Reflections on the Human Condition: Change, Conflict and Modernity

The Work of the 2004/2005 API Fellows
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Change, Conflict and Modernity

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CONTENTS

About the Book v
Acknowledgements vi
The Contributors vii

SPEECHES
Unity of Knowledge and Action x
YOHEI SASAKAWA
Building the East Asia’s Future: The Challenges We Must Face, the Responsibilities We Must Bear xii
RAJA NAZRIN SHAH IBNI SULTAN AZLAN SHAH
Opening Remarks xviii
ABDUL RAHMAN EMBONG

INTRODUCTION
Reflections on the Human Condition: Change, Conflict and Modernity xxi
ABDUL RAHMAN EMBONG

SESSION I: HERITAGE, IDENTITY, CHANGE AND CONFLICT
New Hypotheses Resulting From Gua Sirih Research, Sarawak 1
WILHELM G. SOLHEIM II
Past Periphery: Curation in Southeast Asia 9
PATRICK D. FLORES
Once Upon a Time in Phuket: Changing Identities among the Baba Chinese and Thai Muslims in a Tourist Paradise 24
KHOO SU NIN (SALMA) NASUTION
Policy and Legislation in Community Forestry: Study on Indigenous Rights within Community Forestry Development in Southeast Asia 39
I NYOMAN NURJAYA
Scarcity of and Conflict over Resources: Chom Thong Water Conflict 59
KENSUKE YAMAGUCHI

SESSION II: ENGAGING MODERNITY: RELIGION, GENDER, AND ART
Islam Post-9/11: Trends and Opportunities for Modernization in Indonesia: A Case Study 68
ASKIAH MOHD. ADAM
Dissidents and Disciples: The Geography of Islam in Indonesia 81
SHAMILA ANNIE BINTI MOHAMED ARIFFIN
Globalization, Gender and Sexuality: Malaysian and Philippine Articulations 98
ELIZABETH UY EVIOTA
“The Women Actually Wanted to Die”: Art as Transport-Station of Trauma, Memory and Mourning in Works by Malaysian and Japanese Women Artists 109
FLAUDETTE MAY V. DATUIN
Creating Alternatives for Contemporary Artists in Southeast Asia 119
MIZUKI ENDO
“Asianizing” Animation in Asia: Digital Content Identity 124
RUDYARD C. PESIMO

SESSION III: CHANGING LIFESTYLES AND HEALTH
Globalization of Fatness: Cultural, Social, and Economic Perception of Obesity in Southeast Asia 161
WAN ABDUL MANAN WAN MUDA
Team Building and Simulation of HIV Outbreak at a Sentinel Site in the Philippines 177
SEIJI KAGEYAMA  
Re-Negotiating the Social Contract: Health Systems in Transition in East and Southeast Asia 188  
CHAN CHEE KHOON  

AMBAR YOGANINGRUM  
SESSION IV: THE STATE, DEVELOPMENT AND GLOBALIZATION  
Redefining the Japanese Self Defense Forces: Lessons in Forging a Global Identity 218  
ROSALIE B. ARCALA HALL  
Free Trade in Asian Agriculture: An Economic Perspective of Thailand 239  
ZAMRONI  
The Indonesian Rail System and the Problems of Safety: Comparison with and Lesson from Japan 254  
INDRI H. SUSILOWATI  
Local Government-led Export Processing Zone Projects 266  
MIHO SAKUMA  
Gene Revolution and its Impact on Farmers: A Comparative Study between Indonesia and the Philippines 286  
PENNAPA HONGTHONG  

SESSION V: EMPOWERING THE POOR AND THE VULNERABLE  
Empowering the Urban Poor through IT Training: Project for the Urban Poor in Manila 300  
AKIRA SATO  
The Homeless in the Metropolis: A Study of Problems in Five Japanese Cities, and Manila and Jakarta 308  
SUWIT WATNOO  
Management of the Homeless in Tokyo and Manila: Some Lessons for Thailand 325  
BOONLERT VISETPRICHA  
ISBANDI RUKMINTO ADI  
Reintegration Program for Thai Returnees: A Case Study of Thai Migrants in Japan and Comparison with Filipino Experience 348  
KANNIKA ANGSUTHANASOMBAT  

SESSION VI: SOCIAL JUSTICE, HUMAN RIGHTS AND CIVIL SOCIETY  
Towards Successful Access to Land? 362  
A Case Study of Success and Failure of Land Reform in the Philippines and Indonesia  
PETRUS-DAMIANUS PRASETYOHADI  
Issues and Problems in Disseminating “Universal Human Rights” in Local Communities: Through the Efforts of the National Human Rights Institutions in the Philippines and Malaysia 375  
MARIKO AKUZAWA  
Japanese Civil Society in Combating Corruption 389  
PORNTHIP APISITWASANA  
Development and Problems of the Local Media Principles and Rationales 410  
KOKAEW WONGPHAN  
APPENDICES  
Appendix I: Workshop Schedule 422  
Appendix II: Workshop Participants 423  
Appendix III: Abstracts of Papers 426  
Appendix IV: Workshop Summary 433  
Contact Details 439
ABOUT THE BOOK

*Reflections on the Human Condition: Change, Conflict and Modernity,* is a collected work of the 2004/2005 Asian Public Intellectuals (API) Fellows. The 29 papers (30 presentations, 29 published papers) cover key areas as heritage, identity, change and conflict; engaging modernity: religion, gender, and art; changing lifestyle 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 challenge that transcends 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) has launched the Asian Public Intellectuals (API) Fellowships Program 8 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. It is designed to stimulate the creation of a pool of such intellectuals in the region.

Each participating country—Indonesia, Japan, Malaysia, the Philippines, and Thailand—has a designated academic institution called Partner Institution. Representatives of these Partner Institutions comprise the API Executive Committee that discusses and decides on program policies in consultation with The Nippon Foundation. A Coordinating Institution, selected on a rotational basis amongst the Partner Institutions, manage the Program regionally.

- The three main themes determined are:
  - 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 a 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 the 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.

The API Follow-Up Grant was initiated in 2004-2005 to encourage API Fellows to undertake collaborative work.

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: 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.
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The API Fellows for writing their papers and revising them whenever necessary for content and technical purposes;

The 4th API International Workshop Director Abdul Rahman Embong who guided the Fellows through their conference papers and final write-ups; TNF Executive Director Tatsuya Tanami; TNF International Program Manager Michiko Taki; Director of the Institute of Asian Studies (IAS), Chulalongkorn University Supang Chantanavich; and the API Program Directors, Coordinators, and Assistants for their valuable cooperation; and

Anna Liza Magno who handled majority of the technical editing and collaboratively oversaw the production of the book.
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WELCOME SPEECH

Yohei Sasakawa
Chairman of The Nippon Foundation

It is a great honor and pleasure for me to have the opportunity to meet the 4th Group of API Fellows here tonight. It is also a tremendous honor to meet His Royal Highness Raja Nazrin Shah ibni Sultan Azlan Shah, a leading public intellectual in Malaysia; Professor Dato’ Dr. Mohammed Salleh Mohammed Yasin, Vice Chancellor of Universiti Kebangsaan Malaysia; once again, the members of the International Selection Committee, and the Directors of the institutions collaborating with The Nippon Foundation in this program.

I would also like to take this opportunity to express my sincere appreciation to the late Professor Dr. Ishak Shari, the former Director of IKMAS, Professor Dr. Ragayah Haj. Mat Zin, Director of IKMAS, and Ms. Dorothy Fernandez-Robert, API Program Coordinator at IKMAS for their firm commitment and hard work as the first Coordinating Institution of the API Fellowship Program from the year 2000 to May this year. Without the wonderful institutional support provided by IKMAS and the strong personal commitment of these three individuals, the API Fellowships Program would not be what it is today. I would also like to express my deepest gratitude to the three people from the Institute of Asian Studies at Chulalongkorn University who worked very hard in preparing this workshop: Professor Dr. Supang Chantavanich, the Director, Associate Professor Surichai Wun’Gaeo, Deputy Director, and Ms. Michiko Yoshida, the API Program Coordinator. Last but not least, I would also like to express my appreciation to the Workshop Director, Professor Dato’ Dr. Abdul Rahman Embong.

As you know, the first East Asia Summit will be held here in Malaysia next month. Participants will be engaging in discussions towards the creation of a new regional community. Asia faces many transnational issues that threaten people’s livelihoods. These include pressing issues such as terrorism and bird flu, as well as poverty, environmental destruction, ethnic conflict, and religious conflict, to name a few. And these issues are closely intertwined with the wave of globalization sweeping the world today.

Asia is home to various regional networks among governments as well as international organizations. However, it is evident that these mechanisms are not always successful in resolving regional issues due to reasons ranging from national interest and laws to bureaucracy.

It is also undeniable that the lack of knowledge in Asian countries about their neighbors is making it difficult to address these various problems. Until now we have looked to the West as our primary source of information on our neighbors, and have been far from enthusiastic about visiting our neighboring countries to see things with our own eyes and learn from direct experience.

An important objective of the API Fellowships Program is to learn about our neighbors and gain access to information about them that is not filtered through Western eyes. Another important goal of the program is to generate ideas for resolving the common issues that face Asia, contributing to the public good from a private standpoint. It then aims to put these ideas to action, either independently or in collaboration with governmental organizations. My wish is for all members of the API Community, regardless of their position or profession, to deepen their understanding of their neighbors, and keep the greater interest of Asia in mind at all times, changing things for the better by putting their knowledge and experience to practical use.

In Japan we have the phrase Chigyogoitsu or “Unity of Knowledge and Action”. It means that knowledge becomes meaningful only when put to practical use. What is expected of API Fellows—as public intellectuals—is to make their knowledge public. In other words, they must open up new paths for putting their knowledge and ideas to use towards social change. Public intellectuals themselves may serve as torchbearers for these activities, or they may make their ideas public, and mobilize organizations and individuals towards their cause. Either way, public intellectuals are expected to take on the role of change agent.

This program has produced over 150 API Fellows in the past five years. Many of these Fellows are using the knowledge and experience gained during their fellowship period in neighboring countries to bring...
about social change. For example, Southern Thailand is currently in the middle of a serious conflict and violence. Prime Minister Thaksin has created an independent policy committee, the National Reconciliation Commission in March this year to explore policy solutions to this issue. It is worth noting that this commission comprises many members of the API Community, including Professor Emeritus Dr. Prawase Wasi, who is Special Advisor to the API Fellowship Program and Vice-Chair of the Commission, Associate Professor Surichai Wun’Gaeo who is the Joint- Secretary of the Commission, and Mr. Pibhop Dhongchai, a leading social activist, and Phra Paisal Visalo, an abbot at Wat Pasukkato and social thinker and activist, who are both first group API fellows. These people are sharing the knowledge and experience gained through the API Fellowship Program and are working in collaboration with each other with the public interest in mind. Their remarkable contributions to society are our pride and joy.

I am very happy to say that there are many other remarkable examples of social contributions made by API Fellows, which I have come to know through their reports, works, and newspaper coverage. Having said that, there is clearly a limit to what one public intellectual can do. The API Community is a transnational community of public intellectuals that share the same sense of purpose and commitment toward making the world a better place. And the over 150 API Fellows we have to date, who represent various countries, cultures, fields and generations, are all lifetime members of this Community. Their collective force has a huge potential.

This unique community comprising fellows who are able to generate new ideas and theories, others that excel as practitioners in the field, and yet others that use their specialty in the media and arts to rally public support, can serve as a collective force that can address regional issues in a comprehensive manner, by generating new ideas, putting them to practice, and disseminating the results to the wider public. Because of the diversity of its members, the API Community can at once be a think-tank and a do-tank. The challenge that we face now is how to further develop and strengthen this unique community of public intellectuals.

I would like everyone to give serious thought as to how we can maximize our potential and develop into a truly significant force for social betterment.

I look forward very much to the future activities of the API Fellows.

In closing, I would like to wish you all a highly fruitful workshop. It is my sincere hope that it will mark the new beginning of a long-lasting and robust regional network.
BUILDING EAST ASIA’S FUTURE: THE CHALLENGES WE MUST FACE, THE RESPONSIBILITIES WE MUST BEAR

His Royal Highness Raja Nazrin Shah ibni Sultan Azlan Shah
Crown Prince of Perak, Malaysia

Ladies and Gentlemen

I am thankful to God Almighty that with His Grace and Blessings, I am able to be here at this 4th Workshop of Asian Public Intellectuals, and to address this distinguished assembly. This year alone, leaders from Asia have participated and will be participating in many international gatherings. The first East Asia Summit will be held here in Malaysia next month. It will be a platform to envision, discuss and debate precisely what I am about to speak on today—an East Asian Community.

For many years in the first generation after the Second World War, all the states of Northeast Asia and Southeast Asia, without exception, were politically and economically failed or quasi-failed states. We were all engulfed by turmoil and war—civil and gruesomely uncivil. On the economic front, we were all at one time or another hopeless economies. Unlike most others in the developing world, however, we were able to make the quantum leap out of the quagmire of conflict, stagnation and poverty. In the second generation after the Second World War, over the last thirty years, the failed and quasi-failed states of East Asia pulled themselves up by their bootstraps and became achieving states. From a failed region, we became, in dramatic terms, a hyper-achieving region.

We became miracle-makers in terms of politics, peace and security. We became miracle-makers in terms of economic growth and prosperity. Great strides were also made—despite flaws and failures—in terms of most human rights and the improvement of our human condition.

I suggest that we now take the great East Asian Miracle forward into a second generation of miracle-making. I suggest that in our second generation as a hyper-achieving region, we in East Asia should work hard and long to create:

• an Asian community of friendship and peace;
• an Asian community of cooperative prosperity; and
• an Asian community of deeply caring societies.

A cooperative Asian community which will be at the core of a remarkable Asian Civilization—a remarkable Asian Civilization which will contribute to the building of a new and much more just, much more humane and much more civilized world order.

Having made the Asian miracle, let us now make the Asian community. The older generation of East Asians have accomplished a heroic feat. The most important challenge facing the present generation of leaders is to successfully build such an Asian community. This is the primary responsibility that the states of East Asia and this generation of East Asians must bear.

In the decades to come, I am confident that from Asia will come a major civilizational contribution. But the twenty first century should not be and will not be “The Asian Century”. There will be at least two other points of massive civilizational light: one shining from our east, coming from the northern end of the Americas; one shining from our west, coming from the continent of Europe.

Let me also stress that there is also much virtue in starting small and becoming bigger. There is no virtue in starting big and becoming smaller. We should all take note that excessive ambition is often the enemy of pragmatic accomplishment. What Europe has done Asia cannot achieve for many, many decades to come. Our Asian community will eventually be large and will embrace more than a third of all mankind. It must surely in due time include India and other countries. But at the heart and at the start of this historic venture must be the East Asian states of the ASEAN+3.

Asian Community of Friendship and Peace

Although we should not mimic the European model or take the European road, we must be inspired by what Europe has accomplished with regard to peace and friendship. Whatever the economic and diplomatic accomplishments of the European Community—and here there are grounds for extensive debate—there can be no doubt that a peace miracle has been accomplished in the European continent.

The twentieth century saw two great European civil
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It was not so long ago that “Pax Americana” was spoken of in the fondest of ways, in some parts of East Asia and elsewhere. The Pax Americana, we were told, would guarantee peace in East Asia. Some of its advocates, especially those from outside the region, could not even understand why anyone would have the slightest objection or reservation. When some spoke of a “Pax Nipponica”, it didn’t sound like such a good idea either. And when some mentioned the very thought of a “Pax Sinica”, this approach to regional peace began to sound atrocious.

If hegemonism is intolerable, why not the wonderful balance of power system, touted by just about every Western international relations textbook since Hans Morgenthau? The extreme balance of power approach bows to the ancient Roman dictum: “Si vis pacem para bellum”. If you want peace, prepare for war. In other words, if we in East Asia want peace, we must prepare for war. This may not be as ludicrous as it sounds if we were to take a look at some of the arms purchases of some countries in East Asia today.

Less extreme models of the balance of power system call for the counter-balancing of the enemy’s military and other power. In many parts of our region, this was the dominant path to peace in the 1940s, 1950s, 1960s and 1970s. It remains the dominant approach to peace in the Korean Peninsula and perhaps across the Taiwan Straits.

It is a costly approach because when you prepare for war, war all too often is what you get. Even when it works well, all you achieve is a cold and adversarial peace. It is also a costly approach because the best balance of power system is not really the achievement of a parity of power but the achievement of a preponderance of power by a status quo Power or group of Powers against those who are aggrieved by the status quo or who wish to challenge it. Balance of power systems almost demand an arms race. They are financially enervating or bankrupting systems that arms makers and dealers can be counted upon to love, as they laugh all the way to the bank.

In addition, rigid military balances of check and counter-check divert attention from more important agendas and tend to freeze the status quo, when some accommodation, flexibility and change may be in the long term good of all.

For a period, option three, the idea of a Concert of Powers—a triangular “strategic partnership” between the United States, China and Japan and the management
of peace in the region by this merry triumvirate—was strongly touted, especially amongst those who “knew” that a Pax Americana was not possible and a Pax Sinica was to be avoided like the plague. It is a prisoner of power politics groupthink and the natural outcrop of the old European model for making peace. It is hierarchical and anti-democratic. It is patently unachievable. Why, for example, should China agree to a partnership of two versus one? And why should Japan fund and finance the strategic policies of its so-called “partners”?

The classic European Concert of Powers approach would not be able to work in today’s Europe. Unlike the Europe of the nineteenth century, in today’s world it simply is not possible for a country to be a legitimate policeman for a region such as East Asia, especially if casualties are taboo, and especially if the citizens to be policed simply won’t have it.

Some may say that the fourth option—achieving peace through building trust, friendship, consideration, accommodation, a sense of community and a community of interest in peace—is very idealistic, very laborious and very difficult. Of course it is. It truly is very idealistic, very laborious and very difficult. But I believe that it is much more realistic than the first three options. It does not require much more work. It is no more difficult than achieving true peace through hegemony, a balance of power, or a Concert of Powers. It is certainly much more productive of the welfare of the people of our region.

Those who say that the community of friends approach is not possible have to explain European success. More pertinent and much closer to home, they will have to explain the success of ASEAN. As so many of our good friends have pointed out a hundred times since ASEAN was born in 1967, ASEAN is at “a crossroads”, ASEAN is “in crisis”, ASEAN is “a disappointment”, ASEAN has been “a dismal failure” in many ways. In 1997-98, it was pointed out ad nauseam, that ASEAN was not able to prevent, still less, to “solve” the Great East Asian Economic Crisis. It is interesting to note that those who said that ASEAN was ipso facto “useless” did not then go on to say that the IMF was “useless”, that the World Bank was “useless”, that the Asian Development Bank was “useless”, that APEC was “useless” and that sliced bread was “useless”—despite the fact that all these things too did not prevent and could not “solve” the Great East Asian Economic Crisis of 1997 and 1998.

ASEAN does not walk the path of the European Union. It has not been able to pull rabbits out of a hat and turn iron into gold. Who knows how long it will be before the ASEAN Economic Community committed to in Bali will come close to reality. AFTA itself remains problematical in many areas. No plain sailing can be expected. Yet, there is no-one who can say that ASEAN has not been a tremendous success in the process of building a community of friendship and peace. Neighbors who have been strangers have been turned into acquaintances. Acquaintances have been turned to comrades. Adversaries have been turned to friends, not overnight, but surprisingly fast.

The new ASEAN members are not so chummy among themselves, or with the old members—as the old members are with each other. But there is no doubt that despite centuries of disdain, distrust, prejudice, sometimes even animosity, no-one in the entire region of Southeast Asia is preparing or even thinking of going to war against another. A community of friendship and peace has more or less been established.

There is no doubt that as a peace and friendship machine, only the European process has outshone the ASEAN process over the last thirty years. Not bad for a dismal failure. Is such a community—a community of friendship and peace that ASEAN already is today—impossible in East Asia because of the sheer size of China? In the original ASEAN six, Indonesia was larger than China would be in East Asia—in terms of territory and population. ASEAN succeeded in spite of the single giant because Indonesia was concentrated on modernization, as China is today. ASEAN succeeded because Indonesia was focused on economic transformation, as China is today. Indonesia used ASEAN to lock itself onto a productive track. Is there an analogue and an example here, for others to follow?

The beauty about the community approach to friendship and peace is that it does not require the abrogation of alliances and low intensity balances of power. Countries can and should still have strategic coalitions of the type that do not subvert or destroy the community-building process. It is in keeping with the ASEAN way and the Asian way, with the core emphasis on process and on patience, on building the solid house of peace one brick at a time.

En passant, let me remind the skeptics that in analyzing what can be done over the next twenty years they should bear in mind what we have been able to achieve over the last two decades. Twenty years ago, the Cold War was still on. China’s new path was still uncertain and tenuous. Southeast Asia was at daggers drawn. East Asia is today already a very much different place. Southeast Asia has been completely transformed.
It will not be easy but I believe that what we managed to do with Southeast Asia, we can achieve with regard to East Asia—if we have the commitment and if we can sustain the stamina. The rewards are so great in any case that we must at least give it our best shot over the coming decades.

Asian Community of Cooperative Prosperity

Let me now turn to what I believe must be the second item on our common agenda: the creation of an Asian community of cooperative prosperity. Let us be clear. The primary work for prosperity must begin at home. There are many things that need to be done that only we ourselves can do. Just as peace begins at home, so does prosperity. But in the days ahead we must begin to cooperate actively and aggressively on the economic front.

Already, today, a highly integrated East Asian regional economy is flourishing. In terms of intra-regional trade, only the European Union and NAFTA are more economically integrated. What has been remarkable is that unlike so many other parts of the world, where governments have burst blood vessels trying to integrate their economies and have achieved practically no regional integration, we in East Asia have achieved massive economic integration with little effort on the part of our governments. East Asia’s massive economic integration has been driven mainly by the private sector—the private sector, incidentally, of transnational corporations from other regions as well as from the transnational corporations of East Asia. This pattern of private sector-driven economic integration is productive. It is sustainable. It must not be supplanted. But it is time for the governments of East Asia to lend a helping hand.

Reducing tariffs to each other is generally competitiveness-enhancing. If our corporations cannot compete against each other, how can they be made strong enough to take on the world? I have every confidence that substantial forward movement can be made with regard to the creation of the ASEAN-China free trade area, now already scheduled to be completed within less than ten years. I am very confident about the successful negotiation of most of the trade and closer partnership bilaterals and minilaterals that so many of the East Asian economies are negotiating with economies near and wide. These efforts should eventually lead to the establishment of a single free trade arrangement covering the entire region, which should then form the basis for a global move to free trade. In general, the push toward free trade mounted by these East Asian countries will enmesh us all closer together, to our benefit and to the benefit of a world that will increasingly depend on East Asia as an engine for global growth.

But there is a long and important agenda on trade facilitation to which East Asian governments must contribute. Just as important as reducing taxes at the border are such things as simplifying customs procedures and generally reducing logistics costs. There should be mutual recognition of industrial standards and certification, streamlining of policies governing the protection of intellectual property rights and integration of information communication standards.

East Asia, where the world’s financial surpluses and reserves are now concentrated, can also benefit from greater financial and monetary cooperation. These huge reserves attest to Asia’s rising economic power. However, vast quantities of these reserves are exported. If East Asian economies are to absorb the region’s huge savings, more efficient capital markets need to be developed, in particular the primary and secondary markets for East Asian currency-denominated bonds. This will also create a more balanced financial system with banks and bond markets forming the two pillars. An Asian bond market will also curtail the mismatch between borrowing short in foreign currency and lending long in domestic currency that contributed to the severity of the 1997-98 financial crises.

We must of course continue to build many regional institutions. But let me stress one: the establishment of an Asian Monetary Fund, as a measure against future financial crises. Preliminary steps have been taken in this direction, notably through the Chiang Mai Initiative, which created bilateral currency swap arrangements. The next step is to enlarge the size of these bilateral currency swaps.

The Asian Monetary Fund should not challenge nor duplicate the IMF. It should have its eagle eye on developments in East Asia each and every working day, rather than only when disaster strikes or is about to strike. It should have at least one relatively senior staff looking at each regional economy instead of having one (no doubt brilliant) senior economist covering a dozen far-flung countries. This should ensure a deeper detailed grasp of regional and local realities. It should be more empirical and rooted in fact. There should be a little less lecturing and a lot more learning and expertise.
Quite clearly also, we in East Asia should continue the process of inter-governmental cooperation with regard to health, tourism, labor flows, environmental issues, education and human resource development. There are countless possibilities promising remarkable returns.

Let me also stress one other thing we should all do in order to contribute to the making of the Asian community of dynamic prosperity. Instead of adopting short-sighted “beggar-thy-neighbor” policies, I believe that we should deliberately and actively adopt “prosper-thy-neighbor” policies. The dividends are too great and too obvious to require elaboration.

Asian Community of Caring Societies

Let me now turn to the third pillar of the Asian community that we must build in the decades to come: a region of deeply caring societies.

I believe that in coming decades we must strongly lay the foundations for a region that is not only peaceful, not only prosperous but also truly caring. Caring of the physical environment because if we do not care, then our region could be an environmental disaster, not fit for healthy and decent human life, still less for the rich fauna and flora, too many of which are on the brink of extinction. We cannot so mistreat so many of the creations of God Almighty.

We must also be a region of societies deeply caring of the multitude of humanity for whom we must be responsible. Caring societies must care for the protection and nourishment of the family, of women, of children and of citizens. Supportive and stable families are paramount in nurturing the healthy development of individuals. Family solidarity must be strengthened and mutual care and support fostered in the community, so that all individuals are embedded in a network of care, trust, support and reciprocity.

Great importance needs to be attached to the development and protection of our children and their well-being. It should be placed at the forefront of our cooperation efforts for economic and social development. We want an Asia fit for children, and it is our shared obligation to ensure that they are given the best possible start in life—provided with a safe, supportive and conducive environment to develop their individual capacity. Investing in the neediest early in childhood can help level the playing field. And the process continues through education—its access, its quality.

The caring societies we must have in East Asia must care deeply for the right of citizens to health, to live in stable societies free from high rates of crime, to freedom from hunger and malnutrition. Many of the countries of East Asia have proven to be world champions at killing poverty. My own country has a record for poverty eradication unmatched by any country in the twentieth century. But problems remain. In the quest for economic growth, we can ill-afford to turn a blind eye to the wide socioeconomic disparities that permeate within as well as between countries. The deeply caring societies of East Asia must seek the absolute eradication of absolute poverty.

Our vision for a caring and just society must celebrate the rich diversity of our Asian community, recognizing that each individual is endowed with different strengths. We must create an environment in which people are given every opportunity to develop their potential, to have a free and liberating intellectual and cultural life, and to be treated with equal dignity and respect.

Governance

A regional community is not just a matter of physical infrastructure or regional architecture. It needs to be underpinned by a code of governance based on shared values. I believe that our peoples have a right to free elections, to democracy and to representative government, even as they have a right to order and freedom from anarchy.

Today’s world is characterized by an emerging culture of openness and transparency. Information can be had at the touch of a button. People are communicating more. Leaders no longer rule in isolation, but are exposed to public scrutiny. If a system of government is far away from what is considered acceptable by its citizens, there will be discord. Resources go to waste in the effort to sustain an unpopular system of government. Nations become unstable, marked by uprisings. Energies of government are directed toward unproductive tasks. Military expenditure rises, not to defend the nation from external threats, but to suppress the voice of the people. Indeed, the strongest defense for any sovereign nation is the bond of unity and a common vision between leaders and followers arrived at through consultation and based on a system of government that practices democracy and upholds the rule of law. Democracy is justifiably accepted as the best form of government. Yet even a democratic system can reveal an ugly face if the system is abused or manipulated.
Before I conclude, allow me to offer a personal perspective on Malaysia’s very unique model of governance—that of constitutional monarchy and parliamentary democracy. There are very few monarchies left in the world today. Wherever it has survived, it has done so because the institution has evolved to suit the temper of the times. Nowhere is this truer than in Malaysia.

At independence, when some of our neighbors did away with their hereditary rulers—India with their maharajahs and Indonesia with their sultans—Malaysia chose to retain its cherished tradition of royalty. But meaningfully, not cosmetically or just for show. The hereditary rulers were integrated in the new democracy as a constitutional monarchy, their role and function clearly defined under the constitution.

Far from being antithetical to the democratic process, the monarchy actually enhances it. Being non-partisan and above party politics it is uniquely placed to provide additional checks and balances that are essential in a functioning democracy. The monarchy thus enhances the democratic process and strengthens the institutions of governance. It is a bedrock of the constitutional process.

In Malaysia, the rulers fill a void in the democratic system by playing the role of impartial umpires. They act as guarantors of the just implementation of the law and as overseers ensuring that the instruments of government are not abused. The monarchy, by its very nature, is a force for moderation over extremism. The cornerstone of the democratic process as we know it is the well-known doctrine of the separation of powers—the legislature, the executive and the judiciary being the three entities. In Malaysia, the monarchy can be considered a fourth entity.

This model has worked well for us. It is a model that has contributed to the continuous stability we have achieved in Malaysia. But what is good for us is not necessarily good for others. Each country must find its own path, at its own pace, toward achieving the right balance between democracy and stability.

This is where I would like to pay tribute to the organizers and participants of this workshop, and acknowledge the important role that public intellectuals play, and can play, in society. More so than before, today’s leadership will have to come from an intellectual impetus. The power of public opinion is more trenchant today than ever before. We need our thought leaders to give the intellectual lead based on our own priorities and concerns. But the world can only be grasped by action not contemplation. If we wish to be change agents, we must venture out to participate more actively in dialogue and collaborative action with the world beyond. This atmosphere of sharing is clearly evident at this workshop.

May I take this opportunity to wish you well in your deliberations over the next two days.
OPENING REMARKS

Abdul Rahman Embong
Director of the 4th API International Workshop

Mr. Chairman,
Mr. Tatsuya Tanami, Executive Director of The Nippon Foundation,
Members of the API International Selection Committee
and the API Workshop Secretariat,
API Fellows, Chairs and Discussants,
Ladies and Gentlemen!

As Director of the 4th API International Workshop, I would like to extend my warmest welcome to all API Fellows, to all members of the API Committee, to all Chairs and Discussants and to all other friends to the 4th API International Workshop on the theme “Reflections on the Human Condition: Change, Conflict and Modernity”.

The API International Workshop is an annual event and a major highlight of The Nippon Foundation Fellowships for Asian Public Intellectuals coming as it does towards the end of the Fellowship after all the individual Fellows have conducted their projects in the countries of their choice. Indeed this Workshop is both historic and nostalgic as it is the only occasion when all the Fellows for each particular group are able to get together and share their project findings, views and proposals on the same platform. It is also an occasion for the Fellows to renew their pledge and commitment to translate their ideals to make an impact on the society with their views and findings so as to bring about some measure of change and progress to the human condition.

From the perspective of the API Fellowships Program, this year’s Workshop also has an added significance. By July this year, the API Fellowship Program already had a five-year history since its launching in Kuala Lumpur in July 2000. Thus, this year’s Workshop would certainly serve as another important measure of the progress of this program in these first five years.

As we all know, the value, significance and prestige of a program such as The Nippon Foundation Fellowships for Asian Public Intellectuals depends on what the Fellows bring to it. And what the Fellows bring to it depends very much not only on who the Fellows are, but very importantly, the type and quality of the projects they choose to undertake in the name of the program, the successful execution and conclusion of these projects, as well as the dissemination of the project findings to the public and the impact they have on them.

Going through all the project proposals and papers that have been submitted by the Fellows, I would like to report that the projects that have been undertaken are fairly diverse, reflecting the different backgrounds, interests and commitments of the respective Fellows. The themes range from such topics as archaeology, which involves a project of revisiting the unfinished excavation undertaken in Sarawak some 40 years ago, to other equally interesting and challenging topics on heritage and identity; on the globalization of obesity and other issues of health and healthcare; conflict over resources; Japan’s repositioning to assert its global identity; gender issues, female artists’ portrayals of women in artistic works; animation and Asian identity; Islam, change and modernity; civil society, human rights and democracy; problem of homelessness; economic development, gene revolution, and so on and so forth.

Putting together all these diverse projects under one common theme so that the Workshop has coherence with a connecting thread running through it is undoubtedly not easy. But I take the view that there is strength in diversity as it reflects not only the richness and the myriad of colors of the human condition under study but also the varied experiences and perspectives of the Fellows studying them.

However, to ensure that there is a common basis for discussion in a Workshop such as this so that we talk in the same language and on the same wave length; we have to bear in mind what brings all of us here. We must not lose sight of the overriding aim of the API Fellowships Program which is to promote understanding of the human condition with a view to improve or change it, to promote cross-cultural dialogue among the participating countries, to share experiences, and to impact on public policy as well as on the thinking of the public. It is with this in view that the API Fellows as public intellectuals are expected to undertake reflections and present their findings guided in some way or other by the following searching questions which have been
highlighted in this Workshop’s framework paper sent out to all Fellows early this year:

• First, can there be alternatives for change to the current human conditions under the onslaught of the on-going processes of neoliberal globalization? If so, what are their outlines, mechanisms, and substance?

• Second, will the new and changing identities emerging in our region reflect our own distinctiveness based on our rich history and culture, thus enriching and advancing our culture and civilization with our distinctive and original contribution? Or will we succumb to cultural homogenization and imitation?

• Third, will the moral authority underlining the voices of the API Fellows and other public intellectuals inspire further conscientisation for improvement of human lives in the search for social justice, and generate closer cooperation between peoples and countries in the region to seek acceptable and workable alternatives?

• Fourth, will the community of concerned public intellectuals who participate in the API Fellowships Program emerge and consolidate itself and become a sustainable entity and a moral force for change? How can it link with other groups to work together for that purpose? What are the ways and possible mechanisms to be instituted to achieve this worthy endeavor?

Whatever the Fellow’s project, it is in one way or other related to some or all of the above questions. I am of the opinion that the projects the Fellows have undertaken and the thinking, theorization and programmatic action they propose are interesting and important for the public to know and digest. Thus, it is hoped that all the Fellows would make full use of the Workshop to present well thought-out papers based on their grounded research and to discuss them in light of the big picture we have outlined above.

I would like to stress that while there are quite a number of academics who have been selected as Fellows, the API Fellowships Program is not an academic program, and that this Workshop is not an academic gathering either. The Workshop is a gathering of public intellectuals from diverse backgrounds consisting of a number of academics, journalists, NGO activists, medical doctors, researchers from research institutes, art activists, and doctoral candidates, of various ages: varying from those who are relatively young to the most senior who is already at the ripe golden age, yet still very productive, perceptive and thought-provoking. This shows that the API Fellowships Program, though coordinated and managed by partner universities or research institutes in the five participating countries, has made the necessary interface with the public, succeeding in crossing the academic divide by entering the public domain, namely the civil society and the media. As stated earlier, the results of the Fellows’ projects and this Workshop will have to reach out to the public, to impact on public consciousness, to promote public advocacy, and very importantly, to impact upon the thinking, envisioning and direction of policy-making. The ideas the Fellows have come forward with will hopefully stimulate further thinking on how to understand the multifaceted human problems, as well as on how to formulate and implement alternatives to what is currently experienced by the people so that humanity and civilization can be transformed for the better.

But as we all know, to reach out to the public and impact on policy, requires a certain approach and style. We thus must ensure that our thinking and analysis is clear, concise, persuasive, and convincing, and must be substantiated with facts and evidence based on our own grounded research as well as those culled from works of others. I am sure the intensive deliberation and interaction during this Workshop will contribute towards raising the quality of the papers and sharpen the analysis in them, so that when they are subsequently made public, they will be regarded and accepted as works that have public value and significance.

I would like to take this opportunity to thank all the Fellows for their cooperation in responding positively to my comments and suggestions to their papers. I also would like to thank all chairs and discussants who have kindly consented to play their respective roles in this Workshop. Except for a few that were submitted well past the deadline, all other papers from the Fellows presented at this Workshop are revised drafts based on the initial comments I have given as Workshop Director. However, there is no end to learning. We can continue to learn as long as we take a humble and self-critical attitude when reflecting on our work and take the comments and criticisms from others particularly from the discussants, chairs and other participants in this Workshop positively. I hope all the Fellows would take full advantage of the Workshop to enrich their papers and revise them further based on the inputs they will be getting from this Workshop. Only then shall we go
to the next stage of publishing the finalized papers as proceedings for wider distribution.

On a personal note, I would like to thank the API Committee for giving me this honor, trust and confidence to serve as the Director of this year’s Workshop. My association with the API Fellowships Program began in 1999 when Mr. Tatsuya Tanami from The Nippon Foundation visited us at IKMAS to discuss with the then IKMAS Director, the late Professor Ishak Shari, and a few others about the feasibility of the project and IKMAS role in it. Though Ishak did not have the good fortune to see the API Fellowship Program evolve into what it is today, as he passed away prematurely in June 2001, I am sure he would have been happy to see it grow and still remain true to its founding ideals. Thus, when my friend, Professor Ragayah Haj. Mat Zin who succeeded Ishak as IKMAS Director, and who also serves on the API International Selection Committee, approached me early this year to take the responsibility as the 4th API International Workshop Director, I readily accepted it but with feelings of nostalgia. I see my responsibility as a way of paying tribute to the memory of my late friend, Ishak, whose concern was to realize the ideals that the API Fellowship was established, that is, to inspire and commit public intellectuals to a lifelong cause of justice and the betterment of society. I hope as public intellectuals we all will live up to this expectation to realize what Ishak expounds in his professorial inaugural lecture as “The Earth for All Humanity”.

Finally, I would like to wish all the Workshop participants every success. I am sure we will have a fruitful, interesting and thought-provoking Workshop.

Thank you.
INTRODUCTION

Abdul Rahman Embong

AGENDA OF SOCIAL JUSTICE AND IMPROVING THE HUMAN CONDITION

Globalization—a complex and multifaceted phenomenon—has deep and far-reaching impacts upon societies and nations throughout the world, particularly the developing world. It is important that we recognize the historicity of globalization, and that what we are witnessing today is in many ways not unprecedented in world history, including that of East and Southeast Asia. (Abdul Rahman, 2004) While historical globalization prior to the coming of colonialism did not necessarily lead to subjugation and conquest, contemporary globalization—driven by the ideology of neoliberalism and powered by imperatives of the free market—has created a highly uneven playing field. The current structures of globalization not only have accentuated inequalities between and within nations, but have also created winners and captors consisting of the big and powerful nations and groups such as transnational corporations (TNCs), while small and weak nations as well as the poor and the vulnerable groups become losers and captives.

The unsettling impacts of globalization upon states and societies impress upon us the need to seriously reflect upon the human condition and to pursue alternatives in the search for social justice. While economic prosperity together with technological and medical advances have undoubtedly brought about tremendous improvements in living standards and in life expectancy at birth, the other side of the coin is that prosperity and modernity have brought about new types of diseases and health problems arising from changing lifestyles. There is also the problem of differential access to modern infrastructure, technology, and health facilities as well as differential opportunities among different communities, classes and sections of the population. As urbanization and urban growth proceed apace with cities and towns almost bursting at their seams, there is also the problem of urban housing, sanitation and public health faced by the poor and low-income groups. At the same time, the problem of social and regional disparity continues to plague the society. Internal as well as cross-border migration has been taking place unabated, creating an underclass of the urban poor. For minorities including the indigenous peoples who live close to nature, their rights including their claims over the natural environment and resources, have oftentimes been trampled upon. Hence, the agenda of social justice and advancement for various social groups, classes and communities and of improving the human condition generally remains as pertinent as ever.

CHANGE, CONFLICT AND TENSION

As implied above, the forces of globalization induce or precipitate change. The question is not whether change is welcome or not—as change is inevitable—but what that change entails. Change is often unsettling; it brings about conflict and tension, not only between different socio-cultural groups but also between generations. Thus, the forms and directions of change, the kinds of conflict and tension that are generated by change, and how such conflict and tension can be mediated and moderated are of importance for us to examine so that change will eventually bring benefit to the life of peoples, communities and individuals. Change hopefully will pave the way for the empowerment of communities and make them able to engage more successfully and effectively with the forces of globalization and modernity.

A key issue arising from engagement with globalization, change and modernity is that of identity. Globalization and its tendencies of homogenization, particularly in the domain of culture, tend to have subversive impacts upon the long established identities of nations, communities, groups and individuals. Just as there is resistance to globalization in the domain of economics, trade and finance, there is also resistance in the domain of culture, particularly with respect to identity. The greater the tendency towards homogenization, the more it promotes the tendency towards localization through such means as the revitalization, reaffirmation and even invention of identities.

Identities—the quality that differentiates one entity from another—are the concern of nations, communities, groups and individuals. Nations, especially nation-states, have always attempted to define and redefine their own identity, to suit the roles they play nationally and internationally during different historical periods. At the same time, internally, they attempt to impose their definition of identity upon members of the society.
However, they are not always successful, as identities are not only historically constituted but are also fluid and often remain beyond the reach and control of the state. Just as much as there is what is termed as “authority-defined” identity for which the state or other forces serve as the definer, there is also the “everyday-defined” identity, viz. the identity as constituted or constructed through everyday interactions of the local communities, groups and individuals with each other and/or with the state and the outside world. Hence, the multifarious forces that shape identity—namely Globalization, the nation-state and the community—feature significantly in any discourse on identity.

Engaging modernity and embarking on the modernist project has been the agenda of various religious communities and movements in recent decades, more so under the impact of globalization. Religion is not only a faith that provides a sense of salvation, solace and certainty to the believers but it is also part of identity. With its promise of certainty and solace in a world full of uncertainties, contradictions and confusion created by globalization, people all the more place their hopes for salvation on religion. For more than three decades since the 1970s, religious revivalism—Islam and others—has been on the rise. While the September 11 incident throws up an ugly image of Islam and Muslims, creating Islamophobia with the attendant misperception that Muslims are ‘militants’, it is important to look beyond—that is, at the message of peace, pluralist tolerance and compassion Islam teaches, and how it can coexist with other religions. It is equally important to understand and mediate contradictions and conflicts involving religious movements, and have a proper grasp of their project of—and engagement with—modernity.

Engaging modernity and globalization also requires an examination of the question of gender and its various dimensions. Gender and sexuality have today become the primary modes of self-consciousness, very much influencing gender roles in productive and reproductive work. While gender sensitization is on the rise, gender equality leaves much to be desired. Nevertheless, more and more women are entering the public domain, are able to express themselves in the form they so choose, and are increasingly recognized and respected by men.

The spread of new technologies and techniques, especially those reflecting the state-of-the-art are not only a product of technological revolution and globalization, but also a manifestation of engagement with modernity. While generally there is a serious technology-divide between developed and developing countries, in some areas, especially the ICT, attempts at ‘catching up’ or at utilizing the technology and techniques to advance local industry and its content are making some headway. The field of art and animation appears to be a promising domain for some Southeast Asian countries. However, we can benefit from the state-of-the-art technology if workers in the field of art and animation can express creative local content, and define its own distinct identity, thus avoiding being mere caricatures of what is produced in the developed West. In other words, it should be able to produce original content not only for the region but also for the world. At the same time, while expressing its beauty and identity, artistic forms also express the intricate interplay of the ideology of gender and sexuality in our region as it engages with globalization.

It has been argued that globalization as a historical force cannot be stopped, but there is the possibility of it being “captured”, restructured or redirected if there is a common will and concerted collective action by nations and peoples throughout the world. (Mittelman & Norani, 2001) While the neoliberals have been advocating their TINA mantra, that “There Is No Alternative” to the current structure of neoliberal globalization and the ideology of the free market, those countries, nations and peoples that have suffered the pains of inequalities, uncertainties and marginalization brought about by the forces of neoliberal globalization have been advocating change and alternatives. Forces in civil society, with its whole gamut of non-governmental organizations (NGOs), have also been growing and expanding the public space in which they are able to operate. They have been engaging more actively with the state and the forces of globalization on behalf of the people. The position of the NGOs and other forces in civil society ranges from that of anti-globalization at the end of one continuum to that of what is termed as the “transformationalist” position, viz. that globalization can be made to have a human face and human heart. (Stiglitz, 2002) This means the multifarious dimensions of globalization—economic, technology, trade, advances in culture, democracy, human rights and so on—a can be harnessed for the benefit not only of our region, but also all of humanity if there is collective political will and concerted action on the part of the peoples and nations to translate such vision into reality. (See, for example, Stiglitz, 2006)

**ENGAGING GLOBALIZATION: CRITICAL QUESTIONS**

It is with the above understanding of the need to engage with the forces of globalization and to improve the human condition as outlined in the objectives of the
API Fellowships Program that the 4th Workshop of the Asian Public Intellectuals was held from 29 November to 3 December, 2005 in Kota Kinabalu, Malaysia on the broad theme, “Reflections on the Human Condition: Change, Conflict and Modernity”. The Workshop was a major highlight of the API Fellowships Program as it came towards the end of the fellowships after all the individual Fellows have conducted their projects in the countries of their choice. It was at this Workshop that they shared their findings and ideas based on their respective projects and received useful comments and feedback from the Workshop discussants and other participants. At the same time, the 4th API International Workshop has the added significance in that the API Fellowships Program had already a five-year history since its launching in Kuala Lumpur in July 2000.

Whatever the projects the 2004/2005 batch of API Fellows had undertaken, they were guided by several important and critical questions when they undertook to prepare their Workshop papers. These questions were:

- First, can there be alternatives for change to the current human condition under the onslaught of the on-going processes of neoliberal globalization? If so, what are their outlines, mechanisms, and substance?

- Second, will the new and changing identities emerging in our region reflect our own distinctiveness based on our rich history and culture, thus enriching and advancing our culture and civilisation with our distinctive and original contribution? Or will we succumb to cultural homogenization and imitation?

- Third, will the moral authority underlining the voices of the API Fellows and other public intellectuals inspire further conscientisation for improvement of human lives in the search for social justice, and generate closer cooperation between peoples and countries in the region to seek acceptable and workable alternatives?

- Fourth, will the community of concerned public intellectuals who participate in the API Fellowships Program emerge and consolidate itself and become a sustainable entity and a moral force for change? How can it link with other groups to work together for that purpose? What are the ways and possible mechanisms to be instituted to achieve this worthy endeavor?

By having these questions as the Fellows’ guide, the Workshop was able to provide a connecting thread and coherence for the rich but otherwise diverse projects they undertook during their Fellowship. The thinking, theorization and programmatic action the Fellows proposed and discussed at the Workshop were interesting and important for the public to know and digest. Hopefully all these will make the necessary impact upon civil society, upon the thinking of the public, and very importantly, upon the thinking, envisioning and direction of policy-making. The new ideas the Fellows have come forward with will hopefully stimulate further thinking on how to understand the problems, as well as on how to formulate and implement alternatives to what is currently experienced by the people so that humanity and civilization can be transformed for the better.

This book consists of the revised papers presented by the Fellows based on the comments given at the Workshop and also by the Workshop Director. To facilitate a systematic presentation of the ideas and findings in the papers, this book is divided into six different but inter-related parts, each with a sub-theme, all of which directly or indirectly address the broad questions outlined above. The six sub-themes are: Heritage, identity, change and conflict; Engaging modernity: religion, culture and art; Changing lifestyles and health; Social justice, human rights and civil society; Empowering the poor and the vulnerable; and State, development and globalization.

**Heritage, identity, change and conflict**

The struggle over heritage is the struggle over history, over identity, over indigeniety, and over claims of rightful ownership of resources. During the colonial period, colonized societies and peoples were disempowered and lost their claims over some of their invaluable heritage which was expropriated by the colonial powers. In today’s post-colonial era, there is increased conscientization and awareness about heritage, namely its importance as a definer of identity. Nevertheless, conflicts—sometimes protracted, sometimes mediated over shorter periods—occur as forces of change namely market forces make further inroads that impinge upon heritage.

The papers in Session I examine in their own way important issues involving both cultural artifacts as well as natural heritage, ranging from artifacts originating during prehistory like those in the Gua Sirih in Sarawak, to those of the present period, and how discourses on heritage become means of contemporary mobilization and conscientization about identity and claims of rights.
over resources. Some chapters also look into conflicts arising from competing claims over heritage and how such conflicts are mediated. Some of the specific issues addressed by the chapters in this section include:

- What can heritage tell us about our past and in what way can it enrich our present knowledge of our past as we engage with globalization, change and modernity?

- In what way can discourses on heritage be a source of mobilization and identity formation? How can the struggle for history and identity contribute towards pluralist understanding and conflict resolution?

- What is the nature of the conflicts involving competing claims over natural heritage and resources and in what way these conflicts are negotiated and resolved?

- In what way can awareness and conscientisation over heritage be enhanced and how can such heritage be preserved for future generations?

Four papers deal with these issues. Wilhelm Solheim discusses the archaeological findings from his revisit of the excavations in Guu Sirih, Sarawak, Malaysia, a project that he and Tom Harrison began in 1959 but was uncompleted due to the three-year Indonesian Confrontation beginning in 1963. This is followed by Khoo Su Nin on changing identities among the Baba Chinese and Thai Muslims in Phuket, southern Thailand while Patrick Flores discusses the issue and significance of curation in Southeast Asia. The other two papers deal with natural heritage—forestry and water resources—analyzed from different perspectives. Nyoman Nurjaya deals with policy and legislation in community forestry and the question of indigenous rights in community forestry development in Southeast Asia with a focus on the Philippines, Malaysia and Indonesia, while Kensuke Yamaguchi deals with the issue of water scarcity and conflict over water between the highlanders and lowlanders in the Chom Thong District in Chiangmai, northern Thailand.

**Engaging modernity: Religion, gender, and art**

Engaging modernity and embarking on the modernist project are experiments with change and innovation to cope with the modern world that is fraught with conflicts and challenges. This is essentially part of the processes of interacting with the present and stepping into the future that societies and groups, such as religious and feminist movements, as well as art groups, have to engage in. What is certain is that with continuing technological revolution, there will be deep-going changes in values, attitudes, techniques and approaches of doing things, with actors ever prepared to experiment and innovate. These efforts can be seen in various fields including among religious groups, as well as gender and art movements. For example, given the rise of Islamist movements and the backwardness of many Muslim nations, Muslim leaders and followers have responded in various ways to the forces of modernization and globalization, and attempted to chart the future for Muslims. At the same time, globalization and modernization have made inroads into the domain of gender and sexuality, giving rise to various new issues and challenges that merit a revisit of the gender and sexuality debate. The growth of various art genres and art technologies has been contributory to new thinking, expressions and innovations, making significant impacts on their publics. Artists have formed networks across borders while animation has emerged as a very important new form of artistic expression that promises new creativity that differentiates itself from the homogenizing tendencies of cultural globalization.

The six papers in Session II attempt to address several important questions namely:

- Is the rise of political Islam a reflection of the dilemma of Islam and Muslims due to their “failed” or incomplete engagement with modernization and modernity? Does the post-September 11 scenario give new opportunities and hopes for modernization among Muslims to take them into the future, and if so, how? In what way can discourses on Islam contribute towards inter-civilizational understanding and improving the human condition?

- What is the impact of globalization on gender and sexuality? In what way is the articulation of gender and sexuality in our region different from that in the developed West, and how can it contribute towards the advancement of gender issues in our region?

- What is the impact of globalization on the community of artists in Southeast Asia, particularly women artists? Can the various art genres, including animation, project the Southeast and East Asian identity, creativity and originality in the wake of the homogenizing tendencies of globalization, and how can they do so?

Two papers deal specifically with Islam and Muslims
in Indonesia and their engagement with modernity. Askiah Adam discusses the developments of Islam and Muslims in the post-9/11 scenario with emphasis on trends and opportunities for modernization, highlighting certain groups that in her mind can play such a role. Shamila Ariffin discusses the views and practices of several Muslim groups in various parts of Indonesia, those groups whom she calls "dissidents and disciples". The two papers address the gender question from different angles. Elizabeth Eviota discusses the articulations of gender and sexuality in the Philippines and Malaysia under the impact of globalization while Flaudette Datuin discusses the art works by selected Malaysian and Japanese women artists as expressions of women's experiences and sufferings. The remaining two papers are also on art. Mizuki Endo deals with the issue of creating alternative sites and networks for contemporary artists in Southeast Asia to exhibit their works. Rudyard Pesimo takes a look at the animation industries in Japan, Thailand and the Philippines and assesses their dynamic nature and their attempts at identity construction through their digital contents.

**Changing lifestyles and health**

One of the major changes and conflicts arising from globalization is changing lifestyles anchored in consumption. Despite the increase in consumption, lifestyles have generally been sedentary. Questions have been raised about the sustainability of such consumerist lifestyles, due to their attendant tension and stress, their impact on health as well as the strains on the public healthcare system.

At the same time, despite medical advances, the age-old problem of communicable diseases is still with us today, worsened by the heightened flows of people through cross-border migration. Today, we encounter the spread of diseases, especially communicable diseases (for example, SARS and STDs) across borders which require collective regional and international efforts to put them under control.

Health awareness and demand for affordable healthcare is on the increase today. Competition over resource allocation and the neoliberal push towards healthcare privatization have thrown into sharp relief the urgency for the continued availability of an efficient, people-friendly and affordable healthcare system. Similarly, besides relying on conventional medical care and treatment, people are also seeking complementary and even alternative medicine. In the process, many have gone for complementary and/or alternative treatment and sought herbal medicine, thus providing impetus for further research into medicinal plants or herbs.

The four papers in Session III address the following questions:

- Can we go on consuming the way we have been doing? Can we go on working the way we have been working? What are their effects on health, the family and identity?
- What are the challenges to the healthcare system arising from the new demands including changing lifestyles and the ideology of privatization? Also, how do we effectively deal with new diseases, including infectious diseases that affect the public? What new knowledge and forms of cooperation are needed for such purpose?
- What is the general scenario with respect to demand for herbal medicine? What are the advances and directions of research in herbal medicine? In what way can advances in such research be translated into policy to benefit the people and improve their health and well-being?

Wan Manan highlights the globalization of fatness due to changed lifestyles; it examines in particular the cultural, social and economic dimensions of obesity in Southeast Asia, which has become a serious cause of concern for public health. Seiji Kageyama reports his work as a medical doctor in Manila where he focused on team-building and simulation of HIV outbreak. Chan Chee Khoon takes up the issue of the healthcare system in Japan and Southeast Asia, and emphasizes the need to renegotiate the social contract, so that the state does not abscond its responsibility in providing healthcare and a proper health system for the citizenry. Ambar Yoganingrum takes the issue of public health from a different angle. She focuses on the issue of herbal medicine by examining the research projects on medicinal plants undertaken in Thailand between 1998-2002 by Thai as well as foreign researchers.

**The state, development and globalization**

Much debate has taken place with regard to the relevance of the role of the state in development and international affairs in the era of globalization. Despite its reduced role, states are still relevant, and that the theory of the powerless state is a myth. (Weiss, 1998) In fact, as states become powerful economically, they want or are pressured to assert themselves politically on the international arena. This is true in the case of Japan, an economic power constrained by its post-War constitution.
not to become a military power. Nevertheless, as Japan has become the world's second most important economic power-house after the United States and with changes in regional and global geopolitics, Japan is expected to play a more prominent global role; thus necessitating a redefinition of its identity as a global player. At the same time, many developing countries have counted on Japan's cooperation, support and contribution for their development. Thus, Japan as an economic power, has become a major partner in forging free trade agreements with respect to a number of products namely agriculture with a number of developing countries.

The role of the state is not merely confined to trading arrangements, but also to the promotion of research and development (R&D), and to the development of export-oriented industries. R&D in the field of agriculture is pertinent for developing countries including Southeast Asia; and the state should facilitate this. At the same time, the role of the state, particularly local governments, in promoting development is also important. In fact, in some cases, local governments that enjoy some degree of autonomy from the center can create a better environment for development than the central government, if the necessary conditions such as partnership with civil society, and good governance are put in place.

Session IV attempts to address the role of the state in development, R&D, and in geopolitics with Japan, Thailand, Indonesia and the Philippines as empirical cases. The questions addressed are:

- In what way does the rise of Japan as an economic power lead to the demand for the redefinition of its identity as a global player? While repositioning itself in terms of geopolitics, in what way can such a redefinition of Japanese identity contribute towards the making of the East Asian Community?

- Can Japan as an economic power, be relied upon as a partner in development by other countries? What kind of trading arrangements can developing countries make with Japan that will be of mutual benefit to both parties? Also, what kind of experiences can Japan offer developing countries particularly with regard to the provision of an efficient, safe and affordable public transportation system?

- What is the role of the state, particularly local government, in promoting development? What are the necessary conditions for the state (e.g. link with civil society, good governance) to play a positive role to enhance development?

- What is the impact of the development of science and technology on agriculture? What is the role of the state in this regard? Will new scientific developments help improve the lives of the people, namely the farmers?

The first question is dealt by Rosalie Hall who looks at the Japanese self-defense forces, the debate on the post-War Constitution namely Article 9, and the redefinition of Japan’s international role. This is followed by Zamroni who draws attention to the proliferation of free trade agreements by discussing the question of free trade in Asian agriculture by focusing on Thailand. Indri Susilowati looks at the problem of safety of the Indonesian railways, the factors affecting safety, and attempts to draw some lessons from Japan regarding her railway system. Miho Sakuma’s case study of local governments in the Philippines poses an interesting question - whether local governments can devise development strategies for the provinces under their care, and promote development despite the predatory nature of the national state. Finally, Pennapa Hongthong discusses the issue of the gene revolution and its impact on farmers. Taking Indonesia as a case study, she demonstrates that the real beneficiaries of the gene revolution are not the farmers, but the companies related to the agriculture industry.

**Empowering the poor and the vulnerable**

Communities such as the urban poor and the low income groups are increasingly becoming vulnerable. Globalization affects their lives in multifaceted ways, creating uncertainties and demanding them to compete in playing fields that are not level. In big cities, housing is a perennial issue as land has become scarcer while property prices keep on skyrocketing. More and more demands have also been made for urban development to be more people-friendly, especially to the poor and low-income groups.

Children are also one of the vulnerable groups due to their tender age. As children are our future, they need nurturing, care and understanding especially in terms of health and education in ways suited to their character. Nevertheless, they are exposed to lead a life of conflicting demands, as adults impose their demands on them, while images created by global media shape their ideology as well as socio-cultural habits and tastes.

