



U.S.-Southeast Asia Relations:  
**Indonesia as Exemplar of Southeast Asia's Importance**

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Secretary of State Hillary Clinton's visit to Indonesia, part of her initial overseas journey to Asia, was enthusiastically received in the world's most populous Muslim country. The secretary praised Indonesia's thriving democracy as evidence of the compatibility of Islam and political pluralism. Noting Southeast Asia's importance to the U.S., Clinton announced that the State Department would begin consideration of a process to sign ASEAN's Treaty of Amity and Cooperation, a prerequisite for membership in the East Asia Summit. She also acknowledged that Washington's harsh sanctions against Burma's military junta had not changed that regime's draconian rule but also pointed out that ASEAN's engagement strategy was equally impotent. Nevertheless, she stated that the U.S. would consult with ASEAN in the process of reviewing its Burma policy. Meanwhile, ASEAN held its 14th summit in Thailand at the end of February. While the global economic crisis dominated the agenda, the future of a human rights commission mandated by ASEAN's new Charter proved the most contentious, with the more authoritarian ASEAN members insisting that noninterference in domestic affairs should remain the underlying principle of any human rights body.

**Secretary Clinton expands America's Southeast Asia agenda**

During a Feb. 18-19 visit to Indonesia – part of her first overseas Asia trip – Secretary of State Hillary Clinton opened a variety of new doors for U.S. policy toward Southeast Asia generally and Indonesia in particular. For Indonesia, the world's largest Muslim country and fourth most populous country in the world, Clinton praised its thriving democracy, its economic status as a member of the G-20, and its success in suppressing terrorism. At the same time she emphasized that her visit was the start of a “concerted effort” by the Obama administration to bring a new message to the Muslim world. Noting that U.S. interests are “not just focused on China” and that “the United States must have strong relationships and a strong and productive presence in Southeast Asia,” Clinton saw Indonesia as an example “that Islam, democracy, and modernity can co-exist very successfully.” Indonesian Foreign Minister Hassan Wirajuda, obviously pleased by the description of his country's importance, replied on Feb. 18 that “Indonesia will be a good partner of the United States in reaching out to the Muslim world.”

Noting that a “comprehensive partnership with Indonesia is a critical step on behalf of the United States commitment to smart power,” Secretary Clinton may have been endorsing the statement made by President Yudhoyono in his November 2008 address to the U.S.-Indonesia Society when he averred that he wants a partnership with the U.S. on global issues. For Clinton, that

partnership would cover both nontraditional security concerns such as environmental protection and climate change as well as trade and investment. Clinton also announced that Indonesia had agreed to begin negotiations to allow the return of the U.S. Peace Corps to the country after a 43-year absence, having been forced to leave in 1965 during the turmoil that culminated in a military coup by Gen. Suharto.

Expanding the policy lens to Southeast Asia, Secretary Clinton stated that the U.S. would begin consideration of the process of signing on to ASEAN's Treaty of Amity and Cooperation (TAC), a nonaggression pact that is a prerequisite for membership in the East Asia Summit (EAS). Heretofore, Washington has declined to sign the treaty due to Pentagon concerns that it would limit U.S. military activities in East Asia. These objections have diminished as the U.S. allies in Asia (Japan, the ROK, Thailand, the Philippines, and Australia) have all signed the TAC and do not believe their adherence has negatively impacted their security relationships with the U.S.

Secretary Clinton also visited the Jakarta headquarters of the ASEAN Secretariat (a first for a U.S. secretary of state) and promised to attend the annual security conference of the ASEAN Regional Forum (ARF), an event that Condoleezza Rice, President Bush's secretary of state, missed twice in the last four years. ASEAN Secretary General Surin Pitsuwan welcomed Clinton's visit and announcement as "a reaffirmation of the U.S. political and security commitment to the region."

