon* stay along the riversides and swamp confluences with boats and pillars and live with dogs.

The Orang Laut in Indonesia are known in general as *orang suku laut* (sea tribe people), comprised of various sub-groups. Each group has a different language and culture. Before sedentarization, the *orang suku laut* named themselves in accordance with their lifestyle: *orang pekajang* (people who live in thatch) or *orang sampan* (people who live in sampans). After their sedentarization, their names were changed to reflect the name of the place they lived in. For instance, the groups in the Riau Archipelago were called *orang suku Mantang* (Mantang people), *orang suku Mapor* (Mapor people), *orang suku Barok* (Barok people), and *orang suku Galang* (Galang people). Besides the name of the place, however, there is also a group that calls itself the *orang Melayu suku laut* (sea Melayu), which means they maintain their traditional lifestyle but follow *Melayu adat* (Melayu customs), mainly referring to the adoption of Islam. As for '*orang suku laut*,' this term describes their background, along with *asli suku laut* (native sea tribe), or *suku kita* (our tribe). The groups who still live at sea are referred to as *orang sampan* (sampan people).

In the twentieth century, every *orang suku laut* group had permanently settled down. This new situation has made their society more open to other ethnic groups and wider society. In the resettlement areas, they live

and work together with local people and other ethnic groups such as the *orang Melayu, orang Bugis, orang Cina* and *orang Jawa*. Their children are acceptable as marriage partners among the people outside their society, not just among their own group, and this has caused Orang Laut to widely settle down throughout the archipelago besides just in the resettlement areas. In general, after the Orang Laut marry, they will select a place to settle that suits their work, such as near fishing grounds, or some will settle in their spouse's village. As a result, the *orang suku laut* nowadays have adopted a variety of lifestyles.

According to the census of Orang Laut from two countries, in Malaysia there are 2,492 *orang seletars* living in 9 villages[3] around river mouths in the south of Johor, and in Indonesia, there are 8,970 *orang suku laut* settled down near or on the coasts and islands of the Riau Archipelago and northern Sumatra.[4]

From Orang Laut to the Minority People of the Country

In the era of the modern nation-state, the Orang Laut have been transformed into citizens as an indigenous people of the country. The state governments perceive them as backward and uncivilized people because their traditional livelihood is different from those of the national society and some activities are prohibited by the state religion—Islam. In the eyes of people who profess Islam, living in *perahu* (small boats) together with dogs and other animals, traveling around the archipelago with no destination, hunting and eating wild pig and turtle meat, rarely *mandi* (bathing) and having no religion (Suara Pembaruan 1995) are things that are unacceptable and impure (Lenhart 2003). As these kinds of activities are against the dominant population's culture, the government has conducted development programs to integrate Orang Laut into the majority society.

The Orang Laut have been categorized under the general name of *masyarakat terasing* (isolated society) and were later renamed a *komunitas adat terpencil* (isolated cultural community)[5] (DPKAT 2001) in Indonesia, and are referred to as an *orang asli* (original people) of Peninsular Malaysia in Malaysia. The development programs are aimed at having the Orang Laut abandon their traditional lifestyle and become sedentarized—permanently settled down in houses, adopting religion and having a school education.

Permanent Sedentarization

The Orang Laut were encouraged to permanently settle down in the resettlement areas where houses, mosques, medical and education facilities, and basic infrastructure such as roads and underground or piped water are provided. The resettlement villages were constructed as homes for Orang Laut to come back to after fishing. The wives generally stay at home to do house work and take care of the children. The children are expected to go to school and study religion. The government has trained the Orang Laut in growing plants or fruit trees as an alternative source of income or for household consumption.

At the resettlement villages, the *tok batin* or *kepala kampong* is the village leader who takes responsibility for all Orang Laut activities in the village, as well as receives government policies to implement in the village. In the past, the senior male member of the clan was often chosen as the leader of the community. The head is acknowledged to hold greater but not absolute authority over the community (Chou 2003). Nowadays, the Orang Laut community unit has been changed to the village where different ethnic groups live together. Thus the leader is not from and for only Orang Laut, but other members of the village as well. The leader is chosen through an election and is officially appointed by the government. The leader in this era plays an important role as the government's representative in development schemes; he convinced the Orang Laut to change their lifestyle in accordance with government policies.

Adopting Islam (Masuk Agama Islam)

The government's directed development implies not only economic and social changes, but also cultural change (Lenhart 2003). The Orang Laut are required to adopt a religion that will be specified in their identity card; generally, the government urges them to *masuk Islam* (adopt Islam). In some areas, the government identifies them as Muslim without their consent because the government is afraid that they will adopt Christianity instead. In Malaysia, the government has campaigned for the *orang seletar* to *masuk Islam* by, for example, providing free *ladang* (plantations), subsidizing money for house renovations or boat repairs, and giving special money on religious holidays.

Following Islamic practices differentiates Orang Laut today from their people in the past. They have adopted

the ideas of cleanliness such as washing their feet before entering a home, wearing shoes, and washing their clothes and taking baths, which were strongly promoted in Orang Laut society. Their idea of life after death has been changed from *sendiri* (self-reliance) to reliance on a *Tok Imam* (religious leader). They believe that *agama* will lead them to goodness and a proper death. There will be a *Tok Imam* as a representative of morality to officiate at all funeral ceremonies, rather than performing the ceremony by themselves as before and building *kubur* (graves) as a home of the dead. The *Tok Imam* assists them in preparing the body to see God in the next world. Furthermore, they also believe that adopting the same religion with their parents will allow them to see each other again in the next life.

However, adopting *agama*, particularly Islam, does not cause alienation in the intra-ethnic relationships between non-Muslim and Muslim Orang Laut. This is because, among Orang Laut, ethnic ties are based on the idea of '*saodara* (relatives)' that respects ties of bloodlines and marriage on both sides (husband and wife). So whatever religions the Orang Laut adopt, they still maintain their relationships as *saodara*. Likewise, the inter-ethnic relationship between Muslim Orang Laut and ethnic Chinese in the area is not affected because it is based on the patron-client system. In other words, the Chinese or *tao kae* support the Orang Laut with advance money and fishing equipment such as petrol and boat engines and in return, the Orang Laut sell marine products back to the Chinese. On occasions such as Chinese New Year or Hari Raya, they will visit back and forth. Thus, we see Muslim Orang Laut join Christmas parties or Chinese New Year celebrations together with their *saodara* and *tao kae*. Meanwhile, their *saodara* also join *hari raya* (Islamic religious day) celebrations together with Muslim Orang Laut.

School Education

The Orang Laut children are required to go to schools near the villages rather than follow their parent to the fishing sites. Schools and teachers are other important actors in making the Orang Laut abandon their traditional lifestyle. The teachers teach them the national culture and correct their habits in regard to cleanliness. In the past, the Orang Laut rarely had *mandi* (shower baths). So every morning at the school, the teachers will bring them for *mandi*. The teachers do this every day until the children feel ashamed. Later, the children will have *mandi* by themselves before they

go to school. Generally, the Orang Laut today pay strong attention and encourage their children to go to school. They believe that a school certificate will provide the children with a better opportunity to get a job in town so the next generation will not have as hard a time as their parents.

The Plights of the Orang Laut

> '*Sekarang kita tidak bodoh... anak-anak sudah sekolah, ada yang doctor dan guru..*' (Now, we are not stupid.. the children have a school education, some become doctors and teachers.)
>
> '*Sekarang kita sudah punya agama, jadi ilmu sudah buang...*' (Now we have adopted religion, we already ignore magic.)

The Orang Laut expressed that they have already been developed and become a part of national society. External social pressures that view them from a negative perspective have pushed the Orang Laut to be keen to adapt within the wider society. However, these circumstances also sometimes cause them difficulties.

Ambiguity of the Orang Laut Identity

Governments that did not base development programs on the social-cultural-economic reality have created an ambiguity in the Orang Laut identity. The Orang Laut are torn between what the government expects them to be as announced in state policy and how outsiders perceive them as a result of the policy. The government has implemented development programs that aim to increase the prosperity of Orang Laut society to live in parallel with the majority society (DPKAT 2001), or to integrate the socio-economy of the *orang asli* into national society (JHEOA 2008), in contrast to the surrounding communities that still hesitate to interact with them. Contact between Orang Laut and other groups is mainly confined to economic transactions, mostly with *orang Cina* (ethnic Chinese) as mentioned above, and social contact with other groups, especial Malay who profess Islam, has been withdrawn, because in their perspective the Orang Laut are a people without religion and culture (Lenhart 2002). Because their traditional background still has a strong influence on outsiders' perceptions, the local surrounding communities do not accept the Orang Laut as a modernized people. Local people still fear contact with the Orang Laut. They related that the Orang Laut will use black magic on people who spit at them or on woman they like. If an outside

woman marries an Orang Laut man, the locals say she was bewitched with black magic.

However, the ambiguity of the Orang Laut identity does not only occur in the majority society, but also among Orang Laut communities. They are have doubts about their current situation under the *orang asli* label.

> '...we are titled *orang asli* but we don't have the rights to stay here. We are titled *anak* Johor Bahru (child of Johor Bahru), but we get nothing from it..'

> '...The government spends much of its budget on state development. But how about spending money on us. Everywhere there are *orang asli*. Where is the money? Everywhere is developed but the *orang asli* are still poor. We can see parks, resorts, tourism everywhere, but where do they get the land? It is from us. It is easy for them to get our land. The only ones who are suffering are the *orang asli*. Now everything must be paid for, even hospital fees. They will ask us to pay the fees. Where is the entitlement of the *orang asli*?'[6]

The Loss of 'Orang Laut' in the Malay Peninsula

The Orang Laut have lost their existence in Malay society because the government has an ambiguous perspective about them. On the one hand, the government has strong concerns about the negative connotations of the meaning of '*orang laut*'. Therefore, the government has adopted new terms aimed at demolishing these negative connotations. In Malaysia, the *orang laut* are renamed *orang asli* instead of *sakai* (slave) or aboriginal people[7] and in Indonesia, they are called a *komunitus adat terpencil* (isolated cultural community) instead of *masyarakat terasing, suku terbelakang*, and *suku terasing*. However those new terms do not serve to demolish, but rather re-emphasize the negative connotations.

The government homogenizes the Orang Laut by categorizing them together with other ethnic groups around the country under the general term mentioned above. Consequently, the term *masyarakat terasing* is comprised of at least 191 groups from 23 provinces around Indonesia (DPKAT 2001), and *orang asli* in Malaysia is comprised of at lease 19 distinct groups that differ in language, social organization, economy, religion, and physical characteristics (Dentan 1997). The use of this general name causes the Orang Laut ethnic identity - which shows their existence in Malay

history as the great Orang Laut who once assisted the Malay rulers to found the Malay Kingdom or the *orang seletar* who assisted the sultan of Johor to built Johor city - to be reduced to merely an indigenous tribe that lives in remote areas and has not yet achieved politics, economy and society (DPKAT 2001). In Malaysia, the government has viewed them as a hindrance to development and a political embarrassment (Dentan 1997); some even question whether the *orang laut* are human or a new species from the sea (personal conversation, 2007)!![8]

Orang Laut: 'The Other' in Their Traditional Land

As a result of misunderstandings by outsiders, the Orang Laut today are treated as 'the other' in their traditional territory. The government does not recognize the rights of the first habitants of the Malay Peninsula but views them as 'other' as shown in comments made by Mahathir Mohamad, the former Prime Minister, regarding the ownership and rights of the Malays in Malaya:

> The first conclusion from the study of other countries is that the presence of aborigines prior to settlement by other races does not mean that the country is internationally recognized as belonging to the aborigines. Aborigines are found in Australia, Taiwan and Japan, to name a few, but nowhere are they regarded as the definitive people of the country concerned. The definitive people are those who set up the first governments and these governments are the ones with which other countries did official business and had diplomatic relations.

> There is another condition. The people who form the first effective Government and their legal successors must at all times outnumber the original tribes found in a given country...

> In Malaya, the Malay without doubt formed the first effective governments... the *Orang Melayu* or Malay have always been the definitive people of the Malay Peninsula. The aborigines were never accorded any such recognition nor did they claim such recognition. There was no known aboriginal government or aboriginal state. Above all, at no time did they outnumber the Malays (Dentan 1997).

They have been excluded from the usual natural resources as such the sea, seashores, mangrove forests and land forests, and the ownership of the land on

which they live. The Orang Seletar, under the *orang asli* label, live in the resettlement areas without the legal land tenure that other Malays have. The government has relocated Orang Seletar, sometimes without paper notice and compensation, whenever the land is needed for state or private development projects. Some villages have been relocated more than once, such as *Kampong Simpang Arang* and *Kampong Kuala Masai*, where initial locations were used to build seaports for an Iskandar Malaysia development project. However, minor projects of Iskanda Malaysia, such as Danga Bay, have also affected other Orang Seletar villages that are located near the project sites such as *Kampong Bakar Batu* and *Kampong Sungai Temon*. The total area of the project covers 1,000 acres of mainly mangrove swampland at the mouths of the Skudai and Danga rivers.

The Orang Seletar complain about the unfair situation between them—the original people—and the new comers who seized their traditional land:

> *ini cerita orang asli dulu punya...di dalam Malaysia saya punya mak nyatalah...di dalam Malaysia...dulu hutan...sekali orang asli potong potong sudah jadi rumah...dulu takde kereta takde basikal...pakai jalan kaki...dulu korn duduk bikin rakit pakai kayu nibong duduk atas sana mau bikin Johor punya tempat...kita punya nenek cakap...dulu saya punya nenek potong hutan Johor...Johor banyak harimau...dulu...banyak harimau...sekarang Johor punya...tapi orang sudah angkat...kita sudah pergi...lain orang duduk tengah...tau...tak pakai duduk tepi la...orang mau duduk...dulu orang tua-tua bikin sumbangan bikin percuma...kasi dia orang itu...apa pendapatan kita? (here once belonged to the orang asli. Malaysia in the past was full of forest and tigers. We—the Orang—Laut lived on raft to build Johor. Nowadays people from other areas move and live at the center of Johor and we are pushed to live aside. Our ancesters built Johor for them, but what we have got in return?)*

As mainstream development projects were implemented in this region, the Orang Laut, as an indigenous people who generally are a small and politically powerless group, are a prior target to be withdrawn from natural resource bases. The SIJORI Growth Triangle—an economic cooperation area between Singapore, Johor in Malaysia, and Riau in Indonesia—that was announced in late 1989, has seriously affected the Orang Laut livelihood. Most of natural resources from Riau and Johor have been taken

from the Orang Laut and given to big consumers like Singapore. Mega projects such as the Iskandar Development Region[9] (IDR) in Johor that were established to support SIJORI in 2004 have destroyed mangrove forests where the Orang Laut used to collect marine products and land forests where they used to collect and hunt to build the elite commercial hub, condominiums, seaports, entertainment centers, resorts and hotels, highways, and so forth. Also, sea sand from Riau has been sold to Singapore to build the Changi Airport. Furthermore, the deforestation and pollution from industrial factories under SIJORI has seriously affected Orang Laut incomes, which were previously enough to cover household expenses. Some mentioned that they used to catch two to three kilograms of crab per day, but nowadays it is difficult to catch one kilogram. The groups that live near the industrial areas complained that there are no big fish there because of polluted seawater, and that sometimes they are scared to eat fish from the trap, but they do not have much choice.

A Little Way Out of Their Plight

Although the Orang Laut today are in difficult situations, the increasing awareness of the concerns of indigenous people in wider society has provided the Orang Laut with opportunities to negotiate their current plight. They have been recognized by society as citizens of the country, productive personnel in the seafood industry, or having a valuable cultural identity rather than primitive as they were seen before. Thus, this changed structure has facilitated an opportunity for them to make use of cultural and social networks as a tool to balance their situation within the majority society such as through inter-marriage, adopting *agama* and cooperating with NGOs.

Inter-marriage

To gain a better social and economic status, some Orang Seletar women prefer to marry Chinese, rather than among their own ethnic group or the majority *orang Melayu* or Malay. Particularly in Malaysia where racial prejudice appears in both state policy and everyday life, an Orang Seletar woman who married an ethnic Chinese man mentioned that the *orang Cina* have never looked down on the Orang Seletar and treat them better than the Malay. The marriage has also provided her with an alternative status in wider society. She can identify herself as *orang Cina* following her husband's tradition — although her

physical characteristics are obviously Orang Seletar—which is acceptable in the majority societies. Also, as a Chinese, she can receive special assistance or subsidies from the Malaysian Chinese Association besides the *orang asli* label from the government. Their children are also regarded as *orang Cina* following their father's side—speaking Chinese, adopting Buddhism—and practice their mother's culture as their minor culture.

Likewise, inter-marriage improves the Orang Seletars' economic status. After marrying, men usually move to their wife's house in the village. Their houses always have a full range of modern facilities such as a car, a washing machine, modern kitchenware and so on. After marrying, the Orang Seletar will shift from working as fishers to *tao kae* or local entrepreneurship. The couple will travel around to the wife's *saodara* places to buy marine products such as mud crab, fish, and different kinds of mollusks. Sometimes the couple will act as *tao kae* who provide advance money to the fishers and buy all marine products from them.

Regarding marriage among their own group, the Orang Seletar women explained that she would have faced the same situation as her parents and other Orang Seletar in the village—work as a fisher, an unstable income, and an insecure life.

Adopting Agama

Adopting *agama*, either Islam or Christianity, is one strategy of the Orang Laut to decrease tension with outside society. It eradicates the negative perception of the Orang Laut as primitive people who have no *agama*. In particular, the adoption of Islam makes them more likely to be regarded as official Malaysians or Indonesians because Islam is the national religion of both countries.

Furthermore, *agama* is also used as a tool to gain benefits from the government and outsiders. Some Orang Laut choose to *masuk Islam* even though they do not feel appreciation for the Malay because the Malay have always looked down on them and even though they cannot eat pork, which is a popular meat among them. However, the special benefits of *masuk Islam* that are provided by the government such as priority subsidies that come in the form of money for house renovations and religious days, new boats or engines, and land for crops, have persuaded them to become Muslims. For those who are Christian, they generally gain assistance from the Church instead of the government. The details of this assistance will be described in a following section.