At the same time, migration and working in foreign
countries as a way of seeking empowerment is on the increase. While this may improve one’s living standards, it also means assuming a new identity in a strange environment. On their return, there is a need for adjustment and reintegration of these migrants into their family and community back home.

The five papers in Session V attempt to address the following questions:

- How can the poor, the homeless, and the marginalized be assisted, and made to stand on their own feet, thus empowering them? Can the poor get out of the vicious circle of poverty and marginalization if they are empowered through various strategies, including vocational training?

- What are the challenges of living in the big city, and how can homelessness be overcome? What are the contested visions in urban development discourse? In what way can such contestations be mediated and transformed into ways to empower the urban poor and marginalized groups?

- In what way can education and welfare become part of the empowerment program for the children? Is education creating more burden on the children, stifling creativity and depriving them of their childhood? If so, in what way can this be overcome?

- Is working in a foreign environment a worthy option in today’s globalizing world for the poor and the vulnerable? What challenges and benefits does it bring, and what are its costs and implications? How should these problems and challenges be dealt with especially upon return to the home community?

Akira Sato sees some hope in helping the poor through information technology (IT) training. As evidence, he refers to his project of organizing the urban poor in Manila by giving them IT skills and how some of them can be employed by Japanese companies. Suwit Watnoo discusses the problem of the homelessness in major cities i.e. Tokyo and Osaka in Japan, Manila in the Philippines, and Jakarta in Indonesia; and suggests ways to address the problem of homelessness back in his home country, Thailand. Boonlert Visetpricha also deals with the same question from another angle by examining the management of the homeless in Tokyo and Manila, and the lessons that can be learnt, also for his home country, Thailand. Isbandi Adi examines both the Japanese and Malaysian health and education strategies as means of child welfare development; and compares these with Indonesia. Kannika Angsuthanasombat’s main concern is the fate of Thai migrants working in Japan; and upon return, how they can reintegrate in Thai society.

Social justice, human rights and civil society

The emergence and expansion of the public sphere and civil society in East and Southeast Asia especially from the 1980s onwards are of historic significance. With states and markets often becoming intertwined, while society tends to become fragmented and weakened and its members absorbed by a consumerist culture, the expansion of the public sphere and civil society constitutes a welcome development. The emergence of the public sphere which sees political groups, individuals and organizations engaging one another and the state on various issues that concern the society and the state definitely impacts on the media, and helps to direct attention to problems like corruption and abuse of power.

Social justice and human rights are crucial elements for the upliftment of the human condition. No nation can be free if it does not protect the basic rights of its citizens, or if it does not allow the latter to enjoy a modicum of social justice. With the rising conscientization of human rights and social justice across the globe, peoples in the Southeast and East Asian regions are demanding greater respect of such rights and stringent implementation of an independent and fair justice system.

The four papers in Session VI attempt to address the following questions:

- Did authoritarian regimes like Soeharto prevent the rise of the public sphere, or did it unwittingly serve as a catalyst to enhance its growth? What are the principles, aspirations and strategies that help propel actors in the public sphere to work together for change and the betterment of society?

- What is the role of the media and its linkages in expanding the public space and civil society, and exposing the dark side of the state and society such as corruption?

- What is the situation regarding human rights and justice, including the issue of access to land? What are the effects on local communities arising from the penetration of legal literacy for universal human rights?

Wan Muhammad Paris’ paper is a case study of
Komunitas Utan Kayu in Jakarta that has existed even during the Soeharto era as an example of the struggle of the art community as part of civil society. Pornthip Apisitwatana examines corruption in Japan and assesses the effectiveness of the role of the Japanese civil society in combating it. Kokaew Wongphan deals with another component of civil society namely the media. Recognizing its importance, she focuses on the need for international linkages between the local media and how such linkages can be established and strengthened. Prasetyohadi deals in detail the question of access to land by the farmers in the Philippines and Indonesia by showing in particular experiences of both success as well as failure of land reform in the two countries. Lastly, Mariko Akuzawa discusses the question of universal human rights, namely how human rights education and dissemination are conducted in the Philippines and Malaysia, and the differences and similarities of the position of the two countries vis-à-vis human rights conventions.

CONCLUDING REMARKS

All the chapters in this volume in one way or another—either explicitly or implicitly—attempt to address the agenda of improving the human condition and transforming our world into what the late Ishak Shari, Universiti Kebangsaan Malaysia professor and one of the founders of the API Fellowships Program, aptly called, “the earth for all humanity” (Ishak, 2002). We hope readers will find the views and findings in this book stimulating and important for them to digest and reflect on. As the saying goes, ideas have consequences. Hopefully these ideas will make the necessary impact on civil society, public opinion, and policy-making and implementation. Indeed we earnestly hope that the ideas put forward by the API Fellows in this book will provoke further thinking and even rethinking—contrarian as it may be—in understanding the multi-faceted problems of human lives. Only by such understanding, empathy and commitment can we seek alternatives to what is currently experienced by the people. In the ultimate analysis, we hope this book as a concrete output of the API Fellowship Program will contribute in its own way towards the noble idea of transforming humanity and civilization for the good of all and for ensuring the sustainability of the API Community. Mr. Yohei Sasakawa, the Chairman of The Nippon Foundation, in his address at the opening of the 4th API Workshop rightly emphasized the need for “unity of knowledge and action”. Of course, while the Fellows in varying degrees have tried to follow this principle in their work, we believe in the final analysis, it is the readers and the general public who are the best judge to assess the extent to which this principle has been fulfilled in this book.

REFERENCES


NEW HYPOTHESES RESULTING FROM GUA SIRIH RESEARCH, SARAWAK

Wilhelm G. Solheim II

INTRODUCTION

My mind is in ferment with so many new ideas tumbling around. This came to a head when I was writing a paper to present in Kuching on a small portion of my API-supported research at Gua Sirih, Sarawak. I was so shaken by these new ideas that I included in the paper the date that this happened - 19 June 2005. These new thoughts have to do with the relationships of three different pottery traditions that were present at Gua Sirih. Why pottery? (Solheim, 2004)

More or less by accident, I became a specialist in the earthenware pottery of the Pacific Islands and Southeast Asia. My beginning in 1948 was organizing the prehistoric earthenware pottery excavated by Edward Gifford (Department of Anthropology, University of California, Berkley) in Fiji. This led to my Master’s thesis (Solheim, 1952a-b) on Oceanian earthenware pottery and from then on I became a specialist in earthenware pottery.

My first publication on earthenware pottery in an international journal was in 1957. After that, hardly a year would go by that I did not publish one or more papers primarily concerned with pottery. I was quite unhappy, however, that no other Southeast Asian archaeology specialists were doing the same. Archaeological reports up until the 1960s included very little information on the earthenware pottery excavated. Stone artifacts were what received the attention. In my papers I kept urging others to pay more attention to the earthenware pottery, but this developed only very gradually until the 1970s or so when a new generation of archaeologists started doing fieldwork on prehistoric sites in Southeast Asia. The first major book on Southeast Asian earthenware did not appear until 2003, wherein I had two papers. (Solheim, 2003a-b)

GUA SIRIH IN SARAWAK, MALAYSIA

I excavated in the site of Gua Sirih in 1959 at the invitation of Tom Harrisson, then the Curator of the Sarawak Museum. Where this site is referred to by other than myself, it is stated that it was excavated by Tom Harrisson and myself. He was at the site, briefly on two different days and never took part in the excavation. I had agreed with Tom that we would write a joint report on the excavation but this never came about as the Indonesian Confrontation 1963-1966 developed and Tom had to put full time in dealing with that.

A year or two after the problem of the Confrontation was settled, after Tom had left Sarawak, I inquired about the collection, my notes, and the photographs and received the unpleasant news that everything having to do with that excavation had been lost. I gave up hope of there ever being a final report on the site as I did not have a duplicate set of the notes. A few years ago, I heard that the site materials and the recovered artifacts of the 1959 excavation had been found. Luckily I heard of the API grants, applied, and received a grant there for six months research at the Sarawak Museum to be able to write a final report. I was overjoyed.

There have been several short reports or mention published on the excavation by myself and one or two others. While I probably will not be referring to most of them in this paper, I list a majority of them in the Reference section for anyone who might be interested i.e. Solheim, 1959a-b, 1961, 1967, 1973-1974, 1981, 1983, 2003a: 3-4 Fig. 1.2a, 17-18, 2003b, n.d.a-b: 25-26; Solheim et al. 1959 and 1961. Harrisson, Barbara 1959 and 1960, Wall 1962, Medway 1977, Bellwood 1985 and 1997, Datan and Bellwood 1991, Datan 1993. Several articles on the early rice discovered in potsherds from Gua Sirih are not included here.

Most of my research and publications up until 2004 had to do with the Sa Huynh-Kalanay Pottery Tradition, decoration primarily incised, or the Bau-Malay Pottery Tradition, primary decoration using a carved-paddle (Plate I). I had thought very little about the decoration done with a bound-paddle, except for cord-marking. I had sort of considered that the use of a bound-paddle was connected with the Sa Huynh-Kalanay Pottery Tradition.

(PLATE I)

I think that most archeologists dealing with earthenware pottery in some detail, including myself, had realized that both Cord-Marked and Basket-Marked were done with a bound-paddle (Plate II), but I had not thought...
Before intensive research developed on the earthenware pottery, it had been generally accepted for Southeast Asian prehistory that both cord marking and basket marking were indicative of “neolithic” cultures and that cord marking was the earliest type of decoration. Ha Van Tan (1984-1985: 135) changed this conception. He reported that cord-marked decoration was not the earliest but that the earliest pottery in Southeast Asia was made using a paddle wrapped with vine or bark. This would have been similar to the earliest pottery reported by McNeish et al. (1997) for South China (culturally Southeast Asian at this time) and other sites around 13,000 to 14,000 years ago. Much more excavation and more reliable dating have shown that both cord marking and basket marking continued in use until at least 1000 CE long after the end of the “neolithic”.

**VINE-WRAPPED PADDLE DECORATION**

I started recognizing vine wrapping and using it in cataloguing on Gua Sirih pottery on the 31st of July 2004. Towards the back of the cave had been completed by this time so no vine wrapping was catalogued for those squares, though it was probably present. These squares had 62 catalogued numbers out of a total of 1274 catalogue numbers. It had taken so long to do this much cataloguing that I decided not to go back and re-catalogue what had been done.

Bound-paddle, including cord-marked, basket-marked and vine-wrapped, as well as plain are all the earliest pottery at Gua Sirih going down to 36” in four squares and 30” in several squares with Basket-Marked and Vine-Wrapped common at all levels in most squares. Cord-marking is much less common than the other two. Incidentally, the earliest red-slip is at 24” in one square, 18” in several and more common in the higher levels along with other varieties of slipping. The 14th C dating indicated the earliest pottery was probably a bit before 3000 BCE while the earliest red-slipping appeared sometime during the late 3rd millennium BCE or later. The dating of the incised decorated pottery is similar to that of the red slipping, but is rare.

How is this to be interpreted? This is the problem I am working on now, in this paper and others that will be following shortly. No doubt my ideas and hypotheses will be evolving rapidly.

**DEVELOPMENT OF THE BAU-MALAY POTTERY CONCEPT**

When I first defined the carved-paddle pottery sites and arranged what little was known about their dates, I felt it came first into the central Philippines around 800 to 900 CE. (Solheim, 1964a: 197 Fig. 30; text turned over to the press in 1959) At that time, I (ibid., 147-148) identified one site in northeastern Palawan—Site C67 of the Guthe Collection—as having both typical Sa Huynh-Kalanay pottery (incised) and Carved-Paddle i.e. Bau Malay (ibid., 192-193, Pl. 35 d, e, g, h) pottery and considered both to be of the same age, probably earlier than 1000 BCE. I had classified this pottery in 1956. (Solheim: 1964b, 196-197) In 1964, I made a correction of this Bau-Malay pottery and said this pottery from C67 should be reclassified. “Examination of the closely related pottery from Niah Cave in Sarawak showed that carved and bound paddle decoration is found associated with the other elements of Kalanay-complex pottery. (Solheim et al.: 1961, 168-169) Given this information, there is no longer any reason to classify C67 as a Bau complex site; everything points towards its pottery belonging to the Kalanay Pottery Complex.”

Robert Fox emphatically disagreed with this. (Fox: 1970, 96-102) He argued very clearly in his long footnote that the Tabon Pottery Complex, which I had included in the Kalanay Pottery Complex, was a separate and distinct complex and that while related to the Kalanay Complex it included in considerable quantity both carved-paddle and bound-paddle pottery associated with the incised pottery. “There is no justification at least for relating the pottery of Guthe’s cave [C67] to the Kalanay Pottery Complex.” I later came to fully agree with Fox. (Solheim: 1981, 34 and 81 Footnote 7; 2002, 176) Once I saw that Fox was correct, I gave this early presence of carved and bound-paddle decoration with the Sa Huynh-Kalanay Pottery Tradition no further thought.

I came across another complication of carved-paddle pottery in its relationship with the bound-paddle pottery in a brief discussion I made of the Bau-Malay Pottery Tradition. (Solheim: 2003a, 17-18) I have done nothing more with this problem. As it is not important in the presentation here and will eventually be solved in my present and future research on this subject, I do not go in to it.

**WHERE DOES BOUND-PADDLE FIT**

After working with the Gua Sirih pottery for about two months, I began to realize that there was a major
problem developing with the relationship of bound-paddle and carved-paddle decoration. As noted above, both the carved-paddle (Bau-Malay) pottery and bound-paddle (Sa Huynh-Kalanay?) were present as the earliest pottery while the incised (Sa Huynh-Kalanay) pottery entered rather rarely one or two thousand years later. From this it is obvious that the bound-paddle decoration and the incised Sa Huynh-Kalanay decoration are not closely related as I had assumed (Table I).

Table I: Deepest Depths at Which the Different Types of Surface Treatment were Found.

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Table I presents the greatest depth in each excavated square for each of the primary types of surface treatment, which is usually decoration. It is a question whether bound-paddle should be considered a form of decoration or whether it was meant to roughen the surface to make it less slippery or to, in effect, provide more surface for quicker heating in cooking; possibly both. This hypothesis does not stand up too well as it is easy to notice that many of what I classified as plain sherds had been bound-paddle impressed and then this had been smoothed over with a plain paddle leaving remnants here and there of the previous impressions of a bound-paddle surface.

Carved-paddle is present in the largest number of squares (31), vine-wrapped and basket-marked are the same (28), cord-marked is 4th (19) and equally distributed front and back, and incised least (11), found mostly to the front of the cave with its deepest level 18". With the exception of Square E/8 V-W is always equal to or is the deepest.

I went in to this bound-paddle and “Malay” pottery in some detail in a paper that was to be presented in Kuching in early September 2005. I make an extensive quote from that. This conference was canceled, but I have slightly revised the paper and it will be presented in May 2006.

My first report (Solheim: 1959a, 2) using the term “Malay pottery” proceeded as follows:

“As I am not certain (though I have little doubt) that this pottery complex that I will present does [often] equate with ‘the Malay’ people, I have given it another name, the ‘Bau Pottery Complex’ . . . .

I introduced another new term for Southeast Asian earthenware pottery in 1959. In this paper (Solheim: 1959b, 181) I stated:

“The majority of the Niah vessels and sherds which have been examined are plain. However a sizeable
percentage, probably about a third, is paddle impressed. Two major subdivisions of the paddle impressions are carved-paddle and bound-paddle impressed. The carved-paddle impression is a lattice work of squares. The bound-paddle impression is either from cord bound-paddles (cord-marked,) or from paddles with basket weaves of several varieties woven over their surfaces."

“A few years ago I was dividing basket-marked into two varieties—heavy and light. With the recent experience of working on the Gua Sirih earthenware pottery I came to realize that some sherds which I have called heavy basket or light basket and some heavy, parallel ribs may have been made with a paddle wrapped in some sort of narrow vine such as rattan. These ‘ribs’ are broad, usually 3-4 mm and have rounded edges. The ‘ribs’ from a carved-paddle are sharp and narrow and extend slightly above the surface of the vessel. The ‘ribs’ from a paddle wrapped with a narrow vine result from the spaces between the vines which, on using the paddle, impress the surface of the vines leaving the parallel ribs in between. Both this type of paddle and basket-marked are made with something like rattan so it is likely there could be both a basket weave on a paddle or simply the vine wound around the paddle.”

From the research that I had done before (Solheim, 2003a-b) I stated: “I have hypothesized that Bau-Malay carved-paddle-impressed ware descended from the geometric pottery of western South China which expanded to coastal South China well before 1000 BC”. (Solheim: 2003a, 18) I must have assumed this as the carved-paddle pottery had been found at several ancient port sites on the east coast of India (Ibid., 18; Ray, 1996) considerably earlier than it was first noted in the Philippines. From this I assumed that it originated in southwestern China.

I checked this with William Meacham in August 2005 and he informed me that it had never been reported as originating in western China (personal communication).

This has been gone into by Meacham in articles of his and others in the *Journal of the Hong Kong Archaeological Society*.

I quote one of Meacham’s (1974: 76-77) statements:

“It is in the origins of the geometric impressed pottery [C-P] itself that one may perhaps perceive, in broad outline, the process which eventually gave rise to the double-f style. There is a growing body of evidence to indicate that geometric pottery was an autonomous development in Southeast China, constituting an elaboration on the earlier pottery technology. Both carved stamp and cord-wrapped paddle decoration were used in the cultures which preceded the Geometric Horizon (e.g. in the lower levels at Sham Wan, and the ‘Yuan-shan’ culture in Taiwan). And in the opinion of Tseng and Yin (1963), geometric impressed pottery originated in the S.E. costal region and the lower reaches of the Yangtze.

A recently reported C-14 date from a site in northwestern Kiangsi province has strengthened the theory of a pre-Shang origin for the stamped ware of South China. From a habitation structure in Pao-ma-ling, a carbon sample yielded an age determination of ca. 2300 B.C. In association were a coarse paste red pottery and crescent-shaped polished stone knives of basically Lungshanoid affinities, stepped adzes and shouldered adzes of a more southern tradition, and a small quantity of sherds with impressed geometric patterns.”

To be a bit more specific I had this to say (Solheim: 1975, 110-111):

“The geometric pottery of Southeast China appears to have evolved in the coastal area of ‘… eastern, northern, and central Kwangtung, Fukien, and southern Chekiang’ (Shih: 1974, 84) sometime in the middle and late fifth millennium B.P. (Meacham: 1974, 77) Assuming that I am correct in saying that the people who carried this kind of pottery, and method of pottery manufacture, around Southeast Asia were the late-moving Malay it would seem reasonable not only that their Nusantao ancestors came from South China but likely that the people who developed geometric pottery along the coast were also their ancestors, and Nusantao as well [people of the southern islands]. It does not necessarily mean that all peoples and cultures that made geometric pottery in South China were also Nusantao.”

The latest published information that I have from Meacham (1994, 16-17) includes a photo of Late Neolithic Geometric pottery (reproduced here Fig. 1) from a site close to Sham Wan Tsuen. Note the overlapping diagonals and herringbone patterns in the top row right, similar to Plate I b and a from Gua Sirih. He states: “The Late Neolithic (3000-1500 B.C.) was represented by fine paste pottery decorated with geometric patterns”.

Reflections on the Human Condition: Change, Conflict and Modernity
*The Work of the 2004/2005 API Fellows*
I have arrived at this point in my arguments where I can suggest that at least a portion of the ancestry of the Malay peoples were maritime sailors living along the coast of South China as early as around 3000 B.C.E. Their ancestry would not have started at that time but would have gone back to the earlier people of the area who made the cord-marked pottery. These also would have been what I have named the “Nusantao” and would have been a part of the Nusantao Maritime Trading and Communication Network (NMTCN). This is another story that I have been working with for over 30 years and will not go into that here. (Solheim, n.d.a) I mention it as I hypothesize it was this maritime network that brought the people who first settled at Gua Sirih bringing with them the many elements of pottery manufacture present from the beginning of pottery manufacture at Gua Sirih, all of which had been developed in part along the eastern coastal area of Vietnam and South China.

I bring in here a statement from Father Finn (1975, 132), a Jesuit who was important in the early development of archaeology in the Hong Kong area and neighboring coastal South China.

“Probably, the whole picture is that of a nodal point in the first century B.C. (Ti’sin Shi Hwang c. 215 B.C.; Han Wu Ti c. 120 B.C.) deriving its higher culture influences, perhaps under stress of arms, from China: its native population owned a peculiarly mixed culture that was common to the Southern coast and even perhaps fringed the whole East up to Manchuria. One might agree that the native culture could have come from the South and that the same culture affected the Philippines and Polynesia.”

Father Finn, in this statement made in about 1950, was saying in very simple form, much of what I have been saying about the working of the NMTCN going back at least 7000 years.

To the best of my knowledge the recognition of vine-wrapped and the very few papers in English that have mentioned this bound-paddle method of making pottery has not yet been noticed outside of Vietnam. As I have explained elsewhere (n.d.b) the details of recognizing and differentiating between basket-marking and vine-wrapping of earthenware pottery I will not go into here. Previous to this paper, both methods of surface working clay vessels before firing were included in basket-marking. At Gua Sirih the vine-wrapped pottery was considerably more common than the basket-marked.

It has been suggested that the use of a carved-paddle to make the geometric pottery of coastal South China developed out of the use of cord-marking. Cord-marking as found in Southeast Asia is done with a cord-wrapped paddle. (Solheim, 1952b) I can think of no way to prove this, but it seems logical to me that potters seeing what different kinds of cord-wrapped on a paddle did to the surface of an unfired clay vessel could lead to the development of other ways of treating the surfaces of the paddle, in particular carving. The simplest kind of paddle-carving is straight, parallel lines a short distance apart. When this is done with no strikeovers in the manufacture of the new vessel it looks very much like that made by vine-wrapping. When there is over-striking of the parallel lined carved-paddle, it looks similar to basket-marked vessels (see Plate I and II). It was this simple kind of carved-paddle decoration that was present early in Tabon Cave that I confused with the Bau-Malay pottery.

I have not yet come to a conclusion as to where the “bound-paddle” type of surface treatment fits. It is obvious, however, that it was by far the earliest in its vine-wrapped form of any of the methods of pottery manufacture found in Southeast Asia. So, it was quite likely the ultimate ancestor of all the different methods.

WHAT DO I INTERPRET FROM THE GUA SIRIH EXCAVATION

My main interest in doing archeology has been: what were the origins of the present day peoples of Southeast Asia, how did they get to where they are living today, and what are and have been their relationships with the many different nationalities of Southeast Asia today? This means that my interpretations of my excavation of Gua Sirih are concerned primarily with the context of Gua Sirih and its inhabitants over time with the rest of Southeast Asia and the world. Unlike most of today’s archaeologists, I am only somewhat interested in the social organization, culture, and life styles of these peoples. I have found in talking with local peoples everywhere, not only in Southeast Asia, that one of their first questions is “Where did my ancestors come from and along with this how did they get here?” That is what my interpretations of Gua Sirih focus on. This must take into consideration much more than simply Gua Sirih itself.

In the past, there were physically two different types of people living in Southeast Asia. One was the people who moved around by water and the other by land. The water-moving people, particularly the men,
had well developed shoulders and upper bodies from rowing or paddling their boats and were narrow and little muscled from the waist down. Water, both oceans and rivers, were their highways. The land-moving people had well developed legs and hips and lightly developed upper bodies. For them, the rivers and oceans tended to be barriers. My interest has been primarily in the water people. The people of Southeast Asia living along rivers, the coasts and on the islands were primarily water people.

There were two different kinds of earthenware pottery used by most people in Southeast Asia. The ordinary and most common pottery is for everyday use in eating, cooking and storage of liquids and dry food. This has little if any decoration and simple, rather standardized forms. The best method for studying them is mineralogical to identify their temper, if any, combined with chemical analysis of their clay to identify its source. This requires a trained specialist with expensive scientific equipment.

The second kind was ceremonial and much less common. It was usually decorated and had a greater variety of shapes. Of most importance to the archaeologist is the pottery associated with burials which often is decorated or the forms made for display. These are also used for special occasions such as ceremonies connected with special food for weddings, betrothals, birthdays, etc. These decorations and forms are traditional and passed on from mothers to daughters or from older potters to related young girls.

The elements and variety of decorations were used not only on pottery but also on cloth, including bark cloth, basketry, mats, tattooing, body painting, architecture in wood, wood carving, etc. Almost all of these materials are organic and do not last long in an archaeological site unless they are under water. Previous to the invention and use of metal, pottery was virtually the only material that would last for a long time in an archaeological site and therefore the only reliable source of information on the art of the people. Sculpture in stone was rare. Thus, earthenware pottery which is usually common at virtually all archaeological sites of the last several thousand years is of major importance for comparing archaeological sites. This is where my specialty on earthenware pottery comes in.

I, and others, have traced back the different kinds of pottery made and used by the people using Gua Sirih for burials and at times for living. The different patterns and methods of surface treatment are not invented at each new site; they are patterns and methods that have been passed on for many generations, with some changes and additions over time and space. The decorations, forms and methods of surface decoration recovered from Gua Sirih have been recovered from sites scattered all over Island Southeast Asia, to India and Madagascar off the west coast of South Africa, to Korea, Japan, and the Pacific, as well as in the mainland portions of Southeast Asia. Many of the patterns on pottery from Gua Sirih and many other sites in Southeast Asia from the last several thousand years are still being used on cloth and other organic materials today. I have written many articles on the relationships of these decorations over the last 50 years (see References for a very small listing of these as well as by other authors. The best source for this information will be my book (NDa) due to come out on the 18th of March 2006).

With that I stop here adding only that the origin for all the elements of pottery presented here as found at Gua Sirih is southern and central Viet Nam. This coastal portion and small offshore islands of present day Viet Nam was occupied by the Cham (a largely maritime oriented people) until the Vietnamese took over about a thousand years go. The exact routes between Vietnam and Gua Sirih cannot be determined as there were many of them, some possibly direct but others by way of one or more other island sites in eastern Island Southeast Asia brought through the agency of the NMTCN.

The Bau-Malay pottery that was commonly made by Moslem Malays soon after Islam as a religion arrived in Southeast Asia already had a long existence before any of the potters became Moslem and many non-Moslem peoples have continued until the resent days to make the carved-paddle pottery. As I see it, the ancestry of the so-called Malay peoples, both Moslem and non-Moslem are directly involved with the Cham.

**POST-SCRIPT**

Is there any relevance of this beyond the origin of the people who had used Gua Sirih? Yes, there is. All of the many different ethnic groups of Southeast Asia in all of the countries of Southeast Asia are closely related. The widespread sailing of the NMTCN moved and scattered Southeast Asian genes and elements of culture throughout Island, coastal Mainland, and up the major rivers of Southeast Asia. This mixing held in common by all Southeast Asians going back about 12,000 years, extended throughout the Pacific, north along the coast of China to Korea and Japan, west to India and on to Madagascar off the cost of southeastern Africa. The Nusantao, ancestors of the people of Gua Sirih, were the greatest mariners the world has even known.
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PAST PERIPHERY: CURATION IN SOUTHEAST ASIA

Patrick D. Flores

In the early part of 2005, Bangkok’s upscale mall Gaysorn Plaza invited passersby around the busy intersection of Sukhumvit and Ratchadamri to its spring/summer collection of clothes with an advertisement that read: “Different Creators, One Curator”. To a researcher of curators of contemporary art in Southeast Asia, enlisting the term “curator” to peddle merchandise was curious as much as it was telling. Curious because I had previously imagined the word to be circulating only within a relatively restricted art world where it gains currency; and telling because the specialist reputation of the curator would in this instance yield to commonplace misrecognition. It could be that the copywriter who had thought of the line conceived of the mall as the curator that gathers creators in a space, not unlike an impresario who casts talents, organizes events, and makes things happen, so to speak. This privilege notwithstanding, the curator is to be distinguished from the creators who are implicitly invested with the faculty of facture, or the capacity to fabricate. That said, without the curator’s devices of display, the creators and their coveted creations, collected around the vogue of a season, may never reach their public, an outcome that inevitably frustrates creation and the esteem of creators.

On a typical day in the same year in Bandung, a city south of Jakarta, 347/eat receives its regular clientele of young people looking around for clothes, shoes, and home fixtures exclusively made by the store. Bandung is known for its so-called “factory outlets” that sell surplus goods outsourced by global companies to what may well be sweatshops of cheap labor. In these places, one can buy original items at discounted rates from labels like Abercrombie & Fitch and Prada, which apparently are made in Bandung but leak out of the assembly line for various reasons. 347/eat is different; it is called a distro (distribution outlet) and does not mass-produce clothes. Adjacent to its entrance is a space called Room # 1, an initiative of a community of visual artists, graphic designers, skaters, and surfers who hang out in the premises. In this set-up, no curator holds the fort or keeps the gate; artists, if they still want to call themselves by that name, take up residence on their own. While at Gaysorn there is an over-invested but under-explained claim to curation, here the curator’s presence is faint and barely heralded. A post-artist, post-exhibition moment, therefore, may well generate a post-curatorial condition; and that even without curatorial intervention, creators make the means to connect with their public.

The mingling of curation with youth culture is instructive. It opens up the term to a crucial reconsideration and releases it to an ample range of appropriations. If we track it as it slips through the margins of the art world, we are initiated as well into the new modes by which creative culture or affective labor stakes out uncharted terrains. After roughly fifteen years, curation in Southeast Asia has transformed vigorously, responding to various pressures exerted by both the international art scene and an increasingly exacting local art world. Discourses about the concept of the contemporary and its relation to modernity and its history of art have, indeed, decidedly shaped it.

We note that the salient term here is “curator”, the person or the personality, and not the verb “curate”, which may lead us to what the act or the role of the curator entails. The emphasis on it reveals a high regard for the power and authority of the one who curates. The practice itself broadly falls under curatorship, a word that belongs to the more established museological system within which curators are tasked as custodians of a collection that must be made accessible to a public. The curator within this setting and the curator of contemporary art are of different species; they share the same name but operate within disparate though not mutually exclusive contexts. To exemplify the quandary, in the Thai language, the curator is pantarak, which literally means keeper of things; in contemporary art, art is not solely about things. When I asked Somporn Rodboon, one of the first curators of contemporary art in Thailand, if she would consider herself a curator, she hesitated: “I do not keep things”. She instead recommends the Thai term that means “the person who organizes, selects, writes, and plans”. For his part, her colleague Apinan Poshyananda, Director of the Office of Contemporary Art and Culture, confided that some Thai artists had initially thought the curator to be a broker, an assignment akin to marketing careers and commodities. And when Jim Supangkat ascribed the role to himself in 1993, artists and the media took fright and subjected him to rather hostile distrust. In other words, at its inception, contemporary curation...


TO EXPLAIN HOW CONTENTIOUS THE TERM CURATOR IS, THE INDEPENDENT CURATORS INTERNATIONAL, AN ORGANIZATION OF CURATORS, PUBLISHED WORDS OF WISDOM: A CURATOR’S VADE MECUM ON CONTEMPORARY ART. PROCEEDING FROM ITS INSPIRATION OF THE MEDIEVAL TRADE MANUAL, THE ANTHOLOGY OF PERSPECTIVES FROM 60 CURATORS ALL OVER THE WORLD DELINEATES THE CURATORIAL VOCATION IN LIGHT OF THE "CULT OF THE CURATOR" IN CONTEMPORARY ART AND THINKS ABOUT THE DIFFICULTY IN FIXING THE PROFESSION IN THE VISE OF A GUILD, THUS THE PARADOX. ACCORDING TO CARIN KUONI IN THE INTRODUCTION:

FROM THE SIXTY ESSAYS ASSEMBLED HERE, TWO MAIN LESSONS MIGHT BE DRAWN:
FIRST, THAT NO RULES EXIST IN THE FIELD OF CURATORIAL WORK AND, SECOND, THAT CURATING AN EXHIBITION OF CONTEMPORARY ART ONLY ADDRESSES ISSUES OF THE PARTICULAR MOMENT IN WHICH THE EXHIBITION WAS CREATED.
TO ATTEMPT HOWEVER Modestly and Arbitrarily, to present SOME OF THE IMPORTANT CURATORIAL STRATEGIES OF THE LAST TWENTY-FIVE YEARS—as we have done in this book—RUNS COUNTER TO THIS AHISTORICAL OUTLOOK.
(KUONI: 2001, 11)

Represented in this compendium is the Thai curator Apinan, who likens the curator to an acrobat, a chef, a go-between, and a dreamer. Apinan (1999) in another essay ponders the predicament of figuring out what exactly it is that the curators do, considering the volatile sympathies to which they tend, and how the concept survives the translation in discrepant cultural contexts. According to him:

What do words “curate” or “curator” mean? How do they translate in Chinese, Japanese, Korean or Thai? Are we talking at the same wavelengths among Asian curators? In some cases the curator’s job is the keeper of treasures behind the scene. He or she keeps records, looks after art objects or places art labels and checks lighting and temperature control in the galleries. Some work for artists and massage artistic egos. Yet, there are those curators who straddle many roles as cultural arbiters, cultural brokers, dealers, taste setters, diplomats, art ambassadors or at times take on the roles of the artists. In the future, demand for Asian curators to shift between these roles will be evident as contemporary Asian art will be projected, interpreted and even manipulated beyond the confines of what is known as the art word. (unpublished)

Apinan wrote this passage in 1999, and today we witness how Asian curators have traded on their statures as interlocutors of contemporary art and, as he has prefigured, have brought art to urgent social zones. The intrication of the Asian curator within a more encompassing socius could be explained as a relay of responses to the various modalities of internationalization in the seventies and eighties, be it in the form of multiculturalism, capitalist integration, democratization, export-driven economic policies, and migration. The exhibition Magiciens de la Terre (1989) was a watershed exhibition to the degree that it provoked questions about a possible post-orientalist scenario in which the “other” would be addressed with equivalence. The critique of this initiation was staggering, clustering around the point that mere accommodation predicated on “representation” does not revise the relations of power; in fact, it supplements its very basis and thus exasperates the resistance to liberal affirmativity. The fallout of such an effort haunts curators working beyond the Euramerican pale to this day, prompting them to constantly disconfirm the delusion of globalization as a mechanism of symmetrical give-and-take.

Therefore, the emergence of the curators needs to be historicized, its provenance traced and its itineraries marked. It is with circumspection that we view it in relation to the “large exhibition” that had required a re-location of art space beyond the museum and simultaneously a
co-location of art around the world as exemplified by the Venice Biennale of nineteenth-century vintage, in the vein of the international exposition zeitgeist. The “global” synchronizes uneven modernities; they are made to appear contemporaneous within a history of art of modernist trajectories and self-fulfilling prophesies of progress. Over time and under different climates, the curator has been called various names: Ausstellungsmacher (exhibition maker) in Germany, commissaire in France, keeper and conservator in England. (Kuoni, 2001: 12)

Gleaned from the practice of curators, we can set up a tentative typology of the tasks with which they are entrusted and the repute they cultivate. To a significant extent, therefore, it is practice that defines a mutating, morphing energy called curation. In this regard, art historian John Clark’s classification of the roles of curators of contemporary Chinese art is valuable: selector; thinker, mediator of thought; cohort provider, talent scout, theatrical agent; journalist; market maker; cultural provocateur, prototype designer, entrepreneur. These curatorial mediations are not hermetically sealed but porous, and on the ground, these overlap; in less formalized art worlds, the movement back and forth between roles is brisk and sometimes oblivious to conflicts of interest and other ethical questions usually policed by modern or western standards. From Clark’s list, we can derive a template of the curatorial obligation that comprises the following: valuation, advocacy, coordination, articulation. The curator informs the value of the artist and the art work in the context of inclusion in exhibitions and related endeavors. The curator advocates a discourse by writing about art and artists, thereby promoting a particular style or thought, through the dissemination of knowledge. The curator assembles artists and art in a forum that guarantees presence and confluence. The curator intervenes in making the voice of the artists heard, of speaking on their behalf in the global art world’s main language, which is English, or serving as informant of foreign curators who roam the world for prospective talent. It is because of this panoply of licenses that the power of the curators, which may develop into a monopoly, is resented by artists and other art-world stakeholders.

Research into peculiar manifestations of curatorial practice across varied environments aims to discern a horizon of what may constitute the curatorial gesture within historical over determinations. It also paves a direction away from an exhibitionary regime in which art is predestined to be put on view before acquisitive spectators. The practice of exhibition may have served as the nexus between the museum curator and the independent curator, and as such may prove to be the final vestige of modernism’s protracted denial of failure that preempts the hopes of a liberative contemporary. On the other hand, the persistence of the exhibition in a post-modern or post-avant-garde locale may testify to its regenerative criticality that motors contemporary culture’s drift toward an eternal present bedeviled by historical memory and future emancipation. It is thus clear at the outset that there are contrapuntal ties between curation and the contemporary, and that the two terms inflect each other.

It is pertinent to qualify the term “independent” but only to the degree that it is contrasted with the “institutional”. Having said this, it is not helpful at all to drive a wedge between the two. In Indonesia and Thailand, curators move in and out of both independent and institutional contexts; this movement carves a peculiar space within which they practice curation and break through the membranes of the art world.

Carrying out this particular research on curators meant conducting a modest ethnography of art worlds in Thailand and Indonesia, figuring out the social relationships among artists, institutions, critics, and the public. This ethnographic inquiry is complicated by the fact that the state of contemporary art is rather fluid and, given the uneven and asymmetrical modes by which modernity had taken root in these art worlds, certain practices and roles are practically makeshift, improvised and run on idiosyncratic rationality; the rules in the field are rather pliant, continuously modified by the practice of curators whose very practice creates a system, which had not existed before their sorties into this arena. For instance, so-called alternative spaces that thrive today may close tomorrow and people who profess as curators are also artists, commentators, and sometimes art dealers. Therefore, requisites of theory or ethics, sometimes idealized as universal imperatives, can be appraised only within the habitus of the social world of art in Indonesia and Thailand.

HISTORY

In contemplating the history of contemporary art in Southeast Asia, specifically in Thailand and Indonesia, it is useful to draw up a synchronic matrix in which the dynamic interaction between local efforts and international programs can be grasped. By the latter we mean the exhibitions coordinated by foreign institutions focused on Asia or Southeast Asia. We are afforded an overview of the pivotal events and practices, turning or flash points in the history of curation in Indonesia and Thailand as well as the ventures in the Asia-Pacific region in the formation of contemporary art in this
(trans)locality. This mapping observes the progression of projects at the same time that it plots coordinates among them. (See Appendix 1)

**Interest**

John Clark, who has written the only comprehensive book on modern Asian art historiography, settles on 1988 as a key date that indicates the keen and concrete interest in curators in Asia. In this year, the Japanese curator Fumio Nanjo was appointed to the Committee of the Aperto in Venice Biennale, the world’s oldest biennale established in 1895. In 1995, Nanjo was named curator of a parallel event at Venice titled *TransCulture*. Antedating these high-profile forays into the global stage were international exhibitions held in Asia and the Pacific that foregrounded the region as a locus of convergence in art, from the India Triennale in New Delhi (1968) and the Fukuoka Asian Art Show (1979). Alongside these were inter-governmental programs under the direction of the Association of Southeast Asian Nations (ASEAN) and some bilateral and multilateral diplomatic undertakings. Needless to say, art works and artists traversed the region through market mechanisms not necessarily under the auspices of the state. For instance, as early as the fifties, the Indonesian Affandi was already represented in Venice.

This posture translates at varying levels a challenge to the hegemony of the Euramerican perspective in art. Two quotes are germane:

According to Clark (2003):

> The role of the curator needs attention beyond the “national” level because of the extent and nature of the connections between similar such gatekeepers “transnationally”. The evidence for such linkage comes in the increasing predictability of artists chosen for international exhibition and the apparent circulation of their names and works between a new international cohort of such mediators. Such gatekeepers speak to one another regularly at international exhibitions and appear to engage in quasi-market making for a new kind of cultural good, the artist or art work now considered worthy of note at the “transnational” level. (unpublished)

Writing in the catalogue of the exhibition of contemporary art of the non-aligned countries in 1995, Supangkat (1995) states:

> This is a very basic principle of contemporary art: to bring into awareness that the paradigm of world art in a modernist point of view, that we have been familiar with us so far, was based on a very limited reality. (31)

In the same period and onward, several institutions invested in the diligent survey not only of Asian art, but also the discourses that inform it. The Japan Foundation, the Fukuoka Asian Art Museum, the Queensland Art Gallery, and the Singapore Art Museum initiated research, set up exhibitions and conferences, published materials, and developed collections. Conferences such as “Modern and Post-modern Art in Asia” in Canberra and the series on contemporary Asian Art in Tokyo were crucial meetings that helped firm up the network of artists, critics, curators, and art professionals in the region and consequently facilitated the production of knowledge that was to underpin a conception of contemporary art in Southeast Asia and the contemporary curatorium that would foster it. Alison Carroll (2005) sums it up:

> In the early 1990s, with the booming tiger economies, the strength of Japan, and the growth of wealth in China, the rest of the world…refocused its gaze on the region. Arts bureaucracies followed, and increase in support was offered for curatorial, artistic, exhibition, teaching, publishing and other events that engaged more closely with Asia. (542)

Moreover, according to Clark, these developments benefited from the impetus provided by the biennales in Havana and Sao Paolo as well as the popularity of Chinese art since 1993. Curators beyond Euramerican centers like Gerardo Mosquera and Okwui Enwezor also prepared the ground.

**Contact and Continuity**

Incipient signs of curatorial concerns being concretized were intimated in the late eighties and early nineties in Bangkok and Jakarta. In 1989, Somporn Rodboon curated an exhibition coming out of a workshop with a German printmaker at Silpakorn University, where she was professor. In 1991, Apinan organized a print exhibition of Prawat Lucharoen, along with other visual artists, at the National Gallery. And in 1993, Jim Supangkat clearly set down the responsibility as the curator of the Ninth Jakarta Biennale on behalf of the committee convened by the Jakarta Arts Council, an event that courted intense critique from artists and the press and incited a tumult that deeply affected the curator, as if it were in his own words a trauma. Supangkat credits the proceedings of a conference on international exhibitions titled *Expanding Internationalism* as his primer on curation.

It can be noticed from these early stirrings that the first curators were critics, historians, and artists; most of them underwent training in the academies of fine arts in the academies of fine arts.
arts and design and were not formally educated as curators. Sompong earned a degree in Fine Arts and Art Education. Apinan and Supangkat were practicing and recognized artists before becoming curators. As artists, they were at the forefront of innovation: the former as a conceptual and performance artist with national awards and a doctorate in Art History from Cornell and the latter as a luminary of the Indonesian New Art Movement.

Curatorial effervescence was conditioned by unsettling incidents from the seventies, among which was the protest against the art institutions in the early part of the decade in Indonesia. The seeds in Thailand might have been sown at the Phiriasi Institute of Modern Art, where interdisciplinary events took place beginning in 1974. The turbulence in Indonesia inevitably gave rise to the Gerakan Seni Rupa Baru [New Art Movement] that strove to dispute the depoliticization of art in the Suharto period and to resharpen its political edge; in the late eighties, this was carried through at the Cemeti Gallery in Jogjakarta. In the post-Suharto era of Reformasi, there was a marked proliferation of curators in Indonesia, reaching a high of 35. Perhaps as cognate with an increasing decentralization and deregulation of the political and economic system, there was a steep increase in curatorial projections in the open market of contemporary art and the commodification of the career of curators. It was not very difficult to become a curator; it was a matter of laying claim to the status, learning in the field, and addressing certain expectations such as contriving themes, selecting artists, writing essays, installing exhibits, organizing symposia and workshops, and other attendant duties. The curator, however, need not attend to all these responsibilities; asserting clout in vetting names is sometimes sufficient already. Central to this status is discourse, which curators in Indonesia construe as in itself a commodity that endows exhibitions with value for the market or significance in the history of art. Young Indonesian curator Heru Hikayat would venture that the more difficult the discourse, the more prestigious the art appears; and as researcher Sarah Murray (1995) observed, arcane words are potent: “a tendency to use language in a formulaic way which looks to powerful words as source of authority, prestige and perhaps magic, and rarely bothers with precise definitions”. (30) Here the aura of curator is reckoned not as a nostalgia for singular authority but as a historical accumulation of symbolic capital that may be converted into access and acknowledgement.

The case in Thailand is somewhat different. Owing perhaps to a stronger hierarchy in the academy, which arguably is the source of the art world’s stranglehold, the stature of curator is not liberally dispensed. Curators recognize the obligatory specialization to be considered legitimate curators, and the demand is not as high as in Indonesia, which also counts more artists. For instance, in Thailand, galleries put up their own exhibitions; in Indonesia, even the most frankly commercial enterprises are propped up by curatorial gravitas. The difference can be detected if we compare how exhibitions are organized in creditable galleries like Numthong and Surapon in Bangkok and Edwin and Nadi in Jakarta.

The initial impulse of the necessity for curators was articulation, their verbal skills. There was a need for artists to take part in discourse, a requirement that had stemmed from different concerns. Inasmuch as curators had the facility to speak about art, artists, and art history that were to be discovered by the international art market, they found themselves in the trenches of transactions. In Indonesia and Thailand today, there are two full-color art magazines, *Fine Art* (Thailand) and *Visual Arts* (Indonesia), and there is adequate art reportage and commentary in mainstream papers like *Tempo*, *Kompas*, *The Nation*, and *Bangkok Post*, not to mention the myriad of alternative publications. But critical thought in Thailand is not thoroughly encouraged; stories on artists, who posture like celebrities, and a passing review of exhibitions are the norms of writing. In Indonesia, critical discussion among artists is viewed as fundamental, a vital element of the art scene that makes distinctions between the “market of discourse” and “discourse of market”.

Since the early nineties, there have been succeeding waves of curators in Indonesia, some of them having been mentored by the pioneering practitioner Supangkat. Others came into their own independently, getting education abroad and learning from experience. We note that there is no formal education in the field of curation in Thailand and Indonesia, although in Bangkok three institutions at Chulalongkorn, Thammasat, and Mahidol universities offer programs in cultural management at the graduate level. Several Thai curators obtained graduate degrees outside Thailand as exemplified by Gridthiya Gaweewong, Luckana Kunavichayanont, Ark Fongsmith, and Praporn Kumjim. In Indonesia, only two people trained in curation and museum studies, Amir Sidharta, who studied at the George Washington University, and Wulan Dirgantoro, who studied at the University of Melbourne.

In the present, the role of young curators, especially in Indonesia, cannot be overlooked. The art gallery of the influential Institute Teknologi Bandung (ITB) is curated by Aminudin TH. Siregar and the commodious Selasar Sunaryo Art Space by Agung Hujatnikajenong. These
portals of strategic locations in the art world are kept not by senior curators, but by their successors who are in their early thirties, thus establishing a new hegemonic scheme within a new coterie of curators. Here is a tentative history of the emergence of curators in Indonesia and Thailand, indicating the time of their practice and their educational background. (See Appendix 2)

**Modes of Practice: Typologies**

Most of the curators in Southeast Asia work within an institutional framework, structures of which vary: academic institutions, government offices, and cultural centers of foundations and foreign organizations like Alliance Française, Goethe Institute, and the British Council. The art infrastructure in Thailand has been provided a stable ballast with the creation of the Office of Contemporary Art and Culture under the Ministry of Culture in (2002), with Apinan as Director. This ascension of Apinan signals the rapprochement between State and art world, with the curator becoming part of the grants apparatus; in contrast, the government support for the arts in Indonesia is nominal, thus stimulating very unpredictable and animated grassroots initiatives. These divergent states of play are intimately related to the kind of art produced in these ecologies.

Independent curators, whose practice is tangential to these institutions, find and create their own spaces for their projects. These spaces oftentimes already move beyond the museum/gallery architecture to provide the appropriate milieu for contemporary expressions like installation, new media, and performance art. Their independence does not, however, mean isolation from customary arrangements; it merely implies a less rigid stance on the part of the curator to engage with various platforms of art making and the hospitable spaces for these to operate. It is also not meant to be anti-hegemonic, but is largely survivalist. In Indonesia where the art market is very strong and ameliorates infrastructure in the conduct of commerce, independent curators sometimes find themselves working with galleries. Within this potentially compromising situation, they insist on creative latitude as they deal with the motivations of gallery owners, who are also collectors, to profit on art. We note, too, the sway of the auction houses in Indonesia such as Larasati, Borobodur, Masterpiece, and Campaka, which opened after the Asian crisis in 1997, to say nothing yet of the aggressive enterprise of Christie’s and Sotheby’s and the auction arm of the government itself. In effect, the crisis induced a surge in art, with banks and other firms unloading their art holdings and rousing a frenzy of buying, selling, and collecting largely through the auction houses. Perusing their catalogues, we discover that these firms do not only trade masters, but artists whose careers have yet to mature. This illustrates that the auction house functions like a gallery that promotes new art, and in doing so conscripts curators as part of the tricky process of validating the art in circulation. This can be espied quite sharply in Jogjakarta, which is home to the most active artists in Indonesia. Here, in view of the relatively few art spaces, curators take art from the site of production to other places, from Semarang to Bandung, for exhibition. Curators, therefore, serve as conduits of art works and careers, facilitating exchange between the art institutions and artists and the public. An impressive illustration can be found in the projects of Mamanoor, a curator based in Bandung. He is one of the curators of the National Gallery, which rents out space for exhibition and fails to implement a sustained program, teaches art theory at ITB, and organizes exhibitions outside the well-trodden loop of Java and Bali. It is only Mamanoor who is able to organize exhibitions and events in such remote places as Sumatra and Sulawesi, courtesy primarily of his network with art galleries and collectors, local art councils, new art programs, artists who take part in competitions like Philip Morris, and his position at the National Gallery. He has also developed links with China and Germany.

Patronage of contemporary art in Indonesia is part of a larger speculation industry. Amir Siharta asserts that “the prices of stocks and paintings often have a direct relationship... as many collectors obtain funds to buy works of art from profits they gain from the trading in the stock exchange”. (Sidharta: 2001, 53) He attributes the stimulus to the economic crisis in 1997 that drove the following: the hoarding of art works of new collectors who hoarded dollars before the rupiah plunged; the unloading of art works by collectors and liquidated banks; and the establishment of galleries by collectors. As early as the seventies because of the oil boom, the national oil company Pertamina sponsored art competitions and engaged in collecting. Earlier, Sukarno maintained a vast collection of modern art, which influenced government offices and the elite to amass art. The cumulative effect was to style art as a democratic good or developmental index:

The new political outlook that has emerged in Indonesia since Soeharto’s Fall has certainly contributed to a rising appreciation of art. Along with increasing political openness and new freedoms of speech and opinion comes the appreciation of artistic expression. People who in the past were more interested in art for its economic value are now beginning to appreciate art’s aesthetic...
and cultural value can heighten their quality of life. (Sidharta: 2001, 56)

In Thailand, the banks were chief players in the patronage of contemporary art. For instance, in 1975, Bangkok Bank initiated its art collection, which was complemented by an annual art exhibition and competition that handed out handsome prizes. (Phillips, 1992) Other firms followed suit like the Thai Farmers Bank and the Thai Investment and Security Company. As Chavitchai Promatdhattavedi asserts:

Supporting art and culture in terms of infrastructure has never been a part of national policy. Over the past two decades we’ve seen many art galleries opening and closing. It seemed to be the fashion. But many people still don’t understand modern art. In the past, art was seen as something rarefied, associated with the Palace. But now that we have a more democratic and less hierarchical society, people are beginning to appreciate art more. (Phatarawadee: 2000, C2)

When international exhibitions began to gain a firmer footing in the art scene, channels of curatorial conscription was no longer concentrated in institutions and bureaucrats in government. Exhibition organizers because of their visits and researches in local art worlds met colleagues who practiced beyond the realm of mainstream networks. Curators, whether institutional or independent, have played a key role in representing local artists in the international arena. They have become mediators in the arbitration of contemporary art as far as recognition is concerned. This is more apparent in Thailand as Somporn would point out. But this is not true of Indonesia, except perhaps in the case of Supangkat, with Asmudjo Irianto and Rizki Zaelani, and Effendy; and perhaps at Cemeti, with Mella Jaarsma and Nindityo Adipurnomo coding their artistic tastes as curatorial benchmarks from which international curators took their signal. Speaking of mediation, the type of space in which curators work determines to a large extent the kind of curation they undertake; and we realize, possessing spaces or having access means power to produce art-world schemes, indeed to configure artscapes.

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<tr>
<th>Type of Space</th>
<th>Indonesia</th>
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<tr>
<td>State-run</td>
<td>National Gallery</td>
<td>National Gallery</td>
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<td>Taman Budaya (Provincial Art Councils)</td>
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<td>Taman Ismail Marzuki</td>
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<td>Galeri Ismail</td>
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<td>School-based</td>
<td>Galeri Soemardja</td>
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<td>Bangkok University</td>
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<td>Chiang Mai University</td>
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<td>Commercial Gallery</td>
<td>Edwin</td>
<td>Numthong</td>
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<td>Cemara Galeri 6</td>
<td>Surapon</td>
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<tr>
<td>Foundation-supported</td>
<td>Cemeti Art House</td>
<td>Queen's Gallery</td>
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<td>Bentara Budaya</td>
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<td>CP Art Space</td>
<td>Jim Thompson House</td>
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<td>Concrete House</td>
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<td>The Land</td>
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<td>Artist-initiated</td>
<td>Ruangrupa</td>
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<td>Klinik Seni Taxu</td>
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Gestures: Tendencies

It is difficult to capture the many styles and interests of curators in Southeast Asia. What can be attempted is an assessment of certain tendencies that their practice embodies:

1. Post-exotic Artscape

Curators converse with global currents and strive to take part in the conversation by integrating local art within it. They also try to break through national confinement and challenge the exoticisms inherited from colonialism, imperialism, and nation building. In other words, they draw a post-exotic map in which the local-global conjuncture is rearranged from its vertical orientation to a more horizontal and lateral position.

We can glean this disposition in the attempt, for instance, of Supangkat to curate an international biennale in Jakarta through the CP Open Biennale in 2003, revising the notion that Indonesia is just the source of art and cannot coordinate a convergence of art outside its domain. He proceeds from the perspective that CP is “meant to be an international exhibition that attempts to set out a new framework that views Indonesian art as a specific model of art that has developed outside of Europe and America”. (20) This constitutes its stake as well as its limit, as averred by co-curator Zaelani:

The “open system” in the CP Open Biennale, in which various existing artists are welcome to participate, is basically also a depiction of the situation of the development of art in a “developing country”. When the state’s bureaucracy is not or, perhaps, not yet able to organize its wealth so that it can support and develop infrastructure for the arts, the “fate” of the art development cannot be supported by strong and capable artistic institutions. As a result, various artistic events are held with neither coordination or long term plans. (29-30)

Apinan’s effort to set up the first pavilion of Thailand at the Venice Biennale in 2003 reinforces the desire of Southeast Asian curators to move beyond the exotic; it can be speculated that this was his intention when he reiterated Thai exoticism to the hilt so that it could be refused as something unacceptable and according to him words “repugnant”. He argues:

The journey from the canals in Bangkok to Venice evokes a time dislocation. Thai artists in traditional and contemporary attire are like art pilgrims whose mission is to find their space on the international art arena. To be visible, their endeavor is to construct their own pavilion (sala) in Venice despite difficulties and obstacles. Thai artists like craftsmen assemble prefabricated Thai house with posts, beams, roof, gable, wall panels transported

### Table: Type of Space and Examples

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<th>Type of Space</th>
<th>Indonesia</th>
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<tr>
<td>Artist’s Museum-funded</td>
<td>Sunaryo Popo Iskandar Museum Pintu Merah (Sanggar Luhur) Widayat Museum</td>
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<tr>
<td>Mall/Restaurant-operated</td>
<td>Kedai Kebun</td>
<td>Playground</td>
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If the curators are able to curate internationally, they interface with a range of exhibitions that also define their curatorial interventions. Apinan (1998) identifies these modalities that reference the combined political economies of the local, the national, the international, and the global:

1. “exhibitions focused on a single Asian country” that endorse “national imaginaries”;
2. “exhibitions of Asian that serve multi-lateral relations” through “cross-cultural dialogues”;
3. “contemporary Asian art selected for international exhibitions (biennials, triennials)” that respond to the criteria of the “cutting edge” and the “preference of art directors or commissioners”; and
4. “solo exhibitions by Asian artists who are emerging in the limelight”. (33)

Countries that most assiduously pursue this scheme are Australia and Japan, and more perspicacious research is needed in figuring out the reasons for the intense interest. According to Apinan, “Japan’s focus on Southeast Asian countries is directed by sites of desires for economy, trade, tourism, and fantasy of the Asian others”. (34) He invites us to locate the nexus between art and economy in the production of contemporary culture. Apinan as a personage exemplifies this acknowledgement, and not only a recognition, of Asia. He was the first Southeast Asian curator to curate internationally; at the Asia-Pacific Triennale in 1996, he was the curator of the Australian section and in 1998, he was the commissioner of the Asian section at the Sao Paolo Biennale. He has also curated in Liverpool, Johannesburg, Sweden, and Istanbul.

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by boat from Bangkok. In this cultural space Thai artists take on the roles of artisans, master builders, shamans, and performers. They entertain by offering national identities and exotic differences to cultural consumers who experience cultural goods at the First Thai pavilion in Venice…Despite their exotic displays of painting, video, carpentry, cookery, therapy, massage, and dance they become messengers and victims of the global trap that causes detriment and destruction… (a) comment on the hierarchy of art internationalism and system of New Art World Order. (Apinan: 2005, 63)

Younger curators like Gridthiya Gaweewong and Rifky Effendy pursue similar paths as can be seen in the former’s selection of works and artists in Under Construction and the latter’s exhibition of Indonesian contemporary art in New Zealand Transindonesia. Gaweewong, founder of the defunct Project 304, extends beyond a certain national aesthetic to tap into a transnational dynamic, while Effendy facets an emerging Indonesian subjectivity by collecting a wide range of historical agents.