In a subsequent Feb. 26 address in Thailand, U.S. Ambassador to ASEAN Scot Marciel stated that "it would be valuable to have a U.S.-ASEAN summit, [but] it's early days yet, and we haven't had a full discussion about that." President Bush had originally scheduled such a summit in his last year in office but postponed it in part because of his refusal to meet with an official representative of Burma's junta. Burma policy was also raised during Secretary Clinton's talks in Indonesia. While stating that U.S. democracy and human rights goals remain the same, she acknowledged that Washington's sanctions policy had not changed the junta's behavior. Nor, she added, had ASEAN's engagement strategy elicited salutary responses. Clinton indicated that Washington was open to new approaches on Burma and was willing to consult with ASEAN as to the way ahead. Marciel listed a series of steps the U.S. hopes Burma's authorities will take that follow those articulated by the Bush administration: "that the government release political prisoners, that it reach out to the opposition and begin a genuine dialogue so that the people of Burma can work with the existing government to try and form a better way ahead." However, he also admitted: "The fact is there isn't any obvious way ahead." Clearly, the U.S. does not believe that the junta's projected "elections" scheduled for 2010 conform to these objectives. Nevertheless, on March 25, Director of the State Department Mainland Southeast Asia Office Steven Blake visited Burma's capital, Naypyidaw, and met with the Burmese foreign minister marking the first time a U.S. official has met with someone from the ruling State Peace and Development Council (SPDC) since it took office in 1997. Blake subsequently traveled to Rangoon, the former capital, where he met with members of the opposition party. His visit constitutes a tangible indication that the Obama administration is gathering new information for a reexamination of its Burma policy, although on the same day as Blake's talks with the foreign minister, the State Department issued a statement that his visit "does not reflect a change in policy or approach to Burma."

## **ASEAN foreign ministers grapple with the new Charter**

From Feb. 27 to March 1, ASEAN leaders held their first meeting since the organization's new Charter came into effect last December. Because of ongoing Thai political turmoil in the capital, the meeting was moved from Bangkok to Hua Hin away from contending political parties. (For background, see the U.S.-Southeast Asia article "Thai Political Turmoil Impacts ASEAN" in the January 2009 issue of *Comparative Connections*.) The agenda mostly focused on the global economic crisis and regional economic integration. Recognizing the nature of their export-led economies, ASEAN members initialed agreements to form an integrated economic community by 2015 and issued a statement vowing to shun protectionist policies. Nevertheless, the summit did not yield the deep trade concessions most analysts believe are necessary to boost economic growth in the region and to compete with China and India for foreign investment.

The formation of a human rights body by the end of this year continues to be contentious. The leaders of Burma and Cambodia threatened to leave the summit before it began if exiled human rights activists from their countries were permitted to attend. (Reluctantly, the human rights activists withdrew rather than disrupt the meeting.) No agreement was reached on the specifics of a human rights commission at the summit, although a draft document was circulated that calls for respect for basic freedoms but provides for no provisions for investigation or prosecution.

The draft features ASEAN's underlying principle of noninterference in domestic affairs and states that "primary responsibility to promote and protect human rights ... rests within member states." Nor does the draft specify who should sit on the human rights commission other than representatives with "competence in the field of human rights." Malaysian Prime Minister Abdullah Badawi admitted that promoting human rights in ASEAN will be "difficult ... because we are at different stages of development." On Feb. 26, a U.S. official urged ASEAN leaders to use the planned body to push for reform in Burma.

In its chairman's statement, the 10-nation bloc urged Burma to implement inclusive national reconciliation but at the same time abjured any ASEAN facilitation role. The Malaysian prime minister at a separate press conference stated that Burma has indicated its willingness to interact with the UN on the junta's "democratization" process, implying that ASEAN was not the right organization to fill that role.

The ASEAN summit also failed to act on the problem created by the flight of ethnic Rohingya from Burma to neighboring states. The ASEAN chairman's statement avoided referring to the Rohingya's plight as a humanitarian issue, thus insuring that ASEAN states to which they have fled can continue to treat the arrivals as illegal immigrants. Originating along the Burma-Bangladesh border, this Muslim community has long suffered persecution by Burma's military government. As for the future of those who arrived illegally by boat in Indonesia, Malaysia, and Thailand, the chairman's statement declared the issue would be taken up at the "Bali Process" – an ASEAN ministerial conference on people smuggling, trafficking in persons, and related transnational crimes. Burma's Prime Minister Gen. Thein Sein acknowledged the Rohingya as a Bengali minority group and stated that his country would take back those who can verify they were born in Burma – a problematic offer for poor villagers with little documentation. As an

Amnesty International spokesperson put it, the Bali Process on human trafficking cannot get at the root cause of Rohingya flight, their persecution in Burma.