However, even though the Orang Laut have an official religion that is specified on their identity cards, they have also learned to cope and gain benefits from other religions. For example, on Chinese New Year the Orang Seletar in the same village—including Muslim Orang Seletar—will gather together and travel around to the Chinese houses. They bring along two oranges that represent good wishes and good luck from them. In return, they will get *ang pao* (money in a red bag that is given particularly on Chinese New Year) from the *orang Cina*. In addition, on Christmas Day when Christians hold celebrations, the Orang Seletar, including Muslims, also participate in religious activities and receive distributed gifts. At night, they also enjoy the meal at Christmas parties where barbecued pork is provided.

Cooperation with Local NGOs

In the changing of indigenous people's power in Malay society, several *orang asli* communities have founded their own organizations and cooperated with NGOs. Likewise, the *orang laut* have sought out cooperation and assistance from non-governmental organizations (NGOs). In the case of the *orang seletar*, initially they gathered and protested against the impacts of the IDR project on their own. Unfortunately, the government and the public did not recognize their voices. Later Christian *tok batin* (village leaders) consulted about their troubles with Catholic priests who also worked as an NGO. Afterwards, they organized a meeting among *orang seletar* communities around south Johor and also invited NGOs who work on *orang asli* issues. The meeting was held with the purpose of founding their own organization or *Persatuan Asli Selatan* (southern indigenous organization)—run by the youth of the *orang seletar* community—to regain and sustain the rights and benefits of the community.

The *orang seletar* use the label of *orang asli* as a political tool to negotiate with the government. They represent themselves under the name of the southern *orang asli* community in Peninsular Malaysia, rather than *orang seletar*. Their organization cooperates with the Peninsular Malaysia Orang Asli Association (POASM), which is composed of many *orang asli* communities around Malaysia as such Jakun, Temuan, Semai, Temiar and so on, as well as a youth organization from Selangor that assisted them in founding the *orang seletar*'s youth organization. The *orang seletar* expected POASM to bring them to meet with related departments at the Putrajaya (Malaysian government office) as POASM had done with other

orang asli cases. Also, local NGOs, such as Suara Rakyat Malaysia (SUARAM), Johor branch, which works on human rights, were requested to write a memorandum on the impacts of the IDR project that will be handed to related departments at Putrajaya.

Findings

The misunderstanding of *Chao Le* in Thai society is not only a result of a selective telling of history but also the modern nation-state administration. It divines the Orang Laut's traditional territory among the nations of Thailand, Malaysia and Indonesia, and identifies the Orang Laut as the people of one of these countries. National traditions and culture have separated the Orang Laut communities around the Malay Peninsula; for example, the Orang Laut in Indonesia and Malaysia are mostly Muslim and follow Malay culture, while the group in Thailand is Buddhist and follows Thai culture. As a result, the wider society rarely knows the relationship among the Orang Laut communities throughout the Malay Peninsula. Even the Orang Laut themselves rarely have any ideas about the Orang Laut outside their country. The *Chao Le* in Thailand, who speak an ancient Malay language, do not know their origin or the Orang Laut communities in Malaysia or Indonesia. They have never recognized that their traditional language is a part of the Melayu world. The only thing they know is that with their traditional language they can communicate with the Malaysians and Indonesians that they met at the fishing piers. However, even though the Orang Laut in the Malay Peninsula nowadays have already adopted different cultural identities, they are treated under the same ideology that makes them slighted by outsiders and treated as an ethnic minority by the government.

In the modern nation-state era, the government has played an important role in perpetuating the negative images of the Orang Laut that were constructed in the colonial period up to the present day. Besides this, the government has created an ambiguity in the Orang Laut situation. The government perceives them as backward or a minority people in the country who need to be developed to live parallel with national society. However, in the context of mainstream development project, the Orang Laut are perceived as obstacles to the projects that need to be removed. Therefore, the Orang Laut today seem to be in a dilemma. That is, they do not know where they are from and who they are in wider society.

Conclusions

The knowledge in this project is information from the field that will fill in the lacking information about the *Chao Le* in Thai society, as well as the Orang Laut in Malaysian and Indonesian societies. In order promote a proper understanding of the *Chao Le* to the public, I will disseminate knowledge from the project to local people by writing an article about the importance of the Orang Laut communities in the Malay Peninsula in the Thai language and send it to a local newspaper for publication. To reach academics, I will distribute a short film on the Orang Laut to institutes both inside and outside Thailand. Inside Thailand, the target institutions include Chiang Mai University, Chulalongkorn University, Thammasat University, Walailuk University, the Sirinthorn Anthropology Center, and the Andaman Pilot Project that works directly with the Moken (*Chao Le*) in Thailand. Outside Thailand, the target institutions include the National Library and ISEAS library at the National University of Singapore, the Faculty of Social and Political Sciences at the University of Indonesia, the Center for Southeast Asian Social Studies at Gadja Madah University, the Institute of Malaysian and International Studies (IKMAS) at University Kebangsaan Malaysia, and the Center of the Orang Asli Concern (COAC). Furthermore, I will make a presentation at the Regional Studies Program, Walailuk University to students and academics who are interested in the ethnicities of Southeast Asia. I expect that the knowledge and experience gained from the project will benefit and inspire students to further study about ethnic minorities in Southeast Asia besides the Orang Laut. Regarding the contribution to the *Chao Le*, I will present the film and share my experiences with the *Chao Le* community in Phuket where my initial fieldwork was conducted. I would like to give them information about the Orang Laut communities in the Malay Peninsula. I have realized that the information will give them a proper understanding of their origins, that they were once a part of the Malay Kingdom. Also, the current difficult situations of the Orang Laut communities in the Malay Peninsula are a result of misinterpretations by the authorities that were constructed during the colonial period.

NOTES

[1] *Chao le* is a general name that southwestern Thai use to refer to sea people. The *chao le* have been categorized into three groups based on their spoken languages: *Urak Lawoi*, *Moken* and *Moklen*.

[2] On May 20, 1914, Johor accept a General Advisor from the British. The General Adviser had great power as his advice had to be requested and acted upon in all matters affecting the general administration of the country and on all questions except those concerning the Malay religion and customs.

[3] According to census data at the end of December 2003 by the Orang Asli Affairs Department or Jabatan Hal Ehal Orang Asli (JHEOA), Johor, there are 9 Orang Seletar villages: Kg. Simpang Arang, Kg. Sungai Temon, Kg. Bakar Batu, Kg. Telok Jawa, Kg. Pasir Putih, Kg. Teluk Kabong, Kg. Kuala Masai, K.g Kawasan Tiram, and Kg. Air Papan.

[4] Data from the census by the Department of Social Affairs of the Republic of Indonesia (Departemen Sosial RI) in 2001.

[5] The Department of Social Affairs, RI, characterizes *masyarakat terasing* as: 1. small, close and homogenous communities; 2. high kinship relations; 3. living in remote areas; 4. subsistence economy; 5. using simple technology and equipment; 6. strong relationship with natural resources; and 7. politics, economy and society have not yet been reached.

[6] Translated information from the Perhimpunan Orang Asli Selatan's meeting on December 3, 2007.

[7] The word 'sakai' was used to refer to Orang Asli. 'Sakai' has two meanings: 'slaves' or 'dependents,' which describes their condition in many ways. This meaning is considered as derogatory and disliked by the Orang Asli themselves. The second meaning has been used to refer to the various tribes that we call '*Senoi*'. Sometime 'Sakai' has been used to describe the aborigines as a whole (Carey 1976).

[8] This conversation suddenly took place with a Malaysian immigration officer at a checkpoint when he saw the research title in my visa.

[9] The IDR project is one of 5 mega state development projects under the government of Prime Minister Abdulah Badawi that is located in Johor Bahru. The project costs RM360 billion, covers 2,217 square meters, and will last 20 years, from 2004 to 2024. IDR aims to spur Malaysian economic development by attracting investors from inside and outside the country, especially Singaporeans. IDR offers the infrastructure for a business environment such as logistical facilities. IDR is divided into 5 zones: zone A, B, C, D, and E around Johor Bahru.

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"Project *Hanapbuhay*"—Portraits of Working Artists

Jay Flores Ticar

Introduction

Hanapbuhay is a Filipino word for livelihood. It is a compound word composed of the Filipino words *hanap*, meaning "search", and *buhay*, meaning "life". Taken as a play on words, it could mean looking for life, which a working artist does: he or she sustains himself from jobs other than his or her artistic practice so he could pursue his art. The artist referred to here is generally a visual artist, but because contemporary art has blurred divisions across media, the more encompassing term "artist" is used. The main objective of the research is to be able to devise, produce, and exhibit an art project dealing with a collection of portraits of working artists.

At first, the project was intended to manifest itself in a work combining artists' book—the book as a medium for art and public participation art, that is, art as a result of public participation. The artists' book was to be made from a collection of articles and artifacts (to be devised as self-portraits) solicited from working artist participants, who are seen as part of the public. However, given the prevailing situation among the working artists in Tokyo, the project's site in Japan, and Bandung, its site in Indonesia, the project has taken a different path. The unique situations, which will be expounded on in the findings, are not conducive to soliciting artist participation. In Tokyo, working artists are not willing to expose the context of their job in the art scene. In Bandung, the demand for art works in the art market, if not bigger, can match the supply which the artists are producing. And so the artists are terribly busy in producing artworks.

The project has turned to painting, a medium that does not require outside participation to produce. The portraits of artists' images are highlighted in the history of painting and so it would be an opportunity to move within this context to present an alternative. In Indonesia where the shift in medium took place, painting gets foremost attention in the art scene primarily because it is experiencing a boom in the local as well as in the Southeast Asian market.

Paintings from Indonesia currently play a significant role in Asian art. Historically, art patronage has contributed significantly to the development of painting. Presently, the international art scene's attention is on Asia, particularly China, in part because it hosted the 2008 Olympics. The creation of artists' portraits in this research provides Asians an opportunity to be substantially involved in the production of internationally acclaimed, significant images in painting where painters from and in the west dominate.

To locate, meet, and dialogue with working artists were the immediate objectives that were carried out even if there was a shift to produce paintings. The meetings entailed data gathering of visual resources. The data of images would provide the basis for choosing who would be painted in each portrait to be produced. The realities in the lives of these artists I met would be represented in the visual language of painting.

In composing portraits in the paintings, three other groups of images were used: the broken mirror, the self-portraits of artists from the west, and stills captured from movies depicting painters. The images that used cracks from a broken mirror represented a breaking away from how self-portraits were done using mirrors in the tradition of western painting. Crumbling and defaced images from the self-portraits of western artists in painting, as well as still images captured from movies depicting painters, represented the dramatically manipulated and misleading artists' ideals, hyped as heroic or romantic. These images, widely consumed by artists and the art world, have become the source of the ideal artist image. In each frame, a surface of breaking glass is depicted, portraits of working artists in Asia are painted the most fully, surrounding images are collapsed and defaced. Each frame is a representation of how a working artist from Asia is starting to see himself in a collapsing mirror, which reflects images that are not only his. In each frame, at least three faces are present, among them the portrait of the Asian artists painted in full with the least defacements.

The starving artist is the only known ideal image proliferating and it is this persona by which artists are generally perceived. This is so even as work has always

been a constant reality for the artist for him to survive and proceed with the ideally independent practice of art. In fact, before the western context of "art" was introduced to Asian societies, making crafts pertained to a particular work in a social unit. The starving artist ideal was established as a result of the dominance of West-centric art history and education. It was also a result of the proliferation of the dramatization of the lives of famous artists in visual mass media.

The artist's identity ideally has a strong influence on how an artist will envision himself and depict his message in his work. It is a factor for selection in a field where selection is of utmost importance in order to succeed. It is a basis for public belief regarding the message that the artist presents through his artworks, the effects of art on society, and the need for art to progress. It is a basis for support which parents are confronted with in co-deciding their children's future through education.

The generally known romantic image of the artist has long been stagnant and inapplicable, particularly in Asian societies. In fact, what is intended to describe a unique genius is currently denoting a stereotype. The starving artist image ideal insinuates a mentality of posture, a pretentious mindset, of leaning towards false eccentricities and irresponsibility. It makes an excuse to discredit the need for education and regular livelihood, and to live a life of vice. Worst of all, it gives a wrong perception of art as something greatly based on intuition, emotion, and ignorance, if not carelessness.

Presenting the working artist image as an alternative and creating a visual reference for this ideal are important. Doing so addresses the reality of an artist's situation, promotes a positive connotation of art and the artist's image in society, and introduces a unique, new source of meaning for artistic exploration. The portraits of working artists in paintings add to the genre of painted portraits produced in Asia, insofar as recent contemporary art is concerned. These portraits could serve as a visual reference for art education and research. The portraits of working artists in paintings raise and promote the working artist ideal wherever they are seen.

Findings

Tokyo

The working artist as a life condition is a common and highly visible sight in Tokyo, yet it is a problem for the working artist to introduce the context of his livelihood in the realm of art, especially if there is a selection process involved.

In an artist's pursuit of his or her career, selection plays a vital role for the artist to advance. From the moment an artist enters a good school, up till he or she is in the graduate level, selection is the method he has to undergo. The same holds true for other art opportunities such as joining an established art group, competitions, applying for funding, exhibiting at an established venue of art, being critiqued and published, and when joining highly organized exhibitions. In Tokyo, the level of competition in the art scene is very high. The number of art schools and graduates alone is a determiner of the number of competing artists.

The work context associated with the artist persona has a negative connotation during the selection process. A working artist often gives the immediate impression that he or she is a student or a starting artist, which ranks below those with sufficient experience. That a working artist is a part-time artist is occasionally used as basis for gauging how serious one's intentions are and at what level one's art ought to be judged; the part-time artist is seen as a hobbyist or an amateur who cannot support himself through his practice alone. Judging the merits of one's art by the amount of time spent on creative work has been proven in modern art as being relative to the kind of artwork being done. Art is accomplished in various modes as much as the kinds of art produced. Some artworks are effectively done instantaneously, while some works need a long time to finish and meet their potential.

The terms "amateur" and "hobbyist" are also vague descriptions whereby art should be judged. All graduates of art schools are actually considered professionals, but the title of "professional artist" is conferred mostly on those who can live through their practice of art alone. Amateur is a state all professional artists go through. To be seen or judged according to such loose notions is the reason why working artists want to live out work and art separately, to conduct

their lives as artists separately from their lives as workers.

Many factors account for how these notions were formulated. Tight competition in the art scene may have led to convenient reasons for elimination. In schools, even teachers overlook teaching the need for a job; instead, the students are encouraged to be full-time artists. In Japanese society, people are expected to concentrate on their specialty, and so an artist is expected to be nothing else but an artist. The interest in the working artist as context for art is not yet popular. Neither has it been internationally validated the way such other contexts as religion, ethnicity, gender, or even sexual preference have been. As such it is not yet a priority as a general theme of artistic exploration.

Non-Japanese Working Artists in Japan

Many people from all over the world go to Japan to work, and some of them are active artists. Historically, the immigration of artists has been seen to affect and contribute to the local art scene. Immigration as context is important in the development of art. Artist immigrants in Switzerland, for example, formed the Dada movement during World War II. Yashimoto Nara, who is counted among the most recent, internationally famous artists from Japan, first gained fame outside Japan.

Non-Japanese participation in the Japan art scene is undeniably large, as proven by the number of highly funded international exhibitions of contemporary art, international artist residency programs, scholarships, and exhibitions of international historical art pieces that are collections of local Japanese museums or loaned from prestigious museums abroad. But no new foreign artist living in Japan has emerged to be recognized in Japan. The non-Japanese working artist faces a doubly difficult track if he or she pursues his or her career in Japan.

Working Artists in Self-Sustaining Units

In contrast to working artists who conform to the unfavorable notion of not declaring the context of their work in the art circuit, there are a few who recognize and choose to deal with the reality of working and the need to promote this idea by forming self-sustaining, multi-purpose hubs which serve as livelihood. They also pursue creative practice among other pursuits at the same time.

The Irregular Rhythm Asylum (IRA) based in Shinjuku, Japan, and headed by Keisuke Narita is an example of a self-sustaining unit. It is a store selling, books, music, and creative merchandise; it also houses a creative design studio. It serves as a venue for forums and small exhibitions, and as a hangout for working artists and social activists. Poetry in the Kitchen based in Bunkyo Ku has a similar format: multi-purpose functions in a venue. The two differ in that Poetry in the Kitchen offers food and has the additional function of being used as a salsa dance studio. The flexibility, hybridization, and optimization of given potentials are qualities they aspire to for self-sustenance.

There are also artists who address the issue of working in public arenas. Kawasaki Shouhei is a media artist whose book entitled *Netto Kafe Nanmin* (Net Café Refugee) recounts his plight as a resident of an Internet café. The book's popularity led to an invitation for the author to speak in a symposium at the Tokyo University of the Arts on the need for work. He told student artists in the symposium that, "It is high time to think about work not as something one will do temporarily, but as something to do for your whole life."

Art Opportunities for Working Artists

Art opportunities vary depending on the track that the artist is taking. The most common track is to pursue an art career in the realm organized by the known art circuit. In this track the foreseen result is to be recognized and validated in art circles. Another direction is to have a personal art practice separate from the attention of the art circuit. This track finds satisfaction in realizing an independent ideal so that results are relative to the purpose of each art project. In this track, recognition from the art circuit is a bonus.

For working artists, finding a venue for displaying one's artworks is not a problem because of the abundance of exhibition spaces for rent throughout Tokyo. However, critical attention from the art circuit is commonly not given to most spaces of this kind. Available are rented studio and gallery spaces subsidized by local governments. Often headed by leading personalities in the art circuit, they also offer short courses. Bank Art Studios and Zaim in Yokohama are examples of venues having such programs. Museums in Tokyo normally have a gallery that they openly rent out. In these venues, the artist can pay to use the facilities, avail of the programs, and

be possibly noticed by the leading art personalities involved in the venues. These opportunities attract many, so selection remains a big factor.

There are private initiatives that are independent even in terms of obtaining critical attention. The Design Festa, which began as a privately organized art fair, currently offers studios and gallery spaces in the Harajuku, Omotesando area, aside from organizing the annual Design Festa event. The last event held in the Tokyo Big Site was so popular and enormous in terms of physical scale that it is comparable to institutional events such as biennales, in effect. In this event the artist can participate by paying for space without having to undergo much critical screening. The Design Festa challenges the norms of large-scale exhibitions, in terms of their organization and presentation, and the myth of selection for participating artists. This makes it a potent ground for the working artist who is pursuing an independent path.