In their respective curatorial introductions for international exhibitions they had participated in, we sense this strain:

The whole idea of globalization doesn’t mean that it has to be treated as an enemy. We don’t want to attack it, but the question must be how to deal with it in a local context in each day, each country, particularly in the context of contemporary culture. (Gaweewong: 2002, 80)

The works exhibited for New Zealand viewers do not only show certain imagined aspects of Indonesia, constructed through the media or the tourism industry, they also attempt to delve into the plurality and dynamism that the context of region offers in this era in all its complex socio-cultural aspects. (Effendy: 2005, 27)

2. Renewal of tradition

Curators seek to reanimate living traditions within contemporary expression and insinuate a continuity of an inveterate though transformed practice. For instance, mural painting in Thailand has inspired contemporary artists to cite its vocabulary as part of the language of their works.

Somporn’s consistent work supplements her effort to infuse contemporary art with a certain interpretation of Buddhist tradition that inculcates values opposed to materialism and is wary of internationalism. Dwi Marianto for his part refers to the strong Indonesian preoccupation with political struggle as a means to refunction the tradition of protest in Indonesian art as can be borne out by his curation of the Indonesian section of 36 Ideas from Asia, the first major exhibition of contemporary Southeast Asian to be held in four venues in Europe, as well as his selection for the Indonesian Pavilion of the 2005 Venice Biennale; he describes the latter as “insightful” and foils the wearying consumerism of the moment. Somporn for her part in 2002 organized an exhibition in Chiang Mai titled Thai Spiritual Ties, which represents her long-time belief in the “revival of Thai traditional art styles and themes” premised on Buddhist philosophy and “Thai way of life”. She distinguishes this from another strand in the fabric of Thai contemporary art, which consists of “experimenting with international art styles”. Somporn elaborates:

This valuing of tradition and the past…is not about a return to the past, it is not about turning back the clock. Rather it is about how the past lives in the present, and the forms of the linkages between the past, the present, and the future. This is not an easy connection, for these works are as much about the tensions: the permanent and the impermanent, the light and the dark, the traditional and the modern…the ways these tensions are negotiated, and in a sense healed, are both productive and creative. (Somporn: 2002, unpaginated)

3. Advocacy

Curators conceptualize projects within a wider realm of social involvements. Chumphon Apisuk of the Concrete House in Bangkok has initiated events in relation to AIDS awareness campaigns among sex workers. Advocacy here likewise pertains to the gap created by contemporary curation and art practices that fall through the cracks of more recent fascinations. For instance, Aming Rachman of Galerikita and Isa Parkasa of Galeri Taman Budaya, both from Bandung, deliberately curate exhibitions of autodidact artists as well as artisans and students of the pesantren or Islamic school. The Womanifesto project by women artists in Bangkok is cut from the same orientation, which redresses a certain imbalance in representation of art world agents and critiques the taste of dominant curators who tend to work with a specific set of artists at the expense of those who are not represented and feel being shut out of the system.

The concern of these initiatives to nurture a vibrant and responsive public and its participation in art is paramount. Klaomard Ypintsoi, director of About Art and Related
Activities, which is located at the heart of Chinatown in Bangkok, is passionate about this, putting together a program of activities that reaches out to spheres beyond the province of art. Corollarily, the project Art Connection, a monthly bulletin of art events in Bangkok distributed for free, is maintained by a group of young artists and cultural workers.

The register of advocacy could become strident when the social atmosphere warrants it, as in Bali where the daring curator I Ngurah Suryawan writes:

The Bali of religion and magic is being sold and sold. Art capitalism, with its orientation toward money and economics, has become a god. Meanwhile, the importance of creating a climate for and dynamic and intelligent discourse about art has not been noticed. All the players in Bali fine arts world seem to be preoccupied with thinking about their sales. This is the religion and magic of Bali. (Santikarma: 2001, 61-62)

4. Search for the new

Curators discover talents as a matter of course, the constantly replenishing the inventory of contemporary art. Discourse in this respect affirms the significance of whatever art or whoever artist is introduced to the art world.

The Brand New series, in which Luckana Kunavichanayont and Ark Fongsuvarn are involved, seeks to give opportunities for young Thai artists to find their place in the art world. Alia Swastika’s controversial Omong Kosong for Cemeti Art House likewise aspires to account for what artists in Indonesia are doing and how they unravel new meanings of contemporary art. The search for the new may end up in everyday life, which may also become exotic and alienate a local public that expects more heightened expressions.

It is important also to discuss how these curators become part of projects. Curators are not always the central intelligence of these initiatives. While they may have the advantage of elucidating concepts, they are usually not in the position to complete projects on their own. Curators take part in projects in different ways and fulfill their functions within an array of tasks. For instance in Indonesia, when art galleries wish to hold an exhibition of artists, they ask a curator to make sense of artists they have already chosen. Sometimes, curators are actually just asked to write curatorial introductions in the catalogue, and yet angle for the renown as curators. There are occasions when curators merely choose artists and have very little regard for the kind of works to be exhibited. It is also not uncommon for them not to install the works or have a hand in the exhibition design. The custodian of the space or the artist takes a more active role in this regard.

FUTURE OF CURATION

This research summary, cursory as it is, has endeavored to discuss the history and practice of curation in Southeast Asia with the aim of investigating its complicity in the formation of contemporary art and its discourse. Curation as an interventive mediation that produces exhibitions, events, careers, and values and the curator as an agent who actively selects and represents these within the social world of art becomes a compass that guides us as we navigate the vast realms of what is only vaguely invoked as the contemporary. This paper contends that the curator had emerged in cadence with the shift from the modern to the contemporary.

How subjectivities are forged in encounters and contacts facilitated by curation is integral to our understanding of the theses of this research. But this lies beyond the mission of the Fellowship and requires a different set of methodologies to ferret out the ramifications.

While this contention raises a distinct spectrum of issues, it invites us to reconsider the modernity of art when it is held against the light of its own fulfillment in the domain of the contemporary. The contemporary may revise this modernity in the shadow of the failure of art in the avant-garde, or may ordain its critical sufferance as a requisite strategy of deliverance by virtue of its own productive failure. But the contemporary, troubled as it is by its modern history, sows its own seeds of termination as can be viewed in current revelations of a post-artist, post-exhibitionary, and perhaps post-curatorial context. This is most evident in initiatives in Jakarta, Jogjakarta, and Bandung that fuel themselves in varied ways. For instance, ruangrupa in Jakarta is linked to Hivos, a Dutch foundation, the Rijksakademie, and the RAIN Artists’ Initiatives Network. In Jogjakarta, the Cemeti Art Foundation is part of an agile network of organizations around the world; Taring Padi, Ruang Mes 56, and Kedai Kebun draw on ingenious resources like personal contributions and in the case of the last a restaurant. And in Bandung, 357/Eat is annexed to a clothing store; By the Way stands next to a toy store and manga library; Rumah Proses is an artist’s collective; and If rents out a music studio for the city’s aspiring musicians.

Before leaving Bangkok for Jakarta, a new space opened...
in the gentrified district of Thong Lor. It was at the top floor of a mid-rise commercial complex housing a book and music store, a furniture outlet, and a Starbucks. Its first exhibit involved Sakarin Khrue-on, an artist keenly attentive to Thai spirituality and its contemporary condition. And before heading for Manila, in Jakarta, ruangrupa’s OK Video opened, a large international exhibition of video art at the National Gallery with the theme of piracy; it was funded by the subsidies of an ensemble of agencies, foremost of which is Hivos. The latter justifies its support for ruangrupa, which has evolved into a non-governmental organization, under its culture and development rubric. At a time when the United Nations Development Program dispenses monies to MTV for AIDS awareness among the youth, this is hardly surprising and something that adumbrates a different relationship between art and culture and the present structure of globalization. Interestingly, this kind of bustle is not very evident in Thailand, where infrastructure is relatively secure and the relays of resources are more streamlined. Nevertheless, it can be said that these so-called alternative modalities of expressive production are well within global economies that sustain a certain “fascination with newness and difference” (Clark: 2005, 557) as to be detected in the projects of Rain, which has taken interest in the Indonesian contemporary art scene. It supports ruangrupa and had organized the Fixing the Bridge event in Jogjakarta. This newness and the alternative may become a fetish and re-branded like a commodity.

Without the positioned mediations of the artist, the exhibition, and the curator, will contemporary art finally abdicate its entitlements to a popular culture or everyday life that is nearly thoroughly saturated with spectacle, immersed in neoliberal self-absorption, and reified through aestheticization and mediatization? How it can recover an affective moral world and a selfless intimacy proves to be the challenge to any curatorial project that seeks to redeem the basis of its mediation. As Apinan apprehends the contemporary:

The word “contemporary” means being in the same period of time. Being contemporary ten years ago, however, was pretty much different from today. “Contemporary” contains its own dynamism similar to the word “culture” whose root is defined as developing force...Different generations hold different definitions of “contemporary culture”. I am saying that being extreme is like perceiving culture from the perspective of seventy-year-old versus seventeen-year-old individuals. Although coming from different circles, there must be some similarities when the two meet. If they remain mutually exclusive, two opposite poles, teenagers in spaghetti string tops versus elderly in Thai silken royal pattern uniform, will occur. As a matter of fact, they should socialize and mix since they do live in the same period and society. (Apinan: 2004, 33)

In this context, the role and contribution of the curator in Indonesia and Thailand in contemporary art making consists of creating conditions so that the following could take effect:

1. discourse and critique, theory of contemporary art, parameters of commentary;
2. value and taste;
3. local and international recognition;
4. infrastructure and professionalization;
5. audience and public consciousness and appreciation for and engagement with contemporary art;
6. networks, platforms, notions of the alternative; and
7. coteries and communities.

Based on this list, we can derive the motivations of curators and the impulse of their practice:

1. extension of creative activity and theoretical/discursive reflection;
2. art education and communication to the public on contemporary art;
3. institutional power; and
4. professional development.

It is in this regard that we draw a link between the curation of contemporary art and the politics of heritage, democracy, and globalization. The discourse of the contemporary is bound up with the issues of modernity and identity, which had been ratified quite strenuously by nation building projects in Southeast Asia from the sixties through the eighties. These accrued to a certain construal of “nation” that was imbued with a native civilization, on the one hand, and an international aspiration, on the other. One of the most cogent instruments of this ideology was art, which was endorsed as a testimony of allegiance to a liberal democratic order. Carol Duncan (1994) cites two cases to clarify this point:

1975: Imelda Marcos builds the Metropolitan Museum of Manila in 29 days in time for the International Monetary Fund meeting. Inaugural exhibitions comprised loans from the Brooklyn Museum, the Los Angeles County Museum of Art, and the private collections of Armand Hammer and Nathan Cummings.

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows

The shift toward the transnational or post-national and its possible analogue in the shift from the modern to the contemporary would lead us to re-conceptualize the “heritage” or “art” as heritage within a distinct historical milieu of “creative industries” and “affective labor”. A clue to this re-conceptualization would be a quote from Pier Luigi Sacco (2003), a professor of the economy of culture in Venice, who thinks of the contemporary art museum in terms of either a “lure” or an “activator”. Lure because it guarantees visibility (tourism, media, investment) for the locality in which it is situated and activator because it stimulates a new urban system. According to him:

In post-industrial development models, culture is a primary resource, a central element in the private and social chain of value, and must thus be considered not only in reference to the revenues that it is capable of generating...but also and above all in terms of the new opportunities that it can open up in the entire system of social and productive interdependencies. More and more, culture is becoming a laboratory of ideas that proceed with logic similar to the logic found in scientific research: it opens new possibilities of sense and indicates new models of behavior, action, and interpretation of the world. (84)

A research on the history of contemporary curation in Southeast Asia takes us to these thickets. As contemporary art is mediated by curation, so is “culture” reworked within a contemporary political economy of affects, sensations, sentiments, and the belongingness to the present translocal sensorium.

REFERENCES


Reflections on the Human Condition: Change, Conflict and Modernity

The Work of the 2004/2005 API Fellows


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**Reflections on the Human Condition: Change, Conflict and Modernity**

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ONCE UPON A TIME IN PHUKET: CHANGING IDENTITIES AMONG THE BABA CHINESE AND THAI MUSLIMS IN A TOURIST PARADISE

Khoo Su Nin (Salma) Nasution

ISSUES

The way a nation-state defines its population is largely top-down, leaving little room for communities, particularly minorities and provincial populations, to negotiate their identities. However, because governments take tourism seriously and allocate resources for tourism development, participation in cultural tourism is a new way for communities to project their identities, in a manner that is politically non-threatening and most likely to earn state recognition.

While the Thai nation-state exerts a strong cultural hegemony, at the local level there is space for the cultural minorities in Phuket to construct historical narratives which resonate with their own social memory. These historical narratives are often used to reaffirm, enrich and elevate identity within a given socio-cultural context.

This essay will look at three popular historical narratives in Phuket and what they represent. It will also look at two contemporary phenomena in which communities have mobilized resources to stage events which showcase their history, tradition and identity, ostensibly to a tourism audience.

BACKGROUND

Phuket is a Southern province; the people speak a provincial Southern dialect and take pride in their difference from the Northerners. As one of the 14 provinces of Southern Thailand, Phuket province comprises 39 islands in the Andaman Sea. The largest island in Thailand, Phuket covers an area of about 570 square kilometers, roughly the size of Singapore.

The 2000 census recorded 249,000 inhabitants, but the real figure at the end of 2004 was thought to be more like half a million—the difference being made up of unregistered Thai urban migrants, a large expatriate population, and Burmese labor. Thais make up 98.5% of the population, with 81.6% Thai Buddhists and 17.1% Thai Muslims. Christians and sea gypsies (including Orang Laut) each form less than 1%. No distinction is made between Thais and Thai Chinese, since both have Thai as nationality and Buddhist as religion. The percentage of Thai Muslims is in sharp decline from the 35% mentioned in a 1980 guidebook, which also enumerated 29 mosques, 28 Thai temples, a dozen or so Chinese temples, four Christian Churches, and one Sikh Temple.

THREE HISTORICAL NARRATIVES

The idea of Phuket as a resort island dates back only to around 1970. Before that, Phuket was mainly thought of as a tin-port. From the 16th century, Western maps marked the island “Junkceylon” (variously spelt), most likely a corruption of the Malay name, “Ujong Salang” or “Tanjong Salang”, the point or cape of Thalang. (Gerini: 1986 (1905), 61-2; Na Pombejra: 2002, 92; Kynnersley: 1904, 12)

Among the historical narratives that could be said to represent Phuket, and which the Phuket authorities have chosen to support, three stand out.

The first is the story of the two national heroines of Thalang who led the resistance against the Burmese invasion. The second story is the legend of Mahsuri which has been aggrandized in Langkawi and has now been traced back to the Thai Muslims in Kamala. The third is the more complex story of how the Hokkien (Fujian) migrants built Phuket town, and how Phuket was wisely governed by an overseas Chinese leader loyal to the King.

Government support for the champions of the three historical narratives means government recognition for the three historic communities of Phuket. This conveniently entails the spreading around of development funds to three local administrations in different parts of the island.

THE HEROINES OF THALANG

The story of the two heroines of Thalang is synonymous with Phuket. Indeed, Phuket’s claim to be a historical destination for Thai tourists rests on the fame of the two sisters who successfully repelled a Burmese invasion in the 18th century. Perhaps the most photographed monument in Phuket is the bronze statues of the two heroines cast by the National Fine Arts Department.
in Bangkok and reassembled at the traffic roundabout near Thalang in 1966.

I will confine myself to a brief outline of the story, based on information provided by the Thao Thepkrasattri-Thao Srisunthorn Foundation, as presented by secondary sources. The protagonists are Nang Jun and Nang Muk. Their father was the Governor of Thalang appointed by Ayutthaya and their mother was Masia, a princess or noble of Kedah. Nang Jun became the wife of Phraya Thalang, the chief of Thalang district.

In 1785, the Burmese sent troops to invade the west coast of Southern Thailand, including Phuket. Phraya Thalang’s widow Nang Jun, together with Nang Muk and Nai Tongpoon led a defending army. In order to intimidate the enemy, Nang Jun asked 500 women to dress up as men and to parade in different clothes, to deceive the Burmese about the superiority of their numbers. They carried smoked coconut leaves which looked like weapons from afar. They harassed the Burmese soldiers who were scouting around or gathering food. After a long wait, the Burmese army retreated and Phuket was saved.

At the end of the war in 1786, King Rama I awarded the titles Thao Thepkrasattri and Thao Srisunthorn to Nang Jun and Nang Muk; and appointed Nai Tongpoon as the next Phraya Thalang. The episode was only chronicled 35 years later during the reign of King Rama III (1824-1851). (Pongsapich, 1997)

The last thirty years has seen intensified efforts to seek national and popular recognition for the heroines. In 1985, the Governor of Phuket Ouan Surakul went to England and brought back the letters written by Nang Jun to Francis Light. The Thalang Museum gives prominence to this legend through its English-Thai display. In 1992, the Thao Thepkrasattri and Thao Srisunthorn Foundation were established with funds from Princess Sirindhorn. It oversees an annual ritual ceremony in homage of the two heroines on March 12, and the laying of wreaths at the sisters’ monument on March 13, designated as Thalang Victory Day.

At the recently renovated Wat Muang Komaraphat at nearby Bandon, a seated version of the heroines’ statues graces the altar. Occasionally, someone who has asked the heroines to fulfil their vows will sponsor a ronggeng performance by Orang Laut [sea gypsy] women before the heroine’s monument at the roundabout. While Siamese Buddhists make merit for the heroines, Chinese Buddhists make offerings to them but are careful not to order pork.

The fact that the two sisters are venerated in a Buddhist-style temple, which also incorporates Chinese practices, would lead one to believe that they are Buddhist. But the fact that no pork is served to them provides a clue to their identity which, even if not admitted by the Buddhists, is implied.

The foremost Phuket authority on the Thalang heroines K. Prasit Chinarkan, said, “We are not sure of the two heroines’ religion—they could have been Muslim, Buddhist or Christian”. Like many things in Thailand, the sisters’ possible Muslim identity is left unexplained because it would complicate the beautifully simple, unifying picture of Thai-Buddhist supremacy.

Amongst the local Muslim minority in Phuket—politically and economically the weakest of the three groups—there are a few who harbour a minority view. They say that the sister’s Muslim names, Fatimah and Halimah, have been concealed or kept secret. (Malay: dirahiaskan) An even more serious allegation, from the Muslim point of view is that the two heroines have been “Buddha-ized”. (Malay: diBuddakan)

A few members of the Phuket Islamic Religious Board took us to a small grave site in a rambutan orchard, hidden away from the main road, which they claimed was the site of the old surau (temple). A little joss-stick urn had been placed between the two main graves. Apparently, the elder sister had stated in her will (wasiatkan) that they should be buried in front of the surau.

What do the two heroines represent in Phuket today? It is the story of how the Thalang people, with little resources but with sheer ingenuity and courage, defended Phuket and Thai sovereignty against the invasion of the Burmese enemy, thus earning for Phuket a place in the annals of Thai history.

Secondly, the story conveys the indigenous loyalties to the Siamese sovereign in a province which, by the 19th century already had a Chinese majority. The Chinese see the two heroines as local spirits, and visiting the shrine in the Siamese area of Thalang is a way of expressing their own indigenized loyalties.

However, to the Muslims who have “discovered” the heroines’ Muslim identity, the story of the two heroines possibly represents the way that their heroines and their history have been appropriated; or so it seems.
In his article, “Ethno-historical perspectives on Buddhist-Muslim relations and co-existence in Southern Thailand: from shared cosmos to the emergence of hatred?”, Alexander Horstmann argues that Southern Thailand is unique in the way that world religions have been accommodated and integrated into the social order and local cosmology. This has been done through local institutions of co-existence such as intermarriage, local beliefs in common ancestors, syncretism in healing practices, and reciprocity in cultural niches. Even today, it is possible to observe inter-religious marriages, conversions from Buddhism to Islam and visa-versa; and rituals of one religion mixed up with elements of the other. This certainly puts the inter-religious marriage of Nang Jun’s parents in another perspective.

It is not a forgone conclusion that if the two sisters were known by Muslim names, they were therefore Muslims. But while past generations of Thai Buddhists and Muslims might not think of identifying the heroines with one religion to the exclusion of the other, modern Buddhists and Muslims may tend to look for partisan cultural identity in the past.

In association with this question of ambivalent identity, we come to an interesting local saying told to me by local historian Pranee Sakulpipatana, "Surau kap wat, non gnat kanai" (surau or wat, where should I go?). It is likely that those who chose the wat (temple) embraced the Siamese identity together with Buddhism, while those who chose the surau embraced Islam and the Malay identity.

Dr. Bradley, who visited Phuket in 1870, noted 200 Malay, 300 Siamese, 200 Siamo-Malay apart from a majority of Chinese. The term “Siamo-Malay” perhaps provides the clue to the Thai Muslim identity. [Gerini, 1986 (1905)]

Local histories in a place like Phuket and Southern Thailand often reveal the ambiguity of local identities. Like the identities of the two Thalang sisters, place-names are also contested. A Phuket Muslim was told by his maternal grandmother, “The old people used to call the ports Bunga, Bukit and Terang. Now they are called Phang-nga, Phuket and Trang”. Like the old name of Junk Ceylon, there are at least two explanations offered for the name Phuket. The common explanation is that it means “bukit”, the Malay word for “hill”. In fact, the name was spelt “Bhuket” until an official name-change in 1967. However, an ancient Siamese document transcribes the name as “phukej”, which means gem, and this is taken by some as proof that the name “Phuket” was originally Siamese.

Since Siamese names were recorded in Thai script and Malay names were written in Jawi or Arabic script, it will always be difficult to prove primacy of one over the other. But now Thais will claim that Phuket was never a Malay word. On the other hand, educated Muslims will be inclined to believe that they have been denied their place-names along with their history and language since there is undeniably a track record of the Thai-ization of Malay place-names within living memory.

**THAI MUSLIMS IN PHUKET**

Through the ages, Phuket had a lot of dealings with Malay traders, particularly from Kedah. According to Captain Thomas Forrest, writing in the late eighteenth century, the inhabitants of Phuket in general spoke Malay “from their intercourse with that people”.

The coastal Muslims of Phuket, Krabi and Trang kept in touch with relatives in Kedah, Langkawi and Penang in Malaysia. The older generation used to speak Malay but that number is dwindling. Virtually all Phuket Muslims below 50 or 60 years old speak Thai as their first language. This is in contrast to the “Deep South” states of Pattani, Yala and Narathiwat where the main language among the Muslims is still Malay, or rather a local dialect called “Jawi” (similar to Kelantanese).

Who are the Thai Muslims of Phuket today? Their identity cards classify them, together with all other Southern Thai Muslims, as “Thai nationality, Islam religion”. The Thai Buddhists call them “Is-salam”. In Thailand, all Muslims are lumped together as “Thai Muslims” regardless of ethnicity. As well as Muslim names, they have Sanskritic Thai names which are used for all public purposes. If speaking the Malay language is the marker of ethnicity, then these people cannot be regarded as Malay; nor do most of them regard themselves as Malay.

Thai Muslim shopkeepers in town include sojourners of Arab, Afghanistan, Pakistan, Indian and Chinese origin as well as Malay traders from other provinces in Southern Thailand. The Thai Muslims in coastal Phuket, like the people of Langkawi, have highly different origins and probably came to Phuket by sea as poor migrants. If certain 19th century census are to be believed, most of the Thai Muslims have settled in Phuket only since the late 19th century, though most of them may have originated from nearby coastal areas.
In her article, “The Politics of Forgetting: Migration, Kinship and Memory on the Periphery of the Southeast Asian State”, Janet Carsten depicts the people in a coastal fishing village of Langkawi as being engaged in “forgetting as a collective act in the creation of shared identity”. It is possible that the Thai Muslims of coastal Phuket could be similarly characterised.

In the age of globalization, Thai Muslims are also experiencing Islamic renewal. The number of mosques has grown to 50. The largest school is the Muslim Wittaya School at Thepkasattri Road, which has a total of 1,300 children from kindergarten up to third year high school. Many students finish their Islamic education in Pattani, Yala or Narathiwat.

**COASTAL MUSLIM VILLAGES THRUST INTO TOURISM**

Thai Muslims are found all over Phuket; but only in Bang Tao and Kamala on the west coast of Phuket, north of touristic Patong, do they form the majority of the population. The Thai Muslims seldom appear in Phuket’s copious tourism literature, except as fishermen and owners of the long-tailed boats. Other traditional occupations are fruit orchard gardeners and rubber tappers.

During the tourism boom of the 1980s, many Muslims in Phuket just like the Malays in Langkawi ten years later, sold their lands to hotel developers. It is hard to imagine that Muslims recently owned as much as 60% of the lands at Bang Tao, Kamala and Patong, which are today prime tourist beaches.

Today, Kamala, with a population of 6,000, is considered a Thai Muslim sub-district. An estimated 80% of residents are Muslim while the rest Buddhists. About 75% of the people work in tourist-related jobs.

The people of Kamala were thrust into big-time tourism when a 3.3 billion baht entertainment complex called “FantaSea” opened in their midst in 1998. A wholly-owned subsidiary of Bangkok-based Safari World, FantaSea was established in joint venture with a Phuket land-owner who provided the 350 rai piece of land. It employs more than 1,000 people, including Kamala locals, and plays nightly to an audience of thousands.

With the presence of FantaSea, Kamala is destined to be turned over to mass tourism. The Kathu District administration has already designated an entertainment zone in Kamala, restricting businesses such as bars, discos and karaoke venues. (PG June 5, 2001)

Said Wissanu Doomlak, a Thai Muslim politician from Kathu, “Many people sell their land to outsiders. In ten years time, Kamala beach will be like Patong. The beach will be the place for business, the people will move to the foothills. Only the cemetery by the beach will show that the Muslims were once there”.

In the December 2004 tsunami, Kamala beach together with Patong, recorded most of the 279 victims who died on the Phuket coast. While the foreign-owned resorts in Patong are being recapitalized, the Kamala owners and other Thai owners of the small tourist chalets in Kamala have no money to rehabilitate their assets.

In July 2005, Kamala welcomed tourists back to its beaches by staging a Muslim food festival which highlighted the legend of Mahsuri as its performing arts attraction. This was the story that launched Kamala to fame when a few years earlier, a Kamala family was identified as the descendants of this heroine of Malaysian legend.

**MAHSURI IN LANGKAWI**

The second story in my paper, about Mahsuri, has its home in Langkawi, part of Kedah, Malaysia. To the Phuket people, Langkawi is “Koh Kawee”. A group of islands with dramatic limestone formations, Langkawi is populated with dream-like pre-Islamic myths about natural formations. The most famous legend, however, is the story of Mahsuri.

Although it involves historical personalities, some aspects of the legend border on the mystical. The legend itself was transmitted orally and only written down in modern times. In 1988, the Kedah Historical Society already reported more than 30 versions of the legend. (Hari Sastera Kedah, 1989)

Mahsuri was a commoner who married a noble, Wan Darus. When her husband was called away by the Sultan of Kedah, Mahsuri was accused of adultery. In the husband’s absence, Mahsuri was sentenced to death by the local chief. When Mahsuri was stabbed, witnesses saw white blood spurting forth from her body. The white blood was taken as proof of her innocence of crimes accused. With her dying breath, Mahsuri cursed Langkawi for seven generations.

Ironically, Langkawi, the island cursed by Mahsuri, is now exploiting her legend for tourism. Even her tomb has been turned into the centerpiece of a tourist complex. The Mahsuri complex, with Malay signage and tourism literature, is aimed primarily at conservative Malay tourists who flock in by the busloads. Centred on Mahsuri’s
the more orthodox families of Langkawi.

Siamese Muslims, now Thai-speaking, remain on the margins of the Muslim Southeast Asia; which Malaysians choose to define as the "Malay world". Differing cultural norms can result in misunderstandings. For Mahsuri, the price was death by execution. Mahsuri's people retreated back to Southern Thailand, a land with different founding myths and cultural ethos. There they continue to live on the periphery of the Malay-Muslim world.

THE YAYEE FAMILY IN KAMALA

From the Kamala side, a large clan claims descent from Mahsuri and Wan Darus. It is said that Mahsuri's son Wan Arkem (Achem) was brought back to Kamala where he married and had six children—two sons and four daughters. Their Thai-speaking descendants form six sub-clans in Kamala carry four different clan names—Yayee, Doomlak, Samerpurn and Sangwan.

Kamala is the home of Sirintra Yayee—the first seventh generation descendant of Mahsuri; discovered by the Kedah Historical Society in 1988. (Hari Sastera Kedah, 1989) In the year 2000, when Sirintra was 14, she was whisked away to Malaysia together with her 62 year-old grandfather Chern Yayee to meet the Malaysian Prime Minister Dr. Mahathir Mohamed. This appeared on the front page of many Thai as well as Malaysian newspapers; some articles noting the "strong resemblance" of 14 year-old Sirintra to the portraits of Mahsuri. (PG May 19, 2000) More recently, Sirintra was given a scholarship by Utusan Malaysia to attend the International Islamic University in Kuala Lumpur where she is pursuing a course in communications. Slightly bewildered, the 19 year-old Sirintra said to me, "It's great that they (the Malaysians) recognize and accept me, but sometimes I wonder why they did not accept her (Mahsuri)."

Sirintra Yayee was the star of the Halal Festival "Light-and-sound presentation: The story of legendary Muslim Princess Mahsuri" performed as the main highlight of the festival in Kamala. The "200 years old tragic legend of love, sacrifice, strong belief and curse by Princess Mahsuri, who once lived in the village of Kamala, Phuket, and then married the Prince of Langkawi in Malaysia", was introduced in the bilingual souvenir program. "The legend has recently re-surfaced in Kamala, where her seventh generation descendant Sirintra Yayee was born, to overcome the curse. The phenomenon creates deep cultural bonds between the two lands of Langkawi of Malaysia and Phuket of Thailand."

While Mahsuri is the main symbol for Langkawi, her
legend is unlikely to achieve similar prominence in Phuket. Nevertheless, it has the potential of becoming an identifying legend for the larger Thai Muslim community in Phuket—in tourism literature, at least. And as Phuket still lacks any monument representing Thai Muslim heritage, the proposed Mahsuri Museum—most likely located in the vicinity of FantaSea—is likely to become the island’s main Thai Muslim cultural attraction.

The Mahsuri legend is an asset to the Thai Muslims and the Phuket tourism industry. The romantic story of Mahsuri, a beautiful woman, a victim of slander and injustice, draws the sympathy of its audience—whether Muslims, Buddhists or foreigners. It shows a different face of the Thai Muslims, completely in contrast to the hard stereotype of Islamic militants that has been blown up in the media after 9/11 and that is now associated with the conflict in Southern Thailand.

**HALAL FOOD, HILAL TOWN**

The Halal Food, Hilal Town Festival mentioned earlier was publicized by the Tourism Authority of Thailand thus: “To promote greater awareness of the island’s cultural diversity and rich cultural heritage, the Phuket Provincial Administration Organization presents ‘Halal Food Hilal Town’—a cultural showcase of Thai-Muslim art and culture, customs and traditions, folklore and way of life.”

Held in Kamala from July 28 to August 1, 2005, the festival opened with the release of 39 doves symbolizing the wish for peace in the South. The main draw of the festival was a food fair offering “delicious halal food prepared the Muslim way”. The festival offered the rare opportunity to see a whole range of Muslim and Malay performing arts such as Likay Ulu, a Thai version of Dhikir Barat presented by the Kempulan Bungayaran from Pattani, Silat Gayong from Krabi, and Wayang Kulit from Nakhon Si Thammarat. Ronggeng was performed by a group of mature *Orang Laut* women from Koh Siroy; and *lekia* (Malay) or *khun ple* (Thai), a supplication accompanied by drumming for month-old infants, was performed by a group of elderly men from Bang Tao—the last of Phuket’s Lekia groups.

“As Islamic culture is not only Arabic, we have our own traditional ‘Thai Muslim culture’, said Khun Charoen Thinkohokeow, Muslim advisor to the provincial government who was mainly responsible for sourcing the wide range of groups for the festival. Khun Charoen is also the broadcaster of city radio FM 94 and advisor of Phuket’s Muslim Wittaya School.

As for the Islamic groups that performed at the festival, they are not linked to South Thailand at all; but to Malaysia. The *nasyid* [an Islamic-oriented song] girls and *kompang* [a shallow frame drum] boys from Islam Phattanah were from the “Thai branch of Malaysian Mawaddah”. The latter is a subsidiary Rufenqa, the reformed and reconstituted corporation of the Al-Arqam group that was previously banned by the Malaysian government.

The festival was given an allocation of five to six million Thai baht by the Phuket Provincial Government, whose chief executive, Khun Anchalee, articulated the festival’s objectives—to aid in Kamala’s recovery, to open up the Middle Eastern tourism market and to show the world that the Thai-Muslims can live peacefully with the Thai-Buddhists and foreign nationalities.

The Halal Food Festival would work towards resolving the food issue. “Middle Eastern tourists doubt whether Phuket halal food is really halal or mashboob (questionable),” explained Khun Charoen. The Halal Science Center of Chulalongkorn University was called in to train the food providers. Presumably, if the Arabs could be satisfied, other Muslim tourists like Malaysians and Indonesians would have confidence in Phuket’s halal credentials as well.

Apart from the professed justifications for the festival, other things were going on. The festival was declared open by the Privy Councillor General Surayud Chulanont. Organized with the machinery of the Democrat-controlled provincial government, The Halal Festival provided a forum for Democrat leaders, including former Prime Minister of Thailand and Khun Suthep Tuaksubhand, Secretary-General of the Democrat Party and MP of Suratthani, to address a predominantly Muslim audience who came from all over the South.

Hailing from Trang, the veteran Democrat leader Leekpai has been called “the political idol of Southerners”. Speaking at the festival, Leekpai was generally critical of his Thaksin’s hardline policies which have led to deteriorating Muslim-Buddhist relations in the South. He mentioned having recently visited a *wat* in Kelantan where ethnic Thai Buddhists told him that they had no problems with the Malay Muslims in Malaysia. This was a message for the Muslim South; not for the no-show Middle Eastern tourists.

The Thai Muslims of Phuket face identity questions as a minority in a majority Buddhist nation, as a Thai-speaking minority in a region where most Muslims speak...
Malay or Indonesian, and as Muslims who are increasingly engaged in the business of beach tourism.

Laid back as they are, those living in Kamala and other tourist beaches cannot help but feel the conflict of two opposing moral forces; firstly, the trend of Arabization and conservative conformity which is sweeping the Islamic world, and secondly, the modernizing and liberalizing influence of the somewhat decadent tourism industry.

The staging of the “Halal Food, Hilal Town” Festival (in Arabic, Makolat Al-Halal, Madinah Al-Hilal, the latter meaning, “crescent town”) allowed Kamala Muslims and the provincial government to imagine what it would be like if Kamala indeed were a zone for halal food and Muslim tourists. Perhaps, there is no alternative to a tourism-dependent economy but there could still be a substitute for the hedonistic type of farang (foreign) tourists that patronize Patong’s nightlife—although this possibility seems remote at present.

THE OVERSEAS CHINESE IN BRITISH PENANG

The Phuket Baba Chinese identity has its roots in Penang. The initial Chinese male migrants formed unions with local women. Their children were indigenized Chinese—the men were called Baba and the women Nyonya.

Phuket had a significant Chinese population even in the 17th century involved in mining and smelting tin. [Skinner: 1962 (1957), 19, 386] More than a decade after the Burmese invasion, Phuket was left with a population of 5,000 people—mostly Siamese. In 1824, Siam was pressured to sign a treaty giving the British unrestricted access to the tin trade in Phuket. The Chinese from Penang start streaming into Phuket to exploit the tin. In the 1840s, global demand boomed as a result of the invention of tin-plating stimulating a tin rush in Phuket. The Bowring Treaty signed in 1855 guaranteed extra-territorial rights to British subjects and further opened up Siam for trade.

In her famous book, “Family and State: The Formation of a Sino-Thai Tin-Mining Dynasty Sino-Thai Family”, Jennifer Cushman describes how the Khaw family played the role of bureaucrat-capitalist serving as the King’s courtiers, administrators of the western seaboard of Southern Thailand, while at the same time enriching themselves and building their own financial empire in Southern Thailand; with headquarters in Penang.

Khaw Sim Bee’s father Khaw Soo Cheang was a tin miner and tax farmer in Ranong; a town strategically located on the Thai-Burmese border. He and his sons became governors of Ranong and were bestowed a noble family name “Na Ranong”. In the process of modernizing the Thai administration, Prince Damrong increasingly relied on the Khaw family to govern a number of provinces in Southern Thailand. They were successful in raising capital from the Straits Settlements and adept in developing towns, administrative systems and judiciary using British colonial models.

In 1890, Khaw Sim Bee was made governor of Trang. His improvements to Trang so impressed Bangkok that in 1900 he was made Royal Commissioner of Monthon Phuket, comprising seven provinces; with the title Phrya Rassadanupradis Mahasirapakdee which means “the perpetual town-builder”.

Without any funds from Bangkok, Khaw was asked to develop Phuket into the main port for the southwestern seaboard and a modern town which could inspire confidence among Western and Chinese investors. He did so by giving a concession to Tongkah Harbour Dredging; in return for funds to improve the roads, de-silt the canals and build a new provincial office. Khaw Sim Bee introduced rubber as a crop, which became an important export commodity in the southern provinces after 1907.

Khaw Sim Bee modeled Phuket after Penang and developed a Penang-style town with shop houses and five-footways. Phuket’s first modern police station, bank, hospital, courthouse and school were built during his time. He modernized the police force and law enforcement to keep order in the town and mining frontier.

During the visit of the Crown Prince (later to become King Rama VI) in 1909, it was observed that apart from Bangkok, there were no other places in Siam more highly developed than Phuket. Evidence for this was the many novelties and amenities in Phuket such as the Chinese theater, the ice-factory, the brewery, rickshaws and horse-carriages, and the four motor-cars. The market-streets were full of the Chinese people in and around the town of two-floor shop houses; and beyond this lively marketplace were some attractive villas. (Dosadee, 1994)

Khaw Sim Bee was assassinated in 1913 and his sudden death sealed his greatness for all time in the memory of the Phuket Chinese. Regarded as the father of modern Phuket, the figure of “Phrya Rassada” has taken on a near mythical status as stories about the great man were transmitted from generation to generation.
KHAW SIM BEE AND MODERN PHUKET

In the movement to revive the old town, a considerable amount of Thai-language materials which promote Phuket town’s Sino-Portuguese architecture and Baba heritage, are being produced. These materials are targeted at Thais and Sino-Thais in particular. Khaw Sim Bee is prominently featured as the founder of the old town and the official picture of this portly gentleman with decorations from the King is usually shown. Prince Damrong’s historical narratives featuring Khaw Sim Bee as one of the “great personalities” of Thailand helps readers make the link with Thai history. A Thai guidebook summarizes his personality as “an exemplary administrator who steered Phuket toward prosperity”.

Khaw Sim Bee is upheld as a Renaissance man and a role model for Phuket people in the era of tourism and globalization. As Chaiyos Prindabrab, editor of Phuket Bulletin put it, “Khaw Sim Bee was an overseas Chinese, yet he knew how to make the Siamese King, the foreigner, and his own people happy. He managed to draw power from Bangkok, technology and capital from the foreigner, and hard work from the Chinese—the best of Thai, European and Chinese culture is a very strong combination indeed to lay the foundation of Phuket”. Chaiyos is promoting Khaw Sim Bee as a local hero because “without a local hero, the city will not awaken”.

PHUKET, PENANG AND BANGKOK

The year 1913, when Khaw Sim Bee died, was the year when the Chinese in Thailand had to register Thai names. Initially, many local-born Baba still registered themselves as Chinese to avoid conscription as Siamese into the police force.

Tin-mining in Phuket was in the hands of the Hokkien Chinese. The wealthiest of them earned titles for public contributions such as temples, schools and other public infrastructure. Most Phuket aristocrats of that period were Hokkien Chinese who happened to have the surname Tan. The Phuket “aristocracy” was sealed after the 1933 constitutional reforms.

Unlike the Teochew jao sua or prominent merchant families in Bangkok, they did not intermarry with Thai nobles and hardly cultivated Thai-style cultural refinements. Instead, they built lavish villas around Phuket town and styled themselves in a Western fashion, like their cousins in Penang. Their children were flamboyant in a modern way. To quote Pranee Sakulpipatana, “If you read Thai novels, the hero of the story is usually a Thai noble or a rich Phuket tin-miner’s son with a flashy lifestyle.”

The source of Phuket’s modernity was Penang. Due to relatively shorter travelling distances, the development of Phuket was more strongly influenced by Penang than by Bangkok. Land travel even to Haadyai was discouraged by bad roads through bandit-ridden country. About fifty years ago, Phuket people still preferred to take a steamship to Penang in order to get on the train to Bangkok; Penang was Phuket’s gateway to the world.

Phuket Chinese continually renewed their cultural relationship to Penang through arranged marriages with Penang families and by sending their children to schools like St. Xavier’s Institution, Convent Light Street and Chung Ling in Penang. Phuket businessmen frequently went to Penang on business trips while their wives indulged in shopping sprees at the department store “Whiteaways”.

Phuket sent tin and rubber to Penang for re-export while importing machinery, spare parts and consumer items. This relationship lasted until Penang lost its free port status in 1969; at that time Phuket’s connections with Bangkok were well-established. The last manifestation of the old relationship is the Nganthawee family business empire which straddles Penang and Phuket. (Wong, 2003)

During and immediately after the war, Thai Teochew merchants took the opportunity to extend their trading networks into the south.

State tolerance of Chinese culture was often measured by its policy towards Chinese language education. Hua Boon, a Chinese school established in 1911, was the precursor of Thai Hua School, the oldest Chinese school in Thailand today. Mandarin and Thai language were taught using the Hokkien vernacular as the medium of instruction. Hua Boon was forced to close down in 1942 but later re-emerged as Chong Hwa, amalgamating two other local Chinese schools, Seong Teik and Yok Eng. Around 1953, to appease Thai fears of the spread of Communism, the school was forced to change its name to Thai Hua School to demonstrate their loyalty to Thailand.

Chinese migration to Thailand ceased in 1949 and the tin-mining labor force was filled by Isan people from the poverty-stricken north eastern region of Thailand. Retrospective estimates put the proportion of Chinese in Phuket, before the arrival of the Isan, as high as 70% of Chinese descent including 10% China-born. In the late 1950s, about two-fifths of miners were Hokkien speakers, while Thai participation was increasing. [Skinner: 1962 (1957), 351]
THE TOURISM AND DEVELOPMENT ERA

The first modern hotel was built in Phuket town in the 1960s. Beach tourism, on the other side of Phuket was introduced around 1970, initially to Western backpackers. The growth of tourism coincided with the decline of mining which began in 1972. The miners had a last bonanza with the sale of tantalum, a by-product of tin-smelting used in the electronics industry before tin-mining finally collapsed in the mid-1980s.

From then on, the Phuket economy has focused entirely on tourism. Dubbed the “Pearl of the Andaman Sea”, Phuket is today one of the world’s top tourist resorts. Tourism ushered Western culture, credit, modern facilities and modern technology into a provincial town. The tourist trade, a large expatriate community and rising local affluence, have stimulated a property and consumer boom, which in turn supports an active local media and advertising industry. All these are major catalysts for change.

In the aftermath of the 1997 financial crisis, thousands left Bangkok for Phuket, whether to look for jobs or to flee their creditors. At the same time, Thailand opened up its economy to direct foreign investment. In the last few years, giant “retail developers” such Central, Tesco Lotus and Makro, have set up big stores in central Phuket. Local wholesale and retail businesses are being edged out of the scene.

Some of the old tin-mining and trading families diversified and flourished. Riding on the tourism and property boom, former tin-mining families converted their former mining land into real estate for hotels, resorts, housing developments and shopping malls. Among Asian resorts, Phuket has one of the hottest property markets. An inordinate proportion of these are high-end homes, such as “luxury villas with private swimming pools”, targeted at wealthy foreigners. Phuket locals are making money from it but feel the encroachment. “One day Phuket will be owned by the farang.”

The game of property development is now seeing intense competition among Western foreigners (with Thai wives), Bangkok Chinese, and Phuket Baba capitalists. An interesting phenomenon is how the Thai Chinese are using “Sino-Portuguese” architecture to differentiate their products from others, in up-market developments primarily targeted at wealthy Thais rather than foreigners. While this post-modern trend might have been started by the Thai Chinese in Bangkok, the idea has caught on with Phuket developers. The revival of “Sino-Portuguese style” can be seen as a way in which Phuket Chinese have brought their Baba identity forward into contemporary economy, while competing with the foreigners in the re-colonization of Phuket.

In 2004, Phuket’s tourism economy could be described as “over-developed” with over 500 hotels offering a total of 30,000 rooms, competing for an annual three million tourists. (www.phuketbiznews.com) Tourist money is supposed to trickle down to thousands of small businesses and transport operators. Phuket tourism reached its peak just before the disastrous tsunami in December 2004. The subsequent slowdown left many new businesses stranded.

Phuket’s prosperity has not been without a price. Khun Tira Kienpotiramard who started the first travel agency in Phuket in 1970 says he opened the door to tourism “but could not control the way tourism developed.” He complains that Phuket is not as safe as before, particularly in the town outskirts because of the many strangers, particularly unregistered Thai migrants and illegal Burmese workers. Furthermore, he regrets that Phuket’s environment has been “significantly damaged” by tourist development.

Amidst the rapidly changing social and cultural landscape, the champions of Baba identity have staked out their territory in historic center of Phuket City.

CONSERVING THE OLD TOWN

In the past, the study of Thai architecture tended to be concerned with essentializing the Thai house rather than mapping out different architectures in Thailand. Phuket’s townscape was largely ignored in representations of “Thai architecture”. Only in the last twenty years, with recognition by the Association of Siamese Architects and the National Cultural Committee, have more Thai people come to understand and appreciate the Phuket townscape.

Ironically enough, the popularization of Phuket urban architecture has its origins in a misnomer, initially used by architects. The term “Sino-Portuguese” is commonly applied to the Phuket architecture although the built form was actually trans-located from the British Straits Settlements. Attributed with coining the term “Sino-Portuguese” is big-name Thai architect Sumet Jumsai, who apparently borrowed it from Macau, where his wife comes from.

Although somewhat misleading, the term has its charm. After all, it was the Portuguese who first introduced European cultural influence, as well as terracotta brick-making and tile-making to Southeast Asia. Portuguese colonialism, being more historically remote than the
French, British or Dutch, is less menacing. The Chinese element in “Sino-Portuguese” is more comfortable than if re-phrased as “Portu-Chinese”, for example. The British Straits Settlements is an alien idea to most Thais and not easily pronounceable by the Thai or Chinese tongue. So, for the time being, we are back to “Sino-Portuguese”.

In the last two decades, development agencies, academia and the Phuket Municipality have collaborated to set the stage for the revitalization of the old town. A vital impetus was provided by the work of Dr. Yongthanit Pimonsathean, a young lecturer from KIMTL from 1997 to 2002.

The old town was declared “conservation of cultural heritage zone” by the Office of Environmental Policy and Planning of the National Environment Board. In the Phuket Municipality Development Plan of 2004, the conservation area consists of 19 rai (about 0.5 square kilometres) of the town center.

The core of historic Phuket consists of eight streets of shop houses most built between the late 19th century and the mid-20th century. Thalang Road, the main street with 141 shop houses, continues on an axis with Krabi Road. In close proximity are the villas, originally in the suburbs but since engulfed by urban expansion. Two old Thai temples Wat Kachon (Kajorn) and Wat Puttamonkon (Kallang) and their schools are located to the south and north of the old town, respectively.

After a few positive renovations had been jointly undertaken, the spirit of cooperation between house owners and the municipality was cemented by organizing the Old Phuket Town Festival, staged for the first time in December 1998. The Thai Hua school hall, the main venue of the community forums, also housed the exhibition on Baba culture and lifestyle. Now held annually, the Phuket Old Town Festival showcases the unique heritage of the Phuket Baba in the old town promoting its “Sino-Portuguese” architecture, food, performing arts, dress and lifestyle. During the three-day festival, Thalang Road is closed to transport to stage a night bazaar and procession attracting thousands of locals and tourists. The Old Phuket Foundation (OPF) was formed in 2003 to spearhead conservation initiatives jointly supported by government, business sector, and community.

THE OLD TOWN MOVEMENT

The special qualities of Old Phuket created an extraordinary sense of belonging for those who grew up there. The best schools in Phuket were located around Phuket town. Thailand’s oldest bookstore, Seng Ho, started in Thalang Road in 1925. Many sons and daughters of tin-miners and shopkeepers who grew up in the Thalang Road-Krabi Road neighborhood are now in positions of considerable influence in the Phuket community.

The City Hall, the Old Phuket Festival and the Old Phuket Foundation project are part of a common movement that aspires to bring back the glory of the old town. Collectively, they represent a phenomenon which could be called the “old town movement”.

There are several, largely overlapping, agenda in the old town movement. As described earlier, it began with the movement for “Sino-Portuguese” architectural heritage and urban conservation. Ownership of this mission now resides with the City Hall and the Old Phuket Foundation.

The second agenda is the movement for Chinese identity, culture and language. The main proponents are the Mandarin-speaking alumni of Thai Hua School. Like their counterparts throughout Southeast Asia, more Thai-speaking Chinese in Phuket are sending their children to Chinese school. The adults are also learning Chinese through private tuition. The alumni have a long-term goal to turn Thai Hua School into a museum on the Sino-Thai heritage of Phuket.

The third agenda is the movement for Baba identity and culture, usually championed by those from the older, more indigenized families who may still speak Hokkien and English, but not Mandarin. The Baba stress their Phuket dialect and Hokkien vernacular as well as the indigenized customs and localized identity of the Phuket Baba. The Old Phuket Festival is a display of difference and indigenousness. “Look at our customs, dress and desserts, you won’t find them in China.”

Some Baba customs are Chinese; many similar to those of the Penang Baba but others uniquely Phuket—a local fusion between Phuket Hokkien and Southern Thai. The old town is seen as the heartland of the Phuket Baba where Baba culture and way of life flourished.

A driving force behind the revitalization of Phuket Baba culture is Adjarn Praneet Sakulpitapata, assistant professor at the Phuket Rajabhat University, who helped build up the Phuket Cultural Center. In 2001, she made her first trip to Penang to research the history of Khaw Sim Bee. Since then, she has been organizing delegations from Phuket to attend the annual Baba conventions which are held in Singapore, Malacca and Penang on a rotating basis. She is also lobbying the national government to recognize the Phuket Baba lobby.
as a Thai cultural minority.

If initially the cultural activists were unsure about how a display of Baba and Chinese culture would go down with the Thai society, their doubts have been dispelled with the popularity of the festival among Thai Chinese, ethnic Thais and tourists. The current climate of cultural liberalization under the Thaksin government, for the Thai Chinese at least, encouraged the organisers to re-schedule the seventh Old Phuket Town Festival to coincide with Chinese New Year period in February 2005, with special attractions such as New Year foods, dragon dance and Chinese opera.

The old town is no longer the commercial center of Phuket, although people still come to Thalang Road for textiles, beddings, jewellery, food and medical services. “We have to keep the community alive; if not, one day they will sell the house and move away,” remarked Dr. Prasit, the former head of the Phuket provincial government who grew up on Krabi Road. He feels that economic revitalization is necessary to sustain the old town. With the “Walking Street” project it is hoped that the old town will finally get some direct benefits from Phuket’s tourism industry. “If we don’t start something now, we may lose a historical opportunity”.

With post-tsunami funds allocated to speed up Phuket’s economic recovery, the Phuket Cultural Street Revitalization Festival was the grandest street festival so far. Held every night during the weekends from 23 September to 6 November 2005, it was organized by the Office of the National Culture Commission with the cooperation of the Phuket Provincial Administrative Organization, the Phuket Municipality, the Phuket Rajabhat University, the Hokkien Association of Phuket and the Phuket Old Town Foundation.

Cultural shows were staged simultaneously in a number of locations, particularly along Thalang Road and Krabi Road. Certain private houses were opened to the public. The festival highlighted Baba culture but also presented the sea-gypsies (Orang Laut), local and international visual and performing artists. Other events included a Baba seminar involving three Malaysian speakers and a mass Baba wedding participated by 48 bridal couples.

The festival coincided with the nine-day religious celebrations, the Vegetarian Festival, featuring a daily Nine Emperor Gods procession which presented an impressive public spectacle.

Deputy Secretary-General, Ministry of Culture, Office of the National Culture Commission, Khun Somchai Seanglai, oversaw the planning of the event. Himself of Chinese descent from Trang, he was of the view that, “As local culture is important for tourism, Baba culture is very important for value creation in Phuket.”

CULTURAL TOURISM

Phuket developed as an international tourist hub around 1970 partly because it already had an urban economy, educated workers, transport infrastructure, utilities and services to support the five-star hotels. The island was pictured as though it was miles away from civilization, whereas in fact, a major town was just on the other side of the island. In tourism material, Phuket people blended into the tourist scenery as “smiling, friendly islanders”.

Most foreign tourists come to Phuket, stay in Western-style hotels and enjoy seafood and Western cuisine. The more culturally curious prefer Thai food and “Thai-style” accommodation. They naturally imagine that Thai is Phuket and Phuket is Thai, not realising that Phuket food, culture and architecture is nothing like Thai food, culture and architecture.

This illusion is maintained because the beach hotels are also largely staffed by managers, chefs, waitresses and masseurs from Bangkok or Isan. Even expatriates who live for years in Phuket confine their experiences to international schools, shopping malls and restaurants; and as such, are wrapped up in their own world, hardly venturing into Phuket town.

The Thais who work in the Phuket beach hotels call old Phuket a “Chinese town”, implying that it is a town of immigrants with alien loyalties. But for the Phuket Baba, who see themselves as locals, it is the northern Thais who are new comers who come only to make money to send it back to Bangkok or some northern hometown.

“Phuket is like a full tiger,” said a young accountant. “We see all the hungry dogs coming and digging gold in Phuket. But we are still calm. Although we can buy anything in Phuket now, I don’t feel comfortable anymore, it has become just like Bangkok. This is not right, we must do something.”

As more Northerners move down to Phuket, the northern perception becomes more mainstream. Phuket Babas start to feel isolated in their own island of meaning, as Phuket is being redefined by others. They are faced daily with the superficial and artificial portrayals of Phuket by the tourist media.
More recently, a new interest in local cultures has facilitated a paradigm shift in the thinking about Thai Southerners, from a negative image of being people without culture—that is, people who lack “Thai culture” to a positive image of people with local cultures to be “discovered”.

It is worth noting that the impetus for cultural tourism in Phuket is coming not from the tourism trade or the expatriate population but from the Phuket locals themselves. Educated Phuket Baba who had travelled abroad began to appreciate their own culture anew and thought of promoting their culture to the readymade tourist market.

The late Khun Pracha Tandavanitj, custodian of the Pithak Chinpraca House, is a pioneer of cultural tourism. He started showing his house in the 1980s and has kept it open daily since about 10 years ago. He said he got the idea after visiting historic houses in Britain. “Phuket culture is unique”, he thought, “If Chiangmai can attract tourists with its local cultures, why not Phuket?”

In contrast to the standard representations of Phuket by the tourism industry, the Phuket Baba wants to promote Thalang Road as the heart of the “Real Phuket”; meaning the Baba culture of the tin-mining days, although the definition can be more socially inclusive if need be.

For them, cultural tourism is not just an economic strategy to sustain cultural revival, but also a means to re-stage the Baba identity and project it to a larger audience, including the younger Phuket Baba, foreign tourists, expatriates, other Thais and the powers-that-be in Bangkok.

CONCLUSION

In relation to the focus of most current studies related to Thai Chinese and Thai Muslims, Phuket society is atypical. The Hokkien Baba are minorities among the predominantly Teochew Thai Chinese, whereas the Thai-speaking Muslims are marginal among the Malay-speaking Muslims, who are the main interpreters of the religion. Both groups feel more solidarity with other Southerners than with Bangkok, and this is also reflected in the tendency for Southerners, whether Muslim or Buddhist, to vote Democrat over Thai Rak Thai.

Identity is not just cultural but also political as it translates into group identity, belonging, ownership, entitlements, territory and legitimacy. In order to survive the cultural hegemony of the nation-state, the Thai Chinese and Thai Malay-Muslims have resiliently exerted their cultural identity within a safe political space, which shrinks and expands according to central policies. In the case of Phuket, the limits of social discourse are increasingly stretched to accommodate tourism, and the new champions of culture and ethnicity also take advantage of the liberalized space to articulate their identities, in the name of cultural diversity.

In the latest developments, crisis has produced opportunity. In the age of cultural tourism, the Thai Muslims and Phuket Baba are now valued contributors to the economic recovery of Phuket. Furthermore, the conflict in the South has enhanced the Phuket Muslims’ position as an ally for the Democrat government.

Phuket locals, who have for the last two or three decades participated in the business of re-imagining Phuket for the farang [Westerner], now want to re-imagine Phuket in a way which is meaningful for themselves. Since most tourists come for beaches and Patong nightlife, cultural tourism like eco-tourism will at most be a niche market within the Phuket tourism industry, but it may be enough to sustain cultural revival and support cultural empowerment. Opportunities for cultural staging help community groups to strengthen group identity, build networks, and emerge as dynamic players in the cultural tourism industry.

While tourism offers economic resources and impetus for cultural revival, it can also lead to commercialization. What is presented to tourists may be lacking “authenticity”, facetious or downright false. Yet, it is precisely the unexacting domain of made-for-tourism narratives as opposed to that of carefully presented state narratives that alternative interpretations, ranging from serious historical re-examinations to cultural fantasies, are allowed to flourish.

At the grassroots level, communities and cultural groups tend to react to social change and globalization in two ways. The first is by intensifying ethnicity, or re-ethnification, facilitated by the media, travel and internet technology. This is often experienced subjectively as a discovery of one’s identity, origins, and roots. The second is by intensifying religious practice; the popular trend towards Islamization and the flourishing of the Nine Emperor Gods festival are two manifestations. Both are ways to affirm one’s place as a part of a larger social grouping.