ASEAN states also pledged to fully implement a regional counterterrorism pact this year – an integral component of the ASEAN political-security community. The Convention, signed in January 2007, calls for the exchange of intelligence and prevention of any ASEAN member's territory to plan, finance, or facilitate attacks on another.

### **Visiting forces agreement controversial in Philippines**

Under the Philippine-U.S. 1999 Visiting Forces Agreement (VFA), U.S. exercises with the Philippine Armed Forces take place in locations ranging from assisting Philippine Special Forces in their quest to suppress radical groups such as Abu Sayyaf in the south to larger joint exercises under the rubric *Balikatan*, in other parts of the country. The presence of U.S. forces has created a backlash among nationalist and leftist groups in the Philippines. Two events this quarter impacted the VFA's future. One dealt with a U.S. soldier convicted of rape and sentenced to a 40-year prison term, who has been confined to the U.S. embassy since 2005 pending an appeal. The other is related to Philippine strategic concerns generated by China's negative reaction to a Philippine filing of a baseline territorial claim with the United Nations in March, leading to Chinese protests over encroachment on its own sovereignty claims in the South China Sea. The PRC's dispatch of a patrol ship to the area has elicited official Philippine expressions about the importance of maintaining the U.S. security relationship.

On Feb. 11, the Philippine Supreme Court ruled that the convicted U.S. soldier, Daniel Smith, should be turned over to Philippine custody but also upheld the VFA and stated that the U.S. and Philippine governments should negotiate where Smith would be detained. Meanwhile, he remains in the U.S. embassy compound. Opposition lawmakers are using the Supreme Court decision to insist that the VFA is disproportionately in favor of U.S. interests. Subsequently, on March 11, President Obama telephoned President Gloria Arroyo and praised the VFA as mutually beneficial for each side's national security. Philippine Sen. Francis Escudero then stated that the U.S. might welcome a review of the VFA if changes "will lead to stronger and warmer bilateral ties." The changes Escudero has in mind are based on Manila's status of forces agreement with Australia which gives the Philippines more jurisdiction over criminal prosecution of visiting foreign soldiers. Earlier, on Feb. 23, U.S. Ambassador to the Philippines Kristie Kenney stated that any review of the VFA would be premature until the custody of the convicted American marine is negotiated. The issue was further complicated late in March, when the woman who brought the original charges against Smith recanted her accusation. The woman's supporters say they smell "a plot" to vindicate and release the convicted serviceman in order to remove the persisting cloud of controversy over the VFA.

In the midst of the VFA controversy, a new concern arose. China's objection to the Philippine Archipelagic Baselines Law and subsequent PRC deployment of a patrol vessel to monitor its maritime zone in the disputed Spratly Islands led the Arroyo government to caution those who want to abrogate the VFA as weakening the Philippines at a time that Beijing may be flexing its military muscle, according to National Security Advisor Norberto Gonzales. Nevertheless, opposition Congressman Rufino Biazon stated on March 17 that "with or without the VFA, the

U.S. is obliged to help the Philippines should it come into conflict with China under the Mutual Defense Treaty.” He went on to say, “This might be an opportune time for Philippine officials to sit down with the secretary of state to find out what we can expect under the MDT with regards to the China issue.”

Philippine-U.S. war games on Panay Island and the Bicol region in late January and early February drew strenuous objections from the Philippine Communist Party which claimed the purpose was to crush its New People’s Army (NPA), whose guerrillas operate in these areas. These exercises will be followed by the larger April 2009 *Balikatan* exercises in the same region focusing on enhancing interoperability between U.S. and Philippine forces. NPA statements indicating that the guerrillas would target Americans during the January-February maneuvers led to tighter Philippine security; however, there was no indication that any NPA action against the Americans occurred.