The Interest in the Working Artist

The contexts of gender, religion, ethnicity, identity, and sexual preference are examples of meanings explored by artists in their artworks, which also serve as axis points of interpretation in contemporary art. The anthropological has been formally part of art ever since the postmodern era began. The context of livelihood as a source of meaning belongs to this realm of interests. The idea of work intersecting artist as an area of interest presently remains fresh as a ground for exploration.

In Tokyo, current contemporary art exhibitions present cross-boundary themes. The Roppongi Crossing exhibition at the Mori Art Museum and the Space for Your Future exhibition at the Museum of Contemporary Art Tokyo MOT are visual art exhibitions where working artists that drum up interest in their cross platform qualities. Enoki Chu, an artist participant of Roppongi Crossing, is a steel machinist. In his artwork entitled "RPM 1200", he produced a small city-like construction using steel rejects from the place where he works. His artwork explicitly shows the personal context of his livelihood. At MOT, design concepts for architecture, fashion, and product design, among others, are displayed in the museum-a place originally meant for high art. This development indicates that designs commonly regarded as commercial creations are now presented in the realm of non-commercial art and so are their creators.

Various Interpretations for Project: Hanapbuhay

In the course of the research, the project has been communicated to different people of various sectors in the Japan art scene. Their personal concern shows how the project could be viewed from different positions.

A curator said, "The gap between a starting or young artist and an established artist is an area which needs to be addressed." In this statement, the working artist occupies this gap. The extreme cases of the young and the established artist are an obvious matter. Their extreme positions are so visible that what is in the middle is obvious matter which is dismissed. How long can an artist be a young artist? How can he become an established artist? The answers to both questions are uncertain and unclear. To be established is a natural goal for people who have chosen this profession and have taken it seriously. Art opportunities for mid-career artists should be of significant importance in the art scene.

A practicing conductor relates that in his field there are no publications or only a few outlets where the bigger public can see or distinguish who they are and what they do. This conductor, a working artist, teaches for his livelihood. His concern is to increase the public's knowledge and understanding of an artist's identity. To be recognized and respected for what one does may already be considered an accomplishment in a field where financial abundance from the very beginning is not expected.

A female visual artist recalls that, in her time, women were not even accepted for standard jobs so that it became a trend for women artists to work as waitresses and hostesses. *Mizushobai* is a term she used to describe this work. The word originally referred to the work done by people from the lower classes, especially those who lived near the river. Kabuki actors are considered to fall under this category. It must be noted that the bases of the artist's claim are her own personal memory and some historical realities touching on gender issues and social dynamics.

For some of the working artists who do not separate the contexts of livelihood and art in their lives, what were brought up were the form of art and how it was regulated. These artists forming a community of similar artists have generated their own circuit and dynamics whereby art is not seen as a high profile spectacle organized through large funds by high profile personalities and participated in by artists venerated by

the popular circuit. For them, the expression of art could be articulated and inculcated in activities that are closer and more accessible to the natural course of living. Just as the term *working artist* relates to an identity anchored on practical reality, the art produced by some working artists corresponds to the particulars and realities of everyday life.

Indonesia

The Art Boom

Currently, demand is high in the art market in Indonesia, which is experiencing its second art boom, the first one having taken place around year 2000. The art boom is the biggest influence on all areas in the Indonesian art scene. The trends in Chinese Art, particularly its development as a result of China's hosting the 2008 Olympics, have influenced the trends in the art market in Indonesia, which is mostly composed of Chinese Indonesians players.

Painting is currently the most used medium of art, exhibited and anticipated due to its value in the art market. In the Southeast Asian region, the highest volume and valued paintings are sold in Indonesia. The high demand for paintings has given artists practical choices: to be full-time artists or to undertake other means of livelihood. The choice between being a painter or not has influenced non-painting artists, and even critics and curators to convert to painting. Many previously working artists who paint, as well as those who are into other media have become full-time painters.

Opportunities are reaching those not in the primary points where the best art is expected. Artists from non-dominant schools and art groups, young artists, and even artists from non-art backgrounds are getting attention and also financial returns as a result of the big demand which dominant artists cannot satisfy. *Manifesto*, a painting exhibition in the Gallery Nasional in Jakarta, exhibited the most number of paintings by Indonesian painters of diverse backgrounds in one show.

The venues of art exhibits have spread, even away from Jakarta. Large exhibitions are being held in Yogyakarta, Bali, Semarang, and Bandung, to name a few. They are well attended by the art players from Jakarta and elsewhere. Artists originating from the provinces extremely far from the center are getting noticed. And also the art market is accepting artists from various countries.

Non-Artist Roles in the Art Scene

Non-artist roles or positions are being activated and specified to serve the needs presented by the art boom, which ensures them proper compensation. Curators, dealers, art managers, galleries, auction houses, including collectors and speculators, are all present and active. While before individual units predominantly played multiple roles, now specific players are performing each role.

Curators and art managers have intersecting functions. Curators are exhibition organizers whose concern begins with the idea of the show, followed by the selection of the artist, collaboration during the production of meaning in the process of making the artworks, the production of catalogues, and the exhibit installation layout. Most exhibitions in Indonesia have curators for many reasons. Aside from the prestige, which adds to the cult value of the artworks, being presented by critics and known figures, the curators are the ones who scout for artists and introduce them to the gallery. This function is supposedly inherent to the ideal of looking for the proper artist who embodies an idea that the gallery wants to exhibit. But because a curator is paid a curator's fee, he or she seems to assume an underlying commercial function, which is not viewed here as a total negative. Art managers on the other hand, give an outright businesslike impression, which, because of the ideally non-commercial status of art, creates a negative impression to some in the art scene. An art manager's function is to represent and promote the artist to galleries and manage the artist's business transactions. Art management, by the nature of its function, is looking for artists to represent. This function intersects the curator's search for artists.

Working artists are normally less promoted. Their energy, spent on work and art production, leaves them with little time to promote themselves. Whereas most curators are interested in artists who have gained merits that put prestige or validate their projects before a greater art audience, art managements are more likely to help introduce these working artists to the art scene. Art management therefore is strongly relevant as it is both the promoter and the provider of art opportunities. Galleries formerly assumed these roles and a few still do at present. But most of the time, individuals and companies perform these functions.

The Artist as Entrepreneur

In the midst of the art boom, working artists continue to be around. Some of them who are financially capable (having come from the middle or upper class families) started their own businesses for them to be self-sustaining.

Rumah Buku, founded by Ariani Darmawan, is a venue that runs a library (open to the public), a video and music rental shop, and a film editing studio. It also offers food and drinks. Ariani is a filmmaker, who organizes film collectives and screenings, and talks in various venues including Rumah Buku.

Gustaff Iskandar is head of The Common Room, a venue that rents out rooms for artist residents. It has studio space that is also used as a gallery. It hosts various cultural events and activities like seminars, forums, and concerts. It serves as the headquarters of a network of cultural communities composed of designers, artists, and musicians, whose services are for hire. The Common Room manages local musicians and is also initiating campaigns for independent sustenance by organizing talks and seminars to non-art sectors.

Unkle 347, a clothing company specializing on street wear, was previously the clothing company EAT. Dendy Darman and three other partners, who are his co-designers, started this company. Aside from business concerns, Unkle 347 funds conceptual design projects and publications, as well as art functions by other groups. Visual artists also use the store as a venue for exhibits.

The do-it-yourself, multi-purpose, and networking features are characteristic of these self-sustaining units.

Artists Groups as Independent Initiatives

There are many artist groups in Bandung. Before the art boom, artists in Bandung did not have much to live on in terms of what they earned from their art, unlike artists in Yogyakarta and Bali, which are already recognized as art centers. Their joining groups is, for artists, a means to help co- sustain their art practice. They rent out a big house, which serves primarily as a studio and offers accommodations, then serves as a showroom and venue for exhibitions, and finally as headquarters for appointments and transactions. The artists' group, as a unit, helps extend the practical resources, which support the art practice of working artists. It also maximizes the artists' chances of promotion and provides each artist with critical acknowledgement from the members of the group.

ABSTRA-X is a group of painters whose members were previously engaged in various fields of work, such as commercial photography and art education. BUTON is a non-painting group of artists whose practice of art has more to do with video, photography, objects and installations. Each member has his own livelihood, either as an employee or a freelance artist rendering video and design services.

The Barli group is yet another artist group mostly involved in painting. This group was started by the late artist Barli to serve as an alternative school that would teach his painting ideals. The group is composed of middle-aged individuals and seniors with varying professional backgrounds. They are either property developers, business owners, architects, or translators, to mention a few. This group enables people with non-art backgrounds to practice art. For the members of this group, material need is not a problem. What is a problem is their being perceived as hobbyists more than artists.

Introducing New Artists

The Bandung New Emergence is a biennial exhibition founded and curated by Agung Hujatnikajennong for the Selasar Sunaryo Art Space. The show presents contemporary art and artists in Bandung. This exhibition, which does not repeat artist participants, gives a chance to young artists, some of them still students, to be presented in a highly organized and critically acknowledged visual art exhibition.

The Museum dan Tanah Liat founded by Ugo Untoro is located in the outskirts of Yogyakarta in Bantol. This artist initiative, despite its seemingly odd location, a village, exposes new artists to activities that relate to how exhibitions should be presented properly, especially in terms of formal openings, invitations, posters, and, most importantly, in catalogues.

Ruang Rupa, headed by Ade Darmawan in Jakarta, organizes art events featuring young artists and artworks even of non-art students. It also organizes non-profit exhibitions in public places to present media works. These activities are properly documented in published catalogues and in Ruang Rupa's website.

Japan and Indonesia Side by Side

The country's vibrant economy is the main source of sustenance in Japan. It provides opportunities for well-paying jobs to working artists, most of whom are employees. Artist- entrepreneurs who run multi-purpose artists' hubs are sustained by the patronage of the art network and by the small number of active companies (made possible by the strong economy) that patronize their design services.

In Indonesia, the art boom characterized by the high demand for paintings is the main source of sustenance of the working artists. It presents the artists the opportunity to do art full-time. As a result, there is less competition for jobs which require artistic skills. The multi purpose, self-sustaining businesses of artist-entrepreneurs are fairly successful because, to begin with, they must be from the middle to upper class families to have been able to afford the substantial capital required to start these businesses.

The working artist in Tokyo has a hard time gaining exposure in the art circuit for many reasons. The competition in the field of art is tight because there are so many artists such that whenever artists are to be selected for an exhibit, the slots are normally given to established artists to enhance the prestige and ensure publicity for the exhibit. Work as social context in art is a new field so that only a few organizers choose this theme over other contexts like religion and gender. Moreover, the working artist has less time to promote himself and cultivate connections compared to artists who don't work. In addition, work as social context in art has negative connotations.

In Indonesia the working artist has more chances of gaining exposure in the art scene. The context of livelihood has no relevant implications for so long as the artist can produce art. There is a choice between going full-time or not, except that if one chooses to paint full-time, painting becomes a must to ensure the painter's sustenance. The more progressive curators often prefer non-painting artists to address recent developments in media and materials in art, as well as, to stand out from the majority who are into painting. The non-painting artists therefore enjoy good but limited chances of being critically acknowledged. The downside of the situation is that the commercialization of artworks suppresses the potential for expression and the breaking of boundaries which is among the foremost functions of art.

For the working artist in Tokyo to be credited critically, he may channel his work through government subsidized art institutions, which rent out their facilities. Most of these venues are headed by leading personalities active in the art circuit so that the working artist has a chance to be noticed and introduced. Large-scale independent initiatives like Design Festa can also provide exposure for the working artist. In Indonesia, the big demand for artworks in the art market has enabled specific positions to locate and present new artists. Curators often scout for artists whom they see as having the potential to be exhibited in the galleries they serve. There are also art managers who scout for and promote those who are not selected immediately.

Conclusion

Project: Hanapbuhay in its initial stages has resulted to exchanges through dialogues, lectures and forums with people from various sectors in the art scene in Tokyo and Bandung. For its final output, the project produced oil portraits of working artists encountered in Japan and Indonesia. These paintings were publicly exhibited in the grand opening of the Semarang Gallery and at the Langgeng Icon Gallery in Jakarta. A photo documentation of images and the curatorial message were published in a catalogue.

The exchanges confirmed the realities of the issues within the scope of the project. They also enabled the sharing of information. They allowed the artist/researcher to promote the ideals behind the project and, in effect, encouraged artists and presented a particular line of interest which the art scene might explore in the future. During the fellowship period in Indonesia, Curator Agung Hujatnikajennong organized an exhibit that featured working artists in the Selasar Sunaryo Art Space in Bandung. The idea which started this exhibition entitled "Non-Full Time Artists" resulted from the exchange between the curator and the artist/researcher.

The portrait paintings depicting Asian working artists present an alternative to the much known portraits of artists who dominate in the west. In the background of each plate, images lifted from media such as books and cinema which proliferate globally as consumer products are depicted as crumbling images. At the back of these crumbling images emerging from the debris are portraits of Asian working artists, particularly those from Japan and Indonesia, lifted from

photographs of real life and then transferred into paintings. The broken mirror images in the paintings represent a breaking away from the western genre, as well as from how Asian artists ideally see themselves amidst the West-centric art influences with which they are constantly fed. Additional information on the people behind the paintings is contained in the produced catalogues.

In the genre of portrait painting, particularly the portraits of artists, the creation of visual images in paintings adds to the images of a specific subject matter. The images serve as visual references for those who study Asian contemporary painting, as well as those who wish to investigate the portraits of the artists. Putting visual imagery to an ideal, especially if the images are from existing realities, introduces the ideal as being based on truths. These images carry the message behind them wherever they are seen. The public exhibition of the paintings officially announces the existence of the images and the concept behind them. It extends the discourse to a wider audience. And finally, it introduces the real working artists behind the paintings.

In introducing the subject "working artists as public identity", the project encouraged scholars and artists to continue cultivating and enriching this minimally explored ground in their own academic and artistic endeavors.

Community-based Forest Governance in Indonesia: Action-Research for Interactive Learning and Partnership Building

Motoko Shimagami

Introduction

In a report entitled *Who Owns the World's Forest?: Forest Tenure and Public Forests in Transition*, White and Alejandra (2002) point out that long-standing government claims to owning forests have begun to dissolve in the course of recent decades. Based on the analysis of available data of 24 among the top 30 forested countries in the world, they mention three trends related to this forest tenure transition. *First*, some countries were recognizing community ownership, including territories owned by indigenous peoples; *second*, some countries were designating management responsibility of public forest lands to communities; and *third*, some countries were reforming public forest concessions to support greater community access.

FAO's *Global Forest Resources Assessment 2005* also indicates the same trend. According to the Assessment (2006), 84 percent of the world's forests are still publicly owned, yet private ownership is on the rise, paralleled by trends towards community empowerment, decentralized decision-making, and the increased involvement of the private sector in forest management seen over the past 20 years. Asia shows a significantly high percentage of "public forest" (94.4%) next to Africa (97.6%), but an increasing number of the governments in Asia have begun to open opportunities for communities to engage in forest management in recent decades. "Community forestry" is one of the major programs, although the framework and degree of implementation vary a lot in each country (Fujita 2006; Nurjaya 2007).

In Indonesia, forests have been under the dominant control of the state ever since the colonial period. The Indonesian Forestry Act does not allow anyone to live or utilize forests in the government-designated "forest area (*kawasan hutan*)", which occupies some 70 percent of the total Indonesian territory, without due permission from the government. However, in reality, some 48.8 million people are estimated to live in and around the forest areas, depending upon the forestland and resources (Departemen Kehutanan 2006). Some have been living in the area long before the designation of the forest area, utilizing the surrounding forests for their livelihood based on their customary rules and practices. There is a large gap between the *de facto* realities and the *de jure* framework of forestry policy. Such a gap has brought about continuous conflicts over forestlands and resources, and has made it difficult to design and implement realistic and effective measures for forest governance.

The rapid drive for democratization and decentralization after the fall of Suharto in 1998 has been drastically changing the political dynamics and discourses on forests, especially concerning the position of communities. The government has started to recognize communities as an important actor in forest management, and has issued several regulations, which opened up opportunities for communities to get involved in forest management. Yet, such regulations basically only allow villagers to manage a certain area of the state forest for a certain period, which permission can be cancelled at any time at the discretion of the government. There still exists a strong perception, especially among the forestry officials, that local communities are but threats to forest protection, and should be excluded from the forest areas.

On the other hand, some show a highly romanticized view of the communities. In particular, NGOs that advocate the rights of "customary communities (*masyarakat adat*)" tend to see advocating them as panaceas for overcoming the past failures of centralized forest governance, without fully examining their dynamic and diverse realities. Such simplified and contrasting views on communities among the stakeholders do not only cause social and political conflicts, but also hamper the formulation of a realistic forest governance policy.

Considering such social and political situations, I designed this project as an action research by involving various stakeholders of community-based forest governance in a research process, looking at realities together, and discussing and exploring possible practical measures together. This is also an attempt to explore the possibility that a researcher or a research activity itself could become a "medium" to promote

communication, interactive learning, and partnership building among the stakeholders for realizing socially and ecologically sound community-based forest governance.

For the project area, I chose Central Sulawesi, where conflicts over forestlands and resources were intense, and where I had reliable partners in local NGOs and district government throughout my past two-year commitment in organizing a network-building project to promote the sharing and learning of experiences among upland communities between Japan and Central Sulawesi (Shimagami and Laudjeng 2008).[1] Based on the network and achievement that we gained from the past project, this API project aimed at further promoting interactive learning and partnership building among the stakeholders of forest governance in Central Sulawesi. The project was conducted for four months total, between November 2007 and April 2008, including several breaks.

The Indonesian Forestry Policy and the Position of Communities

In order to explore the problems and possibilities of community-based forest governance, the need to understand the basic framework of the current forestry policy in Indonesia, quite confusing and complicated though it is, is inevitable. Even among forestry officials and experts on forest issues, explanations often differ. The following are some of the important findings we have gotten so far.

"Forest area" in the Indonesian Context

According to the current Indonesian Forestry Act (Act No. 41 of 1999), all forests within the Indonesian territory are under state control (*dikuasai oleh negara*) (Article 2). State control here does not mean state ownership, but that the state gives authority to the government to do the following: 1) regulate and organize all aspects related to the forest, the forest area, and forest products; 2) assign the status of a certain area as a forest area or a non-forest area; and 3) regulate and determine the legal relations between man and the forest, and regulate legal actions concerning forestry (Article 4).