The arbitrariness of the Thai-Malaysian border,
encapsulated in the phrase, “One Peninsula, Two Nationalities”, has been the subject of border studies. Border communities are likely to perceive borders as zones of linkage rather than zones of division. For the Phuket Baba and Thai Muslims, the attempt to revive trans-boundary connections with their lost cousins across the border is one way of asserting their Southern identity and cultural affinities against the tide of homogenizing Thai-ification.

Culturally marginalised groups strive to resolve the conflict of identities and promote the centrality of the community, its social memory and historical narratives. Their efforts can be enhanced by scholarly work. Researchers from both Thailand and Malaysia can collaborate to document “cousin communities” in provincial border regions and support the cultural survival of these communities while helping authorities come to terms with cultural diversity among their own populations. Cultural approaches to peace-building are important to bring peace and sense of belonging to communities which have been too long been marginalised by the nation-state.

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INTRODUCTION

Southeast Asia is one of the richest regions in the world in terms of its varied human ecosystems. The diversity of cultural groups combined with one of the world’s richest genetic pools and biodiversity resulted in a multiplicity of forest-use systems. The major mainland rivers and watersheds, as well as the entire archipelago of the region are carpeted with dense tropical rain forest.

Most of Southeast Asia’s forestland was placed under state control and managed during the nineteenth and twentieth centuries, largely dictated by the European colonial administrations of the era. The process of land nationalization was sequential and multi-faceted, involving the formulation of laws and policies to legitimize the state property regime and the development of bureaucratic institutions created to implement claims of governments. Western concepts of nature preservation, silviculture, and industrial forestry provided a scientific basis for developing management goals and mechanisms for administering newly demarcated public forestlands.

It is a legal fact that customary rights of the indigenous forest management system practiced by hilltribe communities and forest-dependent people for years and generations, such as long rotation swidden agriculture, agro-forestry, hunting and gathering regimes, often found little or no recognition, even ignored, in these new systems of land tenure and forest laws as they were based on European concepts of land ownership; reflecting very different modes of production and legal traditions. (Fox, 1993)

In one hand, a discourse of state forestry was established drawing on constitutions, laws and other legislations that largely ignored and rejected local climes to forest lands and access to forest resources. This was based on a growing body of decrees, regulations, codes, and other government declarations that reinforced de jure rights of the state vested through national constitutions and agrarian laws. But, on the other hand, in many cases local communities continued to be de facto users and managers of forests, until the state or other entities authorized by the government, usually state forest enterprises or private sector corporations, began exploiting the resources. When tensions, conflicts or confrontations between state and local people occurred, the former almost always ignored and prevailed, although resistance often continued in the form of guerilla activities, sabotage, petty theft and arson. (Peluso, 1992; Poffenberger, 1999)

It is estimated that in Southeast Asia region, there are around 80 to 100 million indigenous and hill tribe people who reside on land classified as state forest. Moreover, there are an additional 200 million rural residents who are in varying degrees dependent on forest resources and products for their survival. Traditional tenure systems employed by indigenous people on forest lands and access to forest resources have been the primary mechanism for allocating natural forest resources among the local people. This customary tenure practices continue to guide communal resource management, despite the absence of formal recognition for thousands of years. These community-based tenure systems draw their legitimacy from the indigenous people as forest dwellers and forest-dependent peoples. (Poffenberger: 1999, 4)

Southeast Asian countries are challenged by the great differences between government forest and land laws and customary tenure traditions and regimes. The presence of many forest dwellers is still not acknowledged by most national laws and bureaucrats that possess legal jurisdiction and control over land and forest resources. In this condition, forest dwellers are always indiscriminately labeled as destroyers of forest resources. They are usually considered to be squatters illegally using state-owned resources. Thus, tens of millions of indigenous people residing in and around forest zones live under a constant threat of being arbitrarily displaced, politically ignored, and economically marginalized. (Lynch: 1993, 28)

It has been observed that in many existing cases, state laws and regulations tend to dominate and ignore indigenous laws and traditions with regard to forest lands use and access to forest resources employed for generations. The indiscriminate legal labeling of forest resources as public forest has effectively created “open access” situations that undermine community-based tenure encourage legal and illegal use and extraction of natural resources, and promote migration and greater population density in ecologically fragile areas. (Lynch, 1995)
At the same time, natural resource bureaucrats in most national and state governments in the name of development and progress exercise an exclusive legal authority to grant rights to the outsiders engaged in capital-intensive commercial-extraction endeavors by ignoring rights of forest-dependent communities and indigenous people who living within the forests for generations. Consequently, they were considered as victims of state-based forestry management that practiced by the governments, with the sole economical purpose of improving state revenues, in the name of development. (Bodley, 1990)

Since the late 1970s, forest-dependent communities and indigenous people have received an increasing attention from national governments and international donor agencies. The World Bank and other development agencies began to support social forestry policies and poverty alleviation programs in Southeast Asia region. Over the past decade, however, public forest policies and legislations have begun to change. In the Philippines, Malaysia and Thailand, for examples, began to establish policy and legal mechanisms to serve respect and recognition for the rights of upland and forest-dependent communities, particularly indigenous people who have been living within the forests for generations.

The most important recent change and development in national forest policy as a system of interrelated elements which establishes a form in which the government desires to implements a form its forestry program and influences or controls its people in the use of state forest resources is the integrated community forestry. In this respect, community forestry can be defined as any situation which intimately involves the local people in a forestry activity. The concept embraces a range of situations: establishing woodlots in areas which are short of wood and other forest products for local needs; growing trees at the farm level to provide a cash crop; processing trees and tree products at the farm level to provide food and income; generating income by providing products for artisans or small industries, etc. (FAO, 1978) The community forestry programs, therefore, are associated with growing trees for the benefit of the people in the immediate vicinity and envisage increasing productivity and raising village income. In totally the program offers a tree-based environment – an environment for land transformation, an environment for production, and an environment for strengthening the local economy and increasing employment opportunities. (Bhargava, 1993)

RESEARCH METHODOLOGY AND TECHNIQUES

Thailand

The normative study of law in Thailand was carried out in July 2004 by employing legal anthropology method; namely ideological and descriptive methods. For the ideological method, constitution, policies, laws and regulations, included research reports and other relevant documentary data with regard to state forestry control and management were collected from the Department of Forestry, Department of Home Affairs, libraries of Faculty of Law, Faculty of Forestry, Regional Community Forestry Training Centre (RECOFT) for Asia and the Pacific at Kasertsat University, and other related institutions in Thailand.

For the descriptive method, short observation were done in and around community forestry sites in northern Thailand, especially in Chiang Mai Province, in order to understand the life and daily activities of the indigenous people in the region. Interviews were conducted to obtaining primary data from forestry officials, foresters and forest guards in the Chiang Dao District, NGOs, academic lawyers, community forestry specialists and foresters. The Regional Centre for Social Sciences and Sustainable Development (RCSD) of Chiang Mai University was visited to obtain relevant information regarding community forestry locations in the region. A professional interpreter was hired to assist me in the field.

I spent the first two weeks in Bangkok conducting library research at the Central Library Chulalongkorn University, Centre for Social Development Studies (CSDS), National Human Rights Commission of Thailand (NHRC), Faculty of Law Thammasat University and Chulalongkorn University, Regional Community Forestry Training Centre (RECOFT), UN-FAO, Kasertsat University central library, and Foundation for Ecological Recovery (FER). I also discussed with Dr. Somsak Sukwong (RECOFT), Dr. Kritsada Boonchai (FER), Prof. Surichai Wun’Gaeo (CSDS) and Prof. Saneh Chamarik (NHRC).

For the third and fourth weeks, I did secondary data research in Chiang Mai University, Regional Centre of Social Science and Sustainable Development (RCSD), Southeast Asia Rivers Network (SEARIN), and Inter-Mountain Peoples Education and Culture in Thailand Association (IMPECT). At the University of Chiang Mai, I discussed with Prof. Anan Ganjanapan (Faculty of Social Sciences), Dr. Chayan Vaddhanaphuti (Director...
of RCSD), Dr. Chainarong Sretthachau (Director SEARIN) Prof. Somchai Preechasinlapakun and Dr. Nuthanun (Law Division Faculty of Social Science Faculty). With the help of Prof. Somchai, I participated in the Seminar of Community Rights: Constitutional Rights or Community’s Dream co-organized by Law Division Chiang Mai University and Konrad-Adenauer-Stiftung Foundation on July 23, 2004 at Amity Green Hill Hotel, Chiang Mai.

I did observations at the National Park and Wildlife Sanctuary in Chiang Dao and Loom Nam Karn watershed in Samoeng District. I gathered information regarding the Chiang Dao National Park and Wildlife Sanctuary in Mena Forest Sub-District Office in Chiang Dao. I also visited the Palaung hilltribe in the village of Pang Deng Nok, Chiang Dao District and the Karen hilltribe in Mae Toe Village in Samoeng District.

Malaysia

The documentary data collection was carried out in August 2004 with the help of the API Malaysia, Program Coordinator and staff, and Colin Nicholas. I was fortunate to attend The 4th International Malaysian Studies Conference (MSCA) on 3-5 August at Universiti Kebangsaan Malaysia (UKM). I met academics and NGOs concerned with forest development and the struggle of orang asli (indigenous people of Peninsular Malaysia) such as Dr. Lim Hin Fui from Forest Research Institute Malaysia (FRIM), the author of Orang Asli, Forest and Development; Colin Nicholas of the Centre for Orang Asli Concern; Dr. Khoo K.J. Editor of Deforesting Malaysia, The Political Economy and Social Ecology of Agricultural Expansion and Commercial Logging; Prof. Kamal Halli Hasan, Dean Faculty of Law UKM; and Prof. Hood Salleh from Institute Alam Sekitar and Pembangunan (LESTARI) UKM.

The first two weeks was spent gathering documentary data including literature, articles, papers, research reports, policy and legislation with regard to forestry development, community forestry, and indigenous people (Orang Asli) in a number of libraries and institutions of UKM, University of Malaya (UM), FRIM, and Centre for Orang Asli Concern; as well as the Forestry Department Peninsular Malaysia, Forestry Information Centre, Department of Orang Asli AffairsKementerian Pembangunan Luar Bandar dan Wilayah Malaysia, Library JHEOA and Museum Orang Asli in Gombak.

I visited two Orang Asli communities in Peninsular Malaysia. The first community was in Sungai Lalong and Sungai Luy forest regions in Hulu Langat District of Selangor State; guided and assisted by Colin Nicholas and Yayan. I spent one day to observe the life of Orang Asli Semai in Kampung Tanjung Rambai, Hulu Langat District, Selangor - 90 km. from Kuala Lumpur. The second community was in Temengor forest region of Hulu Perak District, Perak State; supported by Dr. Lim Hin Fui from FRIM. It took about six hours drive from Kuala Lumpur to Ipoh and Gerik. The Perak Integrated Timber Complex (PITC) main office in Ipoh was visited to gain initial information regarding performance of forest concessionaires within the Temengor forest region, as well as conducting an interview with Tan Chin Tong (Chief Executive Officer of Perak ITC Sdn Bhd).

The research permit required in entering the reserved forest and in observing Orang Asli communities within the Temengor forest region was processed in the Gerik Jabatan Hutan Daerah (JHD) Hulu Perak and Department of Orang Asli Affairs (JHEOA) Hulu Perakwas. I took the opportunity to collect documentary data regarding forest development and the Orang Asli in the District of Hulu Perak at JHEOA Hulu Perak. The fieldtrip then continued in the Perak Integrated Timber Complex (PITC) concession within the Temengor forest region. The two Orang Asli Jahai communities in the region of Sungai Lirik and Sungai Salo were observed. With the help and support by the PITC, Dr. Lim and I were permitted to stay one night in the PTIC base-camp within the forest area close by the settlement of Orang Asli Sungai Salo.

The Philippines

The library research was conducted in September 2004 at the Institute of Philippine Culture, Rizal Library, Ateneo de Manila University School of Law library, and the University of the Philippines Main Library. The Philippine Forest Management Bureau (FMB) Department of Environment and Natural Resources (DENR) and the National Commission for Indigenous People (NCIP) of the Philippines were visited and observed to gather official data regarding indigenous people and forestry policies, laws and regulations.

Documentary data were also collected at the Tebtebba Foundation, Cordillera Studies Centre, Cordillera Research and Development Foundation, Saint Louis University library, University of the Philippine—Baguio library, and Baguio-Mountain Provinces Museum in Baguio City. I also visited and observed forestry management and the life of indigenous people in Mangaan Village of Banaue Municipality in Ifugao.
The depleted forests of Europe led colonial powers to increasingly depend on Asia for materials for ship repair and construction. The first forests set aside by Europeans were designated as sources of timber for boat building. By 1677, the Dutch were already negotiating contracts with Javanese rulers to secure access to rich teak forests in the northern coast. By the nineteenth century, commercial timber extraction was widespread. Burma and Thailand were being heavily logged for teak, and much of the lowland Philippines was intensely harvested from the 1850s on. In response to the uncontrolled logging, the Spanish colonial government established the first Philippine Forestry Bureau in 1863. By 1870, the island of Cebu was so badly deforested and eroded that the bureau banned logging. However, this resulted in the emergence of a black market in timber smuggling that the agency could not control.

In Thailand, modern forestry began in 1896 with the creation of the Royal Forest Department (RFD). Although Thailand was able to maintain its independence through the colonial period, King Chulalongkorn was concerned that European traders were depleting the teak forests in the country. British timber merchants operated freely throughout Thailand and Burma during the second half of the nineteenth century, bribing government officials to gain control of the concessions that were virtually unregulated. Much of the southern portions of Thailand and Burma were heavily logged during this period. In response, the King of Thailand hired H. Slade a British forester who had been based in colonial India to train Thai staff and establish a forestry department. Some Thai also studied at the Indian forestry school at Dehra Dun. Throughout the twentieth century, the countries of Southeast Asia continued to expand their technical forestry agencies; and in Thailand, these agencies enhanced the power of the central government at the cost of local territorial administrators. (Poffenberger, 1990; Lakanavichian, 2001)

In Indonesia, the Dutch colonial administrators brought German foresters in 1849 to establish a modern system of forest management; and in 1860, the governor-general formed a committee to formulate forest laws for Java and Madura of Indonesia. While governments succeeded in establishing forestry agencies and gained some control over forests in coastal areas and lowland plains, much of upland Southeast Asia and the interior of the Indonesian archipelago in particular remained outside and any effective government administration prior to World War II. Recognizing the vast forest area and limited staff capacity within the agency, one Dutch colonial forester noted in 1937 that: “The best solution is joint management by the forest service and the communities.” Indigenous land laws provided the only functional mechanism controlling land access at the community level. Therefore, from the 1960s on, the political and economic influence of Southeast Asian government began to reach further into the region’s remote forest area, placing more strain in forest communities. (Poffenberger, 1990; Peluso, 1990; Peluso, 1992)

After the World War II, newly independent states in the Southeast Asia region largely retained forest management policies of their former colonial governments, officially designating forestlands as state domain. Meanwhile, ancestral domain claims received little recognition and protection under the new constitutions. It is because the emphasis was placed on the rapid development of
forestry departments and other technical agencies to function as wards of the public forest estate.

The new nations of the region were eager to generate state revenues from their natural resources base to develop their emerging industrial sectors, finance government, and stimulate trade. At the same time, industrial nation targeted the rich forests of Asia for exploitation. Led by Japan, but with strong participation from Korea and Taiwan, the expansion of Asian economies in the 50 years since the end of World War II created strong regional markets for Southeast Asian timber. Japan imported over one-half of the whole logs exported during the timber booms in the Philippines (1964-73), Sabah (1972-87), Indonesia (1970-80), and Sarawak (1993-95). Unsustainable rates of logging, driven by expanding market demand, resulted in the depletion of timber stocks in one Southeast Asian country after another. As logs became scarce in the Philippines, traders moved into Sabah and Indonesia. When Indonesia banned whole log exports in 1980, followed by a ban in Sabah in 1993, Japanese traders turned to Sarawak, Papua New Guinea and Cambodia as sources of whole timber. Concession operators were wary of political upheavals that threatened their tenure rights. As a consequence, they had little incentive to invest in long-term sustainable logging.

In many countries, powerful patron-client relationships developed, allowing state forestry agencies to be captured by vested interest. The timber industry shifted from whole log exports to plywood and pulp and paper manufacturing had a preserve impact on natural forests. Governments pressured companies to replant and establish large timber plantations rather than regenerate natural forests.

The post-World War II era also dramatically redefined the political relationships between government, forest-dependent communities, and other cultural groups within the Southeast Asian region. Nationalism transformed the diverse societies of colonial territories into new independent countries. At present, Southeast Asia is estimated to have more than 30 ethnic groups with over one million people. Most nations have one or more dominant cultures that play major roles in defining national ideology, policies, and development priorities.

Minority groups often only have minimal political representation. These groups are upland dwellers and forest-dependent peoples and tend to be viewed as backward and primitive by the dominant culture and by the government. National land laws, often statutes carried-over from colonial era, fail to recognize communal tenure or ancestral domain claims. As a result, minorities are simultaneously losing control over their resources and becoming culturally disempowered. The early national land tenure legislation of Indonesia, Malaysia, and the Philippines deviated little from the laws and statutes that were in effect during the colonial administration. The laws generally recognized the private land rights of sedentary farmers, typically members of the lowland majority culture. Meanwhile, in most nations tenure rights were not extended to minority peoples who practiced long-rotational agriculture within natural forest environments. Most of the region’s land laws mandate the unless land is documented through title or lease agreement, it is considered public domain, regardless of how long it has been cultivated and occupied.

As a consequence, in the Philippines in the mid-1980s for example, an estimated 15 to 18 million upland residents, many from ethnic minority groups, were considered illegal squatters. Some ethnic minorities in Thailand were denied citizenship. Most Southeast Asian countries began developing programs in the 1960s to resettle forest-dependent ethnic minorities in government-administered villages and to wean them away from the practice of swidden agriculture. During the 1970s and 1980s, with hundreds of millions of dollars in financing from bilateral and multilateral development agencies, resettlement programs were instituted to accelerate the assimilation of ethnic minorities into the mainstream of society. By moving local forest residents, it also allowed state and private corporations to move into new forest areas to utilize timber concessions, establish estate crop plantations, or begin to mining on lands leased from the government.

Since the late 1970s, forest-dependent communities received increasing attention from national governments and donor agencies. The World Bank and other development agencies began supporting social forestry programs in the 1970s under poverty alleviation initiatives and in response to fuel wood shortages. It is approximately one-half of the $1.2 billion lent to the Asian forestry sector from 1979 to 1990 was directed towards social forestry development. This however, primarily led to financing the establishment of woodlots with fast growing plantation species, but did not address some of the underlying causes of deforestation, such as tenure insecurity.

Throughout the region, local forest communities have come into conflict with companies that have gained resources extraction leases from governments that have
been held under communal use and management for generations. In contesting these leases, forest-dependent communities have few resources with which to pursue a judicial hearing and often little legal standing to file a complaint. (Poffenberger: 1999, 19)

Over the past decade, however, public forest policies and legislations have begun to change. In the 1980s, the Philippines began creating mechanisms to recognize the resource rights of upland communities, forest-dependent peoples, and indigenous cultural groups. In 1990, the Philippines Government began mapping and certifying ancestral domain claims (CADC). The Government of Lao PDR is also recognizing customary forest rights under the recently enacted Village Forestry Law. While, in other Southeast Asian countries, community forest management policies are still under discussion.

By the 1980s, growing concern over deforestation in the region led many government planners and development agency experts to reconsider to wisdom of industrial forestry and the capacity of state agencies to sustain natural forests and rural people development, especially forest-dependent people and indigenous communities living within the forests for generations. Therefore, then, the donor agencies and other organizations began promoting community forestry or community-based forest management as a new model of development assistance, particularly in the development of forest management throughout the Southeast Asian countries.

INDIGENOUS PEOPLE RIGHTS WITHIN POLICY AND LEGISLATION OF THE STATE

According to the World Bank Operational Directive on Indigenous Peoples of 1991, the term of indigenous peoples describes social groups with a cultural identity distinct from the dominant society which makes them vulnerable to being disadvantaged in the process of development. They engage their life in economic activities that range from shifting agriculture in or near forests to wage labor or small-scale market oriented. Indigenous peoples can be identified in particular geographical areas by presence on the following characteristics i.e. a close attachment to ancestral territories and to the natural resources in the areas; self-identification by others as members of a distinct cultural group; an indigenous language different from the national language; presence of customary social and political institutions; and primarily subsistence-oriented production. (European Alliance with Indigenous Peoples: 1995, 5)

Community forestry has defined as any situation which intimately involves local people in a forestry activity. (FAO, 1978) In broad terms, community forestry refers to forestry development and conservation activities that involve local communities in varying ways and degrees in improving their own welfare. (Salazar: 1993, 205)

In other words, community forestry may be defined as referring to any situation which closely involves local people in forestry or tree growing activities for which people assume responsibilities and from which they derive direct benefits through their own efforts.

In relation to issues of authority that exist within community-based forest management (CBFM), community forestry has been defined as the control and management of forest resources by the rural people who use them especially for domestic purposes and as an integral part of their farming system. Community forest is defined as an area where people from local communities agree to protect and grow trees, and collectively to maintain there trees and the other flora and fauna that they support. A traditional community forest is organized to conserve and manage the forest area. The organization has full authority to decide on the rules and regulations for common users. The purpose of this kind of forest management is to respond fairly to the needs for survival of members of each community. (Puntasen: 1996, 76)

In fact, community forestry is clearly not solely for the purpose of conservation of natural resources. More importantly, their main purpose is for forest resources to be used fairly and efficiently by members of the community. Therefore, community forestry programs are associated with growing trees for the benefit of the people in the immediate vicinity and envisage increasing productivity and raising village income. In totality the program offers a tree based environment, an environment for land transformation, production, and for strengthening the local economy and increasing employment opportunities. Functionally, community-based management systems and the property rights that they establish and support draw their fundamental legitimacy from community in which they operate rather than from the nation-state in which they are located. In other words, community-based management.

Even at the end of the twentieth century, indigenous resources use practices have not disappeared; instead many Southeast Asian communities are adapting their resource use systems to changing social and political conditions and market trends. While greater emphasis is being addressed on commercial forest products, subsistence goods still remain a significant if not dominant role in local management activities.
Although most Southeast Asian governments give little recognition to communal resource management institutions, traditional community leaders and their members continue to play important role in guiding the use of farmlands, water resources, pasturelands, and forest. In Laos and Indonesia, for examples, more than 80 percent of all forestlands remain under indigenous system of management. The local communities retain control over substantial tracts of forest often operating alongside commercial enterprises. In other words, these indigenous patterns of stewardship of the natural environment exist in the shadow, however, as they given little or no recognition under the land laws and policies in most Southeast Asian nations. (Lynch and Talbott, 1995)

In the last three decades, it could witnessed that indigenous peoples’ knowledge and rights as well as their roles in managing and conserving forest land and other forest resources is being acknowledged and recognized throughout the world. (European Alliance with Indigenous Peoples: 1995, 4) The international community has shown increasing concern for the respect and protection on the rights of indigenous peoples. Conventions and declarations of the international community provide a broad framework, as well as specific statements regarding the recognition and protection of indigenous peoples and their interests, cultures, ways of life, cultural survival, and development. (Asian Development Bank, 1999)

The 1948 United Nations Universal Declaration of Human Rights and the 1966 International Covenant on Civil and Political Rights have specific significance for the respects of indigenous people rights. The 1948 UN Universal Declaration provides a common standard for the human rights of all peoples and nations, and proclaims the importance of traditional, political, and civil rights, as well as basic economic, social, and cultural rights. While the Covenant spells out civil and political rights and guiding principles based on the Universal Declaration.

The 1957 International Labor Organization (ILO) Convention No. 107 concerning Protection and Integration of Indigenous and Other Tribal and Semi-Tribal Populations in Independent Countries addresses the rights of indigenous peoples to pursue material well-being and spiritual development. The Convention No. 107 was followed by the 1989 ILO Convention No. 169 regarding Indigenous and Tribal Peoples in Independent Countries. The 1989 Convention presents the fundamental concept that the way of life of indigenous and tribal peoples and their traditional organizations should be closely involved in the planning and implementation of development projects that affect them. In Article 14 of the Convention No. 169 in particular, states that: The rights of ownership and possession of the peoples concerned over the lands which they traditionally occupy shall be recognized. In addition, measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. It is also stated in Article 15 that: The rights of the peoples concerned to the natural resources pertaining to their lands shall be safeguarded.

Agenda 21 adopted by the United Nations Conference on Environment and Development (UNCED) 1992 clearly recognizes the actual and potential contribution of indigenous and tribal peoples to sustainable development. Besides, the 1992 Convention on Bio-diversity calls on contracting parties to respect traditional indigenous knowledge with regard to the preservation of biodiversity and its sustainable use. The Vienna Declaration and Programs of Action emerging from the 1993 World Conference on Human Rights recognizes the dignity and unique cultural contributions of indigenous and tribal peoples, and strongly reaffirms the commitment of international community to the economic, social, and cultural well-being of indigenous peoples and their enjoyment of the fruits of sustainable development. The 1993 United Nations Draft Declaration on the Rights of Indigenous Peoples addresses issues such as the right to participation, the right of indigenous peoples to direct their own development, the right to determine and develop priorities and strategies for the development and use of ancestral territories and resources, and the right to self-determination.


As a result, since the late 1970s, the national governments and donor agencies have begun to serve a special attention and respect to forest-dependent people and particularly indigenous communities in Southeast Asia region. (Poffenberger: 1999, 19)

This section attempts to examine how the governments of the three Southeast Asia countries namely Thailand, Malaysia, and the Philippines recognize and regulate
the indigenous people rights on forest lands and access to forest resources within their own national policy and regulation with regard to community forestry development in the respective country.

**Thailand**

Thai State policy and regulation of land and forest use has been evolving for centuries. During the Sukhothai Period (1238-1350), land law centered on the 1292 inscription of King Ramkamhaeng, and during the Ayutthaya Period (1350-1767) it was based largely on the Land Code of 1360. In this period, people were few and resources were plentiful, and the central focus of government was on control over people rather than land.

Since the early Ayutthaya period, successive Thai monarchs faced the challenge of controlling the region which still heavily forested but largely under populated. (Hafner: 1990, 69) Since then, however, social, economic, and institutional changes have substantially altered the human-environmental balance. During the Rattanakosin Period (1782 to the present), however, as colonial power extracted timber from neighboring countries, the commercial value of forest resources increased rapidly, especially in the northeast teak forests. Until the end of the nineteenth century, land-use rights were allocated by still relatively autonomous local nobilities, many of whom began profiting from logging contracts with European companies. (Leungaramsri and Noel Rajesh: 1992, 22)

The central government watched these developments, and under the administrative reforms of King Chulalongkorn (Rama V) employed the British forester H. Slade to study the situation. Based largely on Slade’s recommendation, the Royal Forestry Department (RFD) was established 1896 to accomplish at least three main goals: (1) to regulate harvests of valuable tree species, primarily teak; (2) to capture a portion of the benefits from tree harvest for the central government through royalties and taxes; and (3) to assist in consolidation of central authority over regional nobilities. (Pragtong and David: 1990, 168; Contreras: 2003, 58)

Initial government mandates for the RFD focused on the regulation and taxation of valuable commercial species. Forest legislation began in 1897 with forest and teak tree protection acts, followed by an act prohibiting illegal marking timber. In 1899, forest ownership was formally claimed by the central government, and teak extraction without payment of royalties was prohibited. The RFD personnel performed primarily regulatory duties, as officers selected and girdled trees to be harvested, and inspected, measured, and taxed logs as they were transported from the forest down to major river systems to port cities, especially Bangkok, for export.

At the end of World War II, 60 percent of Thailand’s land area of 513,115 square kilometers was believed to be forested. Between of 1945 and 1975, forest cover declined from 60 percent to 34 percent on the nation’s land area and the rate of forest degradation over this period has been placed at 333,000 hectares per year. Between 1981 and 1985, Thailand had the highest annual rate of deforestation in Southeast Asia and a cause of increasing deforestation and deforestation of forest lands in the region. Besides, commercial timber exploitation, combined with land clearing both by local and migrant farmers, reduced forest cover by one-half over the next thirty years. In short, population growth, forest clearance for agriculture, logging concessions and illegal timber harvesting, infrastructure development, encroachment by farmers to plant cash crops, and the collection of forest products by the rural population have all contributed substantially to the depletion of forest resources particularly in Northeast Thailand. (Thai Forestry Sector Master Plan Volume 5: 1993, 17)

Therefore, the Thai government has long expressed a goal of maintaining at least half of the country under forest cover. Until the 1940s it appears this goal was never seriously threatened. In the following decade the government revised forest law, updated the land codes, and simplified reserved forest legislation to strengthen its ability to protect, preserve, and manage national forest resources. In the first five-year development plan (1961-1966) as national policy was adopted of retaining at least 50 percent of the nation’s land area in forests. In 1962, Royal Forestry Department surveys indicated that 57 percent of the country’s land area remained in forest and, as recently as 1975, government officials stated publicly that adequate forest lands were available for new cooperative land settlements (nikhom), expansion...
The commercialization of timber harvesting significantly influenced the creation of the Royal Forestry Department (RFD) and subsequent forest policy and legislation (Hafner: 1990, 79). Until the late nineteenth century, the cutting and collection of timber or harvesting of forest resources was, except for teak, unregulated. The RFD, the basis for modern institutions for forest management and policy, was created in 1898 in response to concerns over the commercialization of teak production and weak administrative and tax controls on teak harvesting in Thailand. The policy embodied in the Forest Preservation Act of 1879 emphasized protection and management to increase production, supervision and administration of forest resources by the RFD, definition of forest rights, and the collection of revenues and control of non-teak transit. During the decade following the 1932 transformation of Thailand into a constitutional monarchy, more fundamental change began to occur. The RFD was reorganized in 1935 to include four technical divisions with duties related to forest control, silviculture, forest products research, and forest schools.

It was regulated that the RFD had no control over the exploitation of non-teak forests; however, until the Forest Conservation Law of 1913 and the Forest Act of 1949 and the 1960 Forest Act were enacted. Legal reform began in 1936 with revision of the existing forest acts. Permanent production forest reserves were first authorized the 1938 Protection and Reservation Forest Act. Other forest laws were revised in the 1941 Forest Act and its amendments in 1948 and 1951. In 1947, a separate RFD forest production unit known as the Forest Industry Organization (FIO) was established. In apparent conjunction with those legislations mentioned above, in 1954 the Forest Police and the Forest Protection Units firstly created within the RFD.

In 1964, the Royal Thai Government passed the Forest Reserve Act (FRA), establishing forest reserves throughout the country. Consequently, the million families living within the forest reserve areas at the same time were thus classified as ‘illegal settlers’. Hence, the FRA had little impact on forest protection because large portions of many forest reserves had already been encroached on by farmers in search of land and forest-dependent communities, most of them were indigenous people who live within the reserved forests for generations.

In 1975, the Thai Cabinet granted amnesty to all illegal residents of national reserved forests by authorizing the RFD, with the intention of: (1) supporting national security policy concerned with suppressing community insurgency and influence, especially in areas of reserved forest, (2) consolidating the forest resident population in villages where they could be better insulated from communist subversion, (3) addressing the problems of illegal forest encroachment and degradation, and (4) pursuing development and forest management programs consistent with these conditions. (Hafner: 1990, 82)

A second Thai Cabinet decision in 1975 authorized the RFD to develop programs for improving the management of illegally occupied and degraded forest lands. As such, the National Forest Land Management Division (NFLMD) was established within the RFD to design and implement these programs, one of which, the Forest Village Program (FVP). Key elements of the forest village strategy include granting use rights rather than title to forest land, providing village infrastructure and services, and developing cooperative, credit, and agricultural extension programs. In 1979, the RFD promoted the National Forest Land Allocation Program (Sit Thi Thamkin/STK – right to harvest) and Land Certificate Program. These two forest land management programs grant land use rights to illegal forest residents, create permanent home settlements to prevent further land encroachment, and encourage reforestation of degraded forest areas. (Chamruspanth: 1993, 89)

The military government supported the centrally organized forest village concept, which was extended in the Watershed Management Division’s Hilltribe Forest Village Program in 1977. By 1978, this was formalized in a forest village program under the Local Development for Security Project. The Thai army launched the Green Northeast (Isaan Khieo) project, which aims to rehabilitate environmental resources, raise incomes of the forest-dependent people, and improve the standard of living throughout the region by allowing the army to facilitate and integrate programs that other government agencies have pursued for decades. Despite numerous efforts made by the RFD, villagers and outsiders (i.e. traders and government officers) continue to encroach on forest reserves. In addition, social problems and conflicts have occurred among the settlers due especially to ethnic and cultural differences. There have been few initiatives to resolve these social and cultural as well as...
security problems. (Buergin, 2000)

In the early 1980s the RFD initiated several social forestry projects to address these situations. In 1987, the Thailand Upland Social Forestry Project (USFP) was started as a collaborative effort between the RFD and Chiang Mai, Kasertsart, and Khon Kaen Universities, with financial and technical support from the Ford Foundation. The primary aim of the project is to develop practical field methods that facilitate RFD—community collaboration in land use management planning that satisfies local needs and national resource management policy objectives. At the local level, the RFD is formulating mutually acceptable land use plans with local communities while exploring the potential for community management of nearby reserved forests.

Finally, in November 1988, an unusually heavy rainstorm in the Southern of Thai induced a wave of floods and landslides, destroying villages and leaving more than 200 dead. Extensive media coverage linked the tragedy to encroached and deforested watershed headlands because of the extent of forest destruction resulting from illegal logging and concession abuse. As a result, in January 1989 a national logging ban declared by the Thai government on commercial logging in reserved forests, and promised to revoke all concessions in January 1989. (Leungaramsri and Noel: 1992, 22)

This logging ban marked an important policy shift towards greater emphasis on the involvement of local communities in forest management activities. With logging concession revoked, attention is now focused on the millions of villagers living within reserved forest boundaries for years. It is a primary task of the RFD to find innovative solutions to deforestation problems in policies have been set up by the government that legitimized the expansion of communities into forest reserve, particularly in northeast Thailand. These included the establishment of the National Forestland Management Division (NFLMD) in 1975 within the RFD to administer the Forest Village Program and the National Forestland Allotment (STK) Land Certificate Program. These initiatives hoped to limit forestland degradation, restrict illegal encroachment on reserved forestlands, consolidate residents into permanent settlements, and further national internal security.

The north possesses a much larger proportion of forest than other regions of Thailand. Most of the forest that retains good forest cover is located in the uplands and highlands. Ethnic minority groups in the region use and depend their subsistence on forest resources for generations. Long-term rotational system of agriculture, such as those practiced by the Karen, Akha, Hmong, Ju Mien, Lisu, Lahu, and Palaung Hilltribes of the Chiang Mai Province regulate the opening of new forests to ensure that secondary forests are established on fallow fields. Over the last decade, there has been increasing tension between the ethnic minority groups and the government that seeking to establish new protected areas and remove local communities out from the forest boundaries.

The policy commitment to conservation is reflected in the 1993 Forestry Master Plan mandating 42 national parks and 31 wildlife sanctuaries to be added to the 119 existing conservation areas. Since many of the area for the new national parks and sanctuaries are located in the north, the implications for the uplands communities are immense. Consequently, up to 53 percent of the forestlands in the north could be declared off limit for hunting, agriculture, and other traditional resource uses. Most of the highland inhabitants are ethnic minority farmers, many of whom naturally lack Thai citizenship. In fact, this recent policy trend to be in conflict with other RFD departments that are promoting community forestry management, where participation of the local communities in forest management activities is being encouraged under decentralized governance programs.

Local leaders have played a large role in stimulating community interest in addressing resource dispute, often relying on traditional institutions and communication channels. Local initiatives focus on negotiating specific resource use rules, rights, and agreements among a group of neighboring villages, including the banning of logging, regulating hunting, placing tighter controls on burning, and prohibiting chain saws. Inter-village meetings have assisted strengthen customary practices of conflict resolution and clarifying territorial boundaries.

During the early 1990s, some uplands communities under threat of resettlement began organizing into more effective, multi-village networks to resist government programs. In 1994, Thai policy makers postponed a number of community relocation projects due to the protest movement organized by communities and media opposition. There were fundamental disagreements within the Thai society concerning the rights of ethnic minorities i.e. indigenous people slowed progress in developing a clear forest management policy in the north. Community forest management groups, however, are still not officially recognized by the government, and indigenous rights over forest resources remain insecure concerning their future. In March 1998, 56 upland farmers, all from ethnic minority groups, were illegally arrested on charges of setting forest fire during
Since the early 1990s, the RFD in collaboration with university researchers, and NGOs began to formulate draft of Community Forest Act in order to solve the problems of forest resource management in the country. After nearly a decade debate, the law is now waiting ratification by the current Chaun II Cabinet. While the proposed act has not yet been approved, the concept has gained legal support under the new constitution and decentralization laws. The 1992 Tambon Administration Organization (TAO) Act strengthens the role of village (tambon) government in forest use and planning decision making. (Puntasen, 1996)

At present, the Royal Forestry Department (RFD) has been promoting a new forest law namely the Community Forest Act that provides community rights for the large number of communities living on forest land that depend on forest products, as well as authorize some forest communities independently to protect, manage, and use forest resources in designated areas. It will give people in the community a “sense of belonging” to community forest and a sense of responsibility for protecting and improving forest resources.

The definitions used in the proposed act: Community Forestry means forest land or national reserved forest land that has been previously designated under the Forest Act and National Reserved Act, and which is designated as community forestry under this act; Village Committee means a village committee that has been appointed under the Local Administration Act, including the village committee which is set up pursuant to this act. It is required that an area to be established as a community forest must be located near the concerned village. In short, the draft of Community Forest Act (CFA) proposed by the RFD will provide forest villagers with the necessary rights. The act will encourage people to get involved and take responsibility for forest ecosystems and be willing to protect and manage forest as sustainable resources for themselves. (Attanatho: 1993, 97)

According to Section 4 of the draft CFA, forest land that village committee requests for community forest must be land that has been previously designates as forest land under the Forest Act of 1941 of the 1964 National Reserved Forest Act. Land in national reserved forests that can be designated as community forest should be in the degraded areas that are unsuitable for cultivation or other agricultural activities will come under government reforestation projects, or may be leased by any person or corporation wanting to replant trees. In addition, small patches of forest areas scattered around villages that are used for purposes such as grazing land, sacred areas, cemeteries, sources for wood, fuel wood, or natural food, and which are being protected and conserved by the villagers, should also be designated as community forest.

Those of community-oriented policy and legislation within forestry development in the country were expression of the implementation the 1997 Constitution of Thai which clearly stated that traditional communities have the right and duty to manage resources where they live. The government of Thai has been willing to give more authority to local people, indigenous communities and forest-dependent people in particular, so that they are able to benefit from the forest and contribute to forest conservation and improvement. In short, the government hopes that the new Community Forest Act will make people perceive the value of forest and natural resources and also involve them in resource management and conservation.

Malaysia

Malaysia’s forests essentially comprise of an evergreen rainforest with several different kinds of natural forests, raging from beach and lowland rainforests to mountain forests. In terms of forest formation, Peninsular Malaysia is part of the Indo-Malayan rainforests and forms part of the Malesian floristic region. Slightly more than a quarter of Malaysia’s total land area is categorized as being under Permanent Forest Estate (PFEs). In the peninsula, about 77 percent of the total forest area is classified as such: the ratio is 75 percent in Sabah, while it is only 52 percent in Sarawak.

As with land and other natural resources, forestry is under the jurisdiction of state government. Thus, the main policies and institutions are reflective of state government attitudes. Forest management policies and legislations have different impacts in Peninsular Malaysia, Sabah and Sarawak prior to end since integration into the Federation of Malaysia in 1963.

There have been a number of initiatives to define and implement federal forestry policy. Federal forestry policy and related institutional initiatives did not really develop until the 1970s. In 1971, the federal government set up the National Forestry Council (NFC) to serve as a forum for discussing and coordinating forestry policies in the peninsula. The NFC comprises the chief ministers of all states in the peninsula as well as the relevant federal ministers. (FAO, n.d., 62)
At the end of the decade, concern over the extent of logging and un-sustainability of such practices resulted in the NFC issuing the National Forestry Policy (NFP) in 1978. The NFP was subsequently translated into federal legislation in the form of the 1984 National Forestry Act (NFA). Some salient features of the NFP have included: establishment of the permanent forest estate, ensuring the security of forest against destruction, practicing sound forest management, encouraging multiple uses of forests, promoting efficient, integrated timber industries, employing scientific principles and appropriate technology, upgrading forest research, education and training, promoting sound development of forest trade and commerce, and promoting public awareness of forestry issues.

It may be argued that the objectives of the NFP were geared to the commercial utilization of forest resources. Therefore, it established the concept of the PFE to ensure that sufficient forest areas are available for timber production, while maintaining protected zones such as to safeguard water supply. Forest management system have been devised and adapted to achieve the objectives of the NFP. These have included incorporating the Malayan Uniform System (MUS) and the Selective Management System (SMS) for lowland and hill forest respectively.

Developments in 1994 reflected two contradictory strands in forestry policy i.e. (1) the Forestry Act was amended to provide for greater enforcement powers against illegal loggers and others who contravene the law, and (2) in November of that year, the federal minister responsible for forests, the Minister of Primary Industries, indicated that he would like to see State Forestry Development Corporation (SFDC) functioning like State Economic Development Corporations in order to bring about forestry development through greater commercialization of the resource. (Jomo K.S. et al.: 2004, 47)

Apart from the National Forestry Act of 1984, the government has passed a number of other Acts that directly affect deforestation and land clearing. Some legislation has been enacted specifically to protect particular designated areas, and to put into place a system of national parks, wildlife reserves and sanctuaries, and virgin jungle reserves. Thus, under the National Parks Act 1980, national parks could be created with the consent of the federal and state governments, and under the Protection of Wildlife Act 1972, wildlife and birds sanctuaries could be created. These two categories form what is sometimes referred to as totally protected areas.

Other legislation, including the Land Conservation Act 1960 and the Environmental Quality Act 1974, aims to provide some environmental protection. The 1960 Land Conservation Act seeks to control soil erosion due to the development of highlands. The 1974 Environmental Quality Act has a number of clauses relating to the best type of environmental practices and management, while the Forestry Department in the peninsula has also develop specific regulatory guidelines for road construction, logging, and soil erosion control near rivers.

At the state level, forest departments answer to both federal and state governments on different matters. The federal government is concerned with management of the resources, while the state governments are concerned with operations and enforcement, as well as revenue or royalty collection. Hence, while the state governments collect some royalties from timber concessionaires in the logging industry, the federal government collects timber export duties and income taxes from timber firms which extract and process logs.

With regard to the federal institutions concerning forestry and agriculture, the major agencies under the Ministry of Primary Industries dealing directly with forests are the Department of Forestry (DF), the Forest Research Institute Malaysia (FRIM), and the Malaysian Timber Industry Board (MTIB). The DF is concerned with the upstream end of the forest industry with the production of timber within parameters set by the NFC. This includes monitoring logging operations and enforcement of legislation. The FRIM is concerned with research and development (R&D), as well as information gathering and dissemination about the forest sector. As its name suggest, the MTIC is more concerned with the downstream end of the industry, being partly responsible for promoting Malaysian timber products, both domestically and internationally.

In Sabah and Sarawak, the respective state governments have parallel institutions, laws and policies that deal with the management, conservation, protection and use of forestry resources. In Sabah’s case, responsibility for implementing forestry policies is divided among different institutions, such as the Sabah Forest Development Authority (SAFODA), Sabah Rural Development Authority, and the Chief Minister’s Office. (Gillis: 1988, 127) While in Sarawak, the Forestry Department has solely responsibility, which the Chief Minister has usually overseen by appointing himself Forestry Minister.
In both Peninsular Malaysia and Sarawak, the forest area declined by almost 50 percent between 1971 and 1989. In the case of Sabah, the area still un-logged 1989 was less than 20 percent of that available in 1971, indicating that Sabah had logged out most of its forests in the interim. The temptation for state government leaders to exploit their natural resources, both for official revenue and private gain, has been strong. In addition, there is likely to be pressure to increase timber export revenues in time of crisis, as during the recession of the mid-1980s. None of the three regions have been practicing sustainable forestry. Clearance of forest areas for agriculture and other land-use purposes logging has had serious consequences for forest degradation in the country. Besides, the decline of forest areas has been closely associated with the expansion of plantation, particularly rubber in 1908-1932 and oil palm in 1966-1984. (Jomo K.S. et al.: 2004, 52)

Forest degradation due to exploitation of timber resources has led to very pessimistic forecasts about the future of Malaysia forests. Yet, while degradation has been happening, the NFC as well as state and federal forest officials has been promoting various forestry policies to practice sustainable forestry in the country. It has been argued that traditional community forestry practiced by local communities for years within the forest represents a sustainable approach to forestland use and utilization. In its traditional form, community forestry has been practiced in the regions for generations. Generally, the traditional form community forestry involves the planting of fruit trees and other food crops together with some timber species within the forest areas.

One of the earliest community forestry programs that introduced by the Forestry Department in Peninsular Malaysia was the establishment of 133 hectares of teak (Tectona grandis) plantation in Mata Ayer Forest Reserve, Perlis, which was planted under the taungya system in the early 1950s. The cash crops planted by the farmers were mainly paddy and tobacco. This project was later followed by planting of about 200 hectares of Yemane (Gmelina arborea) intercropped with tobacco, in North Perak between 1954-1960. (Freezailah and Sandrasegaran, 1966)

The largest taungya planting in the country was undertaken in Kenaboi Forest Reserve, Jelebu District and in Gallah and Setul Forest Reserves, Seremban District in Negeri Sembilan. During 1968-1974, a total of 780 hectares involving 14 compartments were planted with both indigenous and exotic species. The main indigenous species planted were meranti tembaga (Shorea leprosula), meranti kepong (Shorea ovalis), meranti rambai daun (Shorea acuminate), meranti sarang punai (Shorea parfolia), kapur (Dryobalanops aromatica), meranti seraya (Shorea macroperata), kelampayan (Anthecephalus chinensis), merati melantai (Shorea macroperata), surian (Toona sureni). The only exotic species planted in Kenaboi Forest Reserve was mahagoni (Swietenia macrophylla). In Gallah and Setul Forest Reserve, the taungya planting was mainly comprised of several kinds of pinus trees. In the state of Sabah and Sarawak some form of traditional community forestry has existed for a long time. The activities are largely practiced by natives on the land they farm and occupy under the indigenous customary rights. (Ismail: 1993, 179)

In 1977, the National Forestry Policy (NFP) was accepted by the National Forestry Council (NFC), and later endorsed by the NFC by 19 April 1978. The acceptance of this forestry policy was a major breakthrough to strengthen the institutional base and enhance the collaboration and understanding between federal and state governments in the field of forestry sector development consistently with the progress and aspirations of the nation as a whole. The salient points of the NFP are addressed: (a) to dedicate as permanent forest estate sufficient areas of land strategically located throughout the country, in accordance with the concept of rational and use protective forest, productive forest, and amenity forest; (b) to manage permanent forest estate with objective of maximizing social, economic and environmental benefits for the nation and its people, in accordance with the principles of sound forest management.

Although the NFP have no specific policy statement pertaining to community forestry, but in fact the community forestry objectives were clearly promoted under the policy statement of amenity forest development which mentioned as follows: (a) to promote active local community involvement in various forestry development contract projects and to maintain their involvement in agro-forestry programs; (b) to develop a comprehensive program in community forestry to cater for the needs of the rural and urban communities; and (c) to promote education in forestry and undertake publicity and extension services in order to generate better understanding of community forestry to cater the needs of the rural and urban communities. At the same time, the National Agricultural Policy formulated 1984 also provides the mechanism for the integration of agriculture and forestry activities within the forestlands.
In order to implement the policy objectives concerning community forestry in Peninsular Malaysia, a number of strategies have been formulated under the Eighth Malaysia Plan (2001-2005). There are at least three main strategies which relate to community forestry development, i.e., (a) integration of forestry with agriculture in rural development to enhance environmental stability, (b) promotion of forestry for people to improve socio-economic benefits and the quality of life, and (c) intensification of forestry extension services to enhance better knowledge and understanding of the forestry sector by the people. (the Eighth Malaysia Plan, 2001-2005)

Community forestry program is being implemented in the form of rural forestry and agro-forestry projects both at the federal and state level. The rural forestry is popularly known as village forestry, whereby forest trees with nutritious fruits are planted near forest fringes within the locality of rural communities. These projects involve participation of the rural communities especially the rural people living along the fringes of the permanent forest estate, the areas of which are highly susceptible to encroachment by the local people. The villagers are encouraged to plant forest trees, the seedlings supplied by the Forestry Department, or are employed by the Department to plant on plots of sizes ranging from 20 to 40 hectares. Thus, besides providing work for the local people, the projects gave the additional income for the villagers, while simultaneously inculcating the need to conserve and protect the forests.

In Sabah, several efforts have been set up to introduce the concept of community forestry into the mainstream of rural activities in an effort to control and stop the practice of shifting cultivation. A number of community forestry projects have been formulated and implemented in the region. Those are the Sabah Forestry Department Community Forestry Projects, the Sabah Forest Development Authority (SAFODA) Forest Settlement Projects, and the Sabah Forest Industries (SFI) Smallholder Tree Farming Projects. While in Sarawak, the Sarawak Forestry Department has tried to implement various projects in to control shifting cultivation practices within the forest reserves in the region. In an effort to further curb encroachment and rehabilitate the existing shifting cultivation areas, the Sarawak Agro-forestry Projects in the affected areas were implemented by the Forestry Department with the purpose of providing a more permanent and sedentary livelihood for the shifting cultivators, all of whom are the Orang Asli that is Malay words for aborigines or indigenous people that living within the forest as forest-dependent communities for generations.

In terms of forestry legislations that had ever been established in the country, it is documented that during the British colonial period, there were two forest enactments and rules that formulated and enforced throughout the Federal Malay States (Perak, Selangor, Negeri Sembilan, and Pahang). These were the 1918 Forest Act and the Forest Act of 1934. Since the formation of Malaysia in 1963, the national forestry policy and all forest operations in the country have been supported by the 1984 National Forestry Act (Act 313) and the Wood-Based Industries (State Legislatures Competency Act of 1984 (Act 314). In relation to forest resource utilization by local communities such as the orang asli, the National Forestry Act of 1984 (amended in 1993) had principally the characteristic of reducing and ignoring the indigenous rights in terms of forest lands use and access to forest resources. (Fui and Parid: 2003, 131)

In the sense of the existing indigenous people in Malaysia, in 1954 the British colonial administrators enacted the Aboriginal People Act of 1954 (Act 134). The Act has been considered as to provide the protection, well-being and the advancement of the aboriginal peoples of West Malaysia which means the recognition of a distinct tribal division of aborigines as characterized by culture, language or social organization and include any group which the State Authority may, by order, declare to be an aboriginal ethnic group. The aboriginal peoples of Peninsular Malaysia comprises the Negritos (Kensiu, Kintak, Jahai, Lanoh, Mendriq, and Batek), the Senoi (Semai, Temiar, Jah Hut, Chewong, Mah Meri, and Semoq Beri), and the Aboriginal Malay (Temuan, Semelai, Jakun, Orang Kanaq, Orang Kuala, and Orang Seletar).

In one hand, Article 10 (1) stated that: An aboriginal community resident in any area declared to be a Malay Reservation, a reserved forest or a game reserve under any written law may, notwithstanding anything to the contrary contained in that written law, continue to reside therein upon such conditions as the State Authority may by rules prescribe. But, on the other hand, it is also stated in Article 10 (3) that: The State Authority may by order require any aboriginal communities to leave and remain out of any such area and may in the order make such consequential provisions, including the payment of compensation, as may be necessary.

For the purpose of controlling and managing the life of aboriginal communities throughout the country, the government established the Department of Orang Asli Affairs (JHEOA) that is Department of Aboriginal Affairs (JHEOA) that is Department of Aboriginal Affairs (JHEOA) that is Department of Aboriginal Affairs (JHEOA) that is Department of Aboriginal...
Affairs under the Ministry of Home Affairs (formerly the Ministry of Interior) in 1954. (Hooker: 1996, 26) The Aboriginal Peoples Ordinance of 1954 (later revised as the Aboriginal Peoples Act of 1974) is unique in that it is the only piece of legislation that is directed at a particular ethnic community. In this respect, the JHEOA is the only government department overseeing a particular ethnic group of Peninsular Malaysia. (Nicholas: 2000, 82)

In Article 153 of the Malaysian Constitution mentioned: It shall be the responsibility of the Yang di-Pertuan Agong to safeguard the special position of the Malays and natives of any of the State of Sabah and Sarawak and the legitimate interests of other communities in accordance with the provisions of this Article. It, therefore, means that the Government of Malaysia has an official duty to serve protection and recognition for the indigenous people rights, particularly on forest lands utilization and access to forest resources for their daily life and survival in the era of development.

The Philippines

The Philippines is an archipelago with over 7,000 islands with the two largest—Luzon to the north and Mindanao in the south; constituting 68 percent of the land area. Most islands in the chain have mountainous interiors rising from 1,000 to 2,500 meters above sea levels. This topography support diverse forest ecosystems, as well as causing violent hydrological patterns that can promote severe erosion if forest cover is removed.

Over the past two decades, the Philippines has been a leader in Southeast Asia in initiating and formulating innovative community forestry policy, programs and legislation. Through a variety of tenure mechanisms, including individual, community, and indigenous people’s stewardship agreements, millions of hectares of designated public forestlands have been placed under local management. Progress in transferring stewardship rights to millions of uplands residents is the combined efforts of many committed government planners, NGOs, development agency staff, and university-based researchers, threatened by changing political environment and outside economic interests. (Poffenberger: 1999, 49)

Historically, since the enactment of the Spanish Maura Law in 1894, the Philippine state has claimed approximately two-thirds of the country’s area as public forest lands. In the 1900s, there were three legislations which affect the Philippines as a whole with regard to lands and resources enacted during the American colonial period namely: the Public Land Act of 1905, which declared as public land all land not registered under the Land Registration Act of 1902; and the 1905 Mining Law, which declared all public lands in the country to be free and open for exploration, occupation, and purchase by citizens of either the United States or the Philippines. (Gibbs et al.: 1990, 253)

It was documented that forests covered about 70 percent of the Philippines land area in 1900s. A century later, the nation is of the most severely deforested countries in the region of Southeast Asia. The destruction of the Philippine forest is even more tragic considering the human and ecological impact to more than two million plant species and over 100 diverse cultures. Deforestation from agricultural land clearing, mining, and commercial logging has brought a consequence of degraded watersheds, massive soil erosion, and depletion of soils and nutrients, silted waterways, and people driven from their forest homes and deprived of their dignity.

After steady loss of forest throughout the era of American colonial rule, deforestation was accelerated under the Marcos government with expansion of largely commercial logging and the extension of estate crops. In the 1950s and 1960s, it was reportedly that the deforestation rate averaged 240,000 hectares per year. This increased to 210,000 hectares a year in the 1970s and early 1980s. In 1960, approximately 45 percent of the country possessed forest cover. By 1970, the forested area had declined to 34 percent, falling to 27 percent in 1980; only 22 percent remains in 1987 shortly after the end of the Marcos administration. In the late 1980s, 24 of 34 islands that were densely forested at the beginning of the century have less than 10 percent forest cover.

Deforestation in the Philippines and the displacement of millions of upland residents has been linked to government corruption and development policy failures. The exploitative logging practices of concessionaires set an example of unsustainable resource use for poor migrants who followed logging roads into the uplands. The financial returns from logging were concentrated in the hands of a small group of elite families. Between 1972 and 1988, the Philippines logging industry is estimated to have generated of US$ 43 billion from the cutting of nearly nine million hectares of forest. (Poffenberger: 1999, 50)

Until the mid-1980s, the Philippine government still emphasized natural resource extraction as the primary vehicle for the development of state revenue, and there was little corresponding recognition of the socio-
cultural and ecological value of the forests. Concern of the human development focused on the timber concessionaires, who were granted special privileges by law to make use of the forests for commercial purposes, and to a more limited extent, communal utilization of communal forests that practiced by the indigenous communities for generations. Forest-dependent communities in the uplands were not the priority concern in the development policy and programs. Forest dwellers who practiced shifting cultivation (*kaingin*) within the public forests control and enforce the Kaingin Law of 1963.

In 1971, the Kaingin Management and Land Settlement Regulations under the Forestry Administrative Order No. 62 was promulgated. A comprehensive census was conducted of all forest dwellers to identify the potential beneficiaries and establish the kaingin management plan that was to serve as the basis for the development of occupied areas in the forestlands. Similarly, the Forestry Reform Code or President Decree (PD) No. 389 was issued in 1974. The Code was directed the Bureau of Forest Development (BFD), for now the Forest Management Bureau (FMB), to establish an official program for the settlement of shifting cultivators (*kaingineros*) occupying the public forest and to implement continuing program of *kaingin* management. The decree was later amended when the Revised Forestry Code of the Philippines was enacted in 1975 under PD No. 705. This further strengthened the management of occupancy in forest lands, and a census was carried out of *kaingineros*, squatters, cultural minorities, and other forest dwellers. It required the government to define which lands may be the subject of occupancy, prescribed an agro-forestry development program. It also provided that those who entered the forest lands before implementation of the decree would not be prosecuted and undertook activities. It means that under the PD No. 705 the *kaingineros* and other public forest dwellers were given legitimacy by the state regulation. (Bacalla: 1993, 70)

As a result of the forestry policy changes, the three communities-oriented programs established by the Philippine government were implemented in the 1970s to realize the concept of people’s participation in the uplands management. Those were the Family Approach to Reforestation (FAR), the Forest Occupancy Management (FOM), and the Communal Tree Farm (CTF) programs. The FAR program set up in 1974 and was designed to help alleviate the living condition of upland farmers and people living near the forest lands. The FOM program was launched in 1975 with the purpose of assisting stabilize the *kaingineros* farming systems in ways consistent with sustainable development and conservation. While the CTF program started on a national scale immediately under the President Memorandum dated 7 December 1978, the program of which gave priority to the development of denuded forest lands into a productive farm lands by the use of agro-forestry techniques.