### **Enhanced *Cobra Gold* exercise held**

The 28th annual multinational exercise *Cobra Gold*, America’s most elaborate Asian military maneuvers, were held from Feb. 4-17 in Thailand, this year involving troops from 19 countries as participants and 9 others as observers. The primary participants included 7,300 troops from the U.S., 4,000 from Thailand, 113 from Indonesia, 106 from Singapore, and 75 from Japan, who engaged in air, water, and ground maneuvers. The emphasis was on responses to natural disasters such as the December 2004 Indian Ocean tsunami. This year’s *Cobra Gold* also introduced robotic operations to remotely access hazardous areas.

Lt. Gen. Benjamin Mixon, commander of the U.S. Army Pacific, stressed that the “soft power” aspects of *Cobra Gold* were just as important as practicing coalition warfare and tactical operations. Soft power activities in this year’s exercise included building schools and medical facilities, providing medical and dental services to villagers, and veterinary examinations of farm animals. Mixon also noted the counterterrorist importance of training Asian armed forces in this exercise. Thailand contributed \$1.1 million for the games, while the U.S. provided \$13 million.

### **U.S. human rights allegations challenged by Southeast Asian states**

The annual State Department Human Rights Report elicited the usual rejections from those Southeast Asian states whose records continue to be severely blemished. Other U.S. agencies have also investigated human rights violations in the region. In mid-January the U.S. Senate Foreign Relations committee publicized a probe it is conducting in Malaysia on allegations that Malaysian officials were extorting money from foreign migrants – mainly from Burma – in order for them to avoid being sold to human trafficking syndicates along the Malaysia-Thai border.

Vietnam was described in the State Department’s report as an authoritarian state where dissent is prohibited and people were arbitrarily detained for political activities. Human trafficking continues in the country along with violence toward and discrimination against women, according to the report. Moreover, governmental corruption is pervasive, particularly in the confiscation of land without compensation to make way for infrastructure projects.

Burma was excoriated for brutally suppressing its citizens and razing entire villages. Recalling the junta's delay in permitting international assistance to Cyclone *Nargis* victims last May, "the regime showed contempt for the welfare of its own citizens." It has also forcibly relocated people from their homes, particularly in areas dominated by ethnic minorities, while looting their possessions.

Cambodia responded to the report by denying there was extra-judicial killing by security forces and insisting that freedom of speech existed in the country as could be seen in opposition newspaper criticism of the government. As for the forced evacuation of people from their land, residents were described by Cambodian authorities as "squatters" who must be removed from public property. (Cambodian official corruption and impunity are notorious and have led to its ranking among the most corrupt regimes in the world.)

The State Department also criticized Thailand for using excessive force against criminal suspects and linked the police to disappearances, torture, and other abuses including incarceration in overcrowded and unsanitary conditions. Depredations were particularly prevalent in the south where the government is fighting a five-year old Muslim insurgency. At year's end, no military personnel had yet to be charged or prosecuted for these actions.

Despite condemnation of rampant corruption, drug trafficking, and extra-judicial killing, the Philippine government acknowledged that the report was "fair" and noted that the overall country rating vis-à-vis other Southeast Asian states "is one of the best." The report did note that extra-legal killings and enforced disappearances were down in 2008 but criticized a judicial system that suffered from "corruption and inefficiency" where "personal ties and sometimes bribery resulted in impunity for some wealthy or influential offenders...."

### **Other issues of concern**

The U.S. praised Thailand in mid-February for joining the Malacca Strait antipiracy patrols initiated by Malaysia, Singapore, and Indonesia in 2004. Commander of the U.S. Pacific Command Adm. Timothy Keating noted that since the patrols began, piracy in the Strait has declined, most recently from 50 cases in 2007 to only two last year.