As is clearly stipulated in the Article, what is called a "forest area" in Indonesia does not mean an area with the ecological characteristics of a forest, but an area which is politically defined and designated by the government as "a certain area to be retained as permanent forest" (Article 1). According to the Forestry Statistics of 2007, some 133.57 million hectares, or approximately 70 percent of the total land, is designated as forest area (Ministry of Forestry 2007). This "forest area" also includes an area which is not covered by forest, such as wastelands, grass fields, and even hamlets. According to the data based on the interpretation of a satellite image in 2002/2003, only 50 percent of the total land or only 64 percent of the designated "forest area" is actually covered by a forest (Table 1.)

	"forest area"		Outside "forest area"		Total land	
Area with forest cover	85.96	(64%)	7.96	(15%)	93.92	(50%)
Area without forest cover	39.09	(29%)	44.17	(81%)	83.26	(44%)
Data deficiency	8.52	(7%)	2.21	(4%)	10.73	(6%)
Total	133.57	(100%)	54.34	(100%)	187.91	(100%)

Table 1: Forest cover rate in Indonesia

[unit: million hectare]

Source: Ministry of Forestry 2007.

In terms of forest tenure, forests in Indonesia are categorized as follows (Article 5):

- ✓ "State forest", a forest located on lands bearing no land rights (*hak atas tanah*), and

- ✓ "Right forest", a forest located on lands bearing land rights.

The Act does not clearly stipulate the relationship between the "forest area" mentioned above and the two categories. No official statistical data is available either on how large a "state forest" or a "right forest" is. Interpretations by the forestry officials and experts also differ. Some say that "forest area" includes both "state forest" and "right forest", while others say that "forest area" does not include "right forest" and is equal to

"state forest". The most common and dominant interpretation is the latter, and, in any case, the Ministry of Forestry has dominant authority over the "forest area".

Exclusion of Communities from "Forest Area"

The Indonesian Forestry Act does not allow anyone to cultivate and/or use and/or occupy a forest area without due licenses from the government (Article 50). However, in reality, around 50 million people are estimated to live in and around the forest area. It is not rare to find public elementary schools or village government offices in a forest area where no one is supposed to live according to the Forestry Act.

In spite of these realities, the Ministry of Forestry has basically assumed the stance of excluding communities from the forest area. In Central Sulawesi, quite a number of villagers in the uplands were evicted from the forest area and relocated to other areas, especially in the 1970s. Since then, continuous conflicts have occurred between the people who tried to go back to their original place and seek their livelihood in forests and forestry officials who tried to exclude them from the forest area. Consequently, forestry officials and the people who live closest to the forest have become hostile to each other. Such situations underlie the problems of poverty of the people in and around the forest area, the continuous conflict over forests, and forest depletion.

From "State-Based" to "Community-Based"?

The strong drive for democratization and decentralization in the past decade has changed the political dynamics of the forest. The government has established various regulations and programs which emphasize "community participation", "community empowerment", or "the rights of customary communities" in forest management, and has also delegated some of the authority to district governments. Yet, the basic framework of the forestry policy discussed above has not been changed. In spite of drastic changes at the discourse level, substantial reforms have experienced little progress, which somehow causes confusion and conflicts over the forests.[2]

For example, the current Forestry Act enacted in 1999 stipulates "customary forest (*hutan adat*)", yet the Act categorizes customary forest as "state forest", not as "right forest", which indicates that the government does not recognize their customary right as "land rights". For customary communities and their advocates, a customary right is not just a usufruct right given by the government to a "state forest", but a right inherited from their ancestors long before the establishment of the nation-state. The said right should be recognized as a "land right"; thus, a "customary forest" should be categorized as a "right forest".

Joint-Fieldwork at the Tompu Community

For the major activity of this project, I tried to organize joint fieldwork in the communities by involving stakeholders, including government officials, NGO activists, university scholars, and villagers, in community-based forest governance. Yet, the involvement of government officials and university scholars could be facilitated only at the level of discussion in cities. Four months was not enough to develop relationships, especially with government officials, to "formally" involve them in such joint fieldwork.

Based on the discussion with my host institution in Central Sulawesi (NGO Bantaya), I chose the Tompu community in Donggala District as a major research site, considering several factors: the complexity of the problems, the demand for mediation, the activeness, and the acceptability of joint fieldwork to the community, accessibility, etc. Around 15 young NGO activists from six local NGOs joined the fieldwork. Activities that we conducted in Tompu included the simple mapping of customary territory, interviews, discussions, and informal chats with the villagers, a simple census survey, participatory observation of their daily activities, etc. The following are some of the important findings and learning.

Tompu : An Old Upland Community

Tompu is an old upland community, known as a place where ethnic Kaili-Ledo, one of the major ethnic groups in Central Sulawesi, originated. It is located around 1000 meters above sea level, and only 15 km away from the center of Palu City, the provincial capital of Central Sulawesi. Yet, people can only access Tompu either by foot or by motorbike, through narrow and steep mountain paths. Partly because of its isolated location, Tompu relatively strongly maintained its local customs and culture.

Tompu used to be a big autonomous village (*ngata*) resided in by some hundreds of households. However, in the mid-1970s, all the residents were relocated to the lowlands and the village was dissolved by the government because the whole village territory was designated as a protection forest. Then in 1995, the area was designated as "Grand Forest Park (*Taman Hutan Raya*)", a conservation forest for which management authority is delegated to the Provincial Government. After the relocation, some households who could not get accustomed to the lowland environment gradually came back to Tompu. Especially since 2000, a large number of people have returned, driven by the nation-wide democratization. At present, 73 households, or about 300 people, "illegally" reside in Tompu. They have tried to obtain legal recognition of their rights to live in the area utilizing forests and resources, as did their ancestors for generations.

Customary Territory and the Indigenous Forest Tenure System

The customary territory of Tompu is not officially recognized by the Ministry of Forestry, but it is socially recognized not only by the villagers in Tompu, but also by the villagers in the neighboring villages. People know that once they enter the territory of Tompu, they have to respect and follow its customary rules. According to the participatory mapping, approximately 6220 ha of forestland are socially recognized as the customary territory of Tompu, which is bounded by rivers and mountain ridges.

Villagers in Tompu make their living mainly through shifting cultivation. In accordance with the condition of the forestlands, villagers classify the forestlands into several categories. An extensive part of the territory is kept as primary forest, which villagers called *vana* and *pangale* in the local language. In *vana*, nobody is allowed to cut trees and open forests for cultivation, while in *pangale*, villagers are allowed to open a forest for shifting cultivation. After a forest is opened and as long as it is planted with rice, (usually only once in the first year), people call it *talua*. After harvesting the rice, the people usually continue to plant local peppers and some other vegetables for two to three years, and leave the land to fallow for several years, a condition called *bonde*. Then, after giving the land a rest, if the land is covered by trees and no more thatches (*alang-alang*) are seen on the ground, the people call it *oma* (see Picture 1).

Picture 1: Classification of Forestland in Tompu

In terms of forest tenure, *vana* and *pangale* are regarded as communal assets, while *talua*, *bonde*, and *oma* are regarded as the assets of an individual (family) who opens the forest for the first time. Yet, the right of an individual is not as strong or absolute as a property right in the modern sense. Even in *talua*, *bonde*, or *oma*, people cannot freely sell land to outsiders, unless the villagers socially agree on it. All the lands in a customary territory are under the control of the community.

Although we need to conduct more careful observations and discussions with the villagers, this concept of forest tenure in Tompu is well in accordance with what the Dutch customary law scholars conceptualized as the "community right of disposal" in the early 20th century. Ter Haar (1962:90) describes it as follows:

> The first feature lies in the interaction of communal and individual rights.... When a person puts his individual effort into a piece of land, he creates something of a personal identity of self and soil. To the degree that he intensifies this, it becomes a legal relation, and the powers of the collective community with respect to that particular cultivated field, fish pool, garden, or house compound are reduced. If he neglects his holding or permits its usufruct to lapse through inactivity, then the powers of the community are reestablished, and the community right of disposal is once more freely asserted.

This concept of "community right of disposal" is quite similar to the "original land ownership" that Japanese rural sociologists conceptualized based on their studies on Japanese rural communities.[3] According to both concepts, ownership is a matter of degree, and is not as

absolute nor as exclusive as property rights in the modern sense. When a person puts his individual effort into a piece of land, and to the degree that he/she intensifies his/her effort, people think that he/she "owns" the land. On the other hand, if he/she neglects his holding for a long period, the powers of the community are reestablished. The concept is clearly different from the concept of modern ownership, whereby property rights either exist or do not exist, and the idea of degree does not enter the picture.

Upland Rice and the Human-Nature Relationship

For the people in Tompu, upland rice cultivated through shifting cultivation is not just food, but something that contains important cultural and spiritual values. According to their legend, upland rice is a reincarnation of humans. There are numerous taboos, local practices, beliefs, rituals, and songs related to upland rice cultivation. A woman who had just harvested rice said to us, "We should treat *them* (the newly harvested upland rice) the way we treat our baby. We should not make loud noise so that they are not frightened."

As typically appears in the way the people of Tompu treat upland rice, nature is not an object that they can and should "own", "manage", or "govern", but rather a subject that they need to communicate and relate with, following local customs and wisdom inherited from their elders and ancestors. Villagers often say that if they break their customs and do a wrong to nature, something wrong, such as a sudden death, an accident, a disease, bad harvest, etc., will occur. Such indigenous belief or world-view deeply underlies their relationship with the forests, or what we, outsiders, call "forest management and governance".

Decreasing Upland Rice Cultivation

In spite of its important role in the life, customs, and culture of the Tompu people, upland rice cultivation has tended to decrease in recent years, both in areas per household and in volume per hectare. According to our survey, majority of the households can no longer produce enough upland rice for their consumption, and purchase rice from the market, instead. The younger generation, especially, tends to prefer to cultivate cash crops, such as cacao, rather than cultivate upland rice. Villagers propose several reasons for this trend: decreasing human labor, the weakening of the customary leadership in deciding and arranging the timing of rice planting, an increasing preference for

planting cash crops over the more physically demanding upland rice cultivation, etc. The number of varieties of rice has also drastically decreased. In the interview, village elders could list up to 55 names of indigenous upland rice varieties that they used to plant, yet only some 10 varieties are actually planted at present.

In the process of sharing the findings with the villagers, it was discussed that such trends would be bringing about fundamental changes in the livelihood, customary rules, tenure patterns, and even the world-view of Tompu. Animated discussion and reflection among the villagers on the positive and negative impacts of the recent trends on the future of Tompu, followed.

Partnership Building at the District Level

Although the nation-wide democratization has pushed the government to establish various "community-based" forest management programs, the basic framework of the forestry policy is still essentially state-based, as I discussed in the earlier section. There are still gaps between the *de jure* forestry policy and the *de facto* realities, and even among the existing Acts and policies. Initiatives to overcome these gaps have emerged from the local level, before further reforms at the national level have become available. In several regions, district governments have established district regulations on the recognition of customary rights and territories, even if these sometimes contradict the direction of forestry policy.

Although we could not facilitate well the involvement of government officials and university researchers in the joint fieldwork in Tompu, we tried to bridge the information gap between the village, the campus, NGOs, and the government. In the interviews and discussions with them, we shared our findings and learning from Tompu, and asked for related information and some response from the government and campus.

Throughout the research process, we realized the need, not only of the villagers, but also of the local government officials, to build a more realistic and effective framework for forest governance. A forestry official said, "Regulations sometimes make things difficult. We have to follow regulations, even if we know [that] some are not realistic in the field." Another said, "I'm tired of conflicts. Conflicts occur

not only between the government and villagers, but also between the government and NGOs, and even among NGOs and villagers. We need some independent body that can mediate the conflicts." Yet another said, "Even if we want to do something, what can we do if there is no budget?"

Through these discussions, the idea has been developed to hold a seminar to discuss the problems and explore the possibilities of community-based forest governance in the region. The Village Empowerment Office of Donggala District took the initiative of collaborating with the members of the joint research to hold a seminar. Entitled "Community-Based Forest Management: Toward Village Community Empowerment", the seminar was held on 27 May, 2008. Invited to it were some 50 stakeholders, including the head of the Donggala District, the heads of related government offices both at the provincial and district levels, university scholars, local NGOs, and representatives from several upland communities including Tompu.

One of the outputs of the seminar was the setting up of a working team to discuss the idea of establishing a "District Forestry Council" to promote communication and discussion on important forest issues among stakeholders and mediate conflicts over forests in Donggala District. The working team, consisting of nine members including officials of the district government (Forestry Office and Village Empowerment Office), academicians, NGOs, and villager leaders, continues to hold meetings to discuss the more concrete draft to be proposed to the District Assembly.

Concluding Discussion: Beyond "Exclusion" and "Ownership"

In 2008, Rights and Resources Initiative (RRI) published a report entitled *From Exclusion to Ownership?: Challenges and Opportunities in Advancing Forest Tenure Reform*, and analyzed changes during the six years after the publication of *Who Owns the World Forest?* (Sunderlin, Hatcher, and Liddle 2008). According to the report, there has been further change toward less government control and more community ownership, access, and control over the forests. As the title represents, the report argues the urgency of forest tenure reform that facilitates a shift from exclusion to ownership by the forest peoples. For that purpose, the report argues, it is crucial that property rights to land and resources be clarified and strengthened.

Should we exclude human livelihood from the forest in order to protect the forest? This simple question I thought over repeatedly during the fellowship period. There is, of course, virgin primary forest that should be protected from human exploitation; yet there is also a forest that can be protected or regenerated because of the presence of human intervention. Through forest-human interaction, humans have nurtured various local wisdoms, customs, and cultures. The forest is a source of cultural identity and diversity. Such a view has been more widely accepted in recent years, yet legal frameworks and policies related to the forest in most of the Asian and African countries are still based on the principle of exclusion of human activities from the forest area.

Under the present structure, clarifying and strengthening property rights to land and resources, as RRI argues, might be the most secure option to recognize the existence and rights of forest communities. I partly agree with their argument; yet, at the same time, I have some hesitation to stress the strengthening of property rights to land and resources, for the following reasons.

First, the question of whether we should and can "own" or "govern" forest and nature. The question might be rather naïve; yet, whenever I write about Tompu or other upland communities, including those of Japan, I feel uncomfortable about using the words "own", "manage", and "govern" in describing their relationship with the forest. As I mentioned in the paper, for the people in Tompu, the forest and nature are not objects that they can and should "own", "manage", or "govern", but rather, are subjects that they need to communicate and relate with. If we want to make the current system of forest management and governance to be really "community-based", isn't it inevitable to learn from such indigenous world-views, and explore a new way or paradigm of relating with the forest, rather than strengthen the rights of owning, managing, and governing the forest?

In the RRI's analysis, community ownership is categorized as private ownership. However, as we see in the case of Tompu, the concept of community ownership is quite different from that of private ownership as defined in the modern property system. In the modern property system, an individual right is absolute and exclusive, while in the indigenous

concept of community ownership, the rights of individuals and the community are overlapped and interactive, as have been conceptualized by Dutch customary law scholars and Japanese rural sociologists to be "community right of disposal" and "original land ownership", respectively. Torigoe (2007) further argues that the concept of "original land ownership" provides a theoretical explanation different from the juridical system founded on western modernization, and thus gives us an important perspective to establish the "rights of environment" for preserving the environment and livelihood in the 21st century. What Inoue (2007) proposes— "collaborative forest governance" —developed upon the idea of "open-minded localism". The "principle of involvement/ commitment" also have some affinity with this indigenous concept of community ownership.

Customary communities are dynamically changing. We cannot over-romanticize their existence. Yet, in order to overcome the unprecedented ecological crisis that we face today, it would be crucially important to learn from their indigenous concepts and age-long experiences of relating with the forest and nature. Respecting and recognizing their existence would not be achieved merely by strengthening their property rights in the modern sense, but requires us to reconsider the concept of "ownership". Their knowledge and experiences would give us important hints to explore more ecologically sound, culturally diverse, and socially equitable alternatives for the future.

NOTES

[1] The network building project implemented for two years (November 2004 – October 2006) was funded by Toyota Foundation. As a main activity, mutual visits were organized between Japan and Indonesia. In September 2005, Japanese researchers, NGO activists, and an upland villager paid a visit to upland communities in Central Sulawesi; and in June 2006, Indonesian NGO activists, villagers, a district government official, and a researcher from Central Sulawesi visited Japan, and shared experiences.

[2] The community forestry program (Hutan Kemasyarakatan) is one typical example. Saftri (2006) analyzes well the development of the community forestry program during the past decade of democratization.

[3] Torigoe (2007) describes this based on his research in rural communities in Japan's southwestern islands.

[In these islands,] the land system basically places the use rights at the core of the thinking. Basically people think of the land as owned by the islanders as a whole. A person discovering a desirable tract of land can cultivate it personally and for several years it becomes his or her land. During this period, the individual has a right of use over this field. However, as the individual exercises this right over the field for many years, both the user and others increasingly tend to think that the user "owns" the land. The duration of use is a question of degree. There is no rule that use of the land for a certain number of years leads to the abrupt approval of "ownership." ... In other words, for land where use right prevails, ownership is a matter of degree. With regard to the property rights, the degree of ownership varies a great deal among lands, ranging from those where strong private property rights exist to those where there are hardly any. However, under modern land law, land property rights either exist or do not exist and there is no idea of degree.

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Towards Sustainable Coastal Resource Management: Comparative Study of Integrated Mangroves and Coastal Aquaculture in Thailand and the Philippines

Andi Amri

Keywords: Shrimp farming, mangrove conservation, sustainable management, Thailand and the Philippines

Introduction

Coastal areas generally have a greater diversity of ecosystems associated with a complex array of natural resources that provide both economic good and services (Burbridge 1999; Dahuri et al. 1996). Due to the large-scale amenity values of coastal ecosystems and resources, coastal areas are densely populated (FAO 1998; King and Adeel 2002). The scale of human activity has increased over time, so that the pressures of human activities on natural ecosystems and coastal resources are large and multifarious, with clear implications for the loss of various natural resources and the destruction of coastal ecosystems (UNEP 1999).