In order to develop the Philippine uplands and promote social equity and efficiency in the utilization of forest resources, the Department of Environment and Natural Resources (DENR) has given high priority to people-oriented upland development programs. These programs include the Integrated Social Forestry Program (ISFP), the National Forestation Program (NFP), and the Community Forestry Program (CFP). The ISFP was launched on July, 1982 under the Letter of Instruction (LOI) No. 1260 for *kaingineros* and forest-dependent communities. As a national policy, LOI No. 1260 legally recognizes the *kaingineros* as effective agents in food production and in the rehabilitation of the forest lands that they occupy and cultivate. The program provides tenurial security to qualified program participants through a Certificate of Stewardship (CS) or Certificate of Community Forest Stewardship (CCFS) for a period of 25 years, that can be renewable for another 25 years.

The NFP was established in 1986 as the government’s response to the urgent need to rehabilitate degraded forest lands and provide more income to the countryside people particularly forest-dependent dwellers in the uplands. The program was declared as a national policy which consist of three major components i.e. reforestation, watershed rehabilitation, and timber stand improvement. The component program of reforestation focuses on the replanting of denuded forest lands with indigenous and exotic species of forest trees, including fruit trees, bamboo, and other species with commercial uses. In this program, upland settler families and diverse organizations (community, civic, religious, local, government, and non-government) may enter contracts with DENR to implement a series of activities to reforest degraded areas. The contract may also cover community organizing, training, monitoring and evaluation, or actual comprehensive site development of a give area. In case of the contract terminates after three years, the contractor may apply for a Forest Land Management Agreement (FLMA) over forested areas with at least 80 percent seedling survival. Like the stewardship contract under ISFP, the FMLAs which was instituted by DENR Administrative Order No. 71 of 1999, are also for 25 years period, and can be renewable for another 25 years.
Community Forestry Program (CFP) was declared in 1989 with the aim to promote direct participation of local communities in the management, protection and utilization of forest resources. It grants the right to residents of upland communities to utilize, process and sell forest products from the area in accordance with a management plan submitted and approved by DENR. The program operates on the principle of social justice and resources sustainability by allowing organized upland communities to benefit from the remaining forest resources of the country. The CFP was also designed to gradually transfer the protection and management of residual forest to organized upland communities. The participating communities are awarded a 25 year Community Forest Management Agreement (CFMA) that is renewable for another 25 years.

During Cory Aquino’s administration (1986-1992), the policy of the government began emphasizing the protection of the remaining forests and the promotion of the welfare of upland peoples. (Poffenberger; 1999, 51) The 1987 Constitution explicitly recognized the importance of the environment and the rights of indigenous peoples as follows:

The state shall protect and promote the right of the people to a balanced and healthful ecology in accord with the rhythm and harmony of nature. (Article II, Section 16)

The state shall recognize, respect, and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions, and institutions. It shall consider these rights in the formulation of national plans and policies. (Article XIV, Section 17)

In 1990, the principle of indigenous people’s rights was adopted by recognizing their ancestral lands and domains. The new Local Government Code devolved some DENR functions to local governments, including the authority to involve communities formally in watershed management. In the same year, the first Certificate of Ancestral Land Claims (CADCs) were issued. In 1991, a ban policy on logging in old growth forests was declared by the Philippine Government.

When Fidel Ramos was elected president in 1992, the people-oriented forestry programs initiated by Cory Aquino was continued and supported by the National Integrated Protected Areas System Act (NIPAS), as part of realization of the Certificates of Ancestral Domain Claim (CADCs), and revised the guidelines for the National Community Forestry Program. The Social Reform Agenda (SRA) was launched in 1994 and the first CADCs were issued for the indigenous communities throughout the country. Yet, in 1996, a nationally integrated Community-Based Forest Management (CBFM) program was formulated with specific guidelines that included community mapping. As such, the Philippines Working Group, a policy action group that was formed in 1994, has supported these innovative CBFM strategies.

By 1997, one million hectares of public forestlands had devolved to indigenous communities through CADCs. Besides, the Indigenous People’s Rights Act of 1997 (IPRA) explicitly provided the indigenous communities title to ancestral domain and land claims. By the end of the Ramos term, with 2.5 million hectares under CADC, a people-centered approach was gaining strength. The Aquino and Ramos administrations’ strategy for stabilizing the forest ecosystem, as well as addressing equity issues, that recognized the rights of indigenous communities and upland dwellers on forest lands and access to resources. Although logging and mining concessions continued to operate throughout the country, these governments brought a greater environmental issues and rights of indigenous people. (Poffenberger: 1999, 51)

CONCLUDING REMARKS AND RECOMMENDATION

The study shows that evolution of policy and legislation on forestry management in Southeast Asia has been influenced by the colonial historical background. Therefore, the development of forestry policy and legislation in Southeast Asia—Thailand, Malaysia, and the Philippines in particular—originated with colonial governments that considered the forest resources primarily as a source of commercial timber for the establishment of state revenue. The central principle underlying colonial forest management was the demarcation of forest reserves for future production, and the protection of forest reserves against illegal forest utilization and encroachment that practiced by indigenous communities and forest-dependent people who living within the forest for generations. Consequently, most of policy and legal instruments that shaped and enforced by the governments to support the forestry programs and management, strongly directed to control of timber production and policing of forest resources.

As a consequence, during the colonial period, Southeast Asian states began to claim and exploit forest resources on a more extensive basis and colonial legislation
strengthened state control over the forest regions. It is, therefore, the establishment of forest and land legislation based on Western concepts of state and private control either ignored and displaced, or gave little recognition to the customary rights of the indigenous communities on forest lands and access to forest resources. Control of forest lands use and access to forest resources became much more than a state ideology and legal configuration of the state in controlling and managing forest resources.

The study also shows that forestry policy and management in the three Southeast Asian countries namely Thailand, Malaysia, and the Philippines were the subject to the influence of political and commercial interests of the states. In addition, particularly in Thailand and the Philippines, the forestry policy and development was also the subject to the involvement of military power in securing the enforcement of those policy and legislation. Those dimension of the subjects clearly expressed within the substances of laws and legislation as well as forestry institutions that established by the governments to support the development of community forestry in the regions. In this sense, in comparing those three Southeast Asian countries, the study shows that the Philippines may be the state that possesses a much more progress in formulating and enacted community-oriented laws and legislations. The recognition and protection rights of the indigenous people, forest-dependent communities, and forest-dwellers over forest lands and access to forest resources were secured by the Certificate of Ancestral Land Claims (CALC) under the 1997 Indigenous People Rights Act.

In relation to legal instruments and institutions building in recognizing and protecting the rights of indigenous peoples in the respective country, the Government of Thailand promoted the Community Forest Act and provided the National Human Rights Commission (NHRC); the Government of Malaysia employed the 1974 Aboriginal People Act and Department of Orang Asli Affairs (JEOA), Department of Aboriginal People Affairs under Department of Home Affairs; and the Philippines implemented the 1997 Indigenous People Rights Act and the National Commission for Indigenous People (NCIP).

Hence, it can simply be concluded that the way to the recognition, respect, and enactment of indigenous rights within policy and legislation of the state can be achieved through a long path and continued struggling of the indigenous people supported by academics, and non-government organizations (NGOs) in the region; as well as foreign foundations and institutions in accordance with the increasingly issues of democratization, human rights, environment and natural resources conservation, and social justice movements throughout the world.

It should be confirmed that this study was a legal research; and the normative study of law in particular. Therefore, the focus of the research was in the level of normative study of state policy and legislation which formulates and regulates indigenous people rights within community forestry development in the selected Southeast Asian countries. This kind of legal research has not yet answered the research question on how the implementation of the community forestry policies and legislations, responses and reactions of indigenous people against forestry laws and legislations enforced by the governments. Hence, in order to find the answer of such question, as well as to obtain better understanding with regard to the implementation and enforcement of the forestry laws and regulations, it is strongly recommended to sustain the research focusing on the empirical study of law on indigenous rights and its capacity within community forestry development.

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**SCARCITY AND CONFLICT OVER RESOURCES: CHOM THONG WATER CONFLICT**

Kensuke Yamaguchi

**INTRODUCTION**

The causal relationship between resource scarcity and conflict is often treated as trivial. Some macro-level comparative studies by political scientists such as Homer-Dixon (1994) and Beachler (1993) reveal the importance of this relationship. Meanwhile there are in-depth studies on resources conflict, which reveal the critical infusion of other elements among local institutions. While the shortage and the conflict must be strongly correlated, one should not simplify the conflict within this mechanism alone, but rather a focus on actors in local institutions should be included to make our understandings of the conflict more profound for future resolution.

In Thailand, water shortages have been increasingly severe, occasionally escalating into conflicts. In Chom Thong district, Chiang Mai province in Northern Thailand, there was a conflict over water between highlanders and lowlanders in the dry season of 1998. This conflict was reportedly sparked by a water shortage that destroyed an orchard causing the lowlanders to become angry with the highlanders, as there had been less precipitation in the rainy season of 1997 as a result of El Niño. In this paper, I try not to limit the component within the mechanism of resources scarcity and conflict, but to capture the politics around this conflict.

**PURPOSE**

It is plausible that the lowlander makes conflict to accuse the water use by highlander under the tension of water resources in dry season. I try to challenge this simplified perspective in this paper.

In the study site, there are “Active groups”, where most villagers joined the conflict, and “Passive groups”, where most villagers did not join even though these two groups are located in the same vicinity. Considering that the impact of highland water use is not significantly different between the two groups, one may ask the factors causing the difference in behavior. By identifying the factors causing different behavior, I try to challenge the simplified perspective stated above.

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**Background: Conflict in Chom Thong**

Figure 1: Study Site in Northern Thailand. Source: Walker (2003).

**Table 1: Basic Data of Chom Thong District.**

<table>
<thead>
<tr>
<th>Subdistrict</th>
<th>Population</th>
<th>Households</th>
<th>Agricultural Houses</th>
<th>Holding Size: Paddy field (Ha)</th>
<th>Holding Size: Orchard (Ha)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baan Nan</td>
<td>13632</td>
<td>3039</td>
<td>655</td>
<td>175</td>
<td>74</td>
</tr>
<tr>
<td>Maen Yai</td>
<td>5646</td>
<td>2066</td>
<td>610</td>
<td>632</td>
<td>1028</td>
</tr>
<tr>
<td>Baan Pac</td>
<td>12835</td>
<td>3844</td>
<td>1943</td>
<td>481</td>
<td>1388</td>
</tr>
<tr>
<td>Khun Pao</td>
<td>11981</td>
<td>3237</td>
<td>2218</td>
<td>343</td>
<td>790</td>
</tr>
<tr>
<td>Doi Keaw</td>
<td>3533</td>
<td>886</td>
<td>1150</td>
<td>600</td>
<td>300</td>
</tr>
<tr>
<td>Sop Tiah</td>
<td>8554</td>
<td>2360</td>
<td>1714</td>
<td>373</td>
<td>1257</td>
</tr>
<tr>
<td>Total</td>
<td>56161</td>
<td>15372</td>
<td>11586</td>
<td>4040</td>
<td>5108</td>
</tr>
</tbody>
</table>


Chom Thong district is located 80 kilometers southwest from downtown Chiang Mai (Figure 1). It consists of six sub districts. In this region, 75% of total households are engaged in agriculture (Table 1). Furthermore, longan cultivation has recently become popular, due to a price support policy by the government, in addition to traditional paddy cultivation. While the agricultural sector has played a significant role in the region, off-farm income such as migrant construction labor in the dry season has become significant and will be more so in the future.

The conflict in study site consisted of a string of road blockades and demonstrations. This paper focuses on a specific road blockade on April 27-28 1998, in which no less than 5,000 lowland people participated (Hereinafter, “water conflict” refers to this road blockade).

The water conflict had two aspects: (i) a political
movement led by a local conservation group in the lowland, and (ii) accusations by lowlanders against wasteful highland water use. The two aspects are interlinked to set up a unique situation in Chom Thong.

First, the political aspects are attributed to the 1997 Cabinet Resolutions that allowed hill tribes to stay in forests with certain conditions. Concerned about deforestation in the highlands, the local conservation group tried to overturn the resolutions, which potentially accelerate the deforestation by giving highlanders legitimacy. For this purpose, the group inflamed the lowland farmers.4

Second, it should be noted that there has been constant severe tension between the supply and demand of water resources in the region since the demand of water in highlands as well as the lowlands skyrocketed due to the cultivation of cash crops and orchards, respectively. The shortage of rainfall in previous years had an adverse effect on the balance of water resources. Thus, the relationship between highlanders and lowlanders in terms of water resources worsened during this period.

The resolutions in 1997 can be outlined as follows. First of all, the resolutions were in favor of 107 villages in Northern Thailand where villagers dwelling illegitimately in the forest was the cause of a serious dispute between the government and the non-governmental organizations (NGOs) that supported these villagers. Under the resolution, the villagers who were dwelling in conservation areas, including national parks and wild life sanctuaries, before the resolutions were allowed to remain with legal rights. Second, the resolutions also favored other villages besides the controversial 107 villages. Officers were prohibited to arrest or to conduct any violence towards villagers seeking legal rights to their land even if they did not currently hold any title.

The lowland farmers had an adverse attitude to these resolutions similar to the conservation group. Since the resolutions might grant legitimacy to living in the forest, the lowlanders feared accelerated deforestation with the spread of cash cropping. Although the motivation for revoking the resolutions was different between lowlanders and the conservation group, their overturn would be favorable to both actors. The lowlanders were provoked by the conservation group into aggression that eventually escalated into the Chom Thong water conflict.

As a result, the resolutions were overturned in July just after the conflict. Since the social impact of the road blockade across the national highway to Doi Inthanon National Park was significant5 and also because there was a change of the ruling party, the resolutions were scrapped and the dwelling of highlanders in the forest was once again illegal.

LITERATURE REVIEW

This paper is related to the water conflict and to the irrigation systems in Northern Thailand. Previous studies are reviewed in accordance with these two issues.

First, there are a number of previous studies either directly or indirectly regarding the water conflict in the region. (Ekachai, 1998; Lofmann, 1999; Pinkaew, 2000; Ratner, 2000; Renald, 1994; Walker, 2003; Watershed, 1998) In the previous studies, the approaches are mainly taken from social (Renald, 1994), political (Lofman, 1999), or hydrological (Perez, 2002; Walker, 2003) point of view.

Walker (2003) draws attention to the importance of the demand side management with the shift of attention from only highlanders to whole watershed. The study represents a milestone in combining social aspects with hydrological aspects in the context of watershed management. The missing link, however, is that it does not articulate the diversity of the lowland area. Thus this paper aims to address the diversity in lowland area through comparing a village that joined the conflict with a neighboring village that did not join.

Second, there are also abundant studies concerned with irrigation management in Northern Thailand. (Shigetomi, 1996; Tanabe, 1994; Tan-Kim-Yong, 1995; Wittayapak, 1994) In Northern Thailand, there is a traditional irrigation system called “muang fai”, which is often taken as a typical example of a Common Property Resource (CPRs).6 Wittayapak (1994), for example, compares four watersheds in terms of participatory irrigation management in the context of CPR theory. The participatory irrigation management is also partly mentioned in the study by Shigetomi (1996) as one of the participatory resource managements in the region. Furthermore, Tanabe (1994) throws the character of the irrigation system in Northern Thailand into relief by an in-depth comparative study to the farming system in Central Thailand. In brief, it is the irrigation management system that those studies have thus far focused on. In this paper, the livelihood structure led by water use is focused on.

Overall, the following two points are original to this paper in a theoretical sense: (i) targets include the lowland village that did not join the water conflict in addition to those

60 SESSION I

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
that joined the conflict; and (ii) the different basic socio-economic conditions led by water use between adjacent villages is investigated. The diversity among the lowland villages is captured in the following chapter by comparing the two groups using statistical methods.

METHODOLOGY

Research Design

The data was mainly collected in October 2004 using a quantitative method with a subsidiary qualitative method. The quantitative research was carried out with a questionnaire selecting either the head or an appropriate alternative of each household as the interviewee. The questionnaire entries are elaborated to clarify the basic structure of livelihood as well as the irrigation water use. For qualitative research, interviews without a questionnaire and participatory observation were used complementarily for the purpose of validating the quantified data in the local unique institution. Qualitative interviews and participatory observations had been conducted several times since the first brief survey in November 2003. Thus, upon obtaining the quantitative data discussed above, the validity and the credibility of the data were confirmed by the qualitative interviews.

Target

The target was limited within the villages located in Doi Kaew Sub District, Chom Thong District. Doi Kaew Sub District consists of nine villages, of which four villages are in the highland area while five villages are in the lowland where the target villages are located. The judgment of whether a village was an “Active group” or a “Passive group” was based on interviews with sub district heads, village heads, and NGOs. It should be noted that small farmers were exempt since the direct interviews about such a sensitive issue could spoil the data’s reliability.

Target: Active Group

The active group consisted of four villages: Mae Klang Papu village, Doi Kaew village, Mai Mae Tia village, and Mae Tia Tai village. Due to the recent decline of paddy prices and the promotion of cash crops by government, the farmers in this group had shifted cultivation in dry season from a secondary rice crop to cash crops such as corn, onions, red pepper, and so forth. Moreover, the area of longan orchard has rapidly increased due to the purchase of dried longan by the government at stable price.

Target: Passive Group

The passive group is composed of only Mae Tia village. Most villagers in the group are ethnic “Karen”. Although the Karen usually live in upland areas far away from Northern Thai villages in the lowland areas, the passive group in this study lived at the same elevation as the neighboring Northern Thai villages. In fact, people in the group lived close to the Northern Thais and exchanges of goods, money and people were rather frequent between them. Furthermore, in a general sense, the livelihood structure similarly consisted of on-farm and off-farm income compared to the active group.

Sampling

The questionnaire interviews were not conducted for all villagers but for a random sampling of villagers in each group. In the sampling, it was noted that the number of samples in each village was sufficient for statistical analysis. A sample that satisfied the conditions below was omitted in order to retain the reliability of data: (i) those who were never engaged in agriculture, e.g. a fulltime construction worker; (ii) those who were not familiar with the local situation of agriculture and irrigation water use, e.g. new comers from other village; and (iii) those who were not familiar with the recent situation even though familiar with the situation in the past, e.g. elderly people. A summary of the samples of this study is shown in Table 4.
Table 4: Number of sample households in each village.

<table>
<thead>
<tr>
<th></th>
<th>Active group</th>
<th>Passive group</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mae Klang Papu</td>
<td>10</td>
<td>57</td>
</tr>
<tr>
<td>Doi Kaew</td>
<td>22</td>
<td></td>
</tr>
<tr>
<td>Mai Mae Tia</td>
<td>8</td>
<td></td>
</tr>
<tr>
<td>Mae Tia Tal</td>
<td>20</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>60</td>
<td>57</td>
</tr>
</tbody>
</table>

Source: Data collected in October 2004.

Questionnaire

The population, local history, and social relations were asked of village heads and sub district heads while the irrigation water use for agriculture was asked of the heads of the irrigation organization. According to Iijima (1971) the Karen in lowland areas adapt themselves culturally to the Northern Thais in Northern Thailand. (Iijima, 1971) Following to the objectives of this paper, an index was set up to clarify the subjects of the questionnaire as follows: (i) basic socio-economic situation and (ii) irrigation water use. The specific index was as follows:

1. **Annual income**: Income from each source was summed up as total annual income.
2. **Size of paddy field holdings**: The total size of every paddy holding was summed up. However, leased lands were not included in the index.
3. **Size of longan orchard holdings**: The total size of every holding of longan orchard was summed up. However, leased lands were not included in total.
4. **Dependency on irrigation water**: The proportion of the income from selling rice and cash crops to the market and the government out of the total annual income was measured.
5. **Proportion of income from cash crops**: The ratio of the income from selling cash crops to the market and the government to total annual income is measured. The income from any wage labor was not included in this factor.
6. **Proportion of income from wage labor**: The ratio of the income from wage labor to total annual income was measured. Labor consisted of off-farm labor such as construction work and on-farm labor such as working in others’ fields or orchards.
7. **Available amount of irrigation water**: The possible number of rice crops per year is estimated by farmers in the cases where they focus only on rice for annual cultivation. The nominal scale was measured as “1”, “2”, or “1.5” according to the number of crops. If the response was not clearly either “1” or “2”, it was counted as “1.5”.
8. **Participation in collective actions**: Collective actions consist of meetings of the irrigation group, drainage, and ceremonies for the guardian water spirit. Participation in each activity was investigated. The measure of participation was quantified as follows: participation every year was assigned a “1”, otherwise “0”.
9. **Perception of water shortage**: The perceptions of the causes of the recent water shortage were investigated. Farmers were asked to rank the following perceived causes of the water shortage in order of importance: “neighboring villagers”, “investors”, “hill tribes”, “government”, and “decreasing precipitation”.

Results

(1) **Annual income**

![Figure 2: Income Distribution.
Source: Data collected in October (2004).](image)

The average annual income was 58,000 baht and 24,000 baht for the active group and the passive group, respectively. Figure 2 shows the normal distribution for both groups. The following statistical analyses were conducted based on the assumption. Hartley’s Fmax-test shows:

\[ F_{max} = 0.05 \]

The results were not statistically significant at a 1% confidence level (n=2, df=59-1=58). Therefore the variances of both groups are assumed to be equal. Based on the assumptions above, a t-test can be applied:

\[ t_0 = 4.51 > t_{0.01/2,114} \]

The results are statistically significant at a 1% confidence level. Thus, the average incomes between two groups are shown to be different.

(2) **Holding size: paddy field**

The data for this factor does not show a normal distribution, so the populations cannot be assumed to be distributed normally. Thus the Mann-Whitney U-test, which is a nonparametric test applicable for the two independent groups, was conducted at a significance level.
level of 1%. In addition, since the number of samples in both groups was over 20, a normal approximation formula is applied:

\[ Z = -0.20 > -Z_{0.01/2} = -2.58 \]

The result does not show a significant difference between the two groups.

(3) Holding size: longan orchard

This factor does not show normal distribution and the number of samples in both groups is over 20. Thus the normal approximation formula of the Mann-Whitney U-test is applicable:

\[ Z = -7.16 < -Z_{0.01/2} = -2.58 \]

The result shows a significant difference between the two groups.

(4) Dependency on irrigation water

This factor does not show normal distribution and the number of samples in both groups is over 20. Thus the normal approximation formula of Mann-Whitney U-test is applicable:

\[ Z = -5.89 < -Z_{0.01/2} = -2.58 \]

The result shows a significant difference between the two groups.

(5) Proportion of income from cash crops

This factor does not show a normal distribution and the number of samples in both groups is over 20. Thus the normal approximation formula of Mann-Whitney U-test is applicable:

\[ Z = -4.82 < -Z_{0.01/2} = -2.58 \]

The result shows a significant difference between the two groups.

(6) Ratio of income from wage labor

This factor does not show a normal distribution and the number of samples in both groups is over 20. Thus the normal approximation formula of Mann-Whitney U-test is applicable:

\[ Z = -4.73 < -Z_{0.01/2} = -2.58 \]

The result shows a significant difference between the two groups.

(7) Available amount of irrigation water

This factor does not show a normal distribution and the number of samples in both groups is over 20. Thus the normal approximation formula of Mann-Whitney U-test is applicable:

\[ Z = -2.86 < -Z_{0.01/2} = -2.58 \]

The result shows a significant difference between the two groups.

(8) Participation in collective action

This subject is measured on a nominal scale as follows: (a) participation every year is assigned a value of “1”; (b) lack of participation every year is assigned a value of “0”. A Chi-square test at the 1% significance level was carried out to test equivalence for each activity. First, for participation in meetings, the result was:

\[ \chi^2 = 7.87 > \chi^2_{0.01, 1} = 6.64 \]

The result shows a significant difference between the two groups.

Second, for participation in drainage, the result was:

\[ \chi^2 = 2.37 < \chi^2_{0.01, 1} = 6.64 \]

The result did not show a significant difference between the two groups.

Third, for participation in ceremonies, the result was:

\[ \chi^2 = 0.1 < \chi^2_{0.01, 1} = 6.64 \]

The result did not show a significant difference between the two groups.

(9) Perceptions of the water shortage

The percentages of each cause identified by the targets are shown in Figure 3.
Figure 3: Perceptions of Water Shortage.

Source: Data collected in October 2004.

Summary of results

Table 6: Summary of Statistical Analysis Significant Difference Test.

<table>
<thead>
<tr>
<th>Factor</th>
<th>Significant Difference</th>
<th>Test</th>
</tr>
</thead>
<tbody>
<tr>
<td>Annual Income</td>
<td>*1%</td>
<td>t-test</td>
</tr>
<tr>
<td>Holdings: Paddy Field</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Holdings: Longan Orchard</td>
<td>*1%</td>
<td>u-test</td>
</tr>
<tr>
<td>Dependency on Irrigation Water</td>
<td>*1%</td>
<td>u-test</td>
</tr>
<tr>
<td>Ratio of Income from Cash Crops</td>
<td>*1%</td>
<td>u-test</td>
</tr>
<tr>
<td>Ratio of Income from Wage Labor</td>
<td>*1%</td>
<td>u-test</td>
</tr>
<tr>
<td>Available Amount of Irrigation Water</td>
<td>*1%</td>
<td>u-test</td>
</tr>
<tr>
<td>Participation in Collective Action</td>
<td>*1%</td>
<td>chi-square test</td>
</tr>
<tr>
<td>Meeting</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Drainage</td>
<td>-</td>
<td>chi-square test</td>
</tr>
<tr>
<td>Ceremony</td>
<td>-</td>
<td>chi-square test</td>
</tr>
</tbody>
</table>

Source: Data collected in October (2004).

DISCUSSION

In Mehta's critical analysis of the Sardar Sarvar dam in India, she points out the distinction between real scarcity and manufactured scarcity. (Mehta, 2001) She argues that, “The ‘manufacture’ of scarcity at the discursive level obscures several important aspects of ‘real’ scarcity”, and “the manufacture of scarcity might not result in the creation of solutions appropriate to local needs and conditions”. Surely, a concept of manufactured scarcity is useful for the analysis of scarcity. In this chapter, adding a concept of coping with scarcity attempts to capture the mechanism of the vicious circle of scarcity (Figure 4).

Figure 4: Vicious circle of scarcity.

In environmental debates, the causal relationship is often uncertain. Thus real or factual scarcity may be misperceived, which makes manufactured scarcity widespread. If manufactured scarcity makes people identify a wrong actor as a cause of scarcity, the subsequent mitigating behavior against scarcity may be misdirected. As a result, real scarcity remains and leads to a vicious cycle. This model is applied to the water conflict and a policy implication is attempted to be drawn from the discussion.

Real resource scarcity with regards to water should be considered in terms of both supply and demand. On the supply side, “Available Irrigation Water (Factor 7)” of the active group is significantly greater than that of passive village in the Mann-Whitney U-test. Also, the active village is relatively rich so that the villagers can afford to buy motorized pumps and fuel in order to access underground water. Moreover, physically, underground water cannot be easily accessed in the passive group due to its soil type. On the other hand, the equity of access to irrigation water is secured between two villages. First, villagers, in interviews, never reported inequity caused by the irrigation system. Second, “Participation in Collective Action (Factor 8)” was not significantly different. Thus, equity, which refers to one of decisive factors of
participation in collective action, can be treated as not skewed. Since the supply of water is abundant in the active group and the equity in the irrigation system is not skewed conspicuously, it can be concluded that there is a greater amount of available water for the active group.

**Figure 5: Structure of livelihoods.**

Source: Data collected in October (2004).

On the demand side, there is a greater consumption of irrigation water by the active group, as clearly suggested by the data on “Dependency on Irrigation Water (Factor 4)”. The difference is derived from the different structure of livelihood in terms of longan and wage labor (Figure 5). Longan cultivation and wage labor differs among groups though “Holding Size of Paddy (Factor 2)” does not show a significant difference. On one hand, both “Holding size: longan orchard (Factor 3)” and “Ratio of income from cash crops (Factor 5)” strongly show the relative preference of cash crops among the active group compared with the passive group. On the other hand, “Ratio of income from wage labor (Factor 6)” suggests that the passive group favors wage labor rather than the cash crop cultivation, especially in dry season. Indeed, in the quantitative survey in 2004, no less than 81% of to the total sample in the passive group was engaged in wage labor compared to only 33 % in the active group.

The wage labor consisted of both on-farm and off-farm activities. Thus the relative preference for wage labor does not automatically mean less dependency on water resources since water scarcity also decreases the opportunities for on-farm wage labor. Nevertheless, without initial investigation, the village in the passive group shift from on-farm to off-farm labor more flexibly. Thus the water dependency is greater in the active group.

As a next step, resources scarcity in reality causes perceived scarcity in perception (Figure 4). As discussed previously, both the supply and demand of irrigation water is larger in the active group. No fewer than 90% of the total sampled villagers in the active group perceived a water shortage. At the same time, 98% of those in the passive group also perceived the shortage. Both groups perceived the shortage at a similar high percentage though the livelihood structure and resource availability are significantly different. This implies that the perception of resource scarcity is not caused by only one component such as water demand or water supply but the tension between the supply and demand of resources.

Third, after the scarcity is perceived in perception, people identify the cause and try to cope with scarcity through behavioral changes for the reduction of future tension (Figure 4). While the water shortage is perceived at a similar high rate between two groups, data on the “Perception of the water shortage (Factor 9)” clearly suggests distinct causal identifications between the two groups (Figure 3). Although, both groups are similarly influenced by hill tribe water use in the similar geographical linkage to the highlanders, only the active group had a high rate of people accusing the highland people of causing the water shortage.

One may ask what is the driving force that causes the differences in perception with regards to the cause of the shortage. There are two aspects to answering this question: (i) the interference of outsiders; and (ii) ethnic differences.

First, there is a politically strong outsider in this region. Their main aim is to pursue the conservation of natural resources, and receive funding from a descendant of the royal family and foreign conservation foundations. Thus their ecological concerns sometimes result in accusation against the hill tribes, for they are often suspected of being a cause of deforestation. In this region, especially after the ban on drug cultivation, highland people have been suspected of environmental demolition in uplands. Deforestation is surely caused by the highlanders, but not all of it should be attributed to them. Amidst the uncertainty of the causal relationship, the conservation group put an emphasis on one factor in accordance with own interests. In Thailand, the idea that “the forest conserves water” is emphasized and this narrative may construct the belief among the active group that the cause of the water shortage is deforestation by hill tribes (Figure 3).

The second aspect in terms of the social construction of perception is ethnicity. The ethnicity issue explains the different response toward the narratives that as appeared in the first aspect. Although the strong conservation group has been active with the passive group, the passive group, who are ethnic Karen, is also
a tribal minority group. The kinship of Karen is strong, and there are a number of families staying in the highlands. This prevents them from adopting this narrative, which would accuse their families in highland.  

These two aspects imply that the narrative is legitimized in a specific institution and the legitimization process is artificial rather than factual. However, people behave based on the narrative. It is implied that the active group, which believes the narrative, joined the conflict to mitigate the water shortage, while the passive group, which does not give legitimacy to the narrative, did not join.

CONCLUSION

Farmers cope with water scarcity as part of a widespread narrative. However, since narratives are constructed artificially but factually in specific institutions, sometimes the way to coping with water scarcity is not efficient for the access to water resources in a practical sense. In this region, there is hardly any alternative site for relocated hill tribe villages; thus, the water conflict as a method of coping with water scarcity seems to be impractical. More practically, (i) an appropriate institution including the majority, the minority and the conservation group should be constructed within the entire watershed; (ii) an establishment of de jure right of access to water resources; and (iii) a rethinking of an appropriate balance of on-farm and off-farm income.

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Reflections on the Human Condition: Change, Conflict and Modernity

The Work of the 2004/2005 API Fellows


End Notes
1 The school of political ecology shows a number of studies. See, for example, Peluso and Watts (2001) and Geordano et al. (2005).
2 Conflict is casued by a variety of reasons. In Northern Thailand, mass movements have often arisen due to poverty, see Baker (2000).
3 Longan is closely related to the lychee and is similar in growth and fruting habit. In this region, longan cultivation has surged due to the export of both fresh and dried fruit to Hong Kong and China.
4 In the interview, it was clear that the farmers were threatened that they would not be provided with irrigation water unless they joined the conflict.
5 In May 1998, the Deputy Prime Minister visited Chom Thong to appease the tension. (Khuenkaew and Hutasingh 1998).
6 See Wade (1988) regarding the application of the CPR theory on management.
7 The population, local history, and social relations were asked of village heads and sub district heads while the irrigation water use for agriculture was asked of the heads of the irrigation organization.
8 According to Iijima (1971) the Karen in lowland areas adapt themselves culturally to the Northern Thais in Northern Thailand (Iijima 1971).
9 Although labor such as picking, cleaning, and branch cutting is conducted in orchards, they were excluded from this factor.
10 A real problem is "the uncertainty that contains the problem" not but "the problem containing some uncertainty" (Thompson 1985). Because of environmental uncertainty, there emerges the problem caused by an arbitrary framing of the environmental "problem" by each actor. With regards to environmental uncertainty and its function in society, see Fairhead and Leach (1996) and Sato (2000).
11 A similar mechanism is pointed out in development projects. This narrative on development is originally addressed by Roe (1991).
12 A hard rock prevents villagers from pumping up underground water (Interview with a MOAC officer, October 2004).
14 For details, see Lofman (1999) and Watershed (1998).
15 For example, an insufficient amount of nitrogen makes the leaves wither. Furthermore, forest fires could be caused naturally in dry season.
16 For details about myths around forest, see Pinkaew (2000) and Walker (2003).
17 About the social construction of knowledge, see Berger et al. (1973).
18 "I feel sorry for my families. I do not think they are the cause of deforestation." said a woman in the passive group. (Interview, October 2004).
ISLAM POST-9/11: TRENDS AND OPPORTUNITIES FOR MODERNIZATION IN INDONESIA: A CASE STUDY

Askiah Mohd. Adam

INTRODUCTION

Islam in Indonesia is a phenomenon that excites awe in other Muslims. For, there is no one country in the world that can lay claim to pluralism in Islam as the Indonesians can. Here, in a country where Muslims form an absolute majority—at least 85 percent of the population—its very physical and cultural disparateness, arguably, prevents any possibility of Islam incarnating itself as a homogenous, monolithic whole. Local variations of Muslim festivals that can vary substantially from region to region are but a single example of such diversities. Further, that Muslims in places like Jogjakarta subscribe to celebrations peculiar to the kingdom, which harks back to its Hindu past is another. But, these differences are not conceived by some as proof of Indonesian Islam’s plural character.

Scholars of Islam such as Professor Abdullahi Ahmed An-Na’im of Emory University in Atlanta, the United States, in his talk “Islamic Law and the Upholding of Human Rights” of 13 February 2005 delivered in Jakarta sees the Indonesian Islamic experience as “very diverse” but not necessarily plural. He argues that diversity is a physical phenomenon while empirical pluralism is a concept, a value: that of accepting of diversity. That voices for an implementation of the Shariah as a formally codified legal system as opposed to the current application of the Presidential Edict of 10 June 1991 can still be heard may suggest that he could be right. The call to an Islamic state by some quarters only reinforces this position.

While there are voices asking for the establishment of an Islamic state, it is obvious that the inability to make any substantial electoral impact by parties proclaiming themselves to be the embodiment of political Islam indicate the opposite. Indonesian Muslims are largely unimpressed by calls for an Islamic state. In fact, they appear uninterested in even supporting advocates merely of the Shariah, as the Partai Keadilan Sejahtera (PKS) was in the 1999 general elections.1 It was not until the PKS took on a more practical electoral approach that the party dramatically improved its performance in the 2004 elections. A pragmatic PKS abandoned the proposal to implement the Shariah and, instead chose to take on as its platform more assuredly appealing issues such as the eradication of corruption and poverty alleviation. In April 2004, as a consequence, they took the capital city by storm and won the largest number of seats in DKI Jakarta’s legislative body.

That the Jakarta Charter, a principle intended to propel the law towards Islamization, was never overwhelmingly popular is one more proof of the largely skeptical attitude of Indonesian Muslims towards attempts at codifying the Shariah. The Islamists faction of the Investigative Committee for the Preparation of Indonesian Independence (Badan Penyelidik Usaha Persiapan Kemerdekaan), a body whose construction was encouraged by the Japanese occupiers at the point of their defeat, had wanted to include the “obligation for adherents of Islam to carry out Islamic law”2 in the first principle of the Pancasila, the national ideology, which is the belief in God, and that it would ultimately be part of the country’s Constitution. The secular nationalists were, however, against such an inclusion not least because its very general tenor leaves the parameters of its enforcement largely uncertain. And so the so-called Jakarta Charter was dropped and in its stead, and at the urgings of the country’s Nahdlatul Ulama (NU) leadership, a compromise was reached and the first principle was amended to bring it closer to the Islamic doctrine of taubat, the indivisibility of the oneness of God. Where once, as first proposed, the first principle was a simple matter of belief in God, it now stands as belief in “Ketuhanan yang Maha Esa”, a singular God. Not that the Islamists, as embodied by Masyumi,3 were ever properly satisfied.

Bearing in mind the Muslim dominance of the country, there is an expectation—especially by others—that Islam should easily be able to find an official foothold that would allow for the construction of an Islamic polity. Instead, the indication is that there is every incentive by the powers that be to limit this expectedly massive potential. Both Soekarno’s Old Order and Suharto’s New Order made it a point to curb the influence of Islamic political parties.

Then again, the country’s electoral history seems to be pointing to a seeming tendency by Indonesians themselves to hold political Islam at bay. The 1955 election result is an indicator of this inclination, which has proven to be resilient despite 32 years of choking political con-
control by Suharto. The approximately 40 to 60 percent balance of power between the Islamic forces on the one hand and the secular-nationalists on the other has persisted into contemporary times. Both the 1999 and the 2004 general elections have deviated little from this equation, which appears to imply that the electorate, while overwhelmingly subscribing to Islam as a faith, most wants little to do with Islam as formal structures of state, governance and law.

Are these not legitimate indicators that pluralism in Indonesian Islam is not merely a concept but a received way of life? Are not the voices calling for greater formalization and consistent uniform practice a persistent minority? What then are the implications of such tendencies vis-à-vis the developments in Indonesian Islam within the context of today’s political developments, taking into account both internal and external/global influences that play into the shaping of Islamic thought?

THE SOCIO-POLITICAL BACKDROP

No doubt the secular nationalists included non-Muslim natives, but their numbers merely held the balance between the two main Muslim factions: santri and abangan. The Muslims were themselves divided and remain so until today resulting in a political Islam that can be said to cover the whole political spectrum, from moderate to reactionary extremists.

Two very large religio-social organizations dominate Indonesian Islam’s landscape. On the one hand, the urban-based Muhammadiyah, headquartered in Jogjakarta, and on the other, the largely rural Nahdlatul Ulama, popularly referred to as NU with its stronghold in East Java. Between them they have the potential to mobilize some 70 million members, which makes them a political force to be reckoned with. Then there is Hizbut Tahrir which doubles up as a political party, which aspires to a modern day Caliphate, but not necessarily a modernist version of Islam. They lament the passing of the four Righteous Caliphs, Abu Bakar, Uthman, ‘Umar and ‘Ali; and, the Medina Charter. The proponents of an Islamic state, meanwhile, take the form of the Majlis Ulama Indonesia (MUI) headed by Din Shamsuddin, who now also heads the Muhammadiyah.

Set up as a reaction to the aggressive voice of Muslim extremists, JIL’s mission is to portray the benign face of Islam within their given definition of “liberal Islam”.

The name “liberal Islam” demonstrates the principles that we embrace, that is, Islam which stresses personal freedoms and freedoms from oppressive socio-political structures. “Liberal” here has two meanings: freedom to and freedom from. We believe that Islam is burdened by adjectives because, in reality, Islam is differently interpreted in line with the need of the interpreter. We choose a specific interpretation, and as a result one description of Islam, which is, “liberal.” To bring about Liberal Islam, we formed Jaringan Liberal Islam (JIL).

JIL is not a social organization. Rather, for purposes of its vision and the widespread dissemination of its message, which is “memunculkan Islam yang ke Indonesiaan” it exists as a network.

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Reflections on the Human Condition: Change, Conflict and Modernity
Kita menggodoki, merumusi lewat diskusi, menulis artikel di Koran-koran dan responnya saya kira udah bagus. Artinya ada penerimaan oleh masyarakat bahwa JIL jadi lain, sebagai satu pergerakan yang awal ingin counter wajah-wajah keras. 

Yet post-9/11, more specifically after the invasions of Afghanistan and Iraq, has witnessed bombings in Indonesia carried out by Muslim extremists. The Bali bombing of 12 October 2002 perpetrated by those accused of being members of JI, is one example that hit the headlines around the world. More than 200 perished in what was beyond question an ugly scene of terrible peace time carnage, on an island resort of international repute often referred to as paradise.

Despite this media portrayed terror-charged atmosphere that reportedly blighted the islands of Indonesia, much of such reportage proved to be somewhat off the mark. While security at such public places as, especially, high-end shopping complexes and hotels in Jakarta, have been beefed up substantially, Indonesians appear unperturbed, as demonstrated by the findings of a recent survey undertaken by the US-based International Foundation for Election Systems (IFES).

One issue that has lost resonance since the 2003 survey was the perceived lack of security in the country fingered as the nation’s biggest problem, which dropped from 13 percent in 2003 to 2 percent this year. Forty-eight percent of those surveyed felt safer compared to last year, including those in the conflict areas of Maluku and Papua. In 2003, only 27 percent felt this way.

It should be noted, however, that the perceived “lack of security” referred to above had much to do with criminal activity, both petty and serious, that plagued much of the streets of the country’s major cities due to high rates of unemployment resulting from the regional financial meltdown of 1997, which also accelerated the downfall of Suharto’s 32-year presidency.

And, thus was ushered in an era of pro-democracy reforms, better known as Reformasi. The latter, when factored into the political development of Indonesia, can be the reason for Islam taking an unprecedented course, one that could re-orientate the Islamic world towards modernity. However, what push or/and pull factors would spur it in this direction remains uncertain. This paper hopes to identify some of these factors.

FROM NEW ORDER DICATISHIP TO REFORMASI

The Suharto regime is nothing if not notorious for its oppression: iron fist curbing of political freedoms. Ushered in by a bloodbath of frightening proportions that witnessed the literal violent annihilation of the free world’s largest ever communist party, the Partai Komunis Indonesia (PKI), the so-called New Order government spearheaded by Suharto and backed by the Indonesian military, TNI, had few compunctions about dealing severely with its critics. The aftermath of the massacre of PKI members, for example, witnessed the internment of surviving members and their family.

Margondo (Hardono), a former political prisoner now in his late 80s, was exiled to Buru Island, Maluku for 14 years starting in 1969, together with others accused of having links to the Indonesian Communist Party (PKI), which was accused by the generals of masterminding a coup attempt in 1965. Former president Soeharto rose to power after the alleged coup attempt, for many years. They were banned from participating in general elections, and from working in government institutions and the military.

Until recently political prisoners are isolated in gulags like Pulau Buru for years, their rights as citizens stripped from them.

Thousands of political prisoners, mostly linked to the PKI, were sent to Buru Island during the period of Soeharto’s (sic) New Order regime. Families of political prisoners also had to bear discriminatory practices.

They seek rehabilitation of these rights until today, but success is slow.

There were, too, many political activists that went missing. Parents of still missing political activists of the Suharto era live in hope of one day discovering the fate of their loved ones.

Outright oppression was supplemented with, for good measure, a manipulation of the electoral system and the elections. During Suharto’s 32 years, eight elections were held under very restricted conditions intended to ensure the success of Golkar, his party. Additionally, as a way of holding on to the support of the military, parliamentary seats were allocated to guarantee its participation in the legislative process of the country thus ensuring that parliament is nothing more than a rubber stamp for the policies of Suharto, the former general, and his backers, the TNI. That the latter came unglued over allegations of abduction of activists by the
unit headed by General Prabowo, Suharto’s then son-in-law, came as no surprise.

Today though, the political atmosphere is a stark contrast; to borrow an economic term, one of almost perfect competition. For instance, in the first free post-New Order elections a process of weeding out of political parties from participating in the 1999 general elections became necessary because of the sheer numbers alone. There were at the time well over a hundred registered political parties aspiring for power, which simply means that there were few obstacles, if any, to their registration in the first place. The final count: 48 parties in all were deemed suitable to contest the 462 parliamentary seats up for grabs in a 500 seat national parliament, with the military holding 32 uncontested seats, a legacy of the New Order regime. And that Reformasi did indeed impact on the nation’s politics is clearly witnessed in the abolishing of the TNI parliamentary seats achieved during the presidency of Abdurrahman Wahid whose term in office was cut short when he was impeached in favor of his deputy, Megawati Soekarnoputri, the daughter of Indonesia’s first president.

It was this euphoric atmosphere of democratic freedoms, cultivated under interim president B J Habibie, which made possible the mushrooming of Islamic political parties. In the elections of 7 June 1999, 19 of the 48 parties “either described themselves as Islamic or base their ideologies on Islam”. Obviously the Islamists must have thought that decades of global Islamic resurgence would make possible some kind of an Islamic government, but their lack of unity combined with the durability of secular nationalism proved too much even for a population that appeared, to all intents and purposes, to be gradually Islamizing, as observed in *The Jakarta Post* by Hisanori Kato of the Sakai International Interchange Association.

*People who lived in Jakarta 15 years ago and visit the city again now will notice that there are many more Indonesian women wearing the Muslim headscarf, of jilbab…. And a very conservative Islamic-based political party, the Prosperous Justice Party (PKS), garnered the most votes in Jakarta in last year’s election. One might wonder whether these phenomena and events signal an emergence of Islamic power in the country. Although careful observation and discussion about each occurrence is necessary to properly answer that, it is plausible to affirm that Islamic conservatism has found its place in Indonesia.*

**POLITICAL ISLAM: PARTAI KEADILAN SEJAHTERA (PKS)**

By the legislative elections of 5 April 2005 all that remained of the parties categorized as Islamic, that is, those professing Islam as their official ideology were five. They were The United Development Party (PPP), The Prosperous Justice Party (PKS), The Crescent Star Party (PBB), The Reform Star Party (PBR) and the Indonesian Nahdlatul Community Party (PPNU). Interestingly, parties such as The National Awakening Party (PKB), formed and led by the NU leadership, and The National Mandate Party (PAN), formed by the leadership of Muhamadiyah, listed their ideology as the Pancasila, the national ideology, doubtless to make an across-the-board impression with voters. The reason for this is obvious: non-Muslims do play a pivotal role in ensuring what kind of political Islam is acceptable as a mass based political party with participation in the country’s governance. For example, the politician most perceived as friendly to non-Muslim interests is Gus Dur. His policies while president appears to substantiate this belief.

More importantly, though, is the importance of the so-called abangan, the nominal Muslims¹ in determining the ideological mosaic of the Indonesian polity. Unimpressed by calls for Islamization, they are wooed by certain quarters of political Islam even at the apparent expense of ideological purity; the prime example being PKS (see introduction). This though is not necessarily a bad thing. After all, responding to the inclinations of the electorate is a legitimate party strategy in the pursuit of power. But, many fear the consequence of triumphant PKS. Nong Darol of JIL, for example, is not comfortable with a possible PKS victory. In her view the party’s pragmatism is too convenient and that at the point of victory the party will revert to its original objective of implementing the Shariah. The PKS, she feels, has a hidden agenda and that agenda is seen as threatening because the party subscribes to a conservative interpretation of Islam.

On the other hand, experts on Indonesian Islam like Dr. Robin Bush, Director of Asia Foundation’s Islam and Civil Society programme in Jakarta is almost confident that the party’s leadership will remain pragmatic in the face of electoral victory.

*"PKS is fascinating… I think they are the future of Indonesia. They say that by 2012 they think that they will attain the presidency. Whether they do or not, I think they will be an increasing political force in Indonesia. The question on everybody’s mind is what*
will happen when they are in power....

On that question, when I talk with cadre base PKS people and the district level PKS people, they are very different. There are still a lot of strong Shariah minded PKS people. But I do sense that the top level leadership is sincere when they say that yes they are good Muslims; their ultimate objective will have to be the Shariah but they’re not ready for that; that’s not where they’re going; that democracy is best, the mechanism in which to achieve their goals.

I don’t know, I think they are incredibly attractive. They’re the most disciplined of parties.”

That it is a cohesive political force requires one to examine closely its proposed policies.

An interview with Endri Nugraha Laksana, SI, a founder member of PKS and head of Commission C in the Jogjakarta legislature representative from Kabupaten Slamet held out a definitive view of the parties’ objectives: a mission that envisions a society of moderate, humanist Islam encompassing all of life, ever evolving towards good, which will bring society closer to the Shariah. PKS eschews revolution and is pluralist in its approach; respecting principles subscribed to by others thus enabling inter-faith interaction. Islam, according to the PKS, is democratic. Nevertheless, it differs from western democracy in certain very basic aspects such as the non-acceptance of value-free democratic principles: for example, the freedom to be an atheist. Rather, the Party makes it clear that its proposed economic policies has an openly people-friendly bias, promising a progressive redistribution of wealth with no privatization of basic utilities and mindful of the people’s welfare.

The thrust of its current policies is the eradication of corruption. Not only does it support government efforts to stamp out corruption, the PKS hopes, too, to succeed where most others have failed, by ensuring that its leadership consists of committed, clean individuals who will walk the talk and practice what they preach, as demonstrated by the House speaker’s rejection, upon his appointment, of such ostentatious perks as luxury foreign cars and hotel suites. All in all a very luxury foreign cars and hotel suites. All in all a very

their own political party in the sense that membership of one automatically makes the person that of the other, despite the obvious advantage that this gives them in respect of the pursuit of power. If such were the case then the organizations’ political parties would necessarily be large given the existing membership (see above). However, the recent experiences of PKB and PAN respectively have made both organizations rather circumspect, if not cynical, towards politics. NU’s disillusionment with politics is earlier than that of Muhammadiyah as clarified by its current Secretary General, Dr. Endang Turmudi.

“NU itu sudah lama in the political area karena NU pernah jadi partai politik. (dari) 1952 sampai 1973. Situasi itu membina pengaruhnya terhadap cadernya. NU agak politics oriented masa itu. Unfortunately, itu ada gesekan, kompetisi yang tidak sibat tumbuh di Partai Persatuan Pembangunan, P3, di mana NU sama diminang. Cuma masa itu ada soal di mana government mengatur semuanya. Kelihatannya tidak suka dengan NU, makanya yang leading P3 itu orang non-NU dan kemudian itu—pistolnya dicokotin, dimarginalise. Setelah itu NU memutuskan—senasa itu NU bukan partai politik karena tiga partai politik dimerge and then formed PPP. Jadi. NU satu unsur saja. Kemudian NU decide di muktamarnya di Situbondo 1984 untuk go back to its ‘khittah’, back to its task as a social-religious organisation, which means that NU waktu itu dissociate from PPP and then allow each member to affiliate with any political party, not only with PPP. Jadi NU berada di tengah-tengah. Kalau dulu warganya NU harus dukung P3, setelah itu diberi freedom of choice. Silahkan nak jadi anggota apa-apa pun. Nah jadi memang satu keputusan yang—karena NU memang sama dengan Muhammadiyah, tujuannya bukan berpolitik. Tujuannya memang membangun di bidang keagamaan, ya, kemudian bidang-bidang lainnya. Jadi akhirnya kesana. Bahwa kemudian ada anggota-anggotanya ingin berpolitik iaitu dipersilakan. Tapi you can be a member of any political party but don’t use NU.”

This sentiment is echoed by the Deputy Secretary of the Pimpinan Pusat Muhammadiyah, Dr. Munir Mulkahn, SU.

“…sikap-sikap politik Muhammadiyah kan lebih sebagai reaksi kepada perkembangan politik nasional. Masa lalu, kan dari awal Muhammadiyah itu bukan gerakan politik. Misalnya pada awal kemerdekaan, kan sebelum itu Muhammadiyah terlibat dalam proses pendirian Masyumi. Ketika merdeka...
Politik itu perkuasaan untuk or 27 - “. "Saudara against privatization of public utilities and will undertake, which is a huge exception indeed!

PKS, according to Endri Nugraha Laksana, has no quarrel with the current capitalist oriented economic context. PKS, to the Medinan context, for, as Endri Nugraha Laksana suggests that the party keeps its promise to the rakyat kecil, the party will instill a culture of economic participation as entrepreneurs and business people through training and provision of capital.

Islam as envisioned by PKS is gentle and kind. Women will be viewed as men’s equal. In his words “saudara kandung”, albeit men as protectors, but in a systematic way where the authorities provide the individual with legal protection. Yes, PKS will bring the Shariah to the country, but the Shariah is viewed as intending to lighten the burden of Muslims. Not that this means the law can be broken with impunity says Pak Endri Nugraha!

With such a platform, it is no wonder that the party made huge inroads at the last general elections. A perfunctory initial investigation of the party’s attractiveness suggests that the poor of Jakarta, at least, are more than ready to support PKS if they would only come down into their homes and explain their position. Socialization of Islamic lifestyles and a legal formalization of Islam do not appear to threaten the poor of Jakarta’s numerous slum dwellers especially as the majority of Jakarta’s poor, urban, Muslim women are already donning the jilbab or headscarf. In the local parlance these women are wearing the kerudung and on a voluntary basis! The point of their argument is that the party keeps its promise to the rakyat kecil when in government. Unfortunately, as one of them, Mbak Wati, indicated, the party as represented in the DKI Jakarta legislature, which forms the biggest single block, has done little to assist the residents of Kampung Rawa, currently lobbying for legalization of their residential status.

That the party continues to be popular in areas where it is active is borne out by its recent, disputed success in the pilkada or mayoral elections in Depok, a district just outside Jakarta. Initial success was given to the PKS team, but the courts on an appeal by the Golkar losing team, in a controversial decision, reversed the decision of the Electoral Commission and awarded the office of mayor and deputy mayor of Depok to the plaintiff. And so is raised many questions as to the current state of Reformasi in Indonesia.

Here then is a party unlike any other in Indonesia. It is responsive to the will of the electorate. It is open to ideas of reinterpreting practices generally received as Islamic because these practices no longer enhance the
lives of Muslims. And, in the world’s fourth largest country where most of the world’s Muslims live and almost half of them in various degree of poverty Islam must surely play a major role in determining the future of the people and the nation. PKS appears to have the political will to re-examine the failings of today’s Islam and act to make for a better one. Further, this party’s discipline has been demonstrated many times over in huge demonstrations that have been kept orderly and peaceful as witnessed in the many anti-US protests that the party and its members have organized.

The leadership is, though, careful in their expression of the party’s US sentiments, but they take the attitude that Iraq has been tyrannized and the rights of the Iraqis robbed without reasons that have been proven beyond doubt and that Saddam Hussein is an internal matter to be sorted out by the Iraqis themselves. A striking analogy was given by a PKS member of the Dewan Perwakilan Rakyat Daerah (DPRD), Jogjakarta, Pak Ariff, member from Kabupaten Bandul: What if Saddam Hussein asks for the United States to be liberated from George W. Bush?

THE ISLAMO-DEMOCRACY OF NURCHOLISH MADJID

One contemporary Indonesian thinker stands out above all the rest because of the very brave position he has always taken vis-à-vis Islam in Indonesia. He was fundamental to the shaping of today’s Reformasi and was once tipped to be the president of post-Suharto Indonesia. But, Cak Nur, as he is affectionately referred to, had no stomach for power. An intellectual by inclination, he remained well within the inner circle but never officially part of the formal elite power structure. His importance to Indonesia lies in his many works on Islamic political philosophy.

In a book written by Anas Urbaningrum “Islamo-Demokrasi: Pemikiran Nurcholish Madjid” the author attempts an interpretation, which is summarized here as the following:

“Namun demikian, dalam implementasi hubungan Islam dengan demokrasi setidaknya membutuhkan empat prasyarat tambahan.”

The four preconditions are:

- Accountability to Allah and the ummah or community of Muslims
- Moral norms that is preferred as benchmark of democracy is Islamic.
- Commitment to Islamic teachings in moral and ethical matters, and
- Non-dictatorship by the majority.

This last fully explains the notion of political Islam that Cak Nur subscribes to. In Islamizing democracy, he argues for a non-exclusive community that can sustain religious freedom, hence his staunch advocacy of the secular state. His interpretation of Islam upholds the belief that there is no obligation on a Muslim to set up an Islamic state.

STATE OF INDONESIAN ISLAM

Today Islam in Indonesia is an interesting blossoming of thought and action. The spectrum covers the liberalism of Cak Nur on the one hand and the extremist tendency of Abu Bakar Ba’asyir, on the other. Neither of these two polarities, however, appears likely to leave hope for Islam and Muslims per se because the ideas of the former are drowned in a modernity that seems to have little faith in the ability of Islam to bring to the world and globalism an imprint that is original to Islam. Rather, western notions of liberal democracy are being dressed up as Islamic by finding within Islam values that match the democratic identity. This approach merely abrogates important indicators that tend to point to a different Islam; for example, the Quranic injunction of men as protectors, which brings to the fore the universal human rights principle of gender equality. The issue then is whether Islam is able to accommodate the very important indicator of democracy, i.e., equality. Can a fundamental status differential between men and women be construed as democratic?

Further, a religion as the basis of faith is not sustainable without a notion of exclusivity. How does a Muslim maintain faith in the face of open proselytizing by other religions that keeps its exclusive identity; the notion of a chosen people? Cak Nur’s idea of deconstructing received Islam in favor of alignment with western democratic principles, which has the potential of undermining its integrity, has the tendency to unmake Islam and reconstruct it in the image of western democratic liberalism. Such a consequence does not contribute towards answering the questions addressed by this research.