Testifying before the U.S. Senate Foreign Relations Committee in mid-February, Keating also averred that "Indonesia has become an increasingly important partner of ours." U.S. financial assistance for the country's counterterrorism program has helped Jakarta significantly curtail terrorism. Nevertheless, Indonesia is still waiting for U.S. confirmation regarding the fate of one of its most notorious terrorist suspects, Hambali, who was arrested in Thailand in 2003 in a joint U.S.-Thai operation and interrogated by the CIA at undisclosed locations until being imprisoned at Guantanamo in 2006. Reportedly dubbed by the CIA as the "Osama bin Laden of Southeast Asia," Hambali is wanted in Indonesia, Malaysia, the Philippines, and Singapore and blamed for the 2002 Bali bombing and the 2003 attack on the Jakarta Marriott hotel. Indonesian authorities speculate that since President Obama signed an executive order to close Guantanamo prison, Hambali will be returned to Indonesia, particularly since he has not been linked to 9/11. However, seven U.S. citizens died in the Bali bombing and Hambali is also tied to the planning of an abortive attack on the U.S. Embassy in Singapore. Therefore, according to Sidney Jones, a

Southeast Asia specialist with the International Crisis Group, Washington may not return Hambali unless “there was an absolute guarantee” he would be convicted and given a heavy sentence, and “you can’t guarantee that absolutely in a democratic system....”

### **A straw in the wind**

Although this is still early innings for the Obama administration’s Southeast Asia policy, the one area where change may be in the works is Burma. Washington may hope that it has some chance of encouraging the ruling junta to provide a genuine opposition voice in the forthcoming 2010 elections even though the SPDC’s continued domination of the government is a foregone conclusion. Perhaps Washington is considering softening the sanctions it has imposed on the regime in exchange for the latter’s political opening to the opposition National League for Democracy including the release from house arrest of Nobel Prize winner Aung San Suu Kyi. If this is the Obama administration’s thinking, it would do well to consult with partners whose policies toward Burma are compatible with Washington’s: the ASEAN states, Japan, and India. A combined endeavor could enhance any new American demarche.

## **Chronology of U.S.-Southeast Asian Relations January - March 2009**

**Jan. 3, 2009:** More than 3,000 Muslim demonstrators rally outside the U.S. Consulate in Medan, Indonesia condemning the Israeli attack on Gaza.

**Jan. 4, 2009:** Former Malaysian Prime Minister Mahathir Mohammad calls for a global boycott of U.S.-made products because of U.S. backing for Israel on its war in Gaza against Hamas. He criticizes Washington’s veto of a UN Security Council resolution calling for a ceasefire and sees no change in U.S. policy under President Obama “because a lot of voters in America are Jews.”

**Jan. 5, 2009:** U.S. Ambassador to the Philippines Kristie Kenney states that President Obama will continue U.S. support for the Mindanao peace process including economic aid for the region’s development.

**Jan. 9, 2009:** Philippine Defense Secretary Gilberto Teodoro says that this year’s U.S.-Philippine *Balikatan* exercise would focus on rehabilitation in calamity-stricken areas and not be involved in the anti-insurgency campaign in the Bicol region.

**Jan. 9, 2009:** U.S.-based Human Rights Watch calls on the World Bank and donor countries to press Vietnam to stop arresting journalists who expose corruption and urges Hanoi to permit free media expression.

**Jan. 9, 2009:** Supporting anti-Israel and anti-American demonstrations in Kuala Lumpur, former Prime Minister Mahathir calls on Malaysians who work for U.S. companies to quit and to sell any U.S. dollars they own so that the U.S. “will become a bankrupt country and will not be able to produce weapons for Israel.”

**Jan. 15, 2009:** The U.S. Senate Foreign Relations Committee states it is investigating allegations that Malaysian authorities are transporting Burmese refugees from government detention facilities and turning them over to human traffickers in southern Thailand.

**Jan. 15, 2009:** A U.S.-Vietnam education forum opens in Hanoi. Eighty U.S. universities have formed partnerships with Vietnam, and about 10,000 Vietnamese are studying in the U.S.

**Jan. 20, 2009:** Ambassador Kenney states the U.S. is prepared to aid in the search for three Red Cross personnel kidnapped in the southern Philippines presumably by the Abu Sayyaf.

**Jan. 22, 2009:** Malaysian Prime Minister Abdullah Badawi says he is “happy with President Obama’s plans to engage the Muslim world.”