The deterioration of mangrove forests and their ecosystem is currently one of the most important and urgent environmental issues in coastal areas of Southeast Asia. Human settlement, the expansion of agricultural or salt-making lands, the development of coastal industries and, more recently, the expansion of coastal aquaculture have all caused damage to mangrove forests (FAO 1985). The high rates of mangrove loss in the region over the last three decades have coincided with the shrimp farming development of the 1980s (Primavera 1997). For instance, shrimp farming in Thailand destroyed about 32% or 65,150 ha of the total 203,600 ha of mangrove areas between 1961 and 1993 (Menasveta 1997). In the last three decades, the conversion and exploitation of mangroves has taken place in many coastal areas of Indonesia. Due to this conversion and exploitation, half of mangroves which are originated of 4.25 million ha have been devastated (Soegiarto 2000). Mangroves in the Philippines have also faced similar circumstances as those in Thailand and Indonesia. Over the 70 year period from 1920-1990, 78% of an original 450,000 ha of mangroves in the Philippines were denuded (Zamora 1989).

To minimize and compromise the conflicts associated with coastal aquaculture development and its implication in mangrove disappearance, as well as to find out the most suitable and sustainable model for harmonized integration, a form of mangrove-fishpond integration was introduced. An integrated mangrove-fishpond is one community forestry scheme that has been introduced and implemented in several places in Southeast Asia, such as Indonesia, Thailand, Vietnam, Malaysia and the Philippines (Fitzgerald 1997). There are various integrated mangrove-coastal aquaculture system designs that attempt to balance mangrove conservation and utilization issues while maximizing the economic opportunities of local people, for example in Samut Songkram, Thailand (Menasveta 1997). The Aquaculture Department, Southeast Asian Fisheries Development Center (AQD-SEAPDEC) has initiated research and verification trials on mud crab (*Scylla* spp.) culture in mangrove pens and ponds in Aklan and Palawan of the Philippines (Gilbert and Janssen 1997; Baliao et al. 1999). Studies on the ecological, socio-economic and institutional aspects of integrating mangroves and coastal aquaculture are essential to be able to find out better ways for the conditions of suitable and sustainable coastal resource management, in particular the harmonized integration of mangroves and fishponds in enhancing and strengthening the livelihoods of marginalized coastal communities.

The objectives of this study are to carry out comparative studies on the sustainable management of coastal resources between Thailand and the Philippines, particularly the harmonized integration of mangroves and coastal aquaculture based on ecological, socio-economic, and institutional contexts and to clarify the role of governmental institutions and local communities in coastal resource management in order to find suitable and sustainable models of integrated coastal resources management.

The study was carried out in Thailand and the Philippines by conducting various surveys at the following sites for comparative perspectives and

insights: community based mangrove conservation and management in Ranong, Thailand and Candijay, the Philippines as well as the integrated mangrove and coastal aquaculture system in Kung Krabean Bay Royal Project, Thailand and the mangrove-friendly aquaculture program of the Aquaculture Department, Southeast Asian Fisheries Development Center, Iloilo, the Philippines. Both research areas were chosen for the following reasons: Thailand and the Philippines face similar problems of coastal ecosystem devastation and resources depletion due to coastal aquaculture development. However, local governments and local people have tried to rehabilitate their coastal environment through mangrove rehabilitation programs. It is expected that these trials could be adopted and employed in other areas where mangroves have also been damaged. Other considerations are that both institutions have successfully practiced integrated mangrove and coastal aquaculture and their local people have also undertaken mangrove conservation for their livelihood and coastal protection and rehabilitation. Besides those selected areas mentioned above, surveys were also extended to the whole coastal area of Thailand and coastal areas and small islands in the Visayan region of the Philippines.

Mixed qualitative and quantitative research methods were applied through interviews, observations and literature reviews. It covered the history of coastal aquaculture development and mangrove rehabilitation, environmental assessment, spatial planning, and the perceptions and opinions of fish farmers, entrepreneurs, community groups, local government, and others. Quantitative data, such as demography, socio-economic background and environmental settings, were used to support the qualitative data. Primary data were gathered through fieldwork, focus group discussions with community groups, and discussion with scholars, and key persons in community groups, and local governments and NGOs. Secondary data were collected by searching in libraries, websites, and learning from journals, reports, and government documents.

Shrimp Farming Development and Mangrove Conditions

Mangroves are a plant formation that covers the coastal areas and river banks of tropical and sub-tropical nations. For centuries, mangroves and their ecosystems have contributed significantly to the socio-economic development of coastal communities through their provision of a wide range of tangible and intangible benefits. The tangible benefits (economic value) obtained from mangroves include timber and non-timber products used for fuel, construction, fishing poles, honey and medicines as well as the higher-valued fishes, crustaceans and mollusks from the fisheries sectors (Vantomme 1995; Soemodihardjo and Soerianegara 1989). Mean while, the intangible benefits (ecological functions) include coastal protection against wave and current abrasions, shelter and habitat for wildlife, buffer of pollutants, entrapment of upland run-off sediment, reduction of seawater turbidity, recreation and ecotourism (Macintosh 1996; Ellison 2000).

Due to the local and global market pressures and population dynamics, mangrove resources and ecosystems have been disturbed at an alarming rate. The mangroves have been converted to other uses, mainly for human settlements, the expansion of agricultural or salt-making pans, the development of coastal industries and, more recently, the expansion of coastal aquaculture (FAO 1985). The high rates of mangrove loss in the region over the last three decades have coincided with the shrimp farming development of the 1980s (Primavera 1997). Based on land-based surveys and satellite image analysis, it can be observed that most of the mangroves in the central coastal areas of Thailand facing the Gulf of Thailand, such as Samut Sakon, Samut Prakan, Samut Songkram and Petchaburi provinces, have been converted to other uses, mainly for shrimp farming development.

Tanan and Tansutapanich (2000) noted that the highest value of coastal commodities comes from the culture of black tiger shrimp (*Penaeus monodon*). Thailand and the Philippines, with their huge coastal areas and small islands, were suitable sites and areas for shrimp farming development and other coastal aquaculture. However, in the last decade, the production of black tiger shrimp (*P. monodon*) has decreased due to Monodon Bacillo Viruses (MBV), environmental pollution and mis-management. Due to these barriers, semi-intensive and intensive farming systems in those areas have returned to extensive shrimp farming system.

White shrimp (*Penaeus vannamei*) has been introduced to Thailand and largely farmed in semi-intensive and intensive shrimp farming systems in coastal areas instead of black tiger shrimp (*P. monodon*). In Figure 1, FAO statistics show that the total farmed production of *P. vannamei* increased

steadily from 8,000 tons in 1980 to 194,000 tons in 1998. After a small decline in 1999 and a more significant decline in 2000 due to the arrival of White Shrimp Spot Virus (WSSV) in Latin America, FAO data show a rapid increase in production to over 1,386,000 tons in 2004, due to the recent rapid spread of this species to Asia. Main producer countries in 2004 were China (700 000 tons), Thailand (400 000 tons), Indonesia (300 000 tons) and Vietnam (50 000 tons).
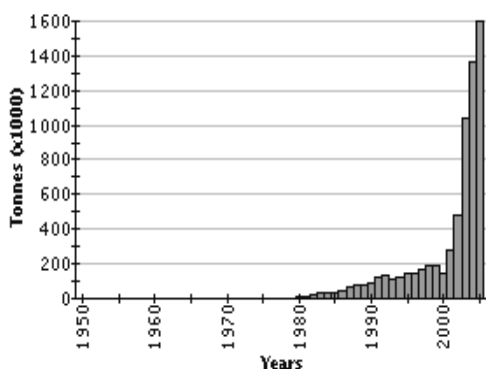

Figure 1: Global aquaculture production of Penaeus vannamei

At the moment, semi-intensive and intensive shrimp farming systems has currently moved to the southern coastal areas of Thailand facing the Andaman Sea, such as Ranong, Pangnga, Krabi, Trang, Satun and Phuket Provinces. There are no extensive/traditional shrimp farming systems in those provinces. Instead of shrimp farming, oil palm and rubber plantation also has the potential to destroy mangroves in those areas. It is highly expected that without the tragedy of the collapse of shrimp farming and the damage to mangroves in the central coastal areas of Thailand, this would not also be taking place in the eastern regions of Thailand.

Besides the large scale development of shrimp farming and the wide scale of mangrove disturbances in Thailand and the Philippines, there are also various activities in regard to mangrove conservation and management that have been initiated and implemented by government institutions, private companies, non-government institutions and other stakeholders in order to restore the damaged mangrove resources and ecosystems. FAO statistics (2005) show the trend of mangrove conditions in Thailand (Figure 2). Although the mangrove conditions are still slightly decreased, various programs and initiatives in regard to mangrove conservation and rehabilitation have

successfully rehabilitated and controlled disturbances of mangrove resource and ecosystems in Thailand. Similar activities have also taken place in coastal areas and small islands of the Philippines.
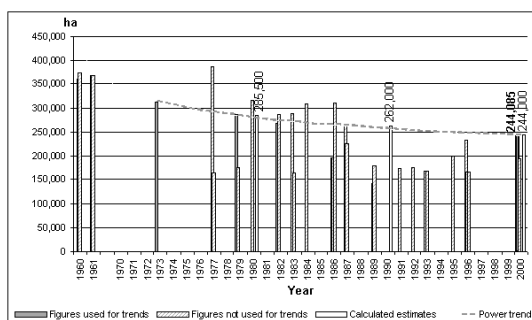

Figure 2: The trend of mangrove conditions in Thailand

Economic Benefits and Community Participation in Coastal Resource Management

White et al. (1994) stated that coastal resources management is best accomplished by a participatory process of planning, implementing, and monitoring for the sustainable use of coastal resources through collective action and sound decision-making. Furthermore, community-based or collaborative management approaches to coastal resource management are based on the principle of involving local coastal communities in managing the resources upon which they depend (Pomeroy et al. 1997; ICLARM/IFM 1998). It is important to recognize that the local community members are the real day-to-day managers of coastal resources (Olsem 2003). In the case of mangrove rehabilitation, due to the mangrove rehabilitation and maintenance requirements over a long range period, community participation is absolutely required as the day-to-day managers for it to be sustainable. The local communities could play a remarkable role in maintaining the mangrove plantation and sustaining the program. However, how can we involve local communities in mangrove rehabilitation and management programs in order to make them sustainable?

The findings of the study based on the surveys of community based mangrove management in Ranong, Thailand and Cogtong Bay, the Philippines in connection with the role of local people in coastal resource management, particularly in mangrove rehabilitation, are summarized in Figure 3. It shows

that mangrove maintenance requires about 10-15 years until its products and benefits, such as the planted mangroves, newly established lands, fishponds, fisheries products and non timber forest products (NTFP) can be utilized. On the other hand, the time allocation for mangrove rehabilitation under the Governmental Programs is just 1-2 years or less than 5 years. When the program is being implemented, the local people support it to maintain the sustainability of the program because they are provided with wages and other subsidies. These could be categorized as short-term economic benefits. When the wages are not available, however, no body will maintain the plantation. As a result, almost all mangrove conservation and rehabilitation efforts initiated and implemented by governments have failed. There were various barriers in the programs, such as short period of implementation, inadequate budgets, and insufficient human resources that caused the failures. Due to these limitations, it is necessary to find a solution to the problem of who will maintain the mangroves and sustain the program for the next 5-10 years when the program is finished. How could we solve these problems?
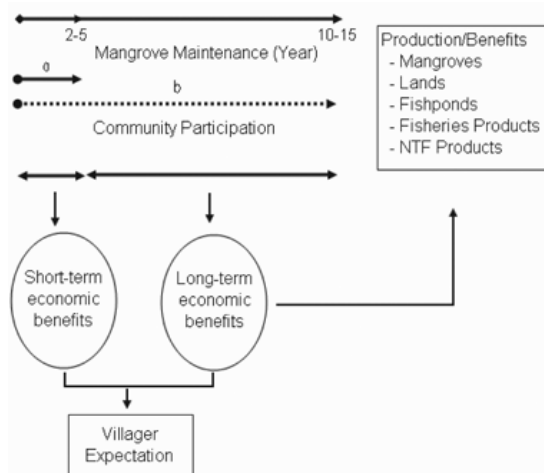
Note: a = government programs; b = community initiatives

Figure 3. Mangrove maintenance and community participation

This study reveals that the local people are highly motivated by economic orientation rather than the concept of mangrove conservation and coastal environmental rehabilitation. There are two economic expectations of the local communities from mangrove conservation and rehabilitation programs, namely: short-term and long-term economic benefits. Short-term economic benefits consist of wages and other subsidies mentioned above, while long-term economic

benefits are comprised of providing property rights to the planted mangroves, newly established lands, and fishponds as well as creating other income generating revenues from fisheries products and NTFP. As the study indicates, the economic benefits for local communities should be taken into account in order to involve local communities in mangrove conservation and rehabilitation programs. Economic benefits derived from mangrove conservation and management programs could lead the people to self-mobilized participation.

It is well-understood that stakeholder participation and support playa a pivotal role in mangrove conservation and rehabilitation as well as coastal resources management. There are various stakeholders who have actively participated in and supported mangrove conservation and rehabilitation programs in Thailand and the Philippines, such as the concerned government institutions, voluntary services, religious people, private companies, NGOs and local people who closely inhabit in mangrove forest areas.

The role of governmental institutions and local people's participation in and support for mangrove conservation and management as part of sustainable coastal resource management has been studied and published (FAO 1992; Amri 2005). It is also remarkable to note the vital role of voluntary services, religious people, private companies and NGOs in sustaining and managing mangrove conservation programs and coastal aquaculture development in both Thailand and the Philippines.

Silvo-fishery Systems and the Sustainable Management of Coastal Resources

Olsen (2003) noted that the coastal area is characterized by ambiguities of resource ownership, and complex interactions between resources, ecosystems and resource users. Furthermore, the coastal areas generally contain a greater diversity of ecosystems and resources compared to purely terrestrial or marine environments (Burbridge 1999). The harmonized integration between mangroves and coastal aquaculture is the crucial issue within the environment-development concerns for the sustainable management of coastal resources. A form of mangrove-fishpond integration called silvo-fishery systems have been implemented in several coastal areas in Southeast Asia, such as Indonesia, Thailand, Vietnam, Malaysia and the Philippines, in order to

minimize and compromise the conflicts associated with coastal aquaculture development and its implication in mangrove disappearances. However, Indonesia was in the forefront of silvo-fisheries development (Fitzgerald 1997). There are various silvo-fishery system designs that attempt to balance mangrove conservation and utilization issues while maximizing economic opportunities for local people.

This study observed silvo-fishery systems in Kung Krabean Bay of Chantaburi Province, Thailand and the Mangrove-Friendly Aquaculture Program initiated by the Southeast Asian Fisheries Development Center (SEAFDEC) in Iloilo, the Philippines, for comparative studies and insights. The integrated coastal area management as a silvo-fishery system at Kung Krabean Bay of Chanthaburi Province, Thailand, was implemented and has been applied for the area's development since 1981 under the Kung Krabean Bay Royal Development Study Center. The Study Center was established to conduct studies, research and experimentation on appropriate development methods suitable for the development needs in the coastal area of Chanthaburi Province. The major obstacles to development were mangrove destruction, the decline of coastal fish stocks, and saline water intrusion into agricultural lands, which not only causes environmental deterioration but also adversely affected the way of life of the local fishermen and farmers. The area of Study Centre covers 5,760 ha (Figure 4).

The Study Center tried to promote and implement the harmonized integration between mangroves and various coastal aquacultures that consisted of shrimp farming, oyster culture, clam culture, crab culture and fish culture for the sustainable management of coastal resources. The effective management of the coastal fishery, as well as agricultural and occupational development in the eastern coastline has been developed for integrated farming systems in order to increase the income of the surrounding villagers and farmers for sustainable livelihood. Effective environmental conservation programs related to mangrove destruction in the coastal environment using an integrated approach have been designed and implemented through the use of demonstration projects and provision of training based upon the study, research and experimentation work conducted at the Center.

Although a Royal Development Program, government agencies have aided the operation of the Kung Krabean Bay Project (KKB) through conservation and development activities. In order to achieve maximum benefits, the KKB Project has implemented its various activities in an interdisciplinary manner. Thus, activities under KKB Project require integrated planning among all stakeholders in order to create sustainable coastal resources. The experience and model study of Integrated Coastal Area Management at Kung Krabean Bay can be applied to other coastal area of Thailand. The learning process could also be duplicated in other areas, especially in other Asian countries. It might be the universal model if some modifications were made to this learning process.

Note: Green = Mangroves; Black and White = Shrimp Farming

Figure 4: Integrated mangroves and coastal aquaculture in Kung Krabean Bay, Thailand

The Southeast Asian Fisheries Development Center (SEAFDEC) in Iloilo, the Philippines, implemented the new SEAFDEC Strategic Plan in 2000, orienting the SEAFDEC program towards regional issues. On aquaculture, the SEAFDEC Aquaculture Department initiated the formulation of guidelines for the implementation of the Code of Conduct for Responsible Fisheries with regard to aquaculture. The regional guidelines are envisioned to address environmental problems arising from intensive aquaculture, including those affecting mangrove ecosystems.

To ensure the continued production of shrimp from aquaculture without the negative impacts to the environment, particularly the damage to mangroves that is usually perceived to be associated with shrimp farming development, the Government of Japan in 1999 made a commitment to provide SEAFDEC with a trust fund to be used for the development of

mangrove-friendly shrimp culture technology. From 1999-2004, various activities and programs were conducted and implemented in connection with a mangrove-friendly aquaculture program to continue to work on community aquaculture in the context of sustainable coastal resource management. The mangrove-friendly aquaculture program, with SEAFDEC/AQD as the lead institution for technology development and Thailand as the coordinating country, was promoted and implemented in the ASEAN countries. Research and verification runs were conducted side-by-side. The other important components of the program were technology dissemination and on-site training and education.