At the other end of the Islamic political spectrum, it goes without saying that where Abu Bakar Ba’asyir intends to take Muslims does not bear rationalizing. An advocate of the Islamic state, this school of thought does not even realize that if at all this is, even today, merely a concept and that the Medina Charter of old cannot sustain a modern society. These are romantics, fundamentalists...
who refuse to acknowledge the existence of a global village hence their natural tendency to extremism and even violence because of the obvious impossibility of them becoming the majority within extant democratic structures which leaves the observer with one political player that has the potential of giving Islam a future in its own image: PKS. Why? Because of its reformist tendencies and its orderly, gradual approach to power.

**INDONESIANS AND THE SHARIAH**

"(In) The research that the PPIM did in 2002 they asked this question to 2000 Indonesian Muslims: “Do you want Shariah?” 85 percent or something said “yes”, but then when they unpacked that and said, “Okay, do you agree with hudud law (where) they formalize the cutting of hands and enforce the jilbab and all this business”, well, they got 20 percent, 28 percent. So then that indicates that, yes, when you talk about Shariah why the divergences. What does that mean? I think, to most Indonesian Muslims that means simply an ethical code of how to live one’s life that cannot and should not be enforced by the state…”

That the 60:40 electoral results ratio favoring the secular nationalists is consistent and repeated over and over at every election since the first in post-independence Indonesia appear to support Robin Bush’s opinion. The ratio still held true at the last elections where there was an upsurge of PKS support.

But, the PKS by then had changed the emphasis of its manifesto from implementation of the Shariah to eradicating corruption and alleviation of poverty while remaining ideologically an Islamic party. What the 2005 electoral results demonstrate is that the swing to PKS stayed within what here is referred to as the Islamic votes, voters who habitually choose Islamic parties. The proof of this fact is seen from the sustained secular nationalist to Islamic voting ratio. No substantial move from secular nationalists to Islamic in voting pattern occurred. PKS was then just a better option from amongst parties registered as ideologically Islam.

The challenge for PKS, therefore, remains the wooing of the abangan votes. If moving dramatically away from Shariah to socio-economic concerns has not swayed their sympathies would PKS have the political will to move further away from its stated objective of implementing the Shariah?

At the moment, the leadership has shifted ground on the basis of omission, i.e., to not couch its policies in Islamic terms. Issues are dealt with in the common parlance leaving ideology/Islam as little more than a theoretical format meant to give the party some discernible hue. If that is already happening where else can it migrate to, ideologically, without discrediting its Islamic credentials? The only way forward for PKS it would seem is to re-open the doors of *ijtihad*, as has been openly stated by Endri Nugraha Laksana. The immediate intention will indeed be the need to contextualize Islamic teachings to meet the demands of modernity and the challenges that are being faced by Islamic countries. Initially, it is feasible to imagine that PKS would resort to the same techniques as Nursholish Madjid – dressing liberal democratic political, economic and social instruments in Islamic garb as has been happening with so-called Islamic banking and economics.

Electoral history suggests that this is not the formula with which to win the hearts and minds of those persistently voting for secular-nationalism. This re-labeling penchant rampant in many Islamizing exercises of Muslim societies is just not enough to win PKS power. But surely the young and energetic leadership having exhausted leadership by example and banal notions of Islamization will begin to dig deeper. Not forgetting the fact that its membership may come from other organizations, the modernizing contributions of the puritanical Muhammadiyah may find its way into the party’s litany of policies.

The Muhammadiyah thinker, Dr. Munir Mulkhan, is a good example of a modernizer attempting to establish modern Islamic thought within its own framework to date his many books and articles have discussed such issues as active economic participation by Muslims.


Pragmatism might yet eventually win the day for Islam in Indonesia as the PKS wrestle with the modernist demands of the country’s electorate. Such radical *ijtihad* done by the influential thinkers from both Muhammadiyah and NU, because of the organizations’ decision to allow its membership the freedom to join any political party, these ideas will be taken up by PKS. This party, therefore, has the potential of being a modernizing force in Indonesian Islam.

Such optimism, however, must take into account the opposite tendencies occurring within a post-Gus Dur NU, for example. At last year’s elections for office bearers during its *muktamar* or annual conference, the trend towards greater traditionalism was explicit. Hasyim Muzadi, a traditionalist, defeated the Gus Dur faction, which is generally considered to be progressive, but the threatened split should Gus Dur carry out his threat of leaving the organization with his supporters, failed to materialize. Although problems persist in NU it remains intact as a socio-religious organization. The same may be happening to Muhammadiyah with the election of Din Shamsuddin, a known conservative, as its new head.

**THE FUTURE IS IN THE HANDS OF TODAY’S YOUTH: A SURVEY**

A survey was carried out as an attempt to validate the observations made through interviews, readings and seminars/talks.

About 75 questionnaires on a multiple choice format were distributed and 48 responded. Generally, the sampling was open with one important exception: age was a criterion because of the assumption that the future is in the hands of the young. The survey, therefore, targeted young adults. Consequently, the ages of the final respondents ranged from 19 to 34 years old. Most of them were university students at both undergraduate and post-graduate levels, but a quarter were young professionals from the Indonesian Institute of Sciences (LIPI) and several journalists from Bandung. The locations looked at were Jakarta, Bandung, Jogjakarta and Bali. The final location was deemed necessary because of the Bali bombings. The aim was to understand the reactions of the Muslim minority and that of the Hindu majority.

The occupational status breakdown is as follows:

- **Students** 32
- **Professionals** 12
- **Unemployed** 1
- **Self-employed** 2
- **Unknown** 1

The gender breakdown is as follows:

- **Female** 16
- **Male** 32

As the survey is intended to demonstrate the state of Islam in Indonesia post-9/11, Muslims were the natural target, but input from non-Muslims would have been constructive. Unfortunately the religious breakdown is not too far off the general population distribution mark in this respect.

The religious profile is as follows:

- **Muslims** 43
- **Non-Muslims** 5

The survey was further left blind. Respondents were not informed of the intention of the survey so that the answers would not be colored by any preconceived notions and was meant to provoke comments. Unfortunately, this had the backlash of bringing about complaints rather than comments. Most respondents seemed to want to be led.

In all there were 33 questions which were administered selectively along the following criteria:

- 16 questions were fielded to all respondents. These focused on post 9/11 sentiments towards the USA, general questions regarding the Muslim world, democracy, modernity and globalization.
- 3 questions (7, 8 and 9) were fielded to Bali respondents only on the expectation that most would be non-Muslim. It turned out that of the 12 respondents only 3 were non-Muslim (2 Christians and 1 Hindu).
- 14 questions (10, 11, 12, 13, 15, 16, 17, 18, 20, 21, 22, 26, 27 and 30) were not included in the Bali survey. These were questions specifically on Islam.
For the most part, respondents demonstrated a high degree of reasonableness. While some researches have shown strong anti-US sentiments after the invasions of Afghanistan and Iraq, almost half the responses to the question “The incidents of September 11, 2001, were acts of terrorism perpetrated against the people of America. Innocent lives were lost. What do you think should be the appropriate reaction of the US government?” from a mainly Muslim group of respondents chose not to opt for “A: The invasion of Afghanistan to destroy the Al-Qaeda bases and immobilize the terror network”. Or “B: Invade Afghanistan and go on using the same pretext to invade Iraq and anywhere else in the Muslim world where the excuse holds good”. Instead 21 of 49 responses chose “C: Destroy the perceived terror networks by addressing the grievance that feed into extremist Islam and anti-US sentiment, such as the Palestinian issue”. Note however, that 15 opted to abstain for unstated reasons and the lack of choice.

Another question pointedly meant to gauge anti-US sentiments was 23: “The 2003 invasion of Iraq by the US-led coalition forces is illegal. Why, do you think, were the Bush administration in Washington and the Blair government in London willing to go ahead without UN agreement?” In this instance many respondents circled more than one option. The top choice is “A: As the world’s sole super power, Washington felt able to do whatever it wishes with impunity—the illegal invasion demonstrated beyond doubt the impotence of the world to stop American belligerence—and the British were simply pragmatic”. A close second was “C: Big American oil interests were pushing for an invasion, as alleged by some quarter”. Here the anti-US feeling is stronger but, again, far from overwhelming.

Yet, respondents were overwhelmingly in favor of globalization (question 6), which they perceived as “the universal implementation of capitalist economic development” (question 4) where “western culture … pervades” and some felt that “local culture (is) evolved, but intact” (question 5).

When asked what they understand by the term modern, more than half thought it to be “a civilizationized evolution characterized by periodic technological revolutions and a modern society is one where life is predicated upon the application of the latest technology, hence modernity is a relativist term indicating evolutionary distance away from pre-modern societies” (question 1) and they viewed democracy overwhelmingly as “people’s power as represented through universal suffrage” (question 2). That most of them disagreed with the suggestion that “modernity is bereft of a soul” (question 3) showed the coming generation as optimistic.

Responses to questions dealing with terrorism (28, 24, 30, 31, 32 and 33) suggest caution especially regarding the status of Abu Bakar Ba’asyir. Many felt that evidence proving him to be a master terrorist is inadequate. Most see him as the leader of the Majlis Mujahiddin Indonesia and head of the Ngruki pesantren with many suggesting that his Islamic credentials would make him a man of peace.

To a question targeted to Muslim respondents “would you be a willing holy warrior?” almost all replied in the positive. Unfortunately, the question as translated into Bahasa Indonesia may have made it appeared milder than it is intended to be. As earlier indicated, Indonesian Muslims are generally pious, in that they would overwhelmingly support the implementation of the Shariah for as long as it is gentle. Throw a measure of violence into the question and the response will, most probably, be almost the opposite, a view bolstered by the responses to question 20 on their perception of jihad in Islam. An overwhelming majority felt it to be “a continuous, peaceful struggle for a renewal of faith by the individual Muslim and the ummah”. In short, they are unlikely to support violence.

A majority opting for choice D to question 26 also points to modern, pacifist attitudes. This question aimed at probing the gender perspectives of Muslim respondents. Two-thirds conceive of gender relations as equal, with husbands playing the role of gentle reminder to errant wives.

**CONCLUSION**

Indonesian Islam promises to remain intriguing to outside observers. There is no mistaking the preference for economic modernization as a solution to the country’s economic woes and that modernization is accomplished through capitalist constructs. However, capitalism is useful only as far as it is an efficient accumulator of wealth, which the Indonesian experience clearly suggests is not afterwards prone to fair and equitable distribution of wealth. This concern it is that might lead to probing questions to Islam’s potential for providing answers and in the process make for a modernization of Islamic practices that come from its own body of knowledge.

That PKS can be the agent of change for the better in Islam is clear if the leadership holds true to its current agenda within a democratic framework. An intelligent electorate will ensure that the party remains faithful to
this potential. Nevertheless, people’s power is but one aspect of a power equation that can be ruthlessly crushed by a violent state apparatus and the intrigues of the ruling elite. In a country where transparency is still just a concept, the state may find it especially tempting to curb the possible advance of Islam. Historically, Islam in Indonesia is seen as a threat to the powers-that-be. From Soekarno to Suharto, Islamic parties have never had the freedom they so desire. Not until the euphoria of Reformasi was Islamic parties allowed to mushroom and find their own levels in a reality which is suspicious of Islam, where many see it as prone to conservatism. To be viable as a leading political ideology Islam in Indonesia must transform itself to suit a modernity that is evolving at breakneck speeds or be left behind as a personal faith confined to domesticity.

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Endnotes

1 Partai Keadilan Sejahtera or PKS is a merged entity. In 1999, it was the Partai Keadilan, the dominant partner in the PKS, which stood on a “shariaisation” platform and was soundly rejected by the electorate.

2 “Civil Islam: Muslims and Democratization in Indonesia” by Robert W. Hefner, page. 42.

3 “A unified Muslim political federation”, the creation of which was encouraged by the Japanese occupiers, ibid, pg. 40.

4 “Indonesian Islam” is here loosely used to connote a socio-religious phenomenon and not a theological or philosophical definition that would turn into some kind of madzhab competing with the other main schools of Islamic law.

5 Practicing Muslims.

6 Nominal Muslims.

7 See Jakarta Post report, “RI defends Ba’asyir verdict, points finger at US”, Saturday, 5 March 2005 where the Indonesian authorities debunked foreign governments’ protests against the light sentence imposed on the cleric by blaming the US authorities. According to the report Indonesian law enforcers were denied access to a major Southeast Asian al-Qaeda senior operative, Hanbali, currently detained by the US.

8 The popularly held opinion is that Laskar Jihad was disbanded in the wake of the Bali bombing as a response to the ire of Western governments, i.e., the fear of being tarnished with the same brush of international terrorism.

9 Scepticism as to the FPI’s genuineness as a militant group driven by Islamic ideological Puritanism arises because of the very selective nature of their targets.


12 “to bring about an Indonesian Islam”, Nong Darol, founder member of JIL.

13 Interview with Nong Darol, founder member of JIL, done on 25th January 2005 at her Freedom Institute office on Jalan Irian, Menteng, Jakarta Pusat.

14 Conspiracy theorists have, however, alleged that Washington was behind a bombing that targeted a specifically non-Balinese clientele to gain support for the planned Iraqi invasion of February 2003, which we now know was on the drawing board well before even 9/11.


17 Ibid.


20 Source: The Jakarta Post.com

21 Also popularly referred to as “Islam KTP”, i.e, those registered as Muslims on the identity card but are non-practicing.

22 Interview on 18th May 2005 at the offices of the Asia Foundation, No. 40 Jalan Adityawarman, Kebayoran Baru, Jakarta. Dr. Robin Bush has been in Indonesia for the last 18 years.

23 Interview done on 22nd December 2004 at his LIPI office.

24 Interview with Dr. Munir Mulkhan carried out at his home in Jogjakarta on 5th June 2005.

Rendered into English as: “...the political characteristics of Muhammadiyah is more a reaction to national political developments. In the past, in fact from the beginning, Muhammadiyah is not a political movement. For example, in early post-independence where Muhammadiyah was involved in the formation of Masyumi prior to independence. At the point of independence, Muhammadiyah Islamic socio-political strength became the mainstay of Masyumi. When Serikat Islam pulled out, Muhammadiyah remained as
a special member. What “special member” means is that Muhammadiyah members were automatically members of Masyumi….

The main concern that is the basis of such a characteristic can easily change because such changes occur quickly within political parties and, later unhealthy political intrigues were considered as considerably interfering in Muhammadiyah’s social activities. Such that eventually, while not being allergic to political activities, Muhammadiyah had no wish to place itself as part of a political party where its charitable efforts are affected by the party’s rise, fall and defeat and such like”.

25 “Politics is power that enables dakwah”.

26 Capitalism makes no secret of its tendency to impoverish the majority. Its basic philosophy is the accumulation of wealth that in time, as history demonstrates, without political intervention will lead to it being in fewer and fewer hands. How this is to be successfully reconciled with the notion of a people’s economy or perekonomian rakyat will be an interesting phenomenon to watch unfold.

27 Two meetings were held with urban poor women. The first, on 28th June 2005, at Kampung Rawa, Swadaya, Jakarta Barat. The second, on 29th June 2005, at Kampung Bojong Kapling, Rawa Buaya, Cangkering, Jakarta Barat. In the former, residents lived in concrete homes on a permanent basis, but do not hold titles to the land and is, therefore, an illegal settlement which makes for uncertainty as manifest in the current drive to modernize Jakarta where many slums have been summarily torn down. The latter is a shanty town community of wooden shacks. Both communities have no direct experience of the PKS excepting a superficial one as part of relief activity after a fire at Kampung Rawa. Residents report a quick response of meals, but they came in, distribute relief packages and then left.


Translation: “Nevertheless, in implementing the relationship between Islam and democracy at least four preconditions are necessary”.

29 Cak Nur’s thoughts also bring into deep relief the contrast between political Islam and Islamic politics: the former is necessarily the latter, but the latter is not necessarily the former because while politics can be either Islam or secular; socialist or liberal; democratic or totalitarian, Islam is necessarily politics as much as it is social, cultural, structural, etc.

30 Dr. Robin Bush, op cit.

31 Note the position that the party has taken with regard to the invasion of Iraq and the many anti-US demonstrations that the party has organized.

32 Op cit. Rendered into English as: “I try to interpret, for example. In the Sufi tradition there is the doctrine of “fakir”. This is how I transform it. All this time “fakir” has been understood as someone loved by God because he is poor. That I transform as follows. The “fakir” is not poor but makes himself poor. He works hard but the fruits of his labour he does not enjoy for himself. Here I have researched Schumpeter’s critique of capitalism where the profits of capital becomes the absolute property of the individual. This (latter) is critiqued with (the doctrine) of “fakir”…”

33 Op cit.. Rendered into English as: “Amongst the leadership of Muhammadiyah at my level, a similar thinking process is spreading and our thoughts are being accommodated and, in fact, is influencing all kinds of conceptualizations which is developing in Muhammadiyah circles. For example, on tolerance; on pluralism….

For instance, this gave birth to “dakwah kultural”. This missionary work is oriented to ‘process’, reformation or religious mobilization. But it is not measured at the level of change. There it is received but, at least, it later became an official Muhammadiyah document”.

34 The Bali survey was limited by the final number of respondents who were mainly Muslims.

35 The five were 4 Christians and 1 Hindu.
DISSIDENTS AND DISCIPLES: THE GEOGRAPHY OF ISLAM IN INDONESIA

Shamila Annie binti Mohamed Ariffin

INTRODUCTION: THE ONLY STORY IN TOWN?

Christopher Prendergast, in his essay *Codeword Modernity* (2003), a review of Fredric Jameson’s *The Singular Modernity*, eloquently illustrates the ideological implications of the word “modernity”. Modernity, Prendergast argues, tends to operate as “a master category of the time” and often runs the danger to be the “‘ratified’ story… a tale retrospectively constructed via the mechanisms of the ‘selective tradition’, saturated with ideology and thus naturalizing itself as the only story in town.”

According to Prendergast, modernity cannot escape from periodisation and is impossible to be pluralized. This inevitable periodization of temporality by the introduction of “breaks” and “transitions”, in explaining “modernity”, even if re-moulded from abstract concepts into competing narratives, as what Jameson proposes, is likely to end us at “a prescriptive rallying call to where we ought to be.” This, in my view, could potentially end us in a singular chronological “right of time”.

The essence of my project in Indonesia is to look into the openness, diversity and plurality of Muslims in Indonesia, which focuses on the lived experience and the social, cultural and personal psyche of religious dissent—disagreements with the many established articles of the Muslim faith, which have been encoded and finalised into canonised structures, in legal or in other doctrinal forms, which I have termed as the *bureaucracy of believing*.

While it is important to understand the factors which have shaped the tone, character and quality of Islam today that have increasingly manifested itself as a rigid, puritanical and dogmatic belief system, this project instead seeks to understand why, relatively, Indonesian Muslims exhibit a strong resistance to such religious trends. Thus, in our analysis on the global rise of what I term as *The Empirical Muslim Project*—the social, cultural and psychological demand for the valid Muslim identity to be measured, quantified and tested in order to be qualified—I believe it is also equally vital to understand the resistance to such a religious consciousness.

An important marker of the dissent experience in Islam today is to maintain a view which differs from the existing traditional legal configuration of *normative Islam*, in parts or whole. Dissenting opinions, especially in cultural forms, need not necessarily be held out of ignorance, since differences with the normative may be built by cultural particularities that are viewed to not be inconsistent with the religious principles under contestation. Neither such cultural articulations should be termed as religious deviation since such cultural actors are more interested in expressing religious variations rather than staking a claim on religious authenticity.

To suggest deviation or ignorance would require us to give precedence to certain normative standards, which are the very principles undergoing contestation. Although many believe that there are limitations to such contestations so as not to impede the construction of the demonstrable boundaries of a belief system for the faithful, in actual reality, like other physical and conceptual boundaries, they are not necessarily free from ambiguities, exceptions and even reconstructions. To suggest deviation is to claim the existence of the normative as the authentic when the normative is fundamentally the dominant prioritisation and articulations of Muhammad’s messages. Frequently, these disagreements are indeed an initiative of the imagined normative, and many of those who hold dissenting views are neither set to challenge the normative nor ignorant of the normative.

Some of the differences are clearly structural. They are based from a certain spiritual subjectivity which believes that the very structure of Muhammad’s messages is highly accommodative to its locality and time. This subjectivity is able to embrace expressions of spiritual variations within the same scriptural tradition rather than invalidating them. They may hold their own culturally particular religious standards which may differ from the positivistic, empirical and legal standards as espoused by the religious bureaucracy. Such subjectivity may render that between the dichotomy of scriptural adherence or violation, the terms on which many Muslims have been orientated to construct their religious logic, there are other logical states of religious modalities which can accommodate the particularities in the middle or beyond, and
for the non-textual, which are seen as not only to be acceptable within this unity of belief, but in fact contributes to the strengthening in the belief itself.

As I will further argue, an important factor which has greatly contributed to the development of a viable tradition of religious plurality in Indonesia is not necessarily Indonesia’s ability to favourably respond to some singular chronological precedence, but it is its geo-chronology. As a periphery of the Muslim world, it has been able to maintain its own chronological plurality—its pre-Muslim past is still alive in the Muslim present. Thus, the primacy of “modernity” can well destroy the plurality of Indonesian Islams, the very structure of its openness, because modernity as a temporal “right of time” tends to destroy chronological plurality.

The appearance of neutrality in the schematic grids of discontinuities in advocating “modernity” will often be undone when values such as unmodern, non-modern and anti-modern wander into the exercise and reveal its moral and ideological partialities. The danger of restructuring time into nicely broken discontinuities is that it tends to make us oblivious to this relative quality of all human transcendental experiences. In my view, dissenters belong to the realm of democratic sophistication, which is not at all a modern invention, and not in some temporal priority.

In my travels across 10 provinces on 5 different islands where Muslims form the majority, except for Bali, this experience of dissent mingles antiquity with modernity, historicity of facts with timeless myths and even logic with magic. Indonesia’s dissent is multi-dimensional, participated by actors interested in the rational and the mythological, from the urban to the rural, using contemporary and traditional vocabularies, to articulate the modern and non-modern.

The subsequent parts of the paper are organised around the main contexts of these disagreements, be they manifested at personal or organised levels or as cultural forms although the contexts of disagreements are not necessarily similar and the ensuing process of making sense of spirituality and piety can be divergent indeed. The longest focus is given to the Javanese santri community involved in challenging the Muslim orthodoxy and the rest deals with other viable points of contestations, namely, gender, the arts, sexuality and local cultures.

**THE JAVANESE SANTRI: THE POLITICS OF RELIGIOUS CONVERSIONS, THE THEOLOGY OF PIETY**

Etymologically, santri, the Javanese word for a Muslim religious student boarding at a pesantren, or the section of Javanese community more involved in normative piety, may well have Sanskrit roots. Shastri is derived from shastra, which refers to sacred books or books of great knowledge. A shastri is therefore a learned scholar. The Javanese pesantren itself, the Islamic religious boarding school which used to be independent village Islamic learning institutions that today have taken more organised and formal forms, have been suggested to originate from similar institutions, whose existence can be traced back to Java’s Hindu-Buddhist past.

Ethnographic studies, most notably by Geertz (1960), tend to view that the majority of the Javanese Muslims, who comprise the abangan peasants and the priyayi aristocracy, as only nominal Muslims, the former still attached to the veneration of indigenous supernatural forces, the latter maintaining its Hindu-Buddhist leanings. Against this backdrop, Geertz and others begin to regard the santri community as the purest and most committed of all Javanese Muslims.

Such a typology has long been criticised by others [Woodward (1999) quotes Hodgson (1974), Bachtari (1973) and Suparlan (1976)]. Geertz’s own understanding of Islam seems to be limited to the tone of the Muslim modernist reform movement, with its focus on the legal dimensions of piety and the development of an empirical Muslim identity, an attempt which at best displays a systematically careless ignorance on Islam’s multidimensionality and international history.

The heavy nuances of mysticism in Javanese Islam have led many scholars to speculate that the Sufis were the primary agents of conversions in Java. Then again those like Ricklefs (2001) are always quick to remind us that there is little evidence of the existence of organised Sufi brotherhood in the early period of Islam in the region.

For me, the analyses of historic mass conversions into Islam outside of Arabia, have long suffered from the recurring mishap of overdoing Islam as a Middle Eastern affair. As such, this limits our capacity to analyse the reverse psychology of conversion processes and the politics of mass conversions, which could shed considerable light on the experience of potential Muslimness which is relatively independent from Islam’s centre of origin. As such, there is tendency to give too much credit to the authority of this foreign construct which has resulted in our sporadic attention to the existing spiritual infrastructure which may facilitate the changes of a collective spiritual paradigm. Religious conversions in many cases are an interactive...
Such characters may be used to that heightened state of consciousness and encourages hostility towards it, the range of the Javanese identity with some variants even expressing open high degree of ambivalence shown towards the Muslim articulates a nexus between the two, and despite the noble refinement or sustains folk autonomy, or Nonetheless, whether it reinforces the centrality of theological categories, even with some Islamic input. Yogjakarta and Surakarta, transcends Abrahamic Central Java, linked to the Mataram royal houses of conceptions of the “older forms of society” of South insight of the cosmology, mythology and mystical From Mulder (1999), we can infer how the spiritual to religiosity, and mysticism in the region. tension between the legalistic and formalist approach circulating in Java’s history and served to magnify the certain reflected the ubiquity of mystical thought circulating in Java’s history and served to magnify the tension between the legalistic and formalist approach to religiosity, and mysticism in the region.

Against this backdrop, Woodward (1999) eloquently argues that normative piety and mysticism, the more successful variant in Java, are both equally valid articulation of Muslim piety, notwithstanding the fact that the two entities are separated by critical points of divergence at some instances.8 Like Woodward, I see the influence of Sufism on Javanese Islam as evident—from the collection of Javanese court literature and folk traditions to the architecture of the earliest mosques in Java. Riddell (2001) meanwhile notes that in the Middle East, Sufism emerged systematically several centuries after the Arab world had been Islamised, but in the Southeast Asia, Sufism came to be normative during Islam’s formative years before a more legal approach became widespread. Indeed, historical Javanese religious literature is filled with curious characters like those of the oversexed Cebolang from Serat Cempu and the theological escapades of Syeikh Siti Jenar. Such characters may be used to demonstrate some very different points, but they certainly reflected the ubiquity of mystical thought circulating in Java’s history and served to magnify the endeavor towards certain psychological states, capable of transcendental intuition, contemplation and mystical knowledge.

Thus, if we consider reversing the traffic—we could possibly consider the Javanese, to some extent, as the active actors who were attracted and accepted an Islam which carried the priorities of Sufism.9 This can lead us to consider the possibility of a conversion process which lacks the power to assert parallel organised commitments. If we are able to consider this, then the answer to Ricklefs’ question would be too obvious. A possible reason for the lack of organised Sufi brotherhood during the early period of Islam in Java was that the people had little practical need for them. The Javanese were already accomplished mystics.

Long before Islam came, Java had developed a sophisticated approach of adapting its mystical speculations, which displayed the incorporation of diverse indigenous variations, to that of foreign sources, be they Buddhist or Hindu in inclination,10 in a fluid process which did not necessarily entail the destruction of the old as a prerequisite to the new, but instead by adding new layers to an existing construct. A new spiritual consciousness need not necessarily invent new piety—away from its canonised forms, it could give way to the multiple possibilities of piety. The ambitious high culture of the Mataram aristocracy, which many credit as the primary player in the Islamicisation of Java, could have not been so supportive of the wholesale replication of foreign superiority.

It is against this backdrop that I’d like to introduce the individuals below from four different organisations. They are all of impeccable religious pedigree, products of the pesantren system and all were either raised by families who ran their own pesantren or were regarded as communal religious leaders. They would later engage in the various fields of Islamic and Arabic studies at tertiary level, and would at least be fluent Arabic readers, but most are fluent speakers as well. They would have made the perfect candidates as the future members of the Indonesian Muslim clerical elite that would sound more like other orthodox ulama [leading religious scholar] in other Muslim settings.

But instead today, they have become the unequivocal Muslim voices that are partial to internal and external religious pluralism and equally important, the separation between the state and religion. They are all intense students of modern social and political thought, but without exception, all of them express a gratitude for their classical training in Islam, which allows them to engage in many
At the heart of the matter, they are questioning the manner in which the legal theories of Islam have been developed to dominate our ideas on piety, making Islam a religious system whose spiritual impulse is directed to primarily regulate. This extinguishes Islam’s fantastic multiplicity and adaptability—its potential for egalitarianism, charity, mysticism and even political reform. For them, the trouble commenced a long time ago, when the textual sources of Islam began to be encoded into legal forms by peoples from a different culture, tradition and time—transforming it permanently into a foreign construct. In many ways, the santri below are continuing the tradition of ‘the active converts’, as geographically peripheral Muslims making sense of its power centre from the fringes, theologically uneasy with incontestable religious formalism and legalism.

The ‘Halal’ Blood: ULIL ABSHAR ABDALLA, Former Coordinator, Jaringan Islam Liberal (JIL)—The Liberal Islam Network, Jakarta

JIL was formed in 2001 by Ulil Abshar Abdalla (b. 1967 / Pati, Central Java) and friends associated with the Utan Kayu community to encourage the development of a critique on the Muslim religious orthodoxy and speak out against religious radicalism. The introductory page of its website reads “In the name of God, the Most Merciful, the Most Compassionate, the God of All Faiths.”

By 2003, conservative ulamas who were displeased by an article which Ulil had written for the prominent daily Kompas, which he likens to the organisation’s manifesto, detailing his vision of Islam for Indonesia, were already decreeing Ulil’s blood as “halal”.

Externally, one can credit everything that Ulil credits as factors that assisted his intellectual growth such as literature on philosophy and politics and the explosion of Islamic discourse in Indonesia in the 1980s, led by intellectuals like the late Nurcholish Madjid and former Indonesian President, Abdurrahman Wahid or better known as Gus Dur.

But in spirit, like other Indonesian Muslim intellectuals, it was his internal dissatisfaction with existing Muslim legal theories that sharpened his critique of the system. As a young santri, he was baffled by the “sophistication” of usul-fiqh [foundations of jurisprudence], along with its Arab-centrism, on issues such as diet, menstruation and even the Muslim state theory which requires Jews, Christians and Zoroastrians to don belts of different colours.

His search was a gradual solitary process, complicated by his years studying Islamic Law in a tertiary education institution in Jakarta which is fully funded by the Saudi Arabian government. Ulil never passed his theology.

For Ulil, Islamic fundamentalism is the end. “I know exactly what they think about Islam. It is unacceptable by our standards, outside Arabia, and in modern times.” He argues that the entire history of Islamic radicalism can be traced back directly or indirectly to Wahabbism, a school of thought linked to Saudi Arabia which pushes, usually rather undemocratically, what it regards as the authentic interpretation of Islam. “Wahabbism has a simple doctrine—you must return to the Koran and the Sunnah, which is good, but the Wahabbi tend to interpret religious texts literally. Grow your beard, the Prophet said, and you must follow him as an application of piety.”

Islam, he contends, is not the religion of the Arabs.

History Lessons—KIAI HAJI (KH) GHAZALI SAID, Surabaya, East Java

KH Ghazali (b. 1945 / Madura, East Java) founded the Pesantren An-Nur in 2000 for santris attending tertiary Islamic institutions in Surabaya. There are formal classes after the dawn and night prayers and his santris are also free to conduct their own independent discussions.

KH Ghazali credits his classical training, and not modern political thought, for the maturity of his openness and understanding of pluralism. Specialising in Islamic History, he points out that the early Muslim intellectual tradition was extremely accommodative. He reminds us that in the beginning “the concept of usul-fiqh did not exist. Usul fiqh developed as a result of the interaction with classical Western civilisation and philosophy. That was how the discipline came to be developed as we now know it.” He is naturally, a keen critic of Wahabbism.

He openly supports the initiative to conduct prayers in Indonesian and refuses to condemn the controversial Ahmadiyah sect. He criticises the hypocrisy of conservative Muslims who would flaunt the names of classical Muslim scholars, without realising that many of the philosophers were committed rationalists. The curriculum of his pesantren combines classical Islamic studies with that of modern social thought and philosophy. He has even held a dangdut concert for the school, but of course, stripped of its usual sexual innuendos.
But underlying all his views—KH Ghazali bases most of his theological opinions on historical precedence. The performance of prayers in Persian was pioneered back in the second century of Islam. The error of the ulama in the past in forbidding the translation of the Koran into other languages and prohibiting the Friday sermons from being conducted in languages other than Arabic. The belief that the Koran was revealed in around 50 Arabic dialects, the discovery made by Ibu Hasnun, a Tunisian from the Maliki school in the 3rd century of Islam. In short, Islam had always been a plural, complex experience.

For him, the little legal theory in Koran must be understood as a form and a technical language and not a theoretical aim. KH Ghazali contends that reinterpretation of the sources of Islam is not new and each new insight deserves to be tested by the public. When I ask him where he finally draws the line, he already has: “as long as one can be factually responsible for one’s opinions, there is no point of reacting so hysterically to any opinion.”

**How do you want your Fatwa (Religious Edict)?—MUTJABA HAMDI AND ALAMSYAH M. JA’FAR, Syir’ah (Magazine), Jakarta**

The first edition of the Syir’ah magazine was published in Sept. 2001 in Jakarta as a result of an informal network of discussion groups on Islam, sociology and culture, initiated by students from various universities in Jakarta majoring in the various fields of Islamic and Arabic studies. One of their main concerns was to understand the theological trends which gave rise to Islamic radicalism.

Syir’ah is headed by Alamsyah M. Jaafar (b. 1979 / Pulau Seribu, Jakarta) a graduate from the State Islamic University of Jakarta (UINJKT) and Mujtaba Hamdi (b. 1978 / Nganjuk, East Java) who studied in the same institution as Ulil did, majoring in Language and Arabic Literature, where he too had his first taste of Wahabbism that condemns spiritual practices that have long been a part of his family tradition. He never graduated.

The students eventually networked with Desantara, an organization devoted to preserve Indonesia’s cultural diversity, which agreed to fund the printing of the first 500 copies. Writing, editing, magazine layout and distribution were undertaken voluntarily. The Sept. 2001 issue contained writings on violence and Muslim missionaries, some social commentaries and a humour column, among others. Some copies of the magazines were personally handed to the mosques around Jakarta.

Four years later, Syir’ah has touched literally every controversial issue in the Muslim world—formalisation of religious piety, religious conversions, inter-faith marriages, jilbab (fabric to cover the body and hair of Muslim women), the arts, local cultures, homosexuality and transsexuality, popular music and even communism. Today Syir’ah is a team of 14 staff with around 4 regular contributors.

Both Alamsyah and Mujtaba attribute their intellectual growth to religious literature that promotes pluralism, tolerance and critical thought to existing doctrines. They also read history, sociology, politics and philosophy. But most important of all, they believe that their sound background in the classical tradition allows them to conduct a critique and review of existing Islamic theories.

For Alamsyah, “We are accustomed to the idea of the unresolved opinion; we were given a different door to see.” In the pesantren system, they had to attend Bahthul Masail, classes which would test a santri’s ability to refer to classical texts in analysing a religious problem.

*Fiqh* for them is supple continuity. They put forth an interesting anecdote: “Do you want ‘it’ *halal* or *haram*? We may just be able to help you find the corresponding *dalil* [legal proof of religious precedence].”

**Cursed by the Angels?—ALIFATUL DAROJATI KUSMANINGTYAS, Rahima, Jakarta**

Rahima, established in 2000, is a centre which provides education and information on Islam and women’s rights by way of introducing such issues to the pesantren community and religious leaders. In addition, the organisation also hosts radio shows and publishes literature to educate the general public.

Alifatul (b. 1972 / Surakarta, Central Java), Rahima’s Research Coordinator, is also a product of the pesantren family but ends up finishing her Masters’ degree in Women’s Studies at the University of Indonesia. Thus, she would tell you some simple principles.

Polygyny is a violation of women’s rights. Islam did not come to promote polygyny but instead to eliminate it. If you try to pose the acceptability of polygyny in “emergency” conditions, which is so popular among Muslim males, she would ask, “what conditions? The emergency had always been politicised to legitimise male wants.”

Reproductive rights include the right to refuse sex with your husband. If you point out a tradition which says...
you will be cursed by the angels till dawn if you say no, she smiles, "cursed into what? A frog? How many women had martyred during delivery, just because they cannot say no to sex and pregnancy to their husbands?" She asserts that sex is not a female obligation, it is instead a female right, to request or refuse.

Alifatul’s conclusions are not based from secular leanings but as Rahima is hard at work to prove, the Koran is a revelation which is inherently committed to justice.

SECONDARY PIETY: WOMEN AT THE FRINGES OF FAITH

It is not easy to find religious systems, in practice, which do not discriminate against women. For Islam, Kassim (1992) describes that much of this can be attributed to the dominance of hadith (traditions attributed to Muhammad) sources instead of the Koran in mainstream Muslim legal discourse, which he regards as unreliable. I am heavily partial to Kassim’s views as it is in the hadith that one can find virtually anything that one needs to subjugate women and even punish them proactively as candidates to fill the three-quarters of hell.

However, although the potential is reduced sharply, several verses of the Koran have also been used to undermine the rights of women in many areas of life, as a result of misogynistic readings of the texts. The most controversial verses address the responsibilities of men to provide for women, conjugal power relations, polygyny, recommendations for modest dressing and the donning of jilbab for early Muslim women who were frequently harassed under the excuse that they were thought as slaves, property inheritance and the value of female witness testimonies. However as many Muslim feminists have proven, such verses are practically workable to be interpreted from an egalitarian framework and in any case, the Koran is clearly in support of sexual equality.

Confronting Religiosity - NENG DARA AFFIAH, writer, researcher and lecturer, Jakarta

When she was growing up, Neng Dara, (b. 1969 / Banten) accepted her discontent with many aspects of pesantren life with grace. But when she began attending the UINJKT to study Comparative Religion, she was soon exposed to the many student discussions outside of her classes and had her first taste of philosophy, psychoanalysis and sociology.

This led her to begin questioning the implications of her own religiosity. She began to question the consequences of being a Muslim, a daughter and a woman in a male-dominated tradition of knowledge. She relaxed on the rituals she was raised to abide by. She pondered upon the classic Muslim-Kafir dichotomy. As a woman who wears the jilbab, its function started to appear unclear to her – she knew it did not strengthen her spirituality or faith in God. It was not even a protective piece of clothing.

Neng contends that meaningful spiritual attainment cannot be experienced without intense moments of theological discomfort. "I was all dressed up, and I had to get naked all over again," is how she puts it.

Today, she still covers her hair, most of the time. ("It is a tradition and not a religious principle"). She still prays, most of the time. Kafir to her is a person who renounces universal truths. She is a fan of Eric Fromh, Jalaluddin Rumi, Rifat Hassan, Fazlur Rahman and like everybody else, Gus Dur.

When I ask Neng how she deals with hadith which are so misogynistic that multiple interpretations do not seem like a possible choice, Neng views that if a feminist reinterpretation is not possible, such sources should be questioned. "God is the Source of All Good, if the traditions attributed to him have no implication on the greater good, then it was not him who spoke.”

Migrant Wives and Veiled Christians—SALMA SAFITRI RAHAYAAN, National Executive Director, Solidaritas Perempuan (SP)—Women’s Solidarity, Jakarta

A product of a marriage between a devout Muslim Moluccan police officer father and a West Papuan mother who converted from Catholicism, Salma (b.1971 / Jayapura, West Papua) grew up as a member of a religious minority in Jayapura.

After studying law, Salma eventually joined the legal team of SP, specialising in assisting Indonesian female migrant workers (FMW) before becoming its current national director. Her work opened her eyes—beyond the threats of financial deception and physical and sexual abuse abroad, many of the FMW are also further victimised by religious patriarchy back at home. Salma can profile you the traditional FMW: “In her understanding, she must devote herself to her husband—physically, mentally, sexually—body and soul. She believes that her husband is entitled to take a second wife because she is unable to fulfil his sexual needs.”

Sometimes the money sent home would be used to support the wedding and the new conjugal home. If such
women demand for divorce, they would often have to pay for its entire costs and sometimes even compensate the husbands.

She remarks that it is unbelievable to see the way the jilbab has been developed as the hallmark of female Muslim piety in Indonesia. Her work took her to the Middle East – where she saw heavily veiled women getting drunk or better still, attending church. She reflects in humour how she herself decided to wear the headgear at 21, “I was afraid of going to hell... but of course after SP, I came to know that the jilbab has no connection with hell whatsoever. It was there long before Islam came.”

She considers her headgear today as mere accessory. “It is not for covering up my aurat (parts of the body which Islamic fiqh considers compulsory to be covered). It is no different than a pair of brown pants or a red hairpin. When I feel like it or when my hair is wet, I do not wear it. My hair is impossibly curly, so this way I do not have to brush too much.”

**The Spiritual Rebel—JULIA SURYAKUSUMA, feminist writer and activist, Depok, West Java**

Daughter to a diplomat and a homemaker from a Sundanese priyayi family, Julia Suryakusuma (b. 1954 / New Delhi, India) spent her childhood in Europe and Indonesia and states categorically that “the fact that I was a rebel is given.”

Julia is one of Indonesia’s most prominent feminist writers. She is the author of *Sex, Power and Nation*, a 24 year-old collection of her writings. She has appeared on the cover of a magazine with the caption, “I am a She-Wolf” (*Saya ini Serigala Betina*) only to surprise the readers by her description of herself as a loyal, fierce protector. In conjunction with a political festival on freedom which she helped to organise, she was caricatured wearing very, very little. Julia is a woman who lives the creed the sexual can be very political. They call her the feminist fatale.

Growing up abroad meant that Julia escaped much of the Islam at home. At 14, she was a fan of existentialism (“hell is others”) and an atheist (“a test of an acknowledgement of god”). By her mid-20s, she had explored Jungian psychology, Christian Science and the normative rituals of Islam. As a spiritually restless soul, her search to connect with the divine never stops. Thus today at 50, she would have been the perfect urban, cosmopolitan candidate for Project Islamicisation. But Julia is unimpressed.

“The hypocrisy of it all,” she retorts. The kind of piety promoted by the recent Muslim recent religious consciousness just does not jive with what she understands as a life of integrity since normative piety does not seem to her to be that effective in encouraging people to be decent towards each other. Then in 1980s, amidst the attempt to study meditation, she finally came home—to the world of souls—among the Brahma Kumāris of Rajasthan in India.

Today Julia meditates daily to connect and recharge her energy “to the supreme soul”. She believes in reincarnation, karma and magic. She takes primarily raw foods. She goes out of her way to send underprivileged kids to school. “All that I have is from God. God is everything, everywhere. I never stopped believing.”

**CREATIVE SINS: ARTISTIC PURSUITS**

The problems that Islam has with the arts are multifaceted. One of the arguments would be sexual—of the exposed parts of the body (especially women) and of the mixing of male and female which would promote “immorality”. Some hadith also speak unfavourably against certain musical instruments and paintings and sculptures that reproduce images of living beings.

However, in Indonesia, the issue is further compounded by the fact that many of the artistic and literary traditions are maintained from the pre-Islamic past. Such a legacy can be seen from its materiality—performing and fine arts and literary forms which preserve pre-Islamic aesthetics, language styles, characterisations, narratives and cultural kit like puppets, masks and the like. But more troubling for most Muslims is the pre-Islamic legacy of spirituality which pervades such art forms, which often incorporate methods such as incantations, magic and trance.

**The Living Tradition: SITRAS ANJILIN & SLAMET GUNDONO, Magelang & Surakarta, Central Java**

Sitras Anjilin (b. 1959 / Magelang, Central Java) is the head of the cultural group in the village of Tutup Ngisor, located at the foot of the Merapi, one of the world’s most active volcanoes which is so central to Javanese cosmology. In such an environment, Catholics and Muslims mingle freely all the way to graveyard—if one look hard enough, one might just be able to see the same plot of cemetery bearing Muslim and Christian tombstones.

Tutup Ngisor’s intense attachment to the traditional arts and mysticism is not an exception in Java, but...
rather an anomaly among its peers. Until today the villagers faithfully conduct performances four times a year in the communal pavilion—to celebrate *Eid*—the Muslim festivity after a month of fasting, *Muludan*, the Prophet’s birthday, *Suran*—the Javanese New Year and *Agustusan*—Indonesia’s Independence Day in addition to having developed strong networks with local arts institutions and contemporary performers. They still conduct an annual *Merti Dusun*—the ceremony of the village spiritual cleansing, where sesaji [ritual offerings] are offered at sacred sites and water sources, during the Muslim month of *Jamadul Akhir*. Every Thursday eve, which in Muslim cosmology is considered already Friday, the Muslims’ traditional holy day, the villagers play their *gamelan* [Javanese traditional gong, played in orchestral arrangement].

*Pak* Sitras’ parents devoted their days to their farms and their evenings to the arts. He learnt traditional dance, dance-drama and musical forms even before he attended school, which he did briefly. He is a farmer, dancer, actor, musician, as well as *dalang* [puppeteer of *wayang kulit*] for shadow play performances.

Pak Sitras would have been regarded as a nominal Muslim by Geertz and other Muslims. But Pak Sitras has a heightened sense of spiritual philosophy, for which his cultural and artistic devotion is an expression of. For him, dance is an artistic form which gives fulfilment to both the dancer and the audience and refines the learner’s manners. It is an age-old, proven and tested Javanese disciplinarian—it imparts the values of politeness, humility and courtesy to young children.

Pak Sitras identifies himself as Muslim, but he does not pray or fast, and it does not bother him or his neighbours. He does not believe that only “Muslims” will attain salvation. “These are all boxes. You see, art is harder to box.”

At the heart of his spiritual concerns are plain good manners and intentions. “I do not attend the mass prayers at the mosque because my *nafak* [spiritual instinct] is just not there. Good behaviour might just send you to heaven,” he stresses. “I may have not learnt all the religion there is but I am a student of *akhlak* [good manners].”

In explaining the mysticism of trance and the like, no one could have articulated the experience better than the esteemed *dalang* from Surakarta, Slamet Gundono. As a young boy, Slamet (b. 1966 / Tegal, Central Java) loved to mingle with the mosque community, received some pesantren education and with his gorgeous, imposing voice, frequently participated in various Muslim cultural performances. But he also learnt the skills of a *dalang* from his brother.

To Slamet, Islam in Java had greatly benefited from its heritage of mysticism. He points out that Javanese literature and narrative traditions are replete with the spiritual philosophy of the essence of inner piety.

“I for one know that trance has nothing to do with ‘the devil’. I come from a *sintren* family. We are all capable of getting into a trance… Trance is a concept on “space”. If the density of this space is compacted, your consciousness will be altered. If you are ill, your stamina is low, you fast for too long, you can well get into a trance. There are many levels of trance, of which the highest I think will produce contemplation.” When I ask him about the world of spirits, he cautions me that “this is an abstract concept.” He tells me they come from “the primordial world” [dunia purbakala].

Many religious rituals Slamet contends, involves exerting points of pressure into the “space” of our consciousness—from prayers to fasting. His elucidation explains to us that rituals, in their most excellent form, should set us free, a point which we usually miss.

**Contemporary Concerns: Entertaining and Enlightening Indonesia**

Today, many Indonesian contemporary writers, artists and performers continue to exhibit a fierce independence from the religious bureaucracy, as their traditional counterparts do. Such individuals are usually educated at the various Indonesian tertiary arts institution but Indonesia’s cultural plurality seems to have imparted to them the spiritual depth to make sense of the religious restrictions onto their art with much sophistication. Arahmaiani (b.1961 / Bandung, West Java), a fine and installation artist, performer and poet who resides in Jogjakarta, comes from an Arab-Sundanese family. Exposed to normative piety and Sundanese spirituality from an early age, she admits that as a child she had a fantasy of becoming a prophet. Arahmaiani grew up to be a student activist under house arrest and later as an artist and performer developed a body of work which communicates some rather refreshing gender and religious details. She had invited audience to write anything they wish on any part of her body across the world, and worked with Arabic calligraphy, Coca-Cola and condoms in her installation works. When she stopped praying in her teens, her devout but broad-minded
father tried to convince her to revert to the safe way but she instead questioned, “why do we always have to be in the safe, safe, way? I want to try something else.” Still she refuses not to call herself a Muslim, for that would have been too easy a way out.

Similarly, Budi S. Otong (b. 1962 / Bandung, West Java) Indonesian theatre nonconformist who now resides in Switzerland is fiercely independent from any structured forms of believing, “For me the most important thing is to find a religiosity outside of religion… I imagine Jesus as a demonstrator in Jerusalem.” Today, he no longer performs that much, exclaiming that he is waiting for death. “Death is real labour, a different paradigm and system altogether, a possibility of a different world. I still believe in God, but not as the people of the religion see it.”

Cartoonist Bambang Toko Witjaksono, (b. 1973 / Yogyakarta), a fine art lecturer who comes from a family of Muslim grandparents and Christian parents, uses his art and humour to rebel against the phobias of the religious orthodoxy. As children, Bambang and his brother voluntarily attended Islamic classes and ended up “Muslims” without any formal affair of conversion. Bambang, would have probably received a death fatawa if he were born in another Muslim-majority country for his hilarious comic series revolving around a Muslim superhero pig by the name of Abu Thoyib.

For one of Indonesia’s most prominent novelists, Ahmad Tohari (b.1948 / Banyumas, Central Java), who grew up in a pesantren family, religion continues to play a dominant role in his life. He strictly observes the many traditional rituals in Islam but continues to write provocative essays which question blind acceptance to religious doctrines. Author of the classic Ronggeng Dukuh Paruk, which chronicles the life of Sriti and her art— the ronggeng—one of Java’s traditional genres of erotic dancing, and her subsequent politicisation, Pak Tohari, who considers himself a feminist, exhibits the unconditional refusal to morally judge others. For him rituals are merely his infrastructure of choice, not the goal. He sees the dangers of excessive formalism in religion and views that Islam as more of an adjective than a noun. I then ask him whether a “kafir”, as how most Muslims understand the word, would attain salvation, he answers that there is simply no way to find out.

Other performers meanwhile, like Wenti Nuryani (b. 1966 / Muntulan, Central Java) a dance lecturer, admits to the conflicts which may exist between Islam and her art. Wenti, who still observes the many traditional rituals in Islam, points out that while Muslim women may have to cover their body, “the Javanese traditional costume is kemben.” She still questions the origins of such practices, and still leaves the answer open. But for her, as long as “the drive for the arts is stronger,” she will continue to be its practitioner. “What is important is the intention in my heart, as long as we are not excessive, what is the wrong in it? If we use incense, flowers, sesajti and kemenyan, well, the Javanese culture is full of symbols.”

Contemporary dancer Sherly Novalinda (b. 1982 / Kerinci, Jambi) who currently resides in the fairly conservative province of West Sumatra, also engages in a similar theological speculation. Sherly who started to wear the jilbab at 17 before deciding to study dance now chooses to let go of the attire during her performances. “When I dance, I let go of my jilbab because I am no longer myself, I have become another person, the character I play.” She believes that “for people who have an appreciation for the arts, they would certainly understand the decision.” As for the numerous restrictions on the female body from expressing itself, Sherly does not take them too literally. She evaluates the morality of her actions primarily on whether they hurt others or not.

THE SEXUAL AND THE SPIRITUAL

One of the most marginalised identities in religious life is the group whose sexual identities and orientations float the heterosexual precepts of the rigid “opposition” between femininity and masculinity. In the religious orthodoxy of especially Abrahamic religions, heterosexual men and women are the only sexual experience in existence. However, we have now as much as scientific and diverse cultural data to know that the rest is just a variation. Sexuality exists in a fluid continuum and our bodies, emotions and psychology all play complex roles in articulating our sexual identities and preferences.

Being Gay, Being Good—GAYA NUSANTARA, Surabaya, East Java

Gaya Nusantara is Indonesia’s most prominent gay and lesbian organisation which was founded by a loose network of gay activists. Today Gaya conducts research work and organises workshops on sexuality, sexual health and the rights of gays and sex workers, hosts radio shows on similar issues, provides outreach and in-house counselling services, holds friendly gatherings for the gay community and publishes its own magazine.

Gaya’s deputy manager and secretary are both practising Muslims who have yet to gain total acceptance from their families. Both are currently in long-term partnerships.
We discuss the implications of their sexual preference on their spirituality. Firstly, they do not see the link between being gay and being faithless. “Why should I stop praying just because I am gay... These are two different things.” Secondly, they ask us to reconsider the context of the Koranic verses which touch briefly on homosexual conduct. For them, there is a huge possibility that the community who indulged in homosexual relations which the Koran criticises was chastised more for their arrogance, conceit and abuse, of which the Prophet Lot was a victim, rather than for “being gay”.

For such individuals, piety is not the exclusive right of the heterosexuals.

**Seen an Expert Lately?—“ZARIFF”, transgender, female-to-male, Yogjakarta**

“Zariff” (b. 1971 / Surakarta, Central Java) was raised by a prominent middle-class ulama family in Surakarta, Central Java and is now a freelance psychology consultant based in Yogjakarta. Zariff’s convictions on gender identities today are a combination of both religious opinions and science. After years of distress as a result of his condition, Zariff describes how a book, “We are Not Men” (Kami Bukan Laki-Laki) changed his life. The book quoted the late esteemed Indonesian ulama, Hamka, who advised that while we should base religious opinions on the Koran and hadith, there is also place for expert opinions in Islam. Thus for unresolved theological questions which may benefit from opinions outside theological circles, one should seek the appropriate experts to explain the issue. “In my case then, one should ask the psychologist and the medical doctor,” he concludes. Thus if the experts conclude that his condition is natural and that by allowing him to express his preferred sexual identity would make him live a better quality of life, and contribute more as a member of society, such an opinion should be accepted. Zariff who plans to undergo sex reassignment surgery in the near future views that the traditional religious interpretations on the gender experience as utterly uninformed of biology and psychology.

Today, Zariff is confident enough to attend the Friday mass prayers, a traditionally male obligation. He observes all the traditional religious obligations like other Muslim men and abides by the sexual rules of the traditional Muslim doctrines, believing that he should be allowed to marry the woman of his choice upon surgery.

**Shuniyya (b. 1982 / Kendal, Central Java) was also raised in a highly religious environment and remains very religious herself until today. However, by nature, she is also a person driven by deep intuition and personal insight, needing not much scientific or traditional religious backup to stand her ground.**

As such, although her surroundings may not be supportive of her transgender identity, Shuniyya, who had always believed that she was a girl since young, lessens further psychological conflict on herself by combining faith and common sense – it is simply impossible for God to be so unreasonable as to punish her for a biological condition she has no control of.

Shuniyya prays like a woman and even began to wear the jilbab at a time when she believes it to be compulsory for Muslim women. As a result, she was nearly assaulted in her university by students with more orthodox leanings. Shuniyya is mature and confident beyond her years and recently, her first book on her life as a Muslim transgender, “Jangan Lepas Jilbabku” [Not Letting Go of My jilbab] was published by a prominent publishing house.

**LOCAL TRADITIONS: NON-MODERN, NON-WESTERN, NON-MUSLIM?**

One of the most interesting theological incidents in the Muslim world today is the same negative reaction exhibited by both the modernist and orthodox camps to the many local traditions infused with pre-Islamic influences, especially if they originate from outside of Arabia.

By prioritising Islam as a rational system, the modernist not only runs the danger of ignoring Islam’s mysticism potential, but this structure of thought will also become inherently hostile to “irrational” cultural practices without specific textual precedence, especially when they retain many elements of the spirituality, mysticism and magic that predate the coming of Islam, which may or may not be infused with more recent Muslim constructs.

For the orthodoxy, such cultures are heresies, alien to the traditions of Islam, failing to note that many practices which they believe are so central to the faith were in fact absorbed from the pre-Muslim Arab culture, like the pilgrimage, to name only one.

Suddenly, for the modernist, the opponent is a non-orthodox Muslim. Then, for the religious orthodoxy, the opponent is suddenly a non-westernised, non-modern Muslim.
Happy Birthday, dear Muhammad! SEKATEN, Yogyakarta

In Yogyakarta, the week-long celebration of the Prophet’s birthday is held under its royal house with much pomp. It is known as Sekaten, said to be a corruption of the Arabic word shahadatain, the Muslim profession of faith meaning “there is not god but Allah”.

Royal heirlooms [pusaka], the gamelan and kris are ritually purified and exhibited. Royal shamans with burning kemenyan and incense attend to hundreds of individuals with sesaji who have come to ask for blessings.

On the first night, the brother of the Sultan will emerge to throw a basketful of coins to the crowd, which the willing would jostle to get hold of. Then, the royal gamelan set is carried from the palace to two buildings within the compound of the Grand Mosque during a splendid midnight procession, where the instruments are publicly played during several sessions daily, for the next few days, after which they will be returned to the palace. On the final night, the Sultan himself will be present at the mosque to listen to the stories revolving Muhammad’s life and where he himself will throw away some coins. The final day of the celebration will see another grand procession from the palace to the mosque which bears five gunungan [massive ritual offerings shaped like mountains, made of rice, vegetables, cakes and other foods] as a symbol of the state’s gratitude to the divine. In a few minutes, the gunungan would be gone, grabbed to the last bit by the spectators, usually rather aggressively.

Underlying the celebration of Muhammad’s birthday in Yogyakarta is the concept of berakah or the distributable blessings from a sacred authority, in this case, the palace, to the public, by way of objects such gunungan and coins, which the public is free to shove and push to grab and the gamelan music, which they would listen to with much fervour. The Sekaten was a key method of the former Mataram dynasty, which claims to be the rightful heir to the Hinduised Majapahit Empire, culturally Islamicised the Javanese and maintains its cultural influence until today.

Sex, Magic and Desire – THE MALAYS OF THE BETUNG VILLAGE, Petalawan, Riau, Sumatra

In the same tone, the Malays from the Betung village of Petalawan in inland Riau, who are sometimes referred to as Petalangan Malays,22 are adept users of magic, principally in the form of oral spells, but sometimes used in combination with specific medium such as water, oil and fruit with most families possessing its own body of spells.