**Jan. 26, 2009:** Burma’s weekly journal, *The Voice*, publishes excerpts from President Obama’s inaugural address, excluding passages that criticized “those who cling to power through corruption and deceit and the silencing of dissent....”

**Jan. 26-Feb. 20, 2009:** 178 Philippine and 35 U.S. military personnel participate in the *Balance Piston 90-01* exercise in Capiz in the Visayas to enhance interoperability between the armies as well as interagency cooperation between the military and law enforcement.

**Jan. 29, 2009:** The Philippine Council for Islam and Democracy sends a letter to President Obama through the U.S. embassy, urging him to help end the internecine Mindanao conflict. The letter refers to Obama’s pledge to seek better relations with the Muslim world.

**Feb. 2-6, 2009:** A U.S. Navy *Arleigh Burke*-class destroyer, the *USS Lassen*, visits Bali where its crew is hosted by the Indonesian Navy. Vice Adm. John Bird, commander of the U.S. 7th Fleet, states that the U.S. Navy conducts 150 engagements annually with its Indonesian counterpart.

**Feb. 4-17, 2009:** *Cobra Gold*, Asia’s largest U.S.-led and Thai-hosted annual multinational military exercise, takes place with an emphasis on peacekeeping and humanitarian operations.

**Feb. 6, 2009:** Indonesian State Secretary Hatta Radjasa states that U.S. Secretary of State Clinton’s upcoming visit to Indonesia is a sign of the Obama administration’s outreach to the Muslim world.

**Feb. 7, 2009:** Ambassador Kenney says the Visiting Forces Agreement (VFA) for U.S. troops in the Philippines will continue under President Obama.

**Feb. 11, 2009:** The Philippine Supreme Court rules that a U.S. serviceman convicted of rape but detained on US embassy grounds must be transferred to a Philippine prison. The case has become entangled in Philippine national politics and the fairness of the Philippine-U.S. VFA.

**Feb. 17, 2009:** Adm. Timothy Keating at the *Cobra Gold* closing ceremony praises the Malacca Strait countries for their collaboration in ensuring safe maritime passage. Piracy dropped to just two cases in 2008 from 50 in 2007.

**Feb. 18, 2009:** Indonesian Finance Minister Sri Mulyani Indrawati suggests to Secretary Clinton that Jakarta would be interested in a currency swap arrangement to help Indonesia through its current credit difficulties.

**Feb. 18-19, 2009:** Secretary Clinton visits Indonesia as part of her four nation initial Asia trip.

**Feb. 18-20, 2009:** The Second Asia-Pacific Intelligence Chiefs conference is held in Singapore co-hosted by the U.S. Pacific Command and Singapore with 25 countries represented.

**Feb. 27-March 1, 2009:** The ASEAN summit meets in Hua Hin, Thailand. The meeting focuses on trade deals and prospects for an integrated economic community by 2015.

**March 2, 2009:** The U.S. government reveals that hundreds of hours of video tapes showing harsh interrogation of Al Qaeda captives in Thailand were destroyed in 2005 as Congress and U.S. courts intensified their scrutiny of CIA detention and interrogation practices.

**March 9, 2009:** U.S. Navy destroyers begin the escort of U.S. surveillance ships in the South China Sea the day after Chinese boats harassed the *USS Impeccable* south of Hainan Island.

**March 17, 2009:** Suzette Nicolas submitted a sworn statement to a Philippine appeals court, recanting her accusation of rape against U.S. Lance Cpl. Daniel Smith, who was convicted of the offense in December 2006 and sentenced to 40 years in prison.

**March 18, 2009:** Speaking in Phnom Penh, Stephen Blake, director of the State Department's Mainland Southeast Asia Bureau, states that the U.S. will not interfere in the Cambodia-Thailand border dispute around the Preah Vihear temple and urges that the conflict be resolved peacefully.

**March 24, 2009:** The director of the State Department's Mainland Southeast Asia Bureau meets with Burma's foreign minister in the capital, Naypyidaw – the first time a U.S. official has met with a member of the ruling junta since it took office in 1997.