Both case studies on integrated mangrove and coastal aquaculture in Thailand and the mangrove-friendly aquaculture program in the Philippines provide great lessons in connection with mangrove conservation, coastal aquaculture development, silvo-fishery systems and integrated coastal area management. To sustain both programs, as this study shows, harmonized collaboration between government, non-governmental organizations, private companies, local communities and other stakeholders should be properly maintained for the long term. The role of local communities as day-to-day managers should be taken into consideration, because without their participation, there is no guarantee of the sustainability of the programs for future generations. Mangrove deforestation and reforestation activities have significantly contributed to the transformation of coastal resource and ecosystems, such as mangrove resources and ecosystem themselves, coastal aquaculture, and coastal capture fisheries from resources, harvests and markets levels (Figure 5).
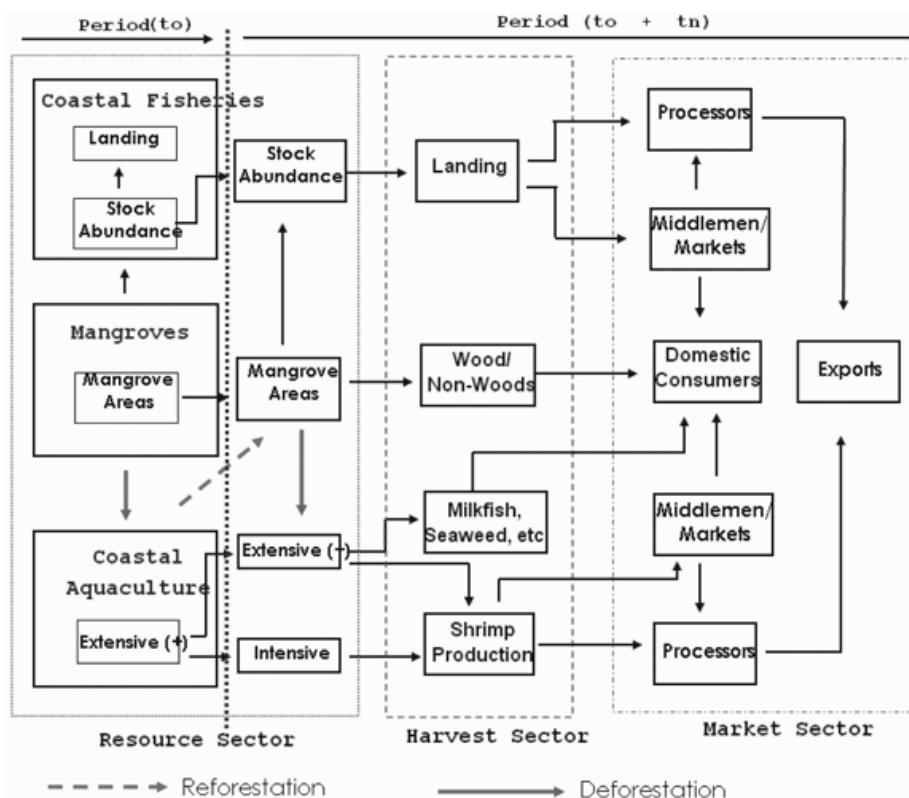

Figure 5: Transformation of coastal resources and ecosystems

Mangroves and their ecosystems have significantly contributed to the socio-economic development of coastal communities through their provision of a wide range of tangible and intangible benefits. The benefits of mangroves include habitat for wild-life as well as feeding and nursery grounds for valuable fishes (Vantomme 1995). The extensive and commercial extraction and utilization of mangroves for fishpond

development will seriously affect the existence of coastal fisheries or their stock abundance. These conditions also have a significant relationship on the number of landings by the harvest sector and finally influence market sectors at the local, regional and international levels.

The impacts of coastal aquaculture development on mangrove disturbances can clearly been seen and various and programs and initiatives on how to integrate mangroves and coastal aquaculture are more suitable and sustainable for coastal community livelihoods. Figure 5 more clearly shows the inter-linkages between deforestation and reforestation activities and the types of coastal aquaculture farming systems. The polyculture of extensive(+) coastal aquaculture produces not only black tiger shrimp but also milkfish, seaweed, and other products, while the monoculture of semi-intensive and intensive coastal aquaculture only produces black tiger shrimp. Simultaneous mangrove reforestation and deforestation activities in combination with extensive-plus coastal aquaculture create a dynamic transformation in the structure of coastal resources and have a significant impact on the levels of resources, harvests and markets for mangroves, coastal capture fisheries and coastal aquaculture from time to time and from generation to generation.

Concluding Remarks

Mangroves are one of the most valuable coastal resources and ecosystems in Southeast Asian countries, particularly in Thailand and the Philippines that have been seriously damaged for other uses. Their traditional use by local people as well as more intensive commercial economic development in coastal areas has destroyed mangrove forests at an alarming rate. Traditional mangrove resource use takes the form of the small-scale extraction of forest products, including valuable fishes from the surrounding water, to provide a subsistence livelihood for local people providing food, housing materials, energy, and fishing gear. The large-scale commercial exploitation of mangroves began with the production of logs, charcoal, chips, poles and fishery products. There were also various other factors that caused mangrove disappearances, such as settlement, agriculture, mining, urbanization, and shrimp farm development.

At the moment, the entire range of stakeholders, including government, private companies, non-

governmental organizations, local communities, and other have paid attention to mangrove disturbances due to the rapid development of shrimp farming in Thailand and the Philippines. Various programs and trials have been initiated and implemented to balance the economic development of shrimp farming and the environmental concerns of mangrove resources and ecosystems, such as the integrated mangrove and coastal aquaculture in Kung Krabean Bay, Thailand and the mangrove-friendly aquaculture in Iloilo, the Philippines. Both practices tried to integrate and elaborate the "*three pillars*" of sustainable development that include economic, environmental and social dimensions.

Local people have played a remarkable role in conserving and managing coastal resources and ecosystems, particularly in mangrove conservation and management in Thailand and the Philippines. As this study on community based mangrove conservation and management in Ranong, Thailand and Candijay, the Philippines suggests, their expectations of short- and long-term economic benefits should be taken into consideration in order to lead them to self-mobilized participation.

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Watershed Management and Public Participation Process: Comparative Case Studies from Japan, Indonesia and Thailand

Chaipant Prabhasavat

Introduction

Water is essential to life, particularly in countries where the majority of people are farmers. In such circumstances, water is one of the most vitally important resources contributing to production and people's livelihood. Over the past seven centuries, Thailand has relied on a participatory process for water management since the times of the Sukhothai Kingdom and the Lanna Kingdom in the north. In various major ancient scriptures such as the *Mangrai Sart*, the role of water in human life is strongly highlighted and traditional water management practices such as small dykes are mentioned as a way to share the resource equally, with violations controlled through punishment. The outstanding irrigation system in the Sukhothai Kingdom attested to this fact.

At present, water management falls largely under the responsibility of the government and legally the irrigation system is divided in two: state irrigation and public irrigation. Moreover, a law is being considered to give even more power to state agencies including the Water Resource Department to control water management. The water grid project started by the current administration has led to extensive controversies as to its effectiveness and appropriateness for local topography and culture. It also edges out participation from people; many such non-participatory water management projects have proven a failure countrywide.

At the same time, the current development model places an emphasis on increasing productivity, trade, export and industrialization, and many incentives have been given to investors. Against this backdrop, Thai peasants have been left to their own devices with accumulating debts and a struggle for land, forest and water resources. Many farmers have lost their land and the forest coverage has dwindled to a critical level. The struggle for the water supply has become even more intense in parts of the country during the dry seasons. What will be the future for Thailand?

Conceptualization of the Research Project on Watershed Management and the Public Participation Process

Basically, the premise of this research project hinges on the exploration of the state of human beings and the search for social justice. Under the rules of capitalistic development, peasant farmers have been exploited and have lost opportunities in their struggle for fair access to resources. Many of them have been marginalized and plagued with dire poverty. Capitalistic development has also led to increasing conflicts among people in society. In terms of river basin management, there are 25 major river basins in Thailand, each of which is taken care of by a committee, but without public participation. As a result, these committees are no different than a rubber stamp for mega-projects initiated by the government, including the construction of big dams, reservoirs, sluiceways, and water breaks.

It is necessary for a study to be carried out on the public participation process to enhance partnerships of people with the state and to make possible the fair use and sharing of water resources. The experiences of cases in industrialized countries for the sake of comparison and application in Thailand are very important for a transitional economy like Thailand.

Water is a natural resource and people have the right to access that resource. At the same time, they can help to maintain it, too. The crux of the matter is how to identify a process through which people can participate in water management in order to attain its fair use.

The Study Project for the Revival and Management of Mae Tachang River Basin in Hang Dong District, Chiang Mai (funded by the Thailand Research Fund) was an effort to find solutions that enhanced the people's role in water management and solved conflicts through peaceful means. In addition, the research project had participation from the community on "community-based water management," which led us to understand the systematic relations in river basin management from the sources of water in the

mountains down to the stream that washes out to the sea. Driven by greed, human beings install dams, reservoirs and sluice gates have an immense impact on the estuary ecology. Food sources for fish have gone and fresh water supplies have been reduced, causing increasing salinization into the river grids. All this is accompanied by extensive erosion along the coastlines. This research project gave us some initial solutions and proper warning that human beings should learn to respect nature. The livelihoods of people in the same river basin and land area may affect people who live far away on the sea coast. Water may change its course of navigation should we tend to block up streams to serve each of our interests and not let it flow naturally into the sea. This is a common problem for all human beings.

Based on my experience with research projects in Thailand, I was inspired to study cases of river basin management abroad and compare them with the experience here, including in an industrialized country such as Japan. My proposed study sites were the Yodogawa River Basin and Biwa Lake and the adjacent areas in Osaka, Kyoto, and Shiga Prefectures in Japan. In addition, a comparative study was made on traditional irrigation systems in Bali, Indonesia and Thailand as well as in Japan.

Objectives and Methodology

The objectives of the study were as follows:

1. To study river basin management and processes of public participation;

2. To compare the experiences of Japan and Indonesia with findings from similar research projects in Thailand; and

3. To examine ways to apply the knowledge and lessons learned appropriately in coping with changes in water management and water use in Thailand.

Data for the study were gathered using three methods: a review of the literature, surveys of the study sites, and interviews with people related to water management in the various sites.

Case Study: Lake Biwa and Yodo River, Japan

Most of the people living around Lake Biwa, peasants and fisherfolk, depend on the various tributaries that flow from Lake Biwa and the adjacent forests around the community. With this natural abundance, they live a self sufficient life, using the forests as a source of food and wood for house construction. Their dependency on outside resources is minimal. The wide coverage of irrigation lets the water flow naturally into the paddy fields through small weirs and surrounding tributaries. Currently, a pipe grid is connected to the lake and supplies water to the peasants. Small bridges are installed to enable local villagers to cross over to do laundry, bathe, fish and build piers along the rivers. All the people and their family relationships are enriched by the creeks, the lake and the abundant nature.

Figure 1: Map of the Lake Biwa and Yodo River water system

Floods caused by typhoons have led to tremendous changes around Lake Biwa. The government's plan to prevent floods has led to a substantial transformation of local livelihoods. The expansion of the city and industrial growth have created new problems concerning water quality and increased water use.

Yodo is a major river linking the major cities of Kyoto and Osaka and empties Lake Biwa into the sea. It has a key role in agriculture and transportation and its banks

serve as residential, industrial and business areas from Kyoto to Osaka. Thus, the river plays a major role in the livelihoods and economy of the cities. The interdependency and inseparability is there, just like two lovers who have been together for thousands of years. Yet amidst amity, enmity is always present.

The downstream floods in the Yodo River Basin are caused by overflow from Lake Biwa and give rise to chronic conflicts. Numerous meetings and joint

studies have been held to resolve the problems. Laws have been issued to control erosion and floods. Two major rivers were dammed before emptying into the lake. The Yodo River was expanded just before reaching Osaka to enhance the canalization and dykes. The flood problems and conflicts have been resolved and led to cooperation in seeking common solutions. Some local people sacrificed their land along the river and the livelihoods around Biwa have been affected. The central government promoted setting up River Basin Committees at all levels. The Governors of Shiga, Kyoto, and Osaka have met and exchanged views and the results of research studies have been presented and developed into a master plan for Lake Biwa and the Yodo River.

From 1999 to the present, through systematic steps, the Environmental Framework of Shiga Prefecture has been developed through the disclosure of information to the public and encouraged them to take part in developing the plan. It was finally named the "Mother Lake 21 Plan." The policy on "people's participation" and the results of numerous studies have formed and guided the development of the Yodo River development master plan. The successful water resource management in Lake Biwa and the Yodo River Basin would not have been possible without people's cooperation. Peasants, the major water users, have been collaborating with the state in water management all along.

One benefit from the Tokugawa period was the land survey carried out for taxation purposes. The survey yielded an accurate land database countrywide and the written records have been used for water management and economic development. Thailand's and Indonesia's land databases lag greatly behind when compared to the Japanese system. In Thailand, land titles have not been issued in all areas and there are different types of deeds. Millions of indigenous people and poor people in the highlands, farming on land declared as forest reserves or national parks, have proven that they were tilling the land long before the forest reserve declaration, but they are still not entitled to the right to use the land. This poses a major problem to national development as they are living off the land without security and thus have no incentive to make the most use of the resource.

In Japan, as the number of farmers has declined, in certain areas it is prohibited to grow more rice than the quota set by the government. Thus, farmers have formed groups and set aside part of their land for organic greenhouses for chemical-free vegetables. Alternative modern technology has been adapted to suit their specific demands in collaboration with consumer cooperatives to secure a market for their products, enabling their farms to thrive as family-based systems.

The history of citizen-based movements for Lake Biwa cannot be described without referring to the Soap Movement, which originated in a campaign by housekeepers who were concerned about skin problems caused by phosphate-containing synthetic detergents. Later, with the outbreak of red tide in the lake possibly caused by detergents, its focus was changed to water quality conservation. With the participation of many organizations, this citizens' movement, started by women's consumer groups, spread throughout the prefecture rapidly, and resulted in the establishment of the Citizen Forum for Conservation of the Aquatic Environment around Lake Biwa (Biwa-ko Forum) in 1978. This movement led to the enactment of an ordinance by the local government, and consequently changed national policy on water quality management. It became known as the first and most successful citizen's environmental movement in Japan. It gave rise to many more women activists in environmental movements and the establishment of Environmental Cooperatives in 1990, which emphasize the promotion of the use of environmentally friendly products.

Other well-known Lake Biwa examples include an NGO activity specializing in local water-culture studies, with fire-fly monitoring being done by thousands of citizens, and a watershed community initiative to clean up the Bay of Akanoi. These citizen initiatives constitute an essential part of environmental governance that deals with the extremely complex issues typically involved in lake management.

Many relevant lessons can be learned from the Lake Biwa Comprehensive Development Project (LBCDP), as follows:

- For a complex Lake Biwa, the resolution of resource-use conflicts among the upstream, downstream and riparian local governments and between industry and the environmental conservation initiatives of citizens and local NGOs has been achieved with stakeholder participation as an essential part of lake management through continuous dialogue.

- The Lake Biwa-Yodo River Management Committee plays a dual role, both as an important part of the river-lake basin system and as a facilitator with legal, financial and institutional provisions.

Environmental education is considered an essential part of the movement. Each year since 1983, school children have attended a study program called the Floating School, which was built exclusively for environmental education. In 1995, the Lake Biwa Museum was opened as the best learning center.

The success of water management in Lake Biwa and the Yodo River Basin lies in the attempts to educate the public and the encouragement of participation from all sectors of society in resource management. The state simply acts as a supporter and works to meet the demands of the people. The introduction of new technology and support given to research and study is another success factor. Even though Japan opted to stay in isolation for a long time, global knowledge has been received from abroad and translated into local languages, making it possible for Japanese people to explore knowledge from all over the world, which can then be applied to suit their national context. In addition, Japan's education policy stresses the promotion and support of education for all, as education is considered one of the most essential factors for nation strengthening. It is supposed to help bring about democratization and decentralization in order that local groups can develop policies that meet the local demands. Governors and mayors are elected in every town from among local residents, so these elected persons understand what local people need. They do not have to waste time to study information about their area, unlike in Thailand where provincial and district administrators are nominated by the central government and are usually alien to their assigned areas.

A selected case is Shiga Prefecture, which houses Lake Biwa. The current governor is a woman, Ms. Yukiko Kada, who campaigned in the election against politicians from various parties, including the coalition party. Eventually she won, proving that money and power cannot always buy popularity. Ms. Kada has been working closely with the people as an NGO activist, academic and researcher. She has thoroughly conducted studies about Lake Biwa and has been pivotal in the establishment of the Lake Biwa Museum, a modern museum that educates both locals and visitors. She is behind many research institutes and

initiatives that involve the participation of people living around Lake Biwa and the Yodo River. This does not merely allow locals to have access to information and to express their opinions, it also encourages them to participate in policy making to serve local needs, which was ultimately reflected in their decision to elect a desirable governor. A similar process in other large cities such as Osaka and Kyoto has also been made possible by people's participation.

Through studying people's participation in the water management of Lake Biwa and the Yodo River Basin, one may better come to terms with the Japanese people and their country. In order to achieve comprehensive water management, individual efforts focused on the management of particulars is not enough. There must be holistic and systematic planning and management that takes into consideration the lakes, rivers, land, forest, people and society.

Case Study: Bali, Indonesia

Indonesia is comprised of thousands of islands and tribes (*sukubangsa*), with a population of 220 million (2008) speaking dozens of dialects and adhering to different faiths and religions, although 90% are Muslims. After a long rule by the Dutch, and despite being the fifth largest oil producing country in the world with rich natural and human resources, Indonesia has made slow progress in its development since most people lack education and are impoverished, and the political system has led to multifaceted crises.

A small island east of Java, Bali has only 5,620 square kilometers; it is 140 kilometers wide, and 80 kilometers long. Bali hosts rich geographic diversity with three major volcanic peaks, a big lake called Danau Batur, and other three adjacent lakes. Bali also boasts rich Asian tropical forests and fine white sand beaches interposed with boulders and cliffs. Certain beaches teem with pebbles and black sands. The southern part of the island is the hub of picturesque terrace paddy farming. The northern part hosts plantations of coffee, spices, and *salak* fruit (snake fruit). Bali enjoys a tropical climate with a rather constant average temperature of 26 degrees Celsius. The temperature in the mountains can be five degrees lower than in the coastal areas. Bali has more than three million people who live traditionally as extended families based on close relationships and care. Despite the touristic wind that brings several million tourists

to the island each year, local people have been striving to preserve their traditional cultures and do not yield to globalization forces. Ninety percent of the Balinese are followers of Hinduism.