I specifically focus on the utilisation of sex, love and beauty magic spells by the women in the village, for it is in this area accusation of heresy will receive a bonus—the dirty tricks employed by female craftiness to ensure sexual success.23 Such magic verses have functions which range from boosting one’s attractiveness, “opening” the female sexual desire to “locking” a husband’s affections...
for a wife. A specific body of spells, with sexually explicit phraseology, is known as Monto Cabul or the Obscene Spells.24

I discuss with Mak25 Mino, who must be in her 70s or older, and her family on the theological implications of such practices, of whether such application of magic constitutes syirik [association of the primacy of god with other entities]. Mak Mino and family liken their use of magic to a method of prayers and see nothing sinful with their practice. Even using them to enhance one’s chance at romantic attempts is still a only a method, and magic is even better than cosmetics or clothes used to beautify oneself, because unlike such things, “your magic spells stay even after you have taken off your clothes.”

Pak Alom, her husband, stresses the fact that because the spells incorporate religious phrases and invoke prophets’, angels’ and god’s names, they are essentially prayers. The effectiveness of the spells still depends solely on the divine. The people stress that the origins of the spells, which are inherited from their ancestors, are in fact attributed to god.

CONCLUSION: PERIPHERAL ISLAM IN A POST-COLONIAL WORLD

Stripped of its political battle of theological dominance, the semiotic row in the early Muslim world had always been built along the lines of between the literal and the subtext, form and context, convergence and divergence of methodology and institutional authority and individual autonomy.26 Today, when the remaining disputes in Islam have gained an appearance of having been bureaucratised and regulated, such contestation continues nevertheless between the conservative clergy representing spiritual authority on one side and non-clerical religious thinkers advocating spiritual autonomy on the other. (Farish: 2001, 3)

However, the debate today has an added dimension. The semiotics of morality is infused with the morality of chronology—wherein the vocabulary of the debate is dominated by a chronological text where “breaks” are marked by the advent of “modern”, powerful western imperialism. This collective reaction to the colonised chronology is turning us into mere subjects of the postcolonial experience.

Of course it would be naïve to assume that we can completely rid ourselves of the restraints of political geo-chronology, but in my view, this should not lead us to function in a manner as if postcolonial geography and chronology as the only timeline and spatial circumstance in existence. The prioritisation of the temporal often adapts the consciousness of historicity or modernity into a moral strategy, and inevitably, as each squabbling party constructs the god of their chronological choice, they become hostile to parties who come from another temporal and geographical primacy whose existence cuts across the politically constructed discontinuity of the defined boundaries of the prioritised timespace.27

I am concerned with the consequences of Muslim theological debates which are burdened by the need to make sense of or overcome a perceived all-powerful enemy. Such a pattern of debate tends to assume the inexistence of Muslim societies who may have a dissimilar quality of contact with the “enemy” and a different approach of making sense of Muhammad’s priorities. Such societies may possess spiritual orthodoxies outside of Islam, and possess a rationality unconcerned with modernity. Such societies, like that of Indonesia, are aggressively being lobbied to turn either rational or theological via modernity, Islam or both, the blueprints of their spiritualities slowly expunged, when it is in this spiritual design that must have possibly given rise to the sophisticated development of a viable tradition of religious plurality. Such Muslim societies are in fact authorities in the maintenance of religious tolerance by virtue of its success in transforming Islam largely on its own terms, despite the complexity of negotiating its local circumstances with that of Islam’s foreign particularities.

Today, the semiotic debate between the Muslim clergy class and Muslim intellectuals in the international arena has been largely conditioned to respond to modernity and to make sense of the West in order to respond to it. As all continue to look for the most viable, authentic Islam, the Islams of Southeast Asia remain at the periphery—irreligious or unmodern, or both, and therefore inauthentic.

Lee (1997) in Overcoming Tradition and Modernity, The Search for Islamic Authenticity which analyses the thoughts of four Muslim intellectuals who all refuse to submit to the dichotomy of modernity and orthodoxy and each proposes divergent processes towards the search for Islamic authenticity, exposes how each search is wrought with its own inconsistencies. He reminds us of the elusiveness of authenticity because it begins with the modification of particularistic assumptions found in the Muslim world, but the need of authenticity for foundations and standards drives it towards a search for universal totality, abstraction and essence, sacrificing some other concrete particularities, no matter how grand the size or nature of the data pool, or how accommodative we are in dissecting it because extreme individuality or
cultural particularity cannot provide grounds for authenticity. As such, the search for Islamic authenticity would in the end suffer from shortcomings when moving from the particularities to grand universalism. “The claim of difference necessarily accompanies any theory of authenticity, but to acknowledge that claim in every case is to accept ontological and political anarchy, hence utter relativity, which every quest for authenticity would wish to avoid.” (Lee: 1997, 177-178)

For me, such a predicament is best demonstrated by the employment of jurisprudence as the grand stand of Muslim piety, which even if progressively revised as demanded by today’s modern Muslim intellectuals, is still dominated by the historical priorities of a Middle Eastern particularity and would subordinate other religious particularities like mysticism, which in turn explains why piety as explored by Sufism or the Javanese continues to be regarded as its lesser forms, if not downright heretical.

We are still in a sense, geographically incidental Muslims, and I hope we will always be. When the first Muslims first conducted their political expansion, it was for economic reasons, and conversions were not even encouraged.28 Muhammad brought a revealed experience to start a social movement with a spiritual particularity from his own locality.

My travels compelled me to ask, why should we, as Southeast Asians, doubt our own spiritual sufficiency, sabotage its viability and then take great pains to defy geography just to be a participant of either party in this foreign battle? The sophistication of our own spirituality had always been way above the simplicity of a postcolonial timespace.

In Java, I visited the ten sacred tombs of their Sunan [Javanese Muslim holy saints], whose identities are replete with expressions of normative piety, mysticism and magical abilities, until you can’t tell one from the other, not unlike Muhammad. I was raised not to indulge my piety on such “spiritual middlepersons”, and was incredulous when I saw visitors at the first tomb-complex that I visited belonging to the Sunan Tembayar in Klaten, Central Java hugging the tombstones. I was frightened, but conceited, until I realised there is little difference between what takes place at Bayat and those during the Muslim pilgrimage where normative Muslims would shove and push to kiss the holy stone of Hajarl Aswad near the cubic stone structure of Kaabah in Mecca, to cleanse their sins. When I was coaxed to drink the water straight from the spring at the Sunan Syeikh Maulana Malik Ibrahim at Gresik, East Java, by its gracious jurukunci (literally “key keepers”, custodians of Indonesian holy sites), the only reason I did it was because I did not want to be rude, and I even worried if I would suffer from diarrhoea afterwards. But slowly, I began to question the fundamental difference between the Gresik water and the holy water of Zamzam from Mecca which is often brought home by Muslim pilgrims back to their countries.

Structurally, such religious articulations are similar, despite the complexity of the particularities of holiness, spiritual devotees all gravitate towards the perceived sources of holiness. Many Muslims condemn such practices, but my conversations with several jurukunci of such places and perhaps, my own mad insistence of participating in something which I had no understanding of, elucidated to me, that beyond the technicalities of worship infrastructure, such practices serve to articulate the larger picture of spiritual humility, a priority in the Javanese spiritual particularity.

In Lingsar, Lombok Island, home to the Sasak Muslims, I visited a kemaliq—a Sasak temple with no endorsed religion, erected at the site where one Javanese Sunan is believed to have knocked the ground with his staff that resulted in the creation of a spring, with water of healing powers. The waters may or may not be able to cure but the fact remains that the kemaliq is maintained by Muslims who adhere to the many tenets of normative piety but the kemaliq is open to any believer to offer their prayers and conduct other rituals so long that they do not bring pork or beef into the compound and behave decently. When I asked Inak Sanusi, a Muslim native of Lingsar in her 50s, as to why she visits the kemaliq instead of the mosque to seek spiritual solace, she tells me, “I go the mosque, but I also have go the kemaliq.”

For so long, this has been the wisdom of Indonesian Islam, which can offer so much to the world, but its intense particularities do not invite universal inclusion from the Muslim traditional clergy or modern intellectuals alike. Even the dissent of many Indonesian Muslim intellectuals well-versed in ‘modern’ thought, seems to have stemmed from their refusal to accept the particularities of another culture as standards they must adhere to. Former President Abdurrahman Wahid (1997) once wrote in jest that in Java, the hostility between the different articulations of the Muslim identity, from the santri to the arts community, is managed by a ceasefire of sorts. This is to me a clear sign that even many Javanese santri would rather not trap themselves in the fallacy of authenticity claims. Inherently sophisticated, Indonesian Muslims have always relished in the particularities of their piety, lived the relativity of...
religious experience and were not, until recently, overly concerned in the futile search for authenticity. This subjectivity I believe is similar to the approach of many spirituality forms from the East. This manner in which the archipelago engages the spiritual message brought by Muhammad is in fact a great contribution to the Muslim thought, although little recognized.

Then one day, when we are done with the debate of foreign geography, of the obsession with old fiqh and new fiqh, we perhaps would sigh in exhaustion when we realise we had never needed much fiqh at all, not especially when it is regulated by the state.

REFERENCES


Notes

1 The experience of religious disidence and dissent in this paper should be understood in this context and not as a form of rebellion. Dissent in this sense does not have to be active and consciously political. The minimum qualifier would be to have a religious view which is not in tandem with the Muslim religious bureaucracy.

2 I contend that what the world is witnessing today is merely the rise of the politics of visibility among Muslims, a more rigorous and perhaps strategic attempt to articulate the exclusivity of Islam, against the perceived others, to such a degree where the exercise itself has become a fundamental validation mechanism in determining the Muslimness of a believer, which renders that there could only be one Islam.

3 I am following the categorical stress of Woodward (1999) on normative piety as the set of Muslim religious behaviours which express the centrality of the officially codified doctrinal, legal and ritual dimensions of Islam.

4 This is in my view, what has happened to Malaysia. Malaysian Muslims, like its Indonesian counterparts, also used to prioritise Muhammad’s messages with a local disposition. However with greater modern economic and urbanisation success as compared to Indonesia, campaigns on religious authenticity,
strengthened by Malaysia’s ethnic politics, found more success in equating the pre-Muslim past with the irrational and therefore non-modern and non-religious. Today, as compared to the past, one can easily observe that Islam in Malaysia while being more accommodating to urban economic and technological progress, is also becoming less accommodating to internal and external religious pluralism. Today many Malaysian Muslims are slowly losing the capacity to view piety in subjective terms, homogenising the Muslim religious experience with a partiality towards the construction of an empirical Muslim identity.

5Hefner (1999, 52). It should be noted however that similar traditional learning institutions have also been known to exist throughout other parts of the Muslim world.

6Hodgson (1974) stipulates that if only Javanese Islam is viewed from the Muslim tradition as a whole and not from the polemics of its modernist reform movement; its counterparts would have been certainly found in the Middle East and South Asia. For Suparlan (1976) the priyayi is a social class, made up by the nobilities and non-court state officers who emulate the high culture of the Javanese court and is not a distinct religious category.

7Sufism or Tasawwuf is the mystical discipline of Islam, which advocates practices such as asceticism and other exercises in non-attachment to reproduce the state of mind which is believed to have allowed Muhammad to receive divine revelation. Their technical tools are somewhat similar to those of Eastern spirituality’s, which may include deep mental concentration like meditation, rhythmic breathing, chanting, fasting and keeping night vigils, even music and dance. Many advanced Sufis are also able to enter into a state of trance and wild ecstasies.

8Although normative Muslims tend to view Muhammad primarily as the bringer of religious law and moral order, for many Sufis he served as the prophetic model of a mystic. Woodward (1999) contends that the divergence between normative piety and mysticism is a result of differing interpretation on the same set of cultural/religious axioms. As such, for him, the Javanese religious action should reflect the diversity inherent in the Muslim tradition as a whole, and the Javanese formulation on Sufism, mysticism and its relationship with normative piety is a great contribution to Islamic thought, although little recognised.

9Unlike normative Islamic thought, some branches of Sufism openly acknowledge the validity of spiritual paths other than that brought by Muhammad. It is possible that Sufism grew as a reaction against the growing influence of Islamic jurisprudence and legalism and the increasing luxury of Muslim societies after its formative years in Arabia (Armstrong 2002, 62). Although not all schools of Sufism are as such, not a few of them are regarded as heretical by the Muslim orthodoxy when they underrate the legal and ritual dimensions of Islam and prioritise personal and mystical experiences as the definitive methodology of perfecting piety. The mystical inclinations of Javanese Muslims however do not in any way suggest that normative piety has never gained a significant footing in Java. Most pesantren in Java today do actually exhibit a heavy partiality towards normative piety, but the spiritual pluralism of Islam in Java and the classical training that exposes them to many Islam which traverse time and geography, entail that many Javanese santris are open to the contestation of different forms of piety.

10Please see Hefner (1999) for further details on the possible forms of Java’s pre-Muslim Hinduised religious forms.

11The Utan Kayu community is associated with the Institute for the Studies on the Free Flow of Information (ISAI), Jakarta. The community can be seen as an independent cultural-political complex made up of interrelated constituents working on independent journalism via the first private and independent radio station in Indonesia, 68H, media monitoring, media research work on the decision-making process on matters concerning freedom of expression in Indonesia as well as in Southeast Asia and host a range of other cultural and political activities from publishing, promotion of the arts, book discussions to the organising of public forums.

12Dangdut is a popular musical genre in Indonesia, which is said to have absorbed Indian and Malay influences. The music is known for its sensuality and eroticism. A significant number of dangdut lyrics are inherently, sexually suggestive or erotic to the hilt with titles such as “Wet, Wet, Wet” or “My Ex-Wife”, just to name two. The singers often move their hips or incorporate erotically charged movements and I was told in many instances would even treat the microphone as a phallic symbol in jest. The singers often don flamboyant revealing costumes, and dangdut fans would often sing along as much as they would dance to the music. Dangdut is usually more sexual in the rural areas than in the cities or on television and many regard it as a folk and protest music of the working class and peasants.

13 Please see Mernissi (1991).

14 Many Muslims and people from the Abrahamic religious traditions are incurably adverse to ritual arts of many eastern and indigenous cultures, which are usually
just another method for the people to honour their local cosmology in conjunction with agricultural cycles, community welfare concerns, biological and fertility events and the like. Many of them deride such practices for its assumed “primitivism” and “demonic” association which they believe violate the belief in the unity of a sacred divinity.

15 Pak is a colloquial appellation designated for an elderly male as a mark of respect from the young. It is abbreviated from bapak which means father in both Indonesian and Javanese.

16 Slamet’s mother was the village sintren, a peculiar, little known local tradition of his hometown of Tegal in Central Java, wherein chosen women are caged and ritually sang to before she would emerge in a fantastical trance and proceed to break the rules by choosing her dancing partners nightly, before settling on one who would be taken in as her conjugal partner on the final night.

17 As a matter of fact, most contemporary performers and fine artists of Indonesia would have at least possessed some classical training in traditional genres, and numerous dancers and dalang inherited their art from their own families.

18 The method of dressing by way of wrapping the traditional sarong or other types of fabric at the chest-level, exposing parts of the wearer’s chest, hands and shoulders.

19 The network was led among others, by the esteemed academic and human rights activist Dede Oetomo who eventually became one of the founding members of Gaya Nusantara.

20 I was told that the intuition for an individual to start initiation process to become a Bissu comes through dreams, after which the person involved will seek the Head Bissu to convey his intention. Such gifts also tend to run in families. After a period of being his apprentice, he will undergo a ritual of appointment. However, most of the spiritual knowledge is also largely inspired by personal revelation rather than being received from the mentor Bissu.

21 Puang is a colloquial appellation, in Bugis, designated for a venerated person or entity. Matowa indicates his status as the most senior or the head Bissu.

22 I am not quite persuaded to use the term Petalangan Malays as espoused by numerous media and academic references of late. Petalangan still harbours derogatory connotation for some members of the community for it refers to the bamboo plant, insinuating their inferiority. Indeed in the past, the Malay-speaking coastal regions in Malaya and Sumatra were the centres of trade, commerce and governance and the hinterland and its citizens were often viewed as culturally inferior, as commonly the case elsewhere around the world. When asked about their identity, the Betung villagers will always tell you that they are Malays, pure and simple.

23 It must be mentioned that both women and men in the community utilise their own beauty, love and sex spells. Such practices have become a fixed cultural component of the community but the knowledge of such spells is naturally not shared between husband and wife until old age when sexual relations have more or less ceased. Such spells tend to be transmitted from father to son or mother to daughter. As a woman, I would never be able to obtain the equivalent spells used by men as I did from the women.

24 Please see Kang (2003) for further details on the utilisation of beauty, love and sexual magic by women of the community. Kang has also excellently documented many other genres of social and personal magic spells of the community utilised to assist communal, economic, agricultural, medical and childbirth processes in the village.

25 Mak is another colloquial appellation employed by the ethnic Malays of Sumatra for the elderly female, also as a mark of respect from the young. It is abbreviated from emak which means mother in Malay.

26 This pattern of dispute has always been a huge part of Muslim tradition, which can be traced back to the debate between the Qadarite and Jabria scholars during the Umayyad Caliphate and immortalised by the great rift between the rational Mu’tazilah philosophers, who argued that religion must be dissected with logic and reason, and the theologians, who contended that religion is above fallible human reason. This battle of theory was famously marked by Ibn Rushd’s great work, Tahafut-al-Tahafut (The Incoherence of Incoherence), a rebuttal of Al-Ghazzali’s Tahafut-al-Falasifa (The Incoherence of the Philosophers). Please see Hoodbhoy (1992) for further details.

27 For instance, one of the most morbid expressions of postcolonial orthodoxy is the obsession with the development of the Islamic State because “the past is the moral way to be”, a sorry attempt to reconcile the Charter of Medina drawn by Muhammad for societal operations in a volatile tribal polity in the 7th century, with idea of the secular nation-state, whose basic unit is formal equal citizenship. On the other hand, for the modernist Muslim, logic and reason “the modern moral way to be” reign supreme, as if indicating that by wearing the enemy’s clothes, we could be emperors ourselves. Many modernist Muslim movements in its fierce criticism of the irrational, oppressive traditional Muslim religious life believe that rational Islam is
destined to build a civilisation of high culture, thinly veiling its imperial ambition, although an imperial power is usually more political than religious.

GLOBALIZATION, GENDER AND SEXUALITY: MALAYSIAN AND PHILIPPINE ARTICULATIONS

Elizabeth Uy Eviota

INTRODUCTION

Global capitalist expansion may be its major impetus but globalization is much more than the workings of capitalism on a world level. It also means expansion, though not necessarily unproblematic, of associated technological developments and an interweaving of a political, material, and ideological culture. Globalization is to be understood in relation to an economic, political and social context and conceptualized as a relationship between the global and the local. (Kinnvall and Jonsson, 2002) As such, social arrangements become relativized with positive preferences for Western and capitalist possibilities.

The political economy of globalization involves structures, institutions and processes which work through human beings who have their own personal and social historical contexts. Thus, social structures, institutions and processes, have both an objective logic and a subjective embodiment. (Giddens, 1991) An understanding of this logic as it intersects with the agency of human subjects is central to any analysis of connections between globalization and changes in sexual and reproductive behavior.

Sex is an expression of a person’s sexuality, that malleable feature of the self, a prime connecting point between body, self -identity, and societal norms. (Giddens, 1992) Sexuality encompasses both the material and ideological, from the physical capacity for sexual arousal and pleasure to the personal and shared social meanings attached to sexual behavior and the formation of identities. It is articulated in sexual behavior - what people do sexually with others or with themselves, how they present themselves sexually, how they talk and act. Its connection to the social renders sexuality not a thing in itself, a category detached from the social matrix. Rather, sexuality is embedded in a network of social relations; it affects and is affected by social, political, economic and religious factors.

One of these social relations is gender. Gender is the structure of social relations between culturally defined males and females and together with sexuality have emerged as primary modes of self-consciousness in our contemporary period; they are today’s reflexive projects, the prisms of changing local contexts. (Giddens, 1992) Gender and sexuality, as social relations, are never static or unchanging; rather they are flexible, unstable features of society. Gender and sexuality intersect with societal processes and as societies change, existing forms of relationships between and among women and men, absorb, transform and mediate the forces of emergent social, economic and political change and are as well informed by these forces. In these relationships, women and men engage in human praxis, as agents with needs and intentions, actively maintaining, negotiating or resisting, collectively or individually, institutional and cultural forces that bear on their everyday lives. Because sexual behavior is a social relation it both mirrors and is lived through the salient power divisions in society through gender as well as through nation, class, race, and ethnicity. Its infusion with power renders sexuality a matter of rights, both as a right to sexual expression and as a right to be protected against unwanted sex.

INTERSECTIONS BETWEEN GLOBALIZATION AND SEXUALITY

Sexuality and what is sexual is implicated in a range of societal institutions and cultural processes and events - marriage, procreation, prostitution, reproductive health, infectious diseases, parenting, gender roles, violence, definitions of masculinity and femininity, and paid work. The effects of globalization on the sexual are varied and complex, indirect and direct, and are often contradictory—have both negative and positive features. Globalization has meant the pursuit of economic growth largely through deregulation of markets and prices, liberalization of trade, and reduction in the economic role of the state resulting in a progressive erosion of political and cultural borders and intensification of interconnectedness mediated by communications and information technologies. These events have precipitated such phenomena as the expansion of education, the migration of large numbers of women, the absorption of specific groups of women and simultaneous expulsion of men by the economy, revisions in state policies, and shifts in media images and discourses of social institutions and social movements. These associated phenomena have, in turn, affected gender relations and sexual practice.

In Malaysia and the Philippines the global expansion
of capitalism has led to an increase in the recruitment of women in export processing production and modern service industries, at the same time that it has resulted in the loss of traditional skills and economic opportunities for some men and women. (Increase of the female labor force in percentage was from 33.7 in 1980 to 37.5 in 1998 for Malaysia while the corresponding increase for the Philippines was 35.0 and 37.6). In Malaysia, capitalist expansion has meant economic prosperity for a sector of the population and an expanding middle class while simultaneously making life difficult for those in the periphery of this expansion. In the Philippines, economic restructuring has for the most part beggared vulnerable groups by marginalizing basic human needs, enfeebled laboring classes by rendering their livelihood and entitlements insecure, and sharpened inequalities of class and gender. (Eviota, 2004) In both countries a technological revolution has occurred, transforming the means of communication between individuals, social groups and interacting cultures - and thus the flow of ideas.

Globalization and sexuality, thus, are not neutral projects but are imbedded in highly contingent, unequal processes involving economic and political systems, bureaucratic interventions, nationalist imaginings, social discourses, and religious ideologies.

This study looks at specific processes associated with globalization in both Peninsular Malaysia and the Philippines, namely, the increasing employment of women in the modern sector, expanded education for women and men, widening urbanization and increased media exposure and the way these processes have influenced heterosexual attitudes and behavior, such as sex outside and within marriage, marital fidelity, marital dissolution, sexual risk and vulnerability, and contraceptive behavior. One of the main assumptions of this study, one long held, is that a sense of autonomy in economic and social life among women could lead to a heightened sense of a right to sexual choice.

MALAYSIAN AND PHILIPPINE COMPARISONS

The Southeast Asian countries of Malaysia and the Philippines are apparently similar in their modernizing tendencies and apparently different in their religious and political practice. The Philippines (population: 82.81 M) is predominantly Catholic and relatively ethnically homogeneous (about 16% of the population are considered ethnically distinct). Malaysia (25.18 M), multi-ethnic, multi-racial and multi-religious, has a majority Muslim Malay population with Chinese about a third and Indians less than a tenth of the population, and with Islam as the state religion. Although intermarriages are increasing, ethnicity, race, and religion are still very much intertwined in Malaysia and are the main characteristics that identify individuals and families in social, economic, and political spheres. (Raj and others, 1998)

Religion is prominent in everyday life in both these countries. The issue for sexuality is not that these countries have different religious ideologies; but in the way religion is contending with modernity and grappling with tensions between secular and religious life in the face of globalization. Religion is but one aspect of social life and it cannot be meaningfully separated from a range of other human processes, activities and desires. While in both these countries religious teaching reaches deeply into people’s consciousness through diffusion as traditional cultural norms in the family and the community, the other important issue for sexuality is the extent to which religious authority directly exercises state power or indirectly shapes public policy and clinical practice.

Variations in national social, political, and economic contexts between any two countries make comparisons difficult, more especially on such a topic as sexuality. But what the study intends to do is look at some common patterns between diverse country settings that play out in culturally and socially distinct ways. For example, gender relations in both countries are, to be sure, characterized by a primarily male-dominant culture despite formal legislation supporting gender equality. Yet the daily impact of culture and traditions on the power men have over women and the form the power takes varies enormously. These local contexts, as they interact with globalizing forces, will take on different forms as well.

The main sources of data for this paper are the researches conducted by the International Reproductive Rights Research Action Group (IRRRAG) through local organizations on reproductive health (carried out in 1994-1995), and on male responsibility (2000-2001). Two of the countries involved in these researches were Peninsular Malaysia and the Philippines. The main respondents in the Philippines for the reproductive health study were 278 single and married women from subsistence areas. A few of the women were housewives or helped in farms but most were engaged in informal sector work, mainly raising pigs in their backyard, tending to their small variety sari-sari (variety) stores, selling food, or taking in laundry. Most of the respondents had only primary education. In Malaysia, the 71 female respondents came from the three main ethnic groups. The women, drawn from low-income areas, were either housewives or worked in factories, estates, the informal...
In both Malaysia and the Philippines, the theme of manhood and masculinity is dominated by ideas of virility, strength, power, and control in heterosexual relationships while that of femininity is suffused with submission and nurturance. These ideas define who has the right to sex, the right to pleasure, and the right to marital fidelity.

The social dominance of men is exercised in their dominance in the sexual sphere: they have much more freedom of sexual expression and much more social support for their sexuality. Men continue to have the prerogative in the sexual sphere while women remain at a particular cultural disadvantage in terms of their right to practice sex, much less enjoy it. Malaysia’s ethnic diversity does not temper male dominance as much as it plays out variations on a theme. In the Philippines and Malaysia, nature is called on as support for male privilege in the sexual; in Malaysia, religion is added justification for the Muslims, while it is culture for the Indians and the Chinese.

The double standard prevails. In almost every aspect of sexual behavior the standard is right for men, wrong for women. Men are the privileged gender in almost all aspects of sexual life: when to have sex, with whom, how and of what sort. They are also privileged in reproductive life: they make most of the decisions on contraceptive use, which one and when to use them and how many children to have.

The literature in both countries demonstrates how men and women’s perceptions of their own and others’ sexualities are mediated by different meanings of male and female sexuality. Male discourse on sex is filled with the physical aspects of satisfaction, pleasure and lust while female discourse is flowing with love and intimacy.

The theme of women’s vulnerability to male dominance is recurrent in the literature of both countries. Spousal abuse ranging from hitting women to womanizing, forced sex, unwanted sex acts, and infecting with a sexually transmitted disease has become endemic to sexual relationships. Spousal abuse is a repeated theme of women’s complaints about their sexual relationships. Abuse also spans across generations.

Yet while these are the generalities, these themes are worked out in everyday life in a myriad of contradictory ways, sometimes conflicting, other times reinforcing. Male dominance and its version of masculinity are simultaneously compromising and uncompromising, and thus both challenged and reasserted at personal and institutional levels. Female subordination is pervasive and sometimes justified but it is also to some extent contested and resisted.

How are these contradictions worked out in the light of globalizing processes?

Studies in the 1970s and 1980s of women in production-related activities in export-processing factories in Malaysia and the Philippines reveal specific intersections between economic change and sexual behavior. (Ong, 1987; Ariffin, 1994; Snow, 1977) Wage work for these rural to urban migrant women while proving difficult in terms of lay-offs, low wages and labor repression, did give them some measure of social and sexual freedom.
Because living away from home and independent wage work gave women some free space, they rarely contemplated returning to their families in the rural areas. Women felt that women’s social and sexual behavior was much more circumscribed in their home communities. The social freedom was therefore valued highly by women; although in Malaysia, Muslim working women were reproached by religious elements for working away from home.

Many changes have taken place since these studies. In both countries, there are no longer major rural-urban differences among women as the majority now has had increasing access to urban areas; mass media has also erased community borders. In Malaysia, arranged marriages have become almost a thing of the past as child brides. (Jones, 1981) In both the Philippines and Malaysia, the age of marriage has been rising, notably among the Malays in Malaysia (Jones, 1981; Low and others 1994; Xenos and others, 1999), and, as a consequence, the opportunities for premarital sex have also been increasing. In many countries the delay in marriage has been attributed to several factors; primarily, women’s better education, increased mobility, and economic independence.

Virginity and premarital sex continues to be an issue for women (but not for men) in varying degrees in both countries, although there have been changes in attitudes toward it among women and men. In the Philippines, the larger numbers of males and females still see virginity (for women) as important, but male approval of female premarital sex is increasing as is women’s acceptance of it, indicating a decline in the value placed on virginity. In Malaysia, virginity is still also important, most especially among rural Malays and Indians although it is no longer as important among the young, the educated and the more urban; it is least valued among the urbanized Chinese. (Wong Yut Lin and others, 2003; Yusof and others, 1984)

In practice, the rates of premarital sexual activity among women and men are far from converging. Premarital sex is still acceptable behavior for the most part only for men and this is borne out by the behavior of these men. In Malaysia, the majority of males assert that boys become men by having sex with women. Nonetheless, female sexuality while still firmly within the orbit of love and marriage is increasingly expressed in premarital sexual intimacies and intercourse. Expanded education, urbanization and exposure to Western-influenced media have led to increases in sexual exploration and experimentation among women and men across all classes in the Philippines. In Malaysia, increases are notable among the Indians and Malays in spite of Islamic prescriptions on the spatial separation of sexes. There appears to be least change among the urbanized Chinese who are relatively more permissive in religious and cultural terms and thus have the highest rates of premarital sexual activity. In Malaysia, as well, rates of teenage pregnancies have been rising across all ethnicities.

Whether and how these sexual explorations and to a certain extent the exercise of sexual options translate or carry over to marital relationships has not been sufficiently documented to warrant firm conclusions. The IRRAG studies give some indication of how women and men negotiate the terms of their sexual relationships in times of accelerated economic and social change.

In Malaysia and the Philippines, male respondents acknowledge women’s sexual desires because a denial on their part would make sex, rape. Men also grant women their rights to sexual pleasure and sexual enjoyment. Indian men in Malaysia are cautious on this right: enjoyment should not be excessive because this can lead women astray. Malaysian and Philippine women on their part also recognize their sexual rights to pleasure and enjoyment. For the women, there is acceptance of the physicality of sex but they also ask that there should at least be some attempts on the part of men to insert communication and intimacy into relationships. For example, they ask for more romance and foreplay (like what they see in films and the mass media) so that it does not come down to being simply penetration or even rape.

However, the issue of women’s right to initiate and to refuse sex is a different matter. In the Philippines, there is qualification both among women and men on whether to initiate sex (women can initiate only within marriage) and how: men recognize the sexual needs of married women but they can express this only in a feminine, subtle way. Women generally feel shame at initiating sex and if they ever do initiate sex, suggest or hint at it rather than ask outright. In Malaysia, most women (the exception are some Malays) seem to be more forthright about their right to initiate sex. Most men (the exception are some Malays), in principle, grant women this right (but always and only within the context of marriage), although they also say that women are unlikely to exercise this option; in men’s minds, women like men to initiate sex. Among some Malay women, their religion gives them the right to ask; as does culture among the Chinese and Indians. However, some Indian men disapprove of women who initiate sex equating this to the behavior of
prostitutes or seeing this as a threat to their masculinity.

While the act of initiating may have its qualifications, the issue of women’s right to refuse is unqualified. In both countries, and especially among the Malays and Indians in Malaysia, both women and men see sex as duty and obligation in marriage and for women this means that they do not really have the right to refuse. Malay men feel that, according to Islam, it is their right to have sex with their wives and that their wives cannot refuse them (and women echo this male right because they say that in Islam to refuse a husband is a sin). Indeed both Malay and Indian women frequently professed belief in a husband’s right to sexual satisfaction on demand. In the Philippines, even if some women see sex as obligation, they also feel that they have the right to refuse, although it is rarely exercised while the men also say women can refuse, but insist that they should have a very “good” reason. All men in both societies see themselves as having proprietary rights over women’s bodies. Yet these same men also say that women should not be forced to have sex with them. The fact is men do not need to use force because there is always the threat, often implicit and sometimes stated, that if their sexual urges are not satisfied, men will either seek other women or sue for divorce. Awareness of laws against rape in both countries can mitigate some of these threats as has exposure to western ideas of gender equality among urban men, especially the more educated, and among the Chinese in Malaysia.

Spousal violence is not rare. Yet, most men say that they have no right to hit their wives, although many say that they do have the right to discipline them. Muslim men claim their religion allows them to chide or correct their wife; while a few say it allows them to hit their wives. But they also say that while they have the right to hit they should not exercise it. The reason is less respect for the wife as the weakness of women: women are weak creatures who cannot fight back. A number of Indian men claim that occasions when their authority and masculinity is threatened, such as when a wife is arrogant (“because she is working”), “rebellious” or talks back, warrant a husband hitting her. A recurrent reason for spousal abuse across male discourse is the wife’s refusal or inability to meet his sexual demands: thus, violence is a man’s assertion of the right to sexual satisfaction. For a Muslim man, a wife’s marital infidelity can provoke violence on his part. Many of these justifications are echoed by men in the Philippines where spousal violence reflects the inequities in power between the genders and of a society where violence is seen as a way of resolving conflicts. Men in the Philippines say that they hit women when they get drunk or are provoked by “nagging” wives but also because they simply can. Philippine and Malaysian women have been vocal about the frequency of forced sex and other forms of physical abuse in their communities and they want to put an end to them. An awareness of laws against spousal violence among a few men in both countries delimits some of the violent actions of men but the majority of women do not invoke their legal rights.

Apart from physical violence, women also talk about emotional abuse. In both countries a number of women expressed indifference or explicitly negative attitudes in their ability to obtain physical and emotional pleasure from fantasy and sexual encounters. Across the two countries, women’s words reveal a sense of depersonalization, physical dissatisfaction, and even of humiliation arising from the way their husbands insist sex, the way their husbands treat them sexually and the way their husbands threaten infidelity. All women in both countries and across all ethnicities want men to respect their bodies. Sex for a number of these women rather than being a source of pleasure has become a source of pain, anxiety and distress. The better educated, urban men in Malaysia as in the Philippines acknowledge marital infidelity as a form of emotional abuse.

Extramarital affairs remain firmly a male privilege and largely a male practice although all men admit to its immorality. In both countries women have stated a lack of trust in their husband’s faithfulness to the marital vow. In the Philippines women say marital infidelity is a most painful emotion: it is hurtful to “one’s soul, one’s feelings and one’s heart.” Yet they feel they must tolerate it because they have few options. In both the Philippines and Malaysia, men place the blame squarely on nature and women for their marital infidelities: marital infidelity is primarily a consequence of a man’s naturally uncontrollable or insatiable appetite and a wife’s inability or unwillingness to satisfy him sexually. The belief in the male’s naturally greater propensity for sex is well established across the varying cultures and classes in these two countries to the extent that male sexual desires must be satisfied somehow, somewhere so that if left unsatisfied, the compulsion may lead to rape. But rape is seen here as a sexual act, and not an act of violence. In the Philippines, husbands also claim that not only do wives drive them to other women but it is also these other women themselves who provoke the affairs by giving them the “motivation”. In the same way, Indians have images of woman as seductress or even of women themselves having a stronger sexual desire or excessive sexual needs than men. Among Indians and Malays as well, the belief that women have a stronger sexual desire

**Reflections on the Human Condition: Change, Conflict and Modernity**

*The Work of the 2004/2005 API Fellows*
leads them to concede that they may seek other partners if their husbands fail to satisfy them sexually.

Women’s engagement with extramarital sex, while negligible, is increasing in both countries. In Malaysia, a newspaper account indicates a fraction but growing number of women, especially professional women, across ethnic groups engaging in extramarital affairs.7 In the Philippines a survey finds a small but notable number of women having extramarital affairs. (Natividad, 2004) But this number should be placed in the context of the consequences if women are found out. In the Philippines, husbands can be expected—and wives expect this, as well—to kill their unhappy wives.

For couples across these two countries, the variable in the issue of marital infidelity and violence is the option of marital dissolution. Divorce is not allowed in the Philippines as a result of Church pressure so that women and men have no recourse to this option; women either tolerate the infidelity or separate but do not have the state to enforce financial support for themselves or their children. Malaysia allows divorce for both non-Muslims and Muslims but culture and legal procedures are biased towards the male.8 Among Muslims it is much easier for a man to seek divorce because of the procedural requirements asked of women. Divorced Chinese women suffer the stigma of separated women and find remarrying difficult. Among Indians divorce is culturally unacceptable so that women would rather suffer an unhappy marriage than be divorced.

Entitlement to fertility control and the use of contraceptives is wished for by almost all women in both countries because they bear the pain and the difficulty of childbearing and, as well, the responsibility for child-caring. But women also say that many husbands assert or try to assert their authority in these matters because they are men and they are heads of households. This assertion takes the form of deciding on what contraceptive their wives should use and not on whether they themselves should use one.

Thus, the issue is not simply a question of technology; it is very much entangled with male dominance. The use of condoms is demonstrative of male sexual right. Condoms are a contraceptive option as well as protection from sexually transmitted diseases. Yet in both these cases, men refuse to use them because it takes away from sexual pleasure and women are unable to do anything about it. In another example of complicity of male violence and power in both countries, a few men will hide a sexually transmitted disease from their wives rather than risk conflict in a marriage.

**THE BROADER SOCIAL AND ECONOMIC CONTEXT**

The foregoing discussion demonstrates the prominence of gender politics in sexual attitudes and behavior. But it also points to contradictions and dissonance—the erosion of some sexual standards, the tolerance for male infidelity, the vulnerability of women, the anxiety of men, among others—and the entanglement of sexuality with the broader context of ideology and material life. Gender and sexuality are embedded in social and economic processes at community, country and global levels. The broader context reveals that while male dominance in some form is a constant, there are three variables which are salient, and although implicated with each other, are analytically isolable: religio-state forces, social class and ideological constructions (in Malaysia, ethnicity is implicated in all these variables). Three specific instances of intersections illustrate the salience of these variables.

First, it appears that women in both countries, but for totally different reasons, are supportive of their men often at the expense of gender equality in the face of global economic changes that may destabilize their class position. While in both countries the emphasis on women’s role as wife and mother is highly salient if not hegemonic and continues simultaneously to define adult femininity and womanhood, its specific articulation has varied across classes. In the Philippines one sees this in the ambivalence of women who earn more than men or of women who are breadwinners: how their work and their income threaten their unemployed husband’s masculinity and how careful they are not to show any “dominance” (their word) towards them. (Woman-health, 2003) The image of a man who is a deficient or non-provider is particularly devastating for working class masculinity and in the Philippines women realize this when they choose not to challenge male sexuality in tolerating marital infidelity, not insisting on male contraception, giving in to sex, and not exercising their right to refuse. The employment of women at the expense of men in the midst of a labor-surplus economy does not result in long term benefits—sexual or otherwise for women. The importance of social class—and the weakness of a state—cannot be over emphasized in the Philippines because it is only in poor or working class families where we have large numbers of unemployed men and of women as breadwinners whose work makes possible the survival of the family—household. Thus, women appear to be putting economic matters—the primacy of material needs of the family-household (and perhaps also the emotional sustenance within it)—in front of gender-based interests. Or, because of poverty,
women are unable to focus on anything other than their own economic precariousness so that gender-based inequities become less of a concern. Yet while many married women who do paid work in the modern sector are not able or are not willing to assert sexual options, the IRRRAg studies also show that there are a number of women who expressed markedly different opinions or engaged in different behavior. One might call these expressions and behavior emerging “voices”, resistances, or counter-hegemonic discourse. These resistances find support in an active, multi-class women’s movement.

The situation in Malaysia is one which involves an expanding middle class, a resurgent Islam, and state-promoted reactions to westernization. Although “Islamization” (Othman, 1994; Stivens, 1996; Ong, 1995) and a state apparatus dominated by a ruling party are engaged in competing discourses on Islam and modernity, they are one with individual men in appropriating women’s bodies for their personal or political projects. The political project is a rejection of “Western values” and what is endangered is female chastity.

In Malaysia and the Philippines, a western-oriented media and a consumerist culture are increasingly making virginity, a prescription closely related to religion, irrelevant. Globalization has seen the influence of religion as diminishing or on the wane in a conservatively Catholic Philippines and revivalist Islam in Malaysia. Religious influence is no longer taken for granted and one can see a threatened influence in the Philippines in the increasing incursions of the Catholic Church in state affairs. In Malaysia, the fast paced flux and mobility of economic changes has been seen as threatening, engendering attempts at Islamization which has encountered, in turn, calls for the secularization of the state or a rights-based rereading of Islamic texts. The control of sexuality, particularly female sexuality, features prominently in most of these religious anxieties.

Religious, state and parental surveillance are coming up against a powerful and increasingly intrusive global material culture that has had its strongest impact on the youth and young adults. Certainly the availability, accessibility and use of erotica and pornography in whatever form these are being consumed in the cities and the countryside of Malaysia and the Philippines are an indication of how the sexual figures prominently in the everyday lives of the youth. In Malaysia religious forces backed up by state support, as in the presence of a “morality police”, are deemed necessary to enforce the separation of the sexes crucial in Islamic definitions of sexual behavior among Muslims.

At the same time many Malay Muslim middle class women espouse the preservation of female chastity and the male’s proprietary right to female bodies when they talk about the housewife as the proper role of women. In so doing these women close ranks with their men, the state and religion in the name of an Islamic “national identity” to stave off what is perceived as the “undesirable” onslaught of neo-colonial “Westernization” and its accompanying notions of liberalism. But this has as much to do with reproducing a class and maintaining middle class respectability as it is with buying into state-sponsored definitions of women’s role. The defense by mainly middle class women of the notion of woman’s-place-is-in-the-home and thus for preserving female chastity resonates in calls for the preservation of a national identity yet much of the prosperity enjoyed by these women was achieved on the backs of much maligned “sexually promiscuous”—Malay Muslim working class women employed in high technology factory work in free trade zones. (Ong, 1987) But in Malaysia as well, there are middle class women across all ethnicities, who despite a politically restrictive environment, are waging a resistance against the religio-state complicity in defining and limiting their social, economic, political and sexual rights.

Second, the link between procreation and material resources and thus of population to economic growth means that sexual and reproductive behavior become the focus of states. On the one hand, Philippine regimes have linked fertility control as a way out of increasing impoverishment of the majority population but have either encouraged or discouraged dissemination of artificial fertility control devices depending on the power of religious forces to influence public policy or political practice. The pluralistic tendencies of globalization have provoked the Catholic Church to intensify its intrusion in the political arena to achieve by imposition what it cannot achieve by persuasion. This clash of religion and the sexual is no more evident than in the issue of contraception where most of the population believe that it is important to have the ability to control fertility. When artificial fertility control devices are banned or not made available, sexual relations between women and men, especially of the poor and working classes, are affected. It is these women and men who are faced with conflicts between children as proof of male potency and the limits of household resources. Furthermore, population pressure on limited economic resources has meant that poverty makes women more vulnerable to unwanted sex and unwanted pregnancy when men who own or control no property appropriate in the only sphere available to them, the sexual. (Pagduan, 1988)
In Malaysia, on the other hand, the New Population Policy, launched in 1984 after a deliberate program of promoting family planning, has a distinctly pro-natalist objective, particularly directed at the Malay Muslim population: to create “a larger consumer base with increasing purchasing power to generate and support industrial growth.” While the policy seems to have had minimal success since fertility rates of all major ethnic groups continue to decline, it has had an ideological and psychological impact, reinforcing the notion that women’s primary role is to stay at home and bear and rear children, thus creating feelings of conflict, guilt and confusion among the increasing majority of women who take a different path. (Raj and others, 1998)

Third, as the notion of wifehood and motherhood in Malaysia and the Philippines continues to define women and female identity, sexual relationships with men will be central to these definitions. The value of women as sexual beings, as procreators, and as caretakers of the young dominates male and female discourse, in the Philippines and in Malaysia, especially among Indians and Malays. For example, Muslim men speak of women’s bodies more in terms of the womb than of personhood. Men continue to define themselves as heads of households where women are in charge of children, even where their wives are also engaged in paid work. In Malaysia, the notion of motherhood and thus of sexual subservience to husband, state and Islam is in fact promoted by the State, especially among Muslim women, as a value in itself and as a means to increase the population to provide for both the labor and consumer base of a rapidly industrializing state. Indeed some measure of economic prosperity in Malaysia has provided the impetus for a return to women’s focus in the domestic sphere. In the Philippines, religious ties are a major factor in the continued promotion of the primary role of women as bearers of children and caretakers of the family. However, where the majority is poor or working class, the option of keeping women at home is hardly a viable one; the ideal of motherhood and mothering is only achievable among the middle classes.

But whether poor, working, or middle class, women will need men if they are to “fulfill” their femininity and their destinies as mothers. To the extent that family reinforces the norm of motherhood, and women see themselves primarily in this role, then women will go to great lengths to preserve marital and therefore sexual relationships. Thus in the Philippines, most women see womanizing for what it is—as an agent of male privilege—but some tolerate it because they believe that womanizing inheres in male identity. It is part and parcel of masculinity to have sexual needs that have to be satisfied—that if you take away their womanizing, you take away their masculinity. Womanizing is a natural urge gone out of control, very much like drinking to excess. Thus to challenge male sexuality is to destabilize the route to the fulfillment of feminine identity.

**SUMMARY AND SOME CONCLUSIONS**

In summary, the broader context reveals that while globalization has to some extent involved a market-consumer frame to redefine sexual notions and legitimize entitlements to sexual expression, it is also clearly intensifying the structural factors at work behind complex processes which undermine national identity, job security, gender equality and bodily integrity. The broader context also suggests that dominant economic practices and dominant ideological formations both produce and limit the forms, scope and force of the challenges which invariably arise from them. In both Malaysia and the Philippines, for both similar and different reasons, the notion of sexual rights and the assertion of these rights are not widespread.

In conclusion, this study confirms that sexual relationships in the Philippines and Malaysia incorporate imbalances in power based on gender and social class and in Malaysia, of ethnicity, as well. Gender differences reflect both structural and ideological forces and the power and resource inequities are played out in ways that severely affect girls’ and women’s ability to determine their own sexual and reproductive paths. The sexual incorporates disparities in physical strength and access to material and social resources. For the most part, girls and women often have little control over what happens to them sexually—over men’s sexual access to their bodies and the conditions under which sexual encounters take place. At the heart of having sex with a partner lies an individual’s ability to make choices and the question of choice is a complex one. Among women, what seems on the surface to be a voluntary sexual activity is driven by deeply felt needs, ranging from playing out gender norms to economic support to fending off physical abuse. Women, wives especially, are always vulnerable to unwanted pregnancy or disease as a result of their lack of control over the terms of their sexual relationships. As is the case in almost all societies a sexual double standard heightens the vulnerability of even sexually monogamous women to infection from STDs. The extent to which a woman is able to set the terms of a particular sexual act or relationship defines her capacity to enjoy her own sexuality as well as to protect herself against forced sex, unwanted sex acts, unwanted pregnancy, or sexually transmitted diseases.
Social and economic policy makers may well take note that eliminating gender hierarchy is the sustainable, long term solution to women’s sexual vulnerability. Condom promotion and the distribution of educational materials are effective but basically technological solutions to unwanted pregnancy and preventing sexually transmitted diseases. Crisis centers are necessary—but they serve as the last resort of women who have already been abused. A campaign to educate men and women on gender and sexual politics, and for women, their sexual and reproductive rights, goes a long way in changing ideological notions and providing a supportive environment for women. Gender-based violence, for example, should be seen as both a consequence and a cause of gender equality. It is a matter of human rights abuse, an important public health problem, and a risk factor for various diseases. Sexual and reproductive well-being should be seen as a life not only free from disease but also free from mental and emotional stress, safe from physical and sexual violence, free from constraining social roles and free from disempowering relationships. However, the structural supports for gender and sexual hierarchies, mainly economic, political, racial/ethnic, and social hierarchies need to be eliminated as well. Reforming structural supports means understanding the complex relationship between women’s individual sexual and reproductive health and global population and development. The world community through the United Nations recognizes the improvement of women’s status as an important end in itself, essential to a rights-based sustainable development. Changing the imbalance of gender relations is necessary if one is to address the goals of increasing equality, lowering population growth rates, helping women to eliminate unwanted fertility, reducing STDs and HIV/AIDS, and improving overall sexual and reproductive health. Thus, this complex relationship must be premised on the integrity and indivisibility of all human rights - civil, political, economic and social rights. The achievement of gender justice not only involves the recognition that women are entirely capable of making ethical decisions about their bodies and their lives but also promotes global economic processes and state policies that are sensitive to issues of basic human needs and gender.

NOTES

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1. Reports on these studies can be found in Fabros and others, 1998 and Womanhealth, 2003 for the Philippines and for Malaysia in Raj and others, 1998 and Wong Yut Lin and others, 2003. The Philippine study on reproductive health covered 14 mother-daughter pairs and a quantitative survey of women.

2. Sexual behavior, especially adolescent and young adult behavior, has been the subject of several national surveys in the Philippines, called the Young Adult Fertility Surveys (YAFS). The reports from these surveys are in Raymundo and others, 2004; Raymundo and others, 1999, and Raymundo, 1984.

3. See for example, Tan and others, 2001; Ventura and Cabigon, 2004; Xenos and others, 1993.


6. Personal communication from Dr. Shanthi Thambiah, Gender Studies Programme, Universiti Malaya.


8. On sexuality, sexual behavior and family issues such as marriage and divorce, civil laws apply to non-Muslims while the Islamic Shari’a law applies to Muslims.

9. I owe many of the insights on Islamization, class and sexual behavior from my conversations with Norani Othman, Zaitun Kassim, Shanthi Thambiah, Sheela Sham and Wong Soak Koon. See also Ong, 1995; Othman, 1994; and Stivens. 1996.

hierarchy has not hesitated to utilize its political leverage to the fullest to promote its religious views, especially regarding artificial contraception." Also see Jimenez, 2005, for example, for an account of how the Mayor of Manila has banned contraceptive devices in his city.

11. According to a 1991 national survey, 96 per cent of the population accept family planning, saying it is important to have the ability to control fertility and plan one’s family. (Social Weather Bulletin, 1993)

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"THE WOMEN ACTUALLY WANTED TO DIE": ART AS TRANSPORTATION OF TRAUMA, MEMORY AND MOURNING IN WORKS BY MALAYSIAN AND JAPANESE WOMEN ARTISTS

Flaudette May V. Datuin

In her extremely nuanced reflection on the subaltern’s inability to speak, Gayatri Chakravorty Spivak (Nelson and Grossberg, 1988) cited as an example, the circumstances surrounding widow burning—sati or suttee—in India. Abolished by the British at a time when the colonial project shifted from a mercantile and commercial to a territorial and administrative presence, it has been generally understood as a case of “white men saving brown women from brown men”. The woman (today the “third world woman”) becomes an object of protection from her own kind, and a signifier for the establishment of a good society in a context perceived to be backward, primitive and superstitious. Against the phrase ‘white men saving brown women from brown men’ however, is another competing justification: “The Women Actually Wanted to Die”—a nativist attempt to appropriate the woman as a signifier for a return to ritual purity and allegiance to traditional culture and older norms, at a time of domestic confusion and instability brought about by the transition from feudalism to capitalism and the exposure to Western impact. That the “women actually wanted to die” is cited as proof of women’s individual agency and capacity for supreme self-sacrifice.

Spivak observes that in this clash of seemingly opposite discourses, the woman’s body becomes a mute ideological battleground between patriarchy and imperialism. As the sati evolves into different forms—from ritual (under Hindu doctrine) to crime (under British, then later on Hindu law); from heavenly reward (release from the cycle of rebirth) to object of the colonial civilizing mission—the woman’s figure disappears “not into pristine nothingness, but into a violent shuttling which is the displaced figuration of the ‘third world woman’ caught between tradition and modernization.” (Spivak: 1988, 102)

Thus, after a labyrinthine argument, Spivak concluded with a declaration that “the subaltern”—or those who have been written out of domestic and global capitalism—“cannot speak”. And if that subaltern happens to be a woman, she is several times marginalized and effaced, muted and “consigned more deeply in shadow”.

The declaration “the subaltern cannot speak” does however mean that women do not speak—they do cry out in various ways. It is just that subaltern talk rarely achieves its “dialogic level of utterance” especially if incautious “readers” of “texts” of resistance continue to miss the point. To illustrate, Spivak cites the case of a young pro-Independence Bengali woman in the 1920s, Bhuvaraneswari Bhaduri, who unable to bear the shame of failing to carry out a political assassination entrusted to her, hanged herself in her father’s modest apartment. She deliberately and carefully timed her death at the onset of her menstruation so as to remove suspicions that her suicide was the outcome of an illegitimate pregnancy.

Spivak interprets this inexplicable act of self-murder as a subaltern rewriting of the sati-suicide, as seen in the way Bhuvaraneswari violated the code forbidding menstruating widows to immolate themselves, and in her status as single woman, who refused to be tied to a single male—whether legitimately or illegitimately. This woman “actually wanted to die”, but her dying is an act of resistance and of speaking outside normal patriarchal channels.

However, if we examine the version of her descendants, including her own grandnieces—the emancipated women of today—she killed herself out of shame (illicit love or failed political assignment), melancholia (possibly brought on by her brother-in-law’s repeated taunts that she was too old to be a not-yet-wife) and delirium. Her own relatives, who should know better, did not understand her text of resistance, thus effectively silencing her.

THE POST-COLONIAL FEMINIST DILEMMA: THE ‘OTHER’ THAT IS NOT OTHER ENOUGH

I start with these Indian cases of failed self-representation and willingness to die through sati-suicide to set the stage for my discussion of a peculiarly post-colonial feminist dilemma: the otherness-that-is-not-other enough, of which Japanese woman artists provide a paradigmatic, perhaps even idiosyncratic example. (Kelsky, 2001) Idemitsu Mako, Tomiyama Taeko and Shimada Yoshiko bear and articulate in their works the shame and trauma of being part of a system that victimized and continue to marginalize their “Others” or those from that part of Asia, which suffered from the brunt of Japan’s imperialist

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
expansionism. And while they are definitely not “subaltern” because they have access—no matter how limited—to the economic and cultural capital made possible by a relatively more affluent Japan, they also work in the margins of the established global and local art world.

Idemitsu Mako, for example, is widely acknowledged in Japan as a pioneer of Japanese experimental film and video art. Her filmography spans more than 30 years and starts in the late 60s and early 70s in America, where she came in contact with the pioneering American artist Judy Chicago’s Woman House and consciousness-raising events, and occurring almost at the same time when the more mediagenic Nam June Paik and his Fluxus cohorts were starting their experiments. Yet, except for an essay on Japanese electronic explorations by Barbara London in Art in America (1992, 125-126), and inclusions in such exhibitions as “Private Visions, Japanese Video Art in the 1980s”, (Nakamura, 1990) there is hardly any mention of female pioneers like Idemitsu in more general, and dominant, US and Euro-centric histories.

According to Marita Sturken (1990), one reason for this selective “metanarrative” of video history is the “utopian moment” and vision that will battle, not only the increasing commercialization of the art world during the 60s and the 70s, but also the mediatization of everyday life, involving among others, the repackaging of icons into palatable sound bites through television and television commercials. While Paik and other more renown 60s cultural symbols were challenging the television and media behemoths, women artists like Idemitsu were more preoccupied with seemingly “lesser” domestic concerns revolving around her mundane daily life as mother and homemaker. Idemitsu’s body of work, in other words, are very “localized”, and small scale—what Foucault would call “subjugated knowledge” - and does not fit into the romantic metanarrative of avant-garde artists and “great men” fighting the evil giants—television, media and mass culture. Thus, we can also see that video history and the development of video as a medium embodies the many binaries endemic to Western thought, particularly, the binary between private—the female domain of the mundane, the small scale and the domestic—and public spheres—the male domain of momentous and large-scale events of History.

As “The Other That is Not Other Enough”, artists like Idemitsu are the Other of patriarchal Japanese and Euramerican art world system. As “Asians”, they are the Other of a “West” that never formally colonized them, but from whose imperializing and globalizing pull, they are not entirely free. At the same time, these women are not Other enough: Japan was a colonial power, although today an economically embattled one. (Kelsky, 2001) They have access to the economic, technological and cultural advantages that allow them to practice their art in relative comfort and convenience, especially when compared to their more economically deprived counterparts in Southeast Asia.

However, even the Japanese woman’s Other is similarly not Other enough. Although there are particularities among women artists I cannot discuss in detail here, it is safe to say that as academics, as art historians, as artists, and as public intellectuals, I and the women artists I will talk about are, on one hand generally privileged, elite, and active participants in dominant structures; we are not entirely separate, and are even dependent on the hegemonic discourses that exclude and erase the subaltern as subject. On the other hand, we are also marginalized in our efforts to participate in those discourses—as women, as feminists and as workers in a field—the visual arts—generally perceived to be esoteric and thus irrelevant to the economically deprived majority of the third world.

From this position of otherness—that-is-not-other enough, how then can the woman artist speak? There are many productive ways that women have responded to this question, but for reasons of space and focus, I can only cite a few of the many women artists I have encountered during my year-long fellowship to Indonesia, Thailand, Malaysia and Japan. Taking the cue from the British art historian Griselda Pollock’s (2005)2 explorations into the visual poetics of gendered shame and trauma—an emerging and still inadequately theorized feminist field of investigation—I will discuss how some women artists give shape to the notion of art as transport-station of trauma, memory and healing and of the artist as site of transmission. These two concepts demonstrate how women artists interrupt the deadly deeds and tales of patriarchal cultures, now themselves mutating and multiplying through global circulation.