One of the most visited cities, Ubud situate in Gianyar region, is a hub of Balinese arts and authentic Balinese culture, and is also famous as a center of traditional agriculture, including terrace farming. Various tributaries flow from a plateau 250 meters above sea level, including the Lanag River and Istri Rivers which flow into the Campuhan River. The basin has water year round and has fed into paddy fields and the hinterland since ancient times. *Banjar* refers to the smallest unit of community, looking after the affairs of one's family and neighbors as well as other day to day livelihood activities. *Subak* refers to a social unit in charge of irrigation, weirs, water sharing and other farming related affairs. Apart from their religion, the Balinese also regard "rice" and "water" as parts of their vitality.

In Ubud, toward the Gunung Batur volcano (Kintamani) is a sloping area with fertile soil and a good supply of water. Small paddy fields are located on the slope as terraces. Water has for a long time been diverted into the fields by gravity under the care of the *subak*. Most peasants are members of a *subak*, and the *subak* head is elected along with a couple of assistants. The monthly remuneration from the state of IDR75,000 (approx. USD8.33) is shared among these three people. The *subak* calls a meeting of members every three or six months, or monthly in certain areas. Members do not pay any membership fee, but they give donations at a ceremony held every three months, which varies with the size of their land. Every three months, peasants have to pay weir (*kelabah*) and water grid maintenance fees.

Customary rules and regulations exist for water management and water sharing. The unwritten rules have been passed down for a long time without significant conflicts. Those who violate the rules have to pay fines. When someone fails to help maintain the water grid, s/he has to pay money instead. The *subak* is the person who handles all the conflicts and finances of the members.

The waterways in the community area are mostly made with rock or concrete embankments. However, in the rural areas, clay embankments are more common and the sluice gates are simply made of concrete and wood. The width of the sluice gate depends on the size of the farmland. At present, the government accepts the role of this social unit and *subak* receive state funding amounting to IDR15 million every year; two years ago, this was raised to IDR20 million. Funding from local governments has amounted to one million rupiahs just in the past four years.

Most state officers do not interfere with the community's work. There is no project for building large dams or reservoirs in Bali due to the incompatible geographical setting and the robust traditional irrigation system. Paddy farming can produce two to three crops per year, even four crops in certain areas. Each family does not till a large amount of land due to the overall small land area and the fact that they mainly grow rice just for domestic consumption. At present, a number of farmers have started to practice organic farming and use less chemical fertilizer. Instead, they use cow dung mixed with hay to reduce the use of more expensive chemical fertilizer. One *subak* leader, Ketut Sarya, said, "The government promotes the use of chemical fertilizer unnecessarily. As the Balinese do not grow to serve a commercial purpose, there is no need for them to increase productivity by using chemical fertilizer." The number of organic farmers has been growing as well; these farmers practice self-sufficient farming. They have fish ponds, raise pigs and chickens for domestic consumption and sell their excess, a way of life which is environmentally friendly.

The livelihood of Balinese peasants hinges on their faith and belief in the Hindu gods, their respect for nature, their belief in rebirth, and their belief in the spirits of the fields and water. Thus, they have preserved their traditional ways of farming. Despite the influx of tourists and their exposure to new cultures, most Balinese still stick miraculously to their own way of life. A small chunk of paddy fields has been turned into resorts, hotels, etc. Those who sold the land were always in a desperate situation. However, the attitude of most Balinese is that "paddy fields are the life of Bali. Without them, how can Balinese survive?" or "Tourists just come and go, but the reality is Balinese need to have rice as rice has given us strength and vitality."

Apart from contributing to the care and management of their own river basins, Balinese farmers also challenge modern changes. Even though it looks as if they are living an unsophisticated life, local people are happy and have satisfaction with their livelihood. The government respects the traditional rules set by the community. They help to enable the community to

meet its needs. Bali can teach human beings to learn to live in harmony with nature; any violation of natural laws elicits a heavy penalty from the gods.

Case Study: Mae Ta Chang River Basin, Thailand

Thailand has maintained its agricultural foundation for hundreds of years. The most flourishing and abundant period was said to take place during the Sukhothai period of 700 years ago. The capital city then shifted from its more northerly location south to Ayudhaya, located in the central plains. This wealthy city lasted for more than 200 years despite many wars with Burma. It was then sacked, and the capital city moved to Dhonburi and then Bangkok. The absolute monarchy lasted until 1932, when Thailand was transformed into a constitutional monarchy. "Siam" was the name we called ourselves, but soon after democratization it was changed to "Thailand."

Teeming with an abundant water supply and hinterland, Thailand is the number one exporter of rice, rubber and sugar. However, most farmers are heavily indebted and the acceleration of production for export has given rise to an increase in chemical fertilizer and pesticide use, and thus higher production costs. Most farmers are indebted to the Bank for Agriculture and Agricultural Cooperative (BAAC) and other commercial banks, with a total of 400 billion baht in farm debt. With more intensive use of land and water as the country has become more industrialized and with robust tourism, conflicts resulting from the struggle for land, water and forest resources are inevitable.

Thailand has relied on participatory processes in its water management since the times of Sukhothai Kingdom and the more northerly Lanna Kingdom. In major ancient scriptures such as the *Mangrai Sart*, the roles of water for human life are strongly highlighted, and traditional water management such as small dykes are mentioned as a way to share the resource equally, with any violation controlled by punishment. At present, water management has largely fallen under the responsibility of the government. This practice edges out participation from people and many non-participatory water management projects have proven a failure countrywide.

The Mae Ta Chang River Basin, a small river basin covering the districts of Hang Dong, Muang and Mae Rim, Chiang Mai province, is a case in point. Water users in the basin can be divided into three groups. At the top of the watershed are tribal Hmong people who earn their livelihood from lychee and vegetable plantations. In the middle of the watershed are native Northern Thais (*khon muang*) who have been settling here for hundreds of years to grow rice and other produce. With the promotion of tourism and road construction, the area has been transformed into hotels, resorts and housing projects. In certain villages, the paddy fields have all been sold, but four rais (1.6 acres). Previously, local villagers had land to grow food to serve their needs year round. Once they sell their land to investors from outside, they have to change their occupation, becoming security guards or gardeners. Young people have to leave their rural communities to look for jobs in the city. A total of 80% of land ownership has been transferred to someone else, and the use of water for agriculture has been changed to serve businesses. Many resorts store water in their compounds for touristic purposes, causing a scarcity of water for downstream users. During certain dry seasons, desperate from a lack of water, farmers in the low-lying areas went up the mountain to destroy reservoirs made by those living at higher points of the watershed and those living mid-stream, the resort owners. The state has no means to solve their problems.

Eventually, villagers, academics and NGOs joined hands to study and explore ways to resolve conflicts. With funding from the Thailand Research Fund, some resolutions have been reached to enable all people to have sufficient water during the droughts. Internal rules have been drafted to control water use and a committee, with representation from all concerned parties, was formed to handle the issues. It was an example of an attempt to identify some common solutions among the differences of people with unequal status.

The old public irrigation and government irrigation laws cannot catch up with modern day changes. An effort to draft a new Water Bill has led to controversies as a result of a lack of understanding about community rights, attempts by the state to take away management from communities, a lack of broadmindedness, and a lack of understanding of unique geographical settings and different belief and traditions.

Comparative Remarks

Thailand and Japan began the Western modernization of their nations at almost the same time, during the Meiji Restoration (1868 – 1914) in Japan and during the reign of Rama V (1868 – 1910) in Siam (now Thailand). Indonesia only became truly independent in 1950. Thus the three countries have dissimilar backgrounds. However, two things that are shared are an agrarian society that relies chiefly on rice and the Asian way of life which has been genuinely observed by people for a long time, with many commonalities as well as many differences.

Japan underwent a rapid transformation from an agrarian society into an industrialized nation in less than one century. Thailand has gradually developed itself though it seems we have no clarity as to where we are heading to. We have failed to come to terms with ourselves and to learn from other worlds. In contrast, Japan has learned lessons and gained knowledge from all over the world, and has its own institutions to translate knowledge from various languages and make it accessible even in rural society. The Japanese strongly believe that a country can develop once its people are educated. Indonesia is an archipelagic country and is the 14th largest country in the world, teeming with vast and rich resources, among them oil. However, a lack of education among the majority, coupled with the political system and politicians who do not contribute to national development, Indonesia is still a slowly developing nation and the progress has yet to be felt equally by all people. Most of the progress is concentrated in certain areas.

The Tokugawa Japanese society was driven by the *koninkumi* system, the foundation of which teaches Japanese to work as a team with shared responsibility and shame or guilt. The act of a single person must be accounted for as a whole group. Therefore, public participation in the management of natural resources in Japan has been developed systematically and includes land, water, and forest. The sole exercise of state power does not bring about a solution and cannot win cooperation from the people. Therefore, people's informed participation in the decision-making process is the key to development. Japan has laws that forbid change in land use from agricultural purposes to other purposes.

Thailand has not had strict rules concerning natural resource management since the population was small in the past, while the land and water resources were plentiful. Thus, no regulations were meted out for sharing any resource. However, in the North, there has been traditional water management for more than 700 years. With the modernization of the Thai bureaucracy and the centralization of power in the hands of government officers who are in charge of natural resource management, redundancy in the exercise of power and conflicts of interest occur. With the increase in population and the intensive promotion of commercial farming by the state, resource-related conflicts have been increasing as well. Burgeoning industrialization has led to unfair management of water, causing conflicts between the agricultural and industrial sectors as well as between local communities and golf courses, resorts and housing projects. The use of state power has proven ineffective as people have no participation in natural resource management. Laws mulled over exotic models have affected the poor masses in rural areas, and a lack of laws to protect the hinterlands has led to the loss of fertile land among farmers.

In Bali, Indonesia, community cultural strength and traditional beliefs have deep roots and have not been greatly affected by outside influences. The government respects the existence of the traditional community and allows local people to take part in natural resource management. A self-governing territory, Bali has an elected leadership that is funded by the central government. Despite all the extensive physical changes in the past 50 years, many people still strictly observe their traditional beliefs and culture and have been organizing among themselves for natural resource management. Even without laws governing land use, community culture has been utilized to provide for the control of the transformation of hinterland.

From a comparative perspective, Japan has developed from an agrarian society to a wealthy industrial nation guided by the visions of its leadership and people's participation, all of which have contributed as major impetuses for successful transformation. Meanwhile, people in the agricultural sector feel they are neglected and left to bear with their profession for survival. However, some consumer groups have started to realize that money cannot buy everything and during the crisis of imported toxic food, there was an outcry for the restoration of the farming profession to enable Japan to rely on itself. It remains to be seen if the future world will need more food or more technology.

The rural sector in Bali feels indifferent to all the global changes and terrace farming has been preserved

for a thousand years. Their water management system still relies on nature with the least use of mechanization or petroleum. As a Balinese farmer said, "The land and water here is abundant, and nowhere can be compared to us. We need to preserve the gift given to us by the gods. Paddy fields, water and rice are our life."

Thailand is an abundant agrarian country. Our people are well known for their farming skills. However, the leadership has been attempting to transform the country into an industrialized nation just like Japan or Korea. Meanwhile, people have no participation in national development planning. Farmers have been calling for attention from the government and support the goal to make Thailand a major food and alternative energy producer in the world rather than proceeding with intensive industrialization. Amidst these political and ideological conflicts, Thailand is stagnated and it will remain stagnant for some time to come. MJ Siddhiporn Kridakorn, a pioneer in agriculture, once said, "Money is an illusion, food is real."

In conclusion, sustainable development must hinge on people's cooperation. Laws or leadership do not matter that much. A country that has achieved rapid development has to listen to its own people who also want to chart their own futures. The other prominent factor for successful people's participation is respecting traditional community rights which are rooted in ancestral practices. This can be seen more effectively in Indonesia and Japan than in Thailand, where the extensive control of the central government subdues community rights and people's participation.

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APPENDIX I

WORKSHOP SCHEDULE

The Seventh Workshop of Asian Public Intellectuals

Yogyakarta, Indonesia, 22-26 November 2008

Day 1, Saturday, 22 November 2008

1600-1630   Press Registration, Exhibition, Cocktail and Video Showing

1630-1730   API Press Conference: *Taufik Abdullah*, *Tatsuya Tanami*, and *Regional Committee representatives*

1730-1830   Recess

1830-1900   Registration for Opening Ceremony and Photo Sessions

1900-   Opening Ceremony and Dinner

        Welcome Remarks:
        Surichai Wun'Gaeo, Program Director of API Coordinating Institution

        Welcome Speech:
        Takeju Ogata, Chairman of The Nippon Foundation

        Introduction of the Keynote Speaker:
        Taufik Abdullah, Director of API Partner Institution in Indonesia

        Keynote Address:
        Sri Sultan Hamengkubuwono X, Governor of Yogyakarta Special Region (the address was delivered by the Deputy Governor of Yogyakarta Special Region)

        Dinner Toast:
        Ir Sudjarwadi M. Eng, Rector of Gadjah Mada University

        Regional Project Launching Speech:
        Danilo Francisco M. Reyes

        Short Video on the Regional Project:
        Regional Committee

Day 2, Sunday, 23 November 2008

0830-1030   **Introductory Panel**
        Chair: *Surichai Wun'Gaeo*
        On API Fellowships Program and API Workshop: *Tatsuya Tanami* & *Surichai Wun'Gaeo*
        Overview of the Workshop: *Melani Budianta*
        Self-Introduction of Workshop Participants

1030-1045   Coffee Break

1045-1300	**Panel I: Asian Alternatives in Governance and Doing Business**
	Chair: *Koji Tanaka*
	Discussant: *Tham Siew Yean*
1300-1400	Lunch Break
1400-1635	**Panel II: Circuits of Exchanges in Regional Cooperation**
	Chair: *Melani Budianta*
	Discussant: *Paschalis M. Laksono* & *Theresita V. Atienza*
1635-	Coffee Break
1900-	Dinner

Day 3, Monday, 24 November 2008

All day	Field Trip

Day 4, Tuesday, 25 November 2008

0830-1035	**Panel III: Comparative Lesson in Widening Access and Empowerment**
	Chair: *Fr. Jose Cruz, S.J.*
	Discussant: *Tan Pek Leng*
1035-1050	Coffee Break
1050-1325	**Panel IV: Enhancing Democratic Participation**
	Chair: *Surichai Wun'Gaeo*
	Discussant: *Mary Racelis*
1325-1525	Lunch
1525-1700	**Panel V: Changing Asian Cultural Landscape**
	Chair: *Yekti Maunati*
	Discussant: *Danilo Francisco M. Reyes* & *Akiko Tashiro*
1700-	Coffee Break
1900-	Dinner

Day 5, Wednesday, 26 November 2008

0830-1055	**Panel VI: The Meaning of Asian Identities and Experience**
	Chair: *Taufik Abdullah*
	Discussant: *Yeoh Seng Guan*
1055-1110	Coffee Break
1110-1315	**Panel VII: The Future of Asian Environment**
	Chair: *Narumol Aphinives*
	Discussant: *Herry Yogaswara*

1315-1415   Working Lunch: Presentation on the API Regional Project
             Danilo Francisco M. Reyes & *Muktasam*
1415-1600   **Concluding Panel: Reflections and Applications**
             Chair: *Tatsuya Tanami* & *Surichai Wun'Gaeo*
1900-2100   Farewell Dinner and Cultural Night

APPENDIX II

WORKSHOP PARTICIPANTS

The Seventh Workshop of Asian Public Intellectuals

Yogyakarta, Indonesia, 22-26 November 2008

(information at the time of participation)

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ASIAN ALTERNATIVES FOR A SUSTAINABLE WORLD:
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The Work of the 2007/2008 API Fellows

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APPENDIX III

ABSTRACTS OF PAPERS

<u>Panel I: Asian Alternatives in Governance and Doing Business</u>

GLOBALIZATION AND GOVERNANCE: THE CIVIL SERVICE REFORM IN SELECTED ASEAN COUNTRIES

Prijono Tjiptoherijanto

An important agency of the government is its civil service or bureaucracy. Bureaucracy can be illustrated as a moving wheel that is able to empower all resources possessed by a government to achieve certain goals, targets, or missions which are intended to be accomplished by a nation to bring prosperity to its people. The involvement of bureaucracy in supporting the success of government is heavily dependent on the characteristics of its civil service. While good governance becomes the main pillar to overcome competition in the increasingly global world, reform in civil service, the development of good governance, is a very crucial factor in achieving the ultimate goal of a nation, and at the same time overcoming the impacts of the globalization era. The study done in Malaysia, Thailand, the Philippines and Indonesia revealed there are three forces behind any successful reform efforts, namely political support, institutional setting, and leadership values. The combination of all three factors will lead to the establishment of good governance needed to cope with the present globalization era.

GLOBALIZATION AND BANKING CRISIS: FROM TOKYO TO MANILA

Michael Lim Mah Hui

(No abstract)

WHY DON'T THESE @#*%! SMES INNOVATE?
(SME DEVELOPMENT AND TECHNOLOGICAL UPGRADING IN DEVELOPING COUNTRIES: LESSONS FROM MALAYSIA, THAILAND, AND THE PHILIPPINES)

Raymund B. Habaradas

Over the years, governments have given increased attention and resources to SME development, not only to reduce poverty and generate jobs, but also to broaden and deepen the industrial structure. However, it is a continuing challenge to encourage SMEs in developing countries like Malaysia, Thailand and the Philippines to innovate and upgrade their technological capabilities despite the different support mechanisms being made available to them. This paper proposes that viewing SME development from an organizational theorist's perspective could provide fresh insights on the issue.

A POLITICAL ECONOMY OF SHRIMP: GLOBAL AGRO-COMMODITY PRODUCTION AND TRADE IN EASTERN ASIA

Dias Pradadimara

This paper looks at globalization processes that connect regions and peoples, if in different roles, in eastern parts of Asia. By tracing the ways in which one particular commodity, namely shrimp, is produced, traded, and consumed across the region, this paper tries to depict the overall landscape of globalizing forces as well as to suggest the various actors, particularly states and capital, who have tried, at times successfully, to assume control of those forces and hence to assert power on and from this global phenomenon.

MEDIA'S NEW CHALLENGES IN CONSTRUCTING THE EAST ASIAN COMMUNITY

Kavi Chongkittavorn

(No abstract)

INVESTING IN WORKERS' SKILL DEVELOPMENT: CROSS-COUNTRY ANALYSIS, EXPERIENCES, AND POLICY IMPLICATIONS

Joel Hernandez

East Asian economies have been learning from each other in the area of Human Resource Development (HRD). The different models of training provision (e.g. Malaysia's Penang Skills Development Centre and Dream Catcher Consulting Sdn Bhd, the Philippines' Advanced Research and Competency Development Institute) and training financing (Singapore's Skills Development Fund, Malaysia's Human Resource Development Fund) serve as examples for other economies to address the shortage on skilled manpower particularly in high technology industries. An important way to promote skills retraining and upgrading is to encourage the development of small and medium enterprises (SMEs). SMEs, considered as the backbone of East Asian economies, face challenges in terms of access to finance, market, and technology which have implications on technology acquisition and HRD. Japan, Singapore, and Malaysia provide examples on how to promote linkage between SMEs and large enterprises as well as address issues on financing.

STRATEGIES AND APPROACHES TO OVERCOME VIOLENCE AGAINST WOMEN: THE ASEAN EXPERIENCE

Cheng Kooi Loh

In this paper, I identify the multidisciplinary strategies at the individual, community, and state levels undertaken by stakeholders to combat violence against women (VAW) in selected ASEAN countries. These include crisis intervention services, the integration of systems by hospital and police service providers, community participation, legal advocacy, and empowerment of survivors. This paper describes the good practices and intervention work offered by local women's groups and service providers, and highlights collaboration between non-governmental organizations (NGOs) and governmental organizations (GOs) in facilitating comprehensive health care and counseling for survivors of violence. Successful lobbying for anti-violence laws has created a framework of legislation related to gender violence, and thereby secured greater justice for victims of sexual crimes. Overall, there are many common strategies and diverse approaches to advocate for women survivors of violence in these countries. The challenges faced are the lacks of funding and resources. Women activists and service providers can learn much from each other's experiences and their strategies employed through better networking and sharing.

A COMPREHENSIVE STUDY ON THE PHILIPPINES' LEGAL APPROACHES TO COMBAT HUMAN TRAFFICKING: SUGGESTIONS FOR INDONESIA

Rina Shahriyani Shahrullah

Human trafficking incidents are rampant in Indonesia and the Philippines. Both of these countries have similarities in the sense that they are the sending nations or men, women, and children who are trafficked internally and internationally for sexual exploitation and forced labor. The Philippines and Indonesia have issued their anti-trafficking laws, yet the Anti-Trafficking Law of Indonesia (Law No.21 of 2007) is still new and in the process of dissemination all over Indonesia. Hence, this study aims to provide suggestions for Indonesia on how to deal with human trafficking issues based on the Philippines' legal approaches. This study elucidates that R.A. 9208 of the Philippines is a comprehensive law because it punishes perpetrators and provides preventive, protective, recovery, and reintegration measures for trafficked victims. The implementation of the measures and the coordination between the IACAT and the other sectors can be considered as the best practices to combat human trafficking; therefore, Indonesia should adopt these mechanisms to facilitate the handling of human trafficking cases by the Indonesian government, the NGOs, and other concerned parties; as well as the implementation of Law No.21 of 2007. This study also emphasizes that human trafficking is a global phenomenon; therefore, sending countries like Indonesia and the Philippines should establish collaborative measures with the receiving countries to combat human trafficking comprehensively.

A STUDY ON THE MIGRANTS' ACCESS TO HIV/AIDS TREATMENT IN KANAGAWA AND NAGANO

Kannikar Kijtiwatchakul

(No abstract)

IMPLICATIONS OF EXISTING KNOWLEDGE AND PRACTICES OF LEGAL AID IN JAPAN, THAILAND, AND MALAYSIA TO THE ADVOCACY FOR IMPROVING ACCESS TO JUSTICE IN THE PHILIPPINES

Jose Luis Martin Gascon

This paper describes the findings of a study on the legal aid systems of Japan, Thailand, and Malaysia. It observes that the predominant modality for providing legal assistance prevailing in the three countries has primarily been the judicare system specifically adapted to the local conditions prevailing in each jurisdiction. Judicare is the generic term used to describe systems of providing legal aid whereby private lawyers are engaged and remunerated on a case by case basis to provide legal services to qualified persons who fulfill relevant eligibility criteria such as either the means or merits tests or both. It further highlights that there exists an indispensable role of members of the private legal communities of each country in the legal assistance programs as essential for the effective operation of legal aid. The judicare system is often distinguished from the staff attorney system that primarily prevails in the Philippines and is typically exemplified by a public defenders service. The paper also explores the trajectory of recent reforms undertaken or contemplated in these different societies from a human rights and rule of law perspective and concludes that the reforms pursued are consistent with global trends that promote a mixed model for service delivery. Finally, it assesses the impact of these findings in relation to policy alternatives for similar legal aid reforms in the Philippines.

PUBLIC OPINION POLLING AND POLITICS IN SOUTHEAST ASIA

Juli Bestian Nainggolan

In many democratic, developed countries, the public opinion survey has proven to be a reliable political instrument for collecting feedback from individual opinions about current political issues. As some of the newly democratic countries in the Southeast Asian region, the Philippines, Indonesia and Malaysia have also adopted the method even though the state and society in these countries have experienced their own problems and challenges in implementing and establishing democratic practice. This paper attempts to describe the existence and the role of public opinion surveys. Particularly, the objectives of this paper are to look at how better quality public opinion surveys have developed and to what extent the public opinion survey can take an ideal role in representing the public interest. The facts show that there have been significant developments both in terms of survey quality and the role of the survey. Yet, the increasing role of the public opinion survey in the three countries has been accompanied by various threats that may affect their ideal role in the future.

CONVERSATIONS WITH INDONESIAN DEMOCRACY ACTIVISTS

Joel Rocamora

This paper is a memoir of ideas and experiences, a history of political conversations between the Philippines and Indonesia. It is an account of how one Filipino activist evolved as he interacted with friends in both countries. What did they find enough in common despite the gulf of history, religion and politics? How to deal with transitions from dictatorships to elite democracies, from Marxism-Leninism to the hesitations and uncertainties of civil society, grist for late night conversations over steaming glasses of tea and kretek smoke.

A STUDY OF THE FORMS AND APPROACHES TO THE DECENTRALIZATION OF POWER AND THE MECHANISMS FOR POPULAR PARTICIPATION IN LOCAL ADMINISTRATION IN THE PHILIPPINES AND INDONESIA

Olarn Ongla

The Philippines and Indonesia have both overcome military dictatorships in the recent past and embarked on democratic political reform, including legal provisions for decentralization. The details of decentralization are different in the two countries, and there is a great variation in the patterns of work of non-governmental organizations (NGOs) and people's organizations (PO) in the area of engagement with local government, designed to take advantage of the opportunities created by decentralization. This paper summarizes some of the results of my research in the two countries, focusing on the variables of the legal framework for decentralization and the roles of NGOs and POs in facilitating popular participation in local governance in Naga City and Surallah in the Philippines, and Kebumen in Indonesia. It draws conclusions based on my observations of these three variables that should be of practical interest to those working to foster greater popular participation in local governance in Thailand.

HUMAN RIGHTS IN INCLUSIVE DEVELOPMENT: EXPERIENCE FROM ETHNIC HIGHLANDERS IN THAILAND

Akio Kawamura

This paper analyzes the effectiveness of employing the human rights concept toward achieving social inclusion for marginalized people, and the societal challenges to realizing this effectiveness. Two issues related to ethnic highlanders in Thailand are studied: the lack of nationality, and the problems communities face in managing natural resources and land. For both issues the human rights concept is used to **empower** people, to **gain social**

recognition, and to **guarantee the implementation** of policies that assure respect for people's rights and dignity. With respect to nationality, the potential benefits of employing human rights principles was demonstrated in all three aspects, resulting in wider social recognition of people's rights to nationality as well as the enactment of laws for implementation to guarantee these rights. Less success was attained with respect to natural resources management however. The new concept of community rights was formulated and did empower people, but this did not lead to broader societal recognition of community rights or policy implementation to protect those rights. The different level of success may be due to several factors. First, community rights may conflict with present business and political interest, thus leading to weak political will on the part of government to work toward implementation. Second, the community rights concept was more difficult to grasp and thus harder to incorporate into law. This paper also points out the importance of democratic governance in establishing trust in the human rights concept by assuring effective implementation of human rights policy. Finally, it is suggested that the analytical tools developed through the "Human Rights-Based Approaches to Development (HRBAs)" be explored for purposes of enhancing the benefits of utilizing the human rights concept in inclusive development.

CHANGING LANDSCAPES, CHANGING LIVES: THE CHANGING CINEMAS OF ASIA

Edward Paciano Delos Santos Cabagnot

Asian cinema continues to enjoy the spotlight thrown on it by the rest of the world. However, instead of high-budget, big-production epics, the "small," more personal efforts of non-mainstream filmmakers are slowly becoming the centerpieces of film festivals worldwide. These films are at the hub of the changing cinemas of the region. The growing success of the Asian independent film can be traced to a host of factors, mainly the rapid advancements in digital technology. Wave upon wave of enhancements to digital technology continually configure not just the way films are being made, but also how they are being delivered and appreciated. Since the dawn of the new century, the number of indie film productions in our region has increased in leaps and bounds and along with them the quality of their narrative and technical flair. Each year more Asian indie titles make it to the leading film festivals abroad and quite a number have won prizes. This has opened up new vistas for would-be filmmakers. Alongside these opportunities are new challenges. This report seeks to outline the inherent strengths and weaknesses, as well as the opportunities and threats, that face independent filmmakers in the region as well as come up with suggestions that would ensure Asian cinema's continuing success and sustainability.

CHALLENGES OF DANCE ARTISTS IN CONTEMPORARY THAILAND: TRADITION AND CREATIONS

Takako Iwasawa

Globalization has rapidly been modernizing Thai society, even as the government of Thailand, being heavily nationalistic, has been promoting, preserving, and reviving the traditional culture of the country. Given how these thrusts are evident throughout Thailand, how do such social dynamics influence the arts' landscape? To investigate this matter, I decided to focus on the contemporary performing arts movement in Thailand, particularly dance and theater. 'Contemporary performance' is a relatively new genre, which emerged in Thailand over the last decade. In the narrow sense, it is understood within the context of the avant-garde. In the broader sense, it represents performances that have emerged and exist within present/contemporary society. Through my investigation, I have found that Thai tradition and culture play a significant role in the field of contemporary performing arts. Most contemporary performers and creators root their practice in the traditional cultural context and work within this context to develop tradition multi-dimensionally. The value of tradition and culture is reassessed by contemporary performers and creators of art in various forms: tradition revival, the reinterpretation of classic performances, new creations with Thai traditional/ cultural elements, new findings on local wisdom, the emergence of community arts movements, and so on. As a result, performers and creators ensure the survival and relevance of the arts within the context of globalization.

NUSANTARA IN THE TWENTY-FIRST CENTURY AND BEYOND: *PANTUN* AS A FORM OF CULTURAL IDENTITY

Ding Choo Ming

Nusantara has been a laboratory of experimentation and management of diversity since time immemorial. Its openness has not only made it a region swamped by successions of foreign cultures and political systems, but also the subtle selection, adaptation, adoption, localization and indigenization of various cultural forms. What these developments imply is the need for new ways of thinking about its regional identity that has grown out of its complex historical circumstances and social-cultural experiences. Regional identity is often taken as self-evident in the relations between groups of people in a region; however, the movement of people, capital and information across spatial boundaries challenges the supposedly harmonious links between the peoples. If regions are understood as historically contingent structures based on their territorial divisions, then regional identity is understood as an abstraction that can be used to analyze the links between the peoples. This paper explores the

implications of regional identities and the links between them. The main focus of this paper is the role of *pantun* as the reflection of a regional cultural identity that forges the necessary links between the peoples in a region. The emphasis is on the cultural continuum reflected in the *pantuns* that possess the strength to serve the physical and spiritual needs of the peoples.

SEARCHING IN THE SHADE OF A FLOWER: CHANGES IN LEARNING PROCESSES OF JAVANESE COURT DANCE YOGYAKARTA STYLE

Naoko Uneme

(No abstract)

<u>**Panel VI: The Meaning of Asian Identities and Experience**</u>

THE MALAYSIAN DILEMMA: RACE, RELIGION AND THE QUEST FOR NATIONAL UNITY

Dicky Sofjan

This paper examines the dilemma confronted by the Malaysian nation that is perpetually trying to distance itself from racial politics, while coming to terms with an untoward politico-religious trajectory. The analysis delves into race relations, Islam as a sociopolitical force and Malaysia's invariable quest for national unity. The paper looks at the divergence of views and competing visions of the state. It also touches on the struggle over the political discourse on Ketuanan Melayu versus Ketuanan Rakyat, a problem that currently sits at the very core of Malaysia's social and political predicament. The study is set in context with the decline of Mahathirism and the downfall of Prime Minister Abdullah Ahmad Badawi.

INDONESIAN AND THAI GHOST FILMS

Goki (Inuhiko) Yomota

(No abstract)

RETHINKING THE *CHAO LE* IDENTITY IN THE CONTEXT OF THE HISTORY OF THE MALAY PENINSULA

Sirirat Katanchaleekul

This paper demonstrates that the negative images of the *Chao Le* or Orang Laut in Thailand are the result of a selective history conceived by authorities who emphasized some parts and ignored others. Also, the outsiders misinterpreted the Orang Laut as a backward people because their traditional livelihood was different from that of the wider society. With the lack of authentic information regarding these people, the Orang Laut communities all over the Southeast Asian region have been treated as 'other' in their traditional territories. Nowadays, the Orang Laut are accepted as citizens of their respective countries. The government perceives them as an aboriginal people who need to be developed and integrated into their national society. Although the Orang Laut have abandoned their traditional lifestyles to adapt to a national identity, their stereotypes never seem to change. Despite the Orang Lauts' attempts at integration, they find themselves in difficult situations.

"PROJECT *HANAPBUHAY*"—PORTRAITS OF WORKING ARTISTS

Jay Flores Ticar

Project: *Hanapbuhay* was put up to devise, produce, and exhibit an art project showing portraits of working artists. It investigated this side of the artists' identity to generate images that would give a realistic and optimistic perspective of an artist ideal, an alternative to the "starving artist" image which is the current, yet inapplicable and romantic notion of the artist's identity in Asian societies. To meet and discourse primarily with working artists as well as other personalities in the art scenes of Tokyo and Bandung were the initial objectives that, it was hoped, would provide the visual and contextual resources to be used in executing the art project—the creation of new images. Painting, the more appropriate medium given the found conditions in the research sites, was used to manifest the portraits of working artists in visual form. Visual references, which embodied the findings, were selected and depicted in visual compositions along with other visual elements. The project resulted in exchanges through dialogues, lectures and forums. It also led to the production of visual portraits or paintings of working artists, which were publicly exhibited and then published in a catalogue.

Panel VII: The Future of Asian Environment

COMMUNITY-BASED FOREST GOVERNANCE IN INDONESIA: ACTION-RESEARCH FOR INTERACTIVE LEARNING AND PARTNERSHIP BUILDING

Motoko Shimagami

In Indonesia, forests have been under the dominant control of the State since the colonial period. The Indonesian Forestry Act does not allow anyone to live or utilize forests in the forest area without due permission from the government. Yet, in reality, approximately 50 million people are estimated to live in and around the forest area, depending on forest resources for generations. There is a large gap between the de facto realities and the de jure policy framework. Such a gap has brought about continuous conflicts over the forest. The rapid drive for democratization after the fall of Suharto in 1998 has pushed the government to establish various "community-based" forest management programs, yet the basic policy framework is still "state-based", which consequently rather intensifies conflicts between the government and communities. Considering such social and political situations, the project was designed as an action research by involving stakeholders of community-based forest governance, and attempted to explore the possibility that a researcher or a research activity would become a "medium" to promote interactive learning and partnership building. The paper first briefly overviews the basic framework of Indonesian forestry policy, and then discusses the major findings and achievements of joint fieldwork, conducted in an upland community in Central Sulawesi. Based on the findings and achievements, it points out the potentials of building partnerships at the local levels, and argues the importance of learning from the indigenous concept of community ownership (human-forest relationship) for exploring ecologically sound, culturally diverse, and socially equitable community-based forest governance.

TOWARDS SUSTAINABLE COASTAL RESOURCE MANAGEMENT: COMPARATIVE STUDY OF INTEGRATED MANGROVES AND COASTAL AQUACULTURE IN THAILAND AND THE PHILIPPINES

Andi Amri

Coastal areas generally have a greater diversity of ecosystems associated with a complex array of natural resources that provide both economic goods and services. Due to population dynamics and global market pressures with large and multifarious human activities, coastal resources and ecosystems are being threatened at an alarming rate. The deterioration of mangrove resources and ecosystems in Southeast Asia has been one of the most important and urgent environmental issues for decades. Human settlement, the expansion of agricultural or salt-making pans, the development of coastal industries, and, more recently, the expansion of coastal aquaculture, "shrimp farming," have caused the damage to mangrove forests and ecosystems. Shrimp diseases, environmental degradation and resource disturbances are problems that have confronted the black tiger shrimp (*Penaeus monodon*), industry's sustainability in the last decade in Thailand and the Philippines. To minimize and compromise the conflicts associated with the black tiger shrimp industry and its implication in mangrove disappearances, as well as to find out the most suitable and sustainable model for harmonized integration, a form of mangrove-fishpond integration, was introduced. This study observes the current condition and sustainability of mangrove conservation and management as well as shrimp farming and other types of coastal aquaculture in coastal areas of Thailand and the Philippines. Various best practices concerning stakeholder involvement, tangible and intangible benefits, property rights and sustainable management in regards to coastal resource governance are discussed for comparative perspectives and insights.

WATERSHED MANAGEMENT AND PUBLIC PARTICIPATION PROCESS: COMPARATIVE CASE STUDIES FROM JAPAN, INDONESIA AND THAILAND

Chaipant Prabhasavat

Scarcity of water for consumption and agriculture is a global phenomenon which will bring a severe crisis in certain countries. Whilst the supply of water is diminishing, the population is growing. Is the water crisis caused by a lack of water or mismanagement? The study examines three models of river basin management in different geographical, ecological, and socio-economic contexts: in Japan, the Lake Biwa-Yodo River watershed; in Indonesia, the Campuhan Watershed; and in Thailand, the Mae Ta Chang River Basin. The characteristics of each model are discussed, especially in regards to the level and type of people's participation in water management, along with the factors that contribute to the strengths and weaknesses of each model and their applicability in other contexts. It is hoped that insightful findings can be disseminated for the benefits of national development in the future.

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