THE ARTIST AS A PUBLIC INTELLECTUAL:
ENANLIMANG SEKARANG (SIXTY-FIVE NOW)

Let me start by citing the Malaysian artist Nadia Bamadhaj, an API Fellow herself, who went to Indonesia in 2002-2003 to do an art and research project on historical memory. On September 30, 2002, the day she first set foot on Yogyakarta to fulfill her fellowship, she noticed the announcement instructing civil servants to fly the Indonesian flag in half-mast. This was in memory of the generals killed in the “aborted coup” of the same day.
almost 40 years ago—September 30, 1965. According to the official Suharto version, this coup (also known as G30S or Gerakan 30 September) was perpetrated by the Indonesian Communist Party or PKI (Partai Komunis Indonesia), but aborted by Suharto, marking the beginning of his 32-year New Order regime.

In 1989, when she was in her brother Kamal’s student flat in Sydney, Bamadhaj came across her first of the many versions of the G30S she was to encounter through the years. Glued to the door of Kamal’s fridge was a leaflet announcing a candlelight vigil for the ONE MILLION (other versions estimate three million) PKI cadres killed in the aftermath of the coup—a fact mentioned only in passing in the Suharto version. But she was then a still politically naïve second year art-school student, and though she was baffled by the staggering number of deaths, she left it there.

Bamadhaj completed her training in sculpture and sociology at the University of Canterbury in New Zealand, and worked in non-government organizations on HIV-AIDS prevention and human advocacy. Aside from lecturing and exhibiting in various countries, she has also co-authored a work of non-fiction, Aksi Write (1997) with her brother Kamal. It was published several years after Kamal was shot dead by the Indonesian military for participating in a pro-independence rally in Dili, capital of the now independent East Timor. Kamal died in 1991, three years after she saw the leaflet about the millions who died in 1965 glued to the door of her brother’s fridge.

After Kamal’s death, the G30S issues resurfaced during the post-Suharto years, and having assumed that a dialogue about who did what to whom was underway, Bamadhaj focused on making art. When she was awarded the API Fellowship, Indonesia became for her a research and artistic destination, given perhaps the personal and political memories she bears of that country.

When she started her research, she was puzzled: Why the silence around 1965? “Why weren’t there more Indonesian artists questioning Suharto’s version of that event, despite the fact that they had been so critical of him before he stepped down?” (Bamadhaj, 2003) (All quotes in this section are from this source. Page numbers not available). And after months of interviews with fellow artists, jailers and victims, digging through archives and visiting unmarked graves, “It was no longer possible to look at Indonesia in black and white” and grey areas began to unfold.

There were victims for example, who asked her to “speak for them” and to represent them in favorable ways. They wanted her and her art to be a vehicle for propaganda despite being objects of propaganda themselves. They wanted her and her art to say that it was Suharto who masterminded the coup and there were others who wanted to portray the gruesome things that happened to them—“clearly so as not to be buried under artistic abstraction.”

Victims also had selective memories: “My question about how the PKI enforced the land distribution policies of the early sixties were met with vague replies and distant looks; though they remembered how much food they were allowed in detention right down to the last grain of corn.”

She also met with executioners who showed her unmarked graves in East Java, “as though a means of exorcising past demons.” There were also victims who kept vast records about such sites to themselves. Going through newspaper articles, she read conflicting signals and sentiments about reconciliation on one hand, and about the fear—largely from Muslim groups—of the re-emergence of communism, on the other.

In other words, Bamadhaj has come to realize that the slaughter of millions of communists cannot be mapped out in simplistic dichotomies: the oppressed (the masses) against the oppressors (the state), the state (through its soldiers) versus communists (since the killings were also done by my local communities), victims and victimizers. And rather than setting off the competing versions of history against one another, Bamadhaj realized that as an artist, she must seek to present the complexity of the web of feelings, sentiments, versions, and perspectives about one of the most violent and still-unresolved events in Indonesian contemporary history.

The result of her explorations took the form of a site-specific multimedia installation called Enamlima Sekarang (65 Now). Installed at Yogyakarta Bendeng Vredeburg Museum, previously an army barracks where many of the Indonesian Communist Party and affiliated detainees were held for years after 1965. However, tellingly indicative of how historical memory can be expunged from official public memory, the museum’s permanent chronological exhibition “neatly stops at the 1940s and starts again at the 1970s, as though the 1960s never existed.” (Bamadhaj, 2003) It is for this reason that the artist considered it an appropriate site for her exhibition. Bamadhaj also timed the opening of the exhibition on September 30, 2003, marking the date the generals were killed.
in 1965, and the day she first arrived in Yogyakarta a year earlier.

Bamadhaj designed Enamlima in a way that maps out the following itinerary: First, the viewer had to cross official versions of history (a map of Yogyakarta made out of books) and a reorganized public space (streets named after the slain generals), then go through official visual references to the past (photographs), before finally viewing alternative historical memories of 1965 and its aftermath (videos).

At the end of the itinerary are a suite of eight videos—the artist’s first attempt at video art. Each video work was encased in a compartment covered with an old photograph from the period. Purchased from Yayasan Idayu and the Indonesian Press and Photo Service in Jakarta, these photos were meant to represent official versions of what happened.

But before the viewer could access the photos or the video works, they had to walk upon a sculptural installation of books shaped like a map of Yogyakarta. This “map” depicted the streets named after the eight generals (official Suharto version pegs the number to six) killed in September 30, 1965. The books, on the other hand symbolically refer to how public thought is militarized and how public spaces are organized around names that serve as examples of Revolutionary Heroes—an appropriation that borrows from the revolutionary nostalgia of the 1940s and serves to reinforce the anti-communist ideology.

Through this complicated map, Bamadhaj sought to present—amidst systematic attempts and pervasive sentiments of forgetting, and amidst competing modes and versions of remembering—her highly abstracted and symbolic version of history, one that is informed by years of human rights advocacy and her belief that this massive violation of human rights must not be forgotten. Forcing one to forget one set of memories and remember an official version is contradictory, she says. And “when it is exercised at a scale of an entire country, it becomes a spectacular phenomenon, worthy, I think, of artistic inquiry.”

And by presenting the results of this inquiry in multi-media format, she sought to generate “some kind of public dialogue amongst the art community about how propaganda, on the past or otherwise, affects our perceptions of the present, as it is our perceptions of the present that contribute primarily to our work as artists.” Her aim was not to tabulate her “findings” nor faithfully re-enact all the gory, realistic details of suffering, trauma and shame. Instead, as we see in her videos, she “attempted to represent suffocating stigmatization, vengeance as a consequence of violence, subservience as culture, paralyzing fear, guilt and indifference—the range of emotional extremes I have encountered in my inquiry into this period of history. But more importantly, I attempted to show that these emotional extremes are experienced now—as living historical memories of 1965 and its aftermath - hence the title ‘sixty five now’.”

In Rape for instance, one of her video works in Enamlima, Bamadhaj shows a woman in red, retelling a story of abuse. She is an ex-detainee, who narrates her experiences in political detention. But rather than taking the documentary format and instead of presenting a graphic re-enactment, the woman’s gestures merely hint at how physical and verbal blows have been inflicted on her body. Shot in a corner of her house and at a steady in-your-face angle, the woman’s face is deliberately concealed and her voice and other ambient sounds muted. Soundlessly, the video calls undivided attention to the fiery-red body and its vigorous movements, punctuated by what the artist describes as a “phallic” baton.

This woman’s story is among many—there were stories of courage, determination and will to survive, and there were those of defeat, fatalism and even denial. “I held my breath as a woman who told me through her tears that almost every woman in a particular prison in Central Java where she was held had been raped by their jailers, some in unspeakable ways.” There were others who metaphorically “wanted to die”, burying and effectively “killing” themselves by refusing to remember. “Other ex-detainee women eerily denied this information (of rape in a Central Java prison), as though they had yet to admit it to themselves, after 37 years.” For it is indeed unbearable to speak about rape—to speak it is to “publish the shame of what was done to the sufferer”. Rape or “sexualized torture” is never forgettable—“it is a radical loss of self, a kind of murder, a reduction of one’s humanity, from which…one never comes back. The trauma leaves its mark as shame.” (Pollock, 2005)

The woman in Rape however, refuses to “die” and lose her self and rather than come across as a victim, Bamadhaj wanted her to take hold of her memories, as she wields her baton to express her anger, not necessarily by re-telling a story, but by offering that anger as a contact point that will hopefully change the subjectivities of those for whom this story is being offered and re-imagined.
CLEARING THE SPACE: ART AS TRANSPORT-STATION AND THE ARTIST AS SITE OF TRANSMISSION

But by muting the woman’s voice in her video, did Bamadhaj silence her? Did she not allow her to speak? Or was this the artist’s way of saying: “It is not for me—a woman artist, a public intellectual and a foreigner—to give this woman a voice, but to clear the space—perhaps by eliminating all distractions like sound—to allow her to speak.” This space becomes what the Israeli artist Barbara Ettinger (Pollock, 2005) describes as a transport-station of trauma. It is “more than a place but a space that allows for certain occasions of occurrence and encounter.” Memory and trauma are unrepresentable, and attempts to re-enact and re-present only serve to re-inflict the violence, especially if the remembering is staged melodramatically (as in war memorials like the Hiroshima Peace Park and films like Schindler’s List) and ahistorically framed within totalizing assumptions about what constitutes history, the nation and Asian identity. (Landy, 1996) Art as a transport-station “Does not promise that the passage of trauma will actually take place in it; it only supplies the space for the occasion.” It is a space and occasion for a trans-subjective and humanizing aesthetic encounter, one that is fundamentally and ethical one. (Pollock, 2005)

The artist here is not the expressive source of the experience being offered and art here is not an expression of an individual’s authentic interior—as in for instance, Van Gogh’s suffering genius expressing a most private, tortured but nonetheless exalted vision of humanity. Instead, the artist is the site of transmission, whose radar receives the “trauma of the world, her world and that of unknown others, but also because as an ethical being in the world opened to the other she cannot but share their trauma and both transmit and in transmitting transform its autistic solitariness into connectivity…” (Pollock, 2005)

Although Bamadhaj had almost no direct experience of the traumas of 1965—except perhaps indirectly through the death of her brother—she attempted to make possible an encounter with trauma that is shared from a trans-subjective ground (one that encompasses various subjectivities, whether male, female, heterosexual, homosexual, among others) that allows her to connect with others. Although a consensus is impossible to reach, her art at least provides us with the occasion for “encountering the pressure and haunting of that unsayable and unknowable pain of damage to human subjectivity and sociality”. (Pollock, 2005)

As Japanese artist Shimada Yoshiko puts it very simply: Art “makes the viewer anxious” (taking her cue from Korean cinema director Byon Yong-Ju) and that it is this “anxiety that brings about the possibility of a change of point of views”—not as propaganda, but as “something that make viewers re-think their own existence.” (Shimada, 1998, all quotes from Shimada from this source. Page numbers not available)

MOURNING AND REMEMBERING AS ACTS OF RESISTANCE

Like Bamadhaj, Shimada chooses to work on a subject that many Japanese would rather forget, ignore and avoid: images of women in the Second World War sourced from newspaper photographs. She feels this is a theme that must be confronted, not only because “in order to know who I am (an Asian, a Japanese, a woman), examining the recent past history of Japan and the role of women and what we have done to the people of Asia is unavoidable.”

In her installations and in some of her prints, one recurrent image is that of a woman in a white apron, a symbol of motherhood and domesticity, but also a uniform of Dai Nippon Fujinkai, a women’s organization formed in support of the war. “After this group adopted aprons as their uniform, the participation of lower and lower-middle class women increased. The apron gave them a false idea of equality among women, and its positive associations (love, devotion, motherhood) hid the fascism and militarism behind its façade.” In the print Shooting Lessons, 1992, we see these apron-wearing women taking target lessons directed. Shimada relates, at the natives of Korea, one of Imperial Japan’s former colonies. “I realized that Japanese women were not entirely voiceless victims of the male dominant militarism. Many of them were enthusiastic fascists and willing to sacrifice themselves and to victimize others in the name of the Emperor. But after the war, their activities were never questioned and war responsibility was never discussed. So the system remains the same. Without realizing this, we (Japanese women) cannot reach a true understanding of ourselves or others and we will be manipulated again and again.”

In other words, it is not only men who were co-opted into the Japanese expansionist project, but also women, who became the cipher for nationalistic motherhood, and as such has no existence outside her family, a metonym for the nation-as-family and one of the many branches of the Imperial household—the main house. While the Imperial household is patrilineal, the figure of the Emperor—within the peculiarly Japanese encod-
ing of patriarchy and the Confucian ethic of filial piety - is a maternal, rather than a paternal figure, who is simultaneously the all-embracing mother, as well as the first born—the heir of the Nation. As “mother” and “child” of the nation, the coercive power of the emperor/head of the household is less visible. If individuals are sacrificed for the sake of the family-as-nation, it is one that depended less on external pressure than on a deeply internalized sense of loyalty and voluntary self-sacrifice. (Aoki in Buckley, 1997) “As nothing but a tiny part of the Nation and destined to die in the Emperor’s service, the ordinary conscript’s life was worthless. Prevented from acting as an individual, he had neither any need nor any opportunity to take responsibility for his actions.” (Shimada, 1998)

Hence the nationalistic mother has no “self” outside her family allegiance and absolute obedience to the Supreme Being, the Emperor. These “women actually wanted to die”, to free themselves and be one with their ultimate first born and mother. At the same time, these nationalistic mothers occupied—and continue to occupy—a privileged position in the hierarchy of female roles, where women are imagined as either one of two—that of the sacred mother, the legitimate producer of heirs and that of the prostitute, the unclean woman, the receiver of men’s sexual fantasies. This binarism between clean and unclean women made possible, not only the conscription of Japanese women as volunteers for the war effort, but also the unspeakable atrocity perpetrated on their Others—the Koreans, Filipinas, and Chinese, who were forced into sexual slavery during the war, and are still being prostituted till the present. Several times marginalized and silenced, the sexual slave has no humanity, nor reality for the male perpetrator: “He could not begin to imagine her life or her pain, nor could he feel responsible for any suffering he inflicted on her.” (Shimada, 1998)

In her art and in her writings, Shimada, like a more senior artist Tomiyama Taeko, thus directs a “self-critical gaze at herself (and her own people) as an ailant,” as the art historian Hagewara Hiroko puts it writing about Tomiyama’s work. (Hagiwara, 1995, page numbers not available) Like Shimada, Tomiyama hits at the core of Japan’s war crimes, including the forcible conscription of Korean laborers to work in Japanese coal mines from the 1930s, and the military slavery of Korean women in the service of Japanese soldiers in wartime.

Born in 1921, Tomiyama is a pioneer, a “precursor to and in a sense in a continuum with, more recent projects by artists and curators who are creating spaces at the intersection of discourses on the representation of war history, visual arts and diasporic communities.” (Jennison: 2003, 186) Her itinerary can be traced back to her “participation in the postwar Jiyu (Liberal) Art Association and Yomiuri Independent Exhibition, to the formation of Hidane Kobo and the innovative collaborations to produce multimedia slide presentations from the 1970s,” to the exhibition entitled “Silenced by History” in 1995. (Jennison: 2003, 185) Tomiyama remains active today, and one of her biggest exhibition to date—“Miko to Kitsune: Tomiyama Taeko Ten”—occurred in 2002, and featured a wide range of works in various media - from oil paintings and prints to installations to computer-adapted versions of her trademark multimedia slide works.

In her works, Tomiyama breaks the silence through a strategy that mourns for the dead - not to melodramatically re-enact the suffering—but to publicly re-member and re-imagine the other and bring the dead into social life. Public mourning—for the other or the enemy—disrupts the rigid dichotomies of in/out, we/they, or friend/foe and becomes “totally subversive of society in terms of its defiance against norms by which whose lives should count, and whose should not count, is determined.” (Takemura Kazuko in Jennison: 2003, 186)

In many of her works, Tomiyama “brings back the dead” through the figure of the mutan or shaman, a central metaphor “who links the living and the dead, the present and the past, existing separate from the state or ethnicity… In the world of illusion, the shaman gives voice to the ‘han’ or deep resentment and sorrow of the victims”. (Tomiyama in Jennison: 2003, 190) In her 1986 work “In Memory of the Sea” the shaman is a principal figure and mediating image in the story of a Korean woman who is asking the Spirit Miko to search for her sister who was taken away during the war and forced into sexual slavery in the Japanese Imperial army. The shaman also appears in a series of paintings and collages in the 1980s dealing with Korean conscripted laborers and military comfort women. This series became the multi-media slide work, “The Thai Girl Who Never Returned Home” in which the shaman bore witness to the events of the life of a young Thai woman, Noi, who becomes a victim of the so-called sex trade in contemporary Japan and Southeast Asia.

These works, among many others by Tomiyama, can be “viewed in relation to more recent work by transnational feminist theorists, artists, and activists who are defining the space of remembering as a space of resistance to all forms of state violence, including war.” (Jennison: 2003, 186) It is in this link with a larger trans-national feminist movement
that we can see more clearly the artist’s struggle “to politicize and alter art by creating a different social position for art in order never to be a colonialist artist at this moment of history.” (Hagiwara, 1995) Like that of Shimada and Bamadhaj, Tomiyama’s work is not just about “looking back at the past critically but generating debate about Japan’s war crimes, still unadmitted to in the present moment, so as to break through the silences of the silenced.” (Hagiwara, 1995)

**CAN THE WOMAN ARTIST SPEAK?**

But in their efforts to clear the space and break the silence, can these women artists speak? Have they succeeded in clearing the space for dialogue? In the case of Bamadhaj, there were some viewers of her work who acknowledged the need for a public dialogue on the events of 1965. But despite the fact that her exhibition was well-attended, there were others who chose to pick on her personal history and her status as a well-funded artist and hit-and-run foreigner whose “foreign passport meant that if anything happened, I could just leave.” (Bamadhaj, 2003)

At the discussion workshop of Enamlima Sekarang, one of the first questions asked was: “Did you mount this show because of your brother’s death?” Bamadhaj wrote that: “Though my brother had been killed by Indonesian military in 1991, it had been loosely perceived that my concentrating on 1965 had been an act of “revenge”. I gathered from these questions and comments that by being a foreigner, my exhibition was interpreted not as a critique of the New Order propagandists and human rights violators in particular, but of Indonesians, in general.” (Bamadhaj, 2003) It is ironic that the “backlash of words did not come from official sources, but from artists themselves, the same Post-New Order artists I looked up to as being the most politicized in the region.”

Similarly, in Japan, the backlash against artists who dare to speak by critically remembering the past is clearly evident in the reception to works by Shimada Yoshiko and Tomiyama Taeko. As in the case of Bamadhaj, Tomiyama and Shimada’s work are not that universally well-received, appreciated and understood, since what they do is categorized as “political art”, which in Japan is a degrading label. “In this country,” the art historian Hagiwara Hiroko writes, “the idea that good art should be sharply separated off from politics prevails. This idea is working to sanitize the gallery, cleaning up any taint of politics.” According to Shimada, Japanese artists—those who should know better—generally avoid the kind of self-examination she is espousing because there is a strong belief that “fine art” should not deal with politics.

It is thus impossible to predict the affectivity and effectiveness of an art work: the passage in the transport is uncertain, “and the transport does not happen in each encounter for every gazing subject.” (Ettinger in Pollock, 2005) If the artist is to speak at a dialogic level of utterance, there must a co-affectivity between individuals who may be perfect strangers and may be coming from diverse contexts, but who may find a common humanity in a shared event occasioned by the art work. The audience or viewer needs to be attuned to the “unspoken that lies beneath what is said, to the intimated that lies beyond the visible.” (Pollock: 2004, 215) As we listen to and discover aspects of other women’s lives, we may be able to discover aspects of ourselves by “being momentarily the place where the many threads the artist has sometimes unconsciously wove converge.” (Pollock: 2004, 218) There is, in other words, a covenant between artist and viewer in the transport-station of art, both sharing a sensibility that transforms in the place and space of the aesthetic encounter.

To illustrate, let me cite the observations of Kasahara Michiko, one of the most important feminist curators in Japan—to a recent work by Idemitsu Mako, the Past Ahead, which Kasahara showed in the exhibit Life Actually at the Museum of Contemporary Art, Tokyo in 2005. As we enter the space where the work was shown, we see projected on a screen a formal portrait of an ideal family: two nervous younger sisters, a dignified father, a gentle-looking mother holding a baby, and other awkward children. This portrait is of the artist’s own family, one of the wealthiest and well-known in Japan, and whose present patriarch, the artist’s brother, was displeased by her use of family portraits to express her issue-oriented artistic vision.

Behind this tableau are video footages of war, whose agitated images flit in and out and spill into the transparent screen of the ideal family portrait. The tranquility of the portrait is thus interrupted and invaded by the images that include Japan’s invasion of Asia to the war with America in the Pacific—battleships, tanks and soldiers, crowds of fleeing people, kamikaze attacks and execution scenes, stories of comfort women and a list of rules for a military brothel, and finally, portraits of the emperor and the torii gates that stand in front of Shinto shrines.

As the title Past Ahead and as the juxtaposition of family and war images suggest, that larger events of history coincide with the artist’s life and that of her family; the patterns of family and life depicted in the...
work “are not truly in the past for us,” writes Kasahara. “They still exist in the present and future. The soldiers, prisoners, comfort women, and ordinary citizens were undoubtedly forced to do what they did during wartime. In a similar way, without realizing it, we are forced to live under the warlike conditions of the present. The anxious-looking faces of the girls in the family picture could be me. The people running away could be the people of Iraq, Afghanistan, Palestine, Chechen or Sudan.” (Kasahara: 2005, 155) (my emphasis)

THE FEMINIST ART HISTORIAN AS PUBLIC INTELLECTUAL: SO THAT WE DO NOT LOOK AWAY

Kasahara’s remarks tell us that in the 21st century, we are all carrying an enormous traumatic weight. Many nations are convulsed by the wounds of civil war, colonialism and liberation struggles, revolution, communal and sectarian violence, state terrorism and dictatorship, fundamentalism and globalization, famine and natural disaster. And although there are real differences of class, race, ethnicity between her—Kasahara, a Japanese—and the people of Palestine, Iraq, Afghanistan, Chechen, and Sudan, there are certain conditions and structures of (in) humanity she shares and suffers with them.

But without diminishing the real horrors of global trauma that Kasahara eloquently brought our attention to, this paper has suggested, at the very outset, that women and children, particularly the subaltern, who cannot speak, are the ones most deeply traumatized by systemic and historically contingent violence. As a mute ideological battleground between patriarchy and imperialism, women’s bodies continue to suffer crimes which happen “not only in camps and situations of extremity or abnormality,” (Pollock, 1995), but in the very fabric of their daily lives—in family, labor and sexual relations. In Darfur for example, women in refugee camps dread collecting wood, which they desperately need, for fear of being raped outside their immediate family groups; in South Africa, migrant working women come to the cities to sell in the markets but have nowhere to live and sleep in a row, huddled together for warmth and security, turning turns each night to sacrifice themselves for the sake of the others by sleeping at the ends of the row where the women are regularly, casually and consistently raped by passing men. (Pollock, 1995)

Faced with the gendered dimension of widespread abuse and suffering, we may ask ourselves: what has art history and art got to do with it? What role does the feminist public intellectual—as artist and as art historian—play in challenging the very regimes that perpetuate violence?

Edward Said once stated that “there has been no major revolution in modern history without intellectuals; conversely, there has been no major counter-revolutionary movement without intellectuals.” (Said: 1994, 8) In the end however, the intellectual who makes a difference is one who represents all those people and issues that are routinely forgotten or swept under the rug; someone who raises embarrassing questions to routinely confront orthodoxy and dogma (rather than to produce them); someone who cannot easily be co-opted by governments or corporations; and someone who fights for the weak “on the basis of universal principles: that all human beings are entitled to expect decent standards of behavior concerning freedom and justice from worldly powers or nations, and that deliberate or inadvertent violations of these standards need to be testified and fought against courageously.” (9)

Being a public intellectual has little to do with expertise and specialization; instead, an intellectual “ought to be an amateur, someone who considers that to be a thinking and concerned member of a society one is entitled to raise moral issues at the heart of even the most technical and professionalized activity…” (61) In the study of the very specialized area of contemporary art for example, what matters is not technical formalism, impersonal theories and methodologies, but a sensitivity to the historical and real experiences, the choices and decisions, commitments and alignments that actually went into the making of the work.

For the feminist art historian, this sensitivity is honed by a revolutionary movement that aligns itself with other movements that challenge the status quo, particularly those linked with social and political projects for human rights on an international scale. However, as Griselda Pollock rightly asserts, feminism is the sole revolutionary movement that addresses the “question of gender and does so politically to show that gender is not a natural but a social and historical construction of power relations and interests.” (Pollock: 2004, 215) Sensitized by a sensibility honed by this movement, art historians and curators like Kasahara are equipped with a “tuning fork” that re-attunes her to hear, to listen to the voices of women artists and see their images. Situated between documentation and fabrication, recent art by women I have discussed in this paper have recently become deeply engaged with the question of trauma “and how to move on through and from its haunting possession.” (Pollock, 2005)

Crimes are committed against women, because they are
women; violence against women is not just the effect and symptom of lust, ethnic cleansing, of militarism, and all kinds of fundamentalism; instead, violence against women is the very CENTRAL FABRIC that creates and maintains patriarchal and phallocentric cultural regimes. In armed conflict situations like war, “women of the enemy side are the objects of targeted aggression. They are raped in order to destroy their dignity as women and to demoralize and humiliate the male enemy.” (Sajor, 1997)

According to Filipina feminist counselor Dr. Sylvia Estrada-Claudio (2006), one of the mechanics of sexualized torture is dehumanization: to render a person as non-human. For instance, during the time of Marcos, priests were more likely to be raped (before being tortured). This was probably because priests, being sacred in Philippine culture, must first be feminized and not seen as persons, before they can be tortured. The same principle of dehumanization-through-feminization of the body (male and female) applies in recent alleged rapes by women on men in prison conditions like Abu Ghraib, where roles have been reversed—the female is the alleged perpetrator; and in same-sex violence, which according to Estrada-Claudio, is a subject that has yet to be satisfactorily addressed by feminist scholarship.

However, pending more research and refining of the still underdeveloped feminist theorizing on the poetics of trauma and shame, I would like to suggest: where violence is systematically perpetuated and tolerated, there are still a large number of women and children who are raped in refugee camps, in their own families, are driven to self-murder (actually wanting to die), and are subjected to shame—shame at being born, shame at being violated, and even shame at having survived at all, knowing that others have died.

The greatest shame however, is THE SHAME OF TURNING ONE’S BACK ON CRIMES COMMITTED AGAINST OTHERS. And Art, at its most powerful, reminds us that the world should be shamed by its ability to tolerate, to look away, to forget and turn our backs on crimes committed against humanity. And at its most honest and evocative, a gendered and feminist-inspired reading of art can challenge the regimes that inflict the wounds of violence in a warring and warlike present. As public intellectuals, as others-who-are-not-other enough, feminist art historians and artists are perpetual exiles who do not “respond to the logic of the conventional but to the audacity of daring, and to representing change, to moving on, not standing still.” (Said: 1994, 47) In this paper, I hoped to show how such exilic stance can interrupt the official stories about who women are—as in for instance, “brown women being protected from brown men by white men”—or what they want and what they say and do not say—as in the justification “Women actually wanted to die”—by providing that transport-station, the space and possibility for those wounded by trauma and shame—to speak.

EPILOGUE

Upon completion of my fellowship, I have planned and initiated an exhibit-conference-workshop entitled “trauma, interrupted: Art as transport station of trauma, healing and mourning.” It aims to gather an international group of women artists, cultural workers and scholars from other disciplines (psychology, psychiatry, medical anthropology, dance, film, theater) for a conference and exhibit at the Metropolitan Museum of the Philippines, November 2006. As part of the preparations for the this November event, a series of workshops are being held in March, April and May, where women artists from Japan, the US, Ireland, Thailand, Indonesia, the Philippines, among others will liaise and interact subaltern communities, such as:

1. Children survivors of rape and incest nurtured by CRIBS Philippines, a Non-Government Organization. Alma Quinto, Filipina artist has been conducting creative visual autobiography workshops with them;
2. Children with cancer, children in conflict situations, street children;
3. those displaced as migrants, migrant workers, and internal refugees, such as Moro Women of Marawi, Mindanao;
4. those traumatized and stigmatized by illness like Hansen’s disease, AIDS, depression, among others; and
5. those traumatized by armed conflict situations, like survivors of sexual slavery and torture.

This project is an outcome of a ten-year research on the women artists of Asia (Indonesia, Thailand, Vietnam, Malaysia, Philippines, China, South Korea, Japan). The focus on trauma is a significant thread that emerged from the research I conducted recently (2004-2005) in Malaysia, Thailand, Indonesia and Japan, as a Senior Asian Public Intellectuals (API) Fellow of The Nippon Foundation Fellowships.

Drawing from the network, empirical spadework and discursive energies of this lifework, this project brings together women artists from countries covered by my research, as well as from the United States, the United Kingdom, Spain, Australia, among others. However, participation is not limited by gender, since male anthropologists, dancers, composers, choreographers,
psychologists, journalists and other cultural workers are also being requested to contribute their expertise.

While grounded in the discipline of art history, particularly feminist art history, this project aims to be trans-disciplinary by working closely with other disciplines (anthropology, history, sociology, medicine, etcetera); and activist, thus enacting active advocacy by linking up with affected communities (e.g. children survivors of abuse, Moro women, migrant workers, former sexual slaves, survivors of war and other conflicts, etc). In the process, this project hopes to contribute in a very preliminary way, as I have done in this paper, to the emerging—and hence still inadequately theorized—field of feminist investigation: the visual poetics of the gendered dimension of trauma and shame.

REFERENCES


ENDNOTES

1 Japanese names in the essay follow the surname-given name format.

2 Unpublished work cited with permission from the author, who wrote in an email dated August 16, 2005: “I am delighted the paper was of interest to you and please use the citations with referencing to that paper and the occasion. I will read it with interest. I wish you well with your work. Griselda Pollock”

3 The New Order version also pegs the number of generals killed to six. But around the Yogyakarta Kraton or palace, the center of the city, there are eight streets named after the slain generals, because two more military officers were allegedly killed for the same purpose. Bamadhaj opted to refer to eight instead of six generals for this exhibition.

4 These insights were gathered (as summarized by Art Studies Professor Roberto Paulino) during a conversation with Dr. Estrada-Claudio in her faculty room at the University of the Philippines, February 21, 2006. In that conversation, we aimed to identify discussion points for a conference on trauma, healing and art, organized by the author, slated for November at the Metropolitan Museum of the Philippines (see epilogue).
CREATING ALTERNATIVES FOR CONTEMPORARY ARTISTS IN SOUTHEAST ASIA

Mizuki Endo

INTRODUCTION

This paper outlines my research on the structure of contemporary art in the Philippines and Indonesia. The goal of this eleven-month research is to develop strategies in order to create a local artist’s network for an international art exchange program which I plan to start from next year. While some public institutions, such as Japan Foundation, Asian Art Council (USA), and Asialink (Australia) have their own exchange programs in various fields of art, the existing cultural networks and exchange programs organized by foreign institutions tend to hold the perspective of “spectators (of exotic Asian culture)”. Additionally, by trying to introduce a general overview of what has been going on in Asia, these programs tend to neglect the essential diversity of Asian culture, and the culture of each Asian country.

The close communication with local artists made me realize that there is a strong need to create an alternative network system, which embraces diversity for better understanding and development of Asian contemporary culture. This alternative network will require a conclusive approach i.e. a careful examination of the structure of existing art institutions, roles of the art market, trends in international art and the creative practice of the local artist. Such a challenge will also require us to re-think fundamental question like “What is art in Asia?”

THE RISE OF ALTERNATIVE SPACE

The idea of alternative space was first developed in New York City during the 1960s when artists were struggling with the limitation of traditional art spaces such as museums and commercial galleries that were incapable of supporting new forms of art (installation and performance). Therefore, young artists of that time developed warehouses, old buildings and lofts into their own alternative art spaces. In this sense, the word “alternative” meant “neither museum nor commercial gallery”. Also, alternative space became a place to explore new and “alternative” styles of art as well as a base for the artist’s community.

Similar types of alternative spaces emerged in the Philippines and Indonesia during the 1990s. Big Sky Mind (Manila), Surrounded by Water (Manila), Ruangrupa (Jakarta), Cemati Art House (Yogyakarta) are a few examples. Alternatives, the guidebook of Asian contemporary art spaces published by the Japan Foundation, introduced twelve spaces from the Philippines and sixteen from Indonesia. In addition to these spaces, there are new alternative spaces that are constantly appearing and disappearing in urban areas in both countries.

The main reason why alternative spaces were needed and developed in Southeast Asia is because of the lack of art infrastructure. Because the number of museums and art institutions were not enough to fulfill artists’ needs, artists demanded opportunities to exhibit their work. Also, the development of information technology brought new trends such as installation and media art to Southeast Asian artists. Alternative spaces were expected to exhibit those kinds of artwork. Additionally, the political shift in the Philippines and Indonesia motivated artists to develop alternative methods of expression against traditional Western styles of art that had long been supported and encouraged by the old regime. Alternative space was also attractive for those who were pursuing a new relationship between art and society.

Chinese curator, Ho Hanru, describes the characteristics of contemporary Asian art as, multi-transdisciplinary, multi-transcultural; and a merging of art and real life that generates new distinctions between private and public spaces. He points out that alternative space reflects these characteristics, and continues:

“For various reasons, ranging from personal to economic, from social-political to strategic, these alternative spaces are constantly appearing, evolving, and disappearing, and ultimately transform themselves into different modes of practice. This is precisely the essence of the new paradigm of “institution”: always moving, flexible, changing, and reinventing itself.”

He claims that alternative space is a product of globalization and is functioning within it. At the same time, he sees alternative space not as an art “institution” in the Western sense, but as an ever-changing process of institutionalization and de-institutionalization. In this sense, alternative space, Hanru says, holds an “immanent
possibility”, which according to Antonio Negri is a key to encounter Empire: that is, alternative space has a possibility to renew the current highly institutionalized art system. However, while Hanru’s theory provides a rough overview of the history and the role of alternative space in Asia, the future of alternative space seems less promising, considering the issues and difficulties each space is facing within specific cultural and social context. Furthermore, by simply appreciating the rise of alternative space in Asia as a possible opposition to the Western style art institution, Hanru’s theory seems to run a risk of creating a simplified vision of Asian style art, which will ultimately accelerate the existing exploitation of Asian art under globalization. In order to avoid such consequences, we need to carefully examine the current situation of alternative space in Asia including its limitation and potential.

ALTERNATIVE SPACES IN THE PHILIPPINES

The situation of alternative space in the Philippines differs between Manila and other cities. There are alternative spaces in local cities such as the Victorio Oteiza Community Art Space (VOCAS) in Baguio, Art Attack Studio in Bacolod, and The Space Between in Iloilo which were established by local artists. There are no public museums in Baguio and Bacolod. Iloilo has one, but it is somewhat restricted to local artists. Moreover, each city has only a few commercial galleries. Due to the lack of exhibition opportunities, artists traditionally organized their shows at local cafés, restaurants and hotels partly because that has been the best way to attract audiences and perspective buyers. However, young artists are not necessarily satisfied with the existing style of exhibitions and have established new art spaces. These alternative spaces are all very new; VOCAS was established in 2004, Art Attack Studio in 2003, and The Space Between in 2002. These spaces have different purposes, which other commercial places do not, such as: 1) an exhibition space, 2) markets to sell their works, 3) storage space for their works, 4) a base for close communication, and 5) offices to organize a variety of events.

In these alternative spaces, the definition of artist, curator and critic is also unclear; and the artist often plays multiple roles. The style of art presented in these places is also very diversified—crafts, furniture, painting, sculpture, photograph, installation, video and so on. These factors characterize the unique aspect of alternative spaces in local cities. It has a strong contrast against alternative spaces in the West that indicate a place for seeking new styles and forms of art.

On the contrary, the meaning of “alternative space” in Manila is similar to that of NYC which I mentioned. There are active art markets in Manila. Public museums such as the Cultural Center of the Philippines, Metropolitan Museum, and National Museum are influential in forming the art scene. There are also private museums such as the Lopez Museum and Ayala Museum. Alternative space in Manila was developed by those who prefer to remain independent from already existing sectors of art. The major role of alternative space in Manila, therefore, is to provide these people a “laboratory”, to explore their own concept. While each alternative space has its own problems, the major issue for the Manila spaces is the lack of funding. Surrounded by Water, the pioneer of alternative space in the Philippines could exist for only three years between 1998 and 2001. Big Sky Mind, another important space in Manila lasted for six years; and was closed this year. It is very difficult to run a non-commercial space in Manila where both living expenses and rent are very high. Art critic Eileen Legaspi-Ramirez, describes the current situation of alternative space in Manila as:

“As in most Asian alternative spaces, these venues cater to primarily emergent and/or marginalized voices—ones that find state and commercial gallery channels virtually closed or inhospitable to the kind of technical, conceptual and critical explorations their practice attempts to push. While still very much operating in the notoriously non-programmatic, resource-deprived, self-sacrificial mode that similar initiatives have existed under, this present crop of largely artist initiatives still generally manage to appear more street savvy, keenly aware of the inherent obstacles and persistent debacles that have plagued those that have already run the gambit, and thus failed or succeeded.”

The lack of government support is surely a reason why alternative spaces have remained undeveloped. If they could receive enough funding from the government, they could become a leading sector of art in the Philippines. Big Sky Mind was aware of the financial issue of art institutions and sought to structure itself in order to obtain more funding from the government by setting up Big Sky Mind Artists Project Foundation to organize artist-in-residence programs. Yet their challenge failed to obtain enough funding to maintain the program. For their survival, most alternative spaces in Manila, including Green Papaya, UFO, Cubicle, and Future Prospects ended up relying on small private funding. It restricts their radical activities to a small circle and isolates it from both international art scenes and the Filipino society.
ALTERNATIVE SPACES IN INDONESIA

The Indonesian art scene is very unique in the sense that there are no so-called public museums. The National Gallery in Jakarta does not have its' own collection and curatorial work is virtually non-existent. Considering such a situation, Agun Hujatnikajennong, an Indonesian curator, calls the task of alternative spaces a "holy mission".

As a cultural support, the emerging alternative spaces in Indonesia are indeed carrying out a “holy mission”, replacing the role of the government in building a bridge between contemporary art and its public. It is obvious that many galleries or cultural centers managed by the government are now ineffective or vacuous. Even the National Gallery of Indonesia, located in the state of capital, which should be a more representation institution for the development of "national art," has become a luxurious "room for rent", without any definite programs.

The definition of alternative space—neither museum nor commercial gallery—cannot be applied to this situation. Alternative space here functions as a museum through exhibitions for the public. In this sense, it is not the place for avant-garde artists. However, this absence of an official museum causes a collaborative relationship between alternative spaces and markets. The hierarchical structure in which official museums and institutions monopolize the power to determine the rank of artists and to guarantee the value of art works (and commercial galleries just follow the criteria) does not exist in Indonesia. Many independent curators insist on the value of artists and their works; and the comments and criticism they produce are reflected upon the art market directly. Collector’s tastes, occasionally, regulate the direction of artists and curators.

While there are many alternative spaces in Indonesia, most of them are concentrated in Bandung and Yogyakarta. Both cities have a leading art university—Institut Seni Indonesia, Yogyakarta (ISI) and Institut Teknologi Bandung (ITB)—each of which produces many artists every year. “The Laboratory of the West” has been used to characterize the Bandung art scene for a long time. Bandung traditionally works as a gateway to import, absorb and develop Western art. Young artists there deal with new media art such as video installation and sound art. Due to the number of universities and colleges, Bandung holds a higher rate of middle class population which also creates a popular youth culture interested in pop music, fashion, design and MTV-style video. Alternative spaces have developed as part of a bigger cultural movement. Fine art here maintains a close relationship with local youth culture. This cross-over between art and other forms of culture is a unique characteristic of alternative spaces in Bandung such as IF, Common Room and By the Way, though it easily falls into commercialism and consumerism under the logic of capitalization and urbanization.

Contrary to Bandung, Yogyakarta, the historical center of Indonesia, focused more on the preservation of traditional culture such as traditional paintings, fabric, dance, shadow pictures and court music. These traditional arts still hold a certain actuality in Indonesia. Being influenced by such trends, artists in Yogyakarta have emphasized their cultural roots and have opposed modernistic methods of art. Their work often takes up the issue of ethnicity and religion. Besides the center of traditional art, Yogyakarta became a center for social realism during the late 1990s when the Suharto dictatorship finally collapsed. During that time, Yogyakarta produced very influential and internationally well-known artists such as Heri Dono, Dadang Christanto and Nindityo Adipurnomo. Cemati Art House, an alternative art space located in the tourist area of Yogyakarta, was the center of these artists’ exhibitions. Upon the trend of multiculturalism in international art world in the late 1990’s, foreign curators, especially from Japan and Australia, invited these artists to big shows abroad. Following their success in the international art world, a social realistic approach acquired a high popularity among local artists, and eventually created a unique tradition, which is now called “Yogya Style”.

Yogyakarta is also a center of the art market. Collectors with economic power always look for artworks to sell in auctions, not to support the culture in general, but to make profit. While collectors help artists financially, their economically driven understanding of art seems to have a negative impact over the entire art scene of Yogyakarta. By knowing that art can make money, artists tend to produce the work, which is more profitable in the market rather than exploring their own ideas and techniques. It is ironic that market-oriented artists in Yogyakarta can survive as full-time artists while those who are more serious about the art and the meaning of art can barely support themselves by doing many part-time jobs. Under such circumstances, the Yogya-Style that once had a strong message regarding a decomposing society seems to have become a safe mode for attracting collectors.

However, it is Yogyakarta’s strong tradition that artists attach importance to regarding the relationship between art and society. I was impressed with an exhibition by Popok Tri Wahyudi. During the opening
The Work of the Reflections on the Human Condition: Change, Conflict and Modernity

Ichsan, Indonesian curator, states: "Nurdian issue of nationality, ethnicity, and other cultural identities...into the central theme of visual expression. Furthermore, this model raises questions of values Asian art as the other of the mainstream western...neglected. On the other hand, appreciation of regional styles through their everyday life will be completely necessary to be recognized internationally, the understanding of Western aesthetic principles is an opportunity to study in Western countries. If...door to only a limited number of artists who could have...both of which are equally problematic. On the one hand, internationalism creates elitism by opening the...categorize Asian art within the framework of Eurocentric...necessarily reflect the unique practice of Asian artists. In other words, the institution-oriented programs tend to...by lacking the time and resources to understand how...local artists are introduced to the "international curator" from foreign institutions, the significance of such links tends to be neglected. For instance, The Japan Foundation and Fukuoka Asian Art Museum send their curators to Asian countries every year in order to recruit artists for their exhibitions. Since being chosen by the foreign curators is the key for a successful career, local artists tend to understand how to be invited. However, He denounces an abuse of internalized orientalism. Asian artists, to certain extents, are all struggling with the pressure of internationalism and multi-culturalism. The local art scenes of Bandung and Yogyakarta (and Manila and Baguio to some extent) reflect these contrasting discourses.

It is hard from the curator's perspective to completely separate oneself from these existing discourses, especially when her/his work tends to exhibit the work of artists in a comprehensive manner. However, if we seek to develop the idea and the potentiality of Asian art, we need to pursue what is possible within the unique art system developed in Asia. If the art system, especially the rise of alternative space in the area, reflects the unique cultural and social background of Asian art, such systems certainly have a potential to produce something that cannot be possible anywhere else. While the exchange program needs to be more sensitive about external conditions of art in Asia, alternative space as a core of a new style of art needs to recognize its uniqueness when comparing with the western model. Collaborative challenges of many "alternatives" will show us hints for creating new principles of art that are based on diversity rather than an application of international standards.

CONCLUSION

While alternative space functioned as the third sector in the west, which is different from the public museum and commercial gallery, or as the experimental space for the young artist, my research indicated that the same definition is not always applicable to the alternative space in Southeast Asia. The alternative space can function as the third sector only if the other two sectors have solid party, he prepared an ambulance car with his painting to offer free medical examinations to neighbors. I am used to attending exhibition openings that always seem tediously similar—drinks, snacks and sociable conversations with art world people. I was surprised when I saw that injured children, pregnant women and old people were welcome at the party. Performance and exhibition in public spaces and workshops for people also exist in Yogyakarta. Although art projects interact with social contexts in international trends in the art world, all art projects done by Yogyakarta artists do not come from such trends, but from their reference to tradition.

INTERNATIONAL ART SYSTEMS AND ASIAN 'ALTERNATIVES'

As we have seen, each alternative space in Asia has its own unique history and role in its local community. The potential of Asian art can only be understood by understanding the close link between artist’s work and specific cultural and social conditions. However, when local artists are introduced to the “international curator” from foreign institutions, the significance of such links tends to be neglected. For instance, The Japan Foundation and Fukuoka Asian Art Museum send their curators to Asian countries every year in order to recruit artists for their exhibitions. Since being chosen by the foreign curators is the key for a successful career, local artists tend to understand how to be invited. However, by lacking the time and resources to understand how the local art is formulated, these foreign curators tend to apply the international trend of art, which does not necessarily reflect the unique practice of Asian artists. In other words, the institution-oriented programs tend to categorize Asian art within the framework of Eurocentric internationalism or one of orientalistic multiculturalism both of which are equally problematic. On the one hand, internationalism creates elitism by opening the door to only a limited number of artists who could have an opportunity to study in Western countries. If the understanding of Western aesthetic principles is necessary to be recognized internationally, the majority of Asian artists who seek to pursue their own styles through their everyday life will be completely neglected. On the other hand, appreciation of regional specificity within the context of multiculturalism only values Asian art as the other of the mainstream western art. Furthermore, this model raises questions of representation and misrepresentation by turning the issue of nationality, ethnicity, and other cultural identities into the central theme of visual expression. Nurdian Ichsan, Indonesian curator, states: "Some artists believe that fine art is a way to rouse freedom, improvement of life and self-awareness of the people. Others consider art as a way to “compensate” a collective identity in the masses. In these cases, artists place their own identity as a part of a limited social collective identity. It is also seen that artists try to seek for their national identity from the tradition that come from the past collective values, and from spirituality of modern society. (...) These phenomena caused a stereotype in the development of Indonesian contemporary art. And this stereotype became a necessary condition to enter the international art scene from the third world. What is appreciated there is a “cultural identity card” of the artist’s local identity in the work. Rather, it is easy to see this stereotype from artists who look for icons that implicate tradition, region, religion, identity of community and specific social situation."

He denounces an abuse of internalized orientalism. Asian artists, to certain extents, are all struggling with the pressure of internationalism and multi-culturalism. The local art scenes of Bandung and Yogyakarta (and Manila and Baguio to some extent) reflect these contrasting discourses.
structural foundations to play their own role in the art world and the public funding available to encourage new institutional challenge. Also, while artists, curators, critics, gallery owners and individual collectors are relatively independent from one another, and play unique roles in the western art world, no such distinction can be found in Southeast Asia. In an Asian context, the artist often plays the role of curator or gallery owner, and vice versa. The role and function of alternative art space in Southeast Asia is not singular; rather, each functions quite differently depending on cultural and social conditions of the area to which it belongs. While the alternative space in Asia appears to be still underdeveloped from the western standpoint, we need to carefully consider its unique history and characteristics, which each alternative space holds, and seek to develop strategies to fully develop its potential. Alternative space in Asia then will be the core space of Asian art, that is, the place for the artists to develop aesthetic principles of their own independent from profit-driven art markets or the Eurocentric system of art.

Lastly, I would like to emphasize the importance of creating a network system among those alternative art spaces. As I noted above, alternative spaces have their own characteristics in their local context. It is not only to communicate with art works and exhibitions, because such kinds of exchange and communication cannot offer the ground for recognizing structural differences of an art system itself, but for confirming superficial differences of art works, which shows local “styles” or specific “trend”. Long-term, continuous and persevering exchanges among alternative spaces make it possible to recognize each art scene in a local context—-with each value judgment system, with a common problematic of the contemporary art world, with a knowledge of tendencies of domestic and international art markets—to develop contemporary art scenes and to have a strategic practice for promoting Asian art and the universality of the power of art.

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Rudyard Contreras Pesimo

ANIMATION IN ASIA

Origin and Major Influences

Deconstructing Asian animation in order to peel off layers of occidental influences to eventually locate its oriental core can prove to be a daunting task. Adding to the burden is the extremely limited amount of literature on Asian animation as several books and publications focus primarily on Japanese Anime. However, in an attempt to determine how and under what circumstances animation came to Asia, Lent (2000) encapsulated the original influences of Asian animation through the following vignettes:

In 1923, the four Wan brothers, credited with starting animation in China, sat in a Shanghai theatre enraptured by three American cartoons shown that day. Forsaking any luxuries and most necessities, the Wans for the next three or four years devoted nearly all their time and money to learn animation, strictly by experimentation and imitation. Their first work, and China’s first animation, *Uproar In An Art Studio* (1926) was much influenced by the American style, using the concept of the *Out Of The Inkwell* series by the Fleischer brothers. In the Wans’ version, a painted figure on an artist’s canvas comes to life and commences to play with the brushes and paints when the painter leaves the room. Admitted admirer of the cartoons of Dave and Max Fleischer, as well as the characters Mickey Mouse and Felix the Cat, the Wans also were influenced by Chinese shadow puppet theatre and Beijing Opera, the latter subsequently inspiring Wan Laiming’s *Havoc In Heaven* (1961).¹

On what influenced one of Japan’s foremost animator, Lent further stated,

One of Wan Laiming’s films and China’s first full-length cartoon, *Princess With The Iron Fan* (1941), motivated Tezuka Osamu, Japan’s premier animator, to seek a career in animation. Tezuka was only sixteen when he saw the film. Other powerful influences on Tezuka came from the west. Calling Walt Disney an idol, Tezuka said he had seen Donald Duck and Mickey Mouse cartoons many times as a child, and, after World War II, had traveled from his Osaka home to Tokyo to see *Bambi* no less than one hundred times. When controversy brewed in the early 1990s about the similarities between Disney’s *The Lion King* and Tezuka’s three-decades-earlier *Jungle Emperor*, some critics remembered that *Jungle Emperor* itself drew heavily on Disney animation and cartooning style.²

This amaranthine interplay between foreign and indigenous animation is evident across the region and has affected much of its premier animators. Aside from the Wan brothers and Tezuka, other legendary artists ensorcelled by Disney, as a result of their exposure to his early works, were James Wang of Taiwan with *Bambi*, which he saw in China in 1946; Payut Ngaokrachang of Thailand with *Snow White*, and other works like *Felix the Cat*; and A Da of China with *Snow White and the Seven Dwarves*. These Asian pioneers: Wang of Taiwan, Khun Payut of Thailand, Tezuka of Japan, and Shin Dong Hun of Korea, even proudly accepted the title given to them by journalists and cartoon fanatics as “The Disney” of their respective countries.

Dominance of Western Animation: Channels and Excursions of Control

Since the 1960s, much of Asia’s animation production has been tied to foreign interests attracted by stable and inexpensive labor supplies. For nearly forty years, Hollywood studios have established and maintained production facilities, first in Japan, then in South Korea and Taiwan, and now also in the Philippines, Malaysia, Singapore, Vietnam, Thailand, India, Indonesia, and China. The economics of the industry made it feasible for Asia to feed the cartoon world, to the extent that today, about 90% of all “American” television animation is produced in Asia. The usual procedure is for pre-production, that is, preparing the script, storyboard and exposure sheets, to be done in the United States or other headquarter countries, after which, the package is sent to Asia for production, which entails drawing cels, coloring by hand, inking, painting, and camera work. The work is sent back to the U.S. or other headquarter-countries for post-production, consisting of film editing, color timing, and sound.
Asian animation companies bid fiercely for a part of the global business pie, insisting that it provides employment and skills for young people, brings in needed foreign capital, and adds to the creation or enhancement of domestic animation. Offshore animation leads to the creation and nurturing of a local industry, as an infrastructure is built up, equipment is put into place, and skills are transferred. By the latter decades of the century, Asia was certainly in need of a larger supply of domestic animation as television and cable channels proliferated, demanding much larger supplies of programming. However, not much domestic animation resulted from the presence of foreign-based studios. In most countries, animators can point to only one or two features or television series that have local angles.

Reeling from financial woes of the late 1990s and a decline in U.S. television production, Asian service studios entered into co-production agreements with American, Canadian, Australian, and European partners. Benefits accruing to the Asian studios include moving from strictly work-for-hire to a more creative role in animation, enlarging capital investment pools, being involved in larger, more prestigious projects, and gaining a wider distribution abroad. Also, because sales of animation in Asia were almost impossible because of widespread piracy, Asian studios sought co-production deals in which they would share in profits from North America and Europe. The most formidable partnership—that of Walt Disney International (WDI) and Japan’s Tokuma Shoten Publishing Co. to distribute the latter’s films worldwide through Buena Vista Home Entertainment—did not involve a service studio, but rather Studio Ghibli Co., a Tokuma subsidiary famous for the work of its resident animator Hayao Miyazaki. The pact gave WDI global video rights to market eight animated features already produced by Miyazaki, as well as theatre release worldwide of his Princess Mononoke. Perhaps more importantly, it provided WDI entry into Anime, which one Disney official said, they hoped to “legitimize” and bring into the mainstream. WDI already controlled 65% of the Japanese market for children’s videos. Critical of Disney films, Miyazaki was not thrilled by the deal. Previously, he would not grant rights for outside distribution of his Anime to foreign companies for fear they would alter his work. He reversed his policy to help Tokuma, which, he said, had always been good to him and now needed the money to be gained from the partnership.

Besides the Disney-Tokuma Shoten cooperative effort, others in Japan were formed between MadHouse Studios and Korea’s Samsung Entertainment to produce Alexander, Nippon Animation and Mitsui and U.S.’s LA Animation to work on The Monkey King, Tezuka Productions and RAI of Italy, Nippon Animation and Doro TV, also of Italy, and Nippon Ramayana Films and Ram Mohan of India. The latter partnership resulted in production of the epic Ramayana and Swan Princess III. Because of fears by the Indian government that the story might be trivialized and lead to religious turmoil among Indians, Ramayana took ten years to reach the screen. Ram Mohan and his team provided visual reference and key drawings, from which the Japanese worked to create an interesting fusion of Manga style and Indian design.

All these occurrences are heightened by the fact that animation dominated by foreign programs tops all children’s television in Asia. Much of the foreign animation arrived with the multinational television broadcasters Star TV, TNT, BBC, Disney, Cartoon Network and Nickelodeon. The foreign media conglomerates compete furiously for the cartoon market of Asia, launching customized cablecasts as Disney Channel did in the Philippines in 1998, dubbing into local languages as TNT & Cartoon Network did in India the following year, and using all types of strategies to make them welcomed.

Admittedly, Asian animation industry depends heavily on content from abroad, specially the West, to meet the domestic market needs unmindful of the fact that there are stories and characters from history and mythology that are tangible launch pads for a successful and commercially-viable animated treat. To this end, there is a definite need for a change in the mindset among local artists and producers, which shall require a proactive approach from the government. Animation is no doubt a costly affair but the government should realize that the medium has the potential of becoming a major source of revenue generation for the country. Government support holds the key, as the Ministry of Information and Communications Technology in Thailand have realized recently when it shoudered a substantial percentage of the total production cost in mounting Thailand’s first full-length 3D animation, Kantana Animation Co.’s Khan Kluay. While the focus on local content and integration of indigenous techniques gave these countries adequate tools to create the best breed animation, it also bolstered the confidence of the companies willing to outsource work; government support is indeed a big factor for the industry players of countries like Thailand to emerge as strong animation players While automation through IT happened at a much later stage, these countries like China, Korea, India and the Philippines, not only mastered the art of animation as per the Western world standards, they also managed to integrate it with the locally available skill set by that
time the concept of outsourcing really started picking up.

**Animating the Business of Animation**

Nasscom’s study on the animation sector divides the global animation services market into two segments - one, services targeted at the entertainment industry and two, those catering to the non-entertainment sector like industrial and commercial applications. According to the study, the total size of the global animation market for the year 2000 was in the range of US$16-31.5 billion. And while the statistics for 2001 is estimated to be in the range of US$25-38 billion, analysts estimate that the global animation production jumped to about US$45 billion in 2002. The number is expected to jump to anywhere between US$50 billion to US$70 billion. Within the animation production services market, the segment likely to create the most demand is the entertainment industry.

According to another study by Pixel Inc, global entertainment will account for around US$37 billion of the overall animation production services demand in 2003, up from an estimated $32.4 billion in 2002. On the non-entertainment side, estimates by Pixel Inc suggest demand for production services to touch US$14.7 billion mark. The global film and TV program production, on the other hand, is expected to generate a demand for US$17.5 million worth of animation production work, up from US$15 million in 2002.

In economic terms, animation also found its niche in parts of Asia. The enticement of foreign studios and their offshore and co-production schemes brought in foreign money, especially capitalized on by the Korean government when it found out that animation represented most of the country’s cultural products exports. In the same vein, the Singapore government recognized the economic advantages of attracting computer animation firms to that techo culture, and in the 1990s, helped set up animation training programs in three polytechnic institutes.

Animation production studios typically use three business models—animation production services, co-production and creating own intellectual property. Under the **Animation Production Services Model**, which is also referred to as the work-for-hire model, overseas companies or studios assign animation production work on contract to an animation production studio. While the overseas company usually retains the control over quality by doing the pre-production and post-production work themselves, the grunt work of production is outsourced from the country’s animation studios. In 1999, the feature films/TV program production segment accounted for more than a third of the total global computer animation production services market. The share of this sub segment has been going up in the past few years. During the 2000-2005 period, Nasscom estimates that the film and TV program production segment will account for over 30% of the total global computer animation production services market.

In the **Co-Production Model**, two or more companies come together to develop an intellectual property. Typically, in this model, each company partner company may have a distinct area of capability—pre-production, production or distribution. Each may thus own a share of the intellectual property relevant to its area of specialization. Countries such as Canada have a system of entering into co-production treaties with other countries.

Finally, under the **Ownership of Intellectual Property System**, the intellectual property is completely owned by the unit, which also bears the complete financial risk of the owned property. Animation companies in India are viewing development of intellectual property as an important component of their long-term plan in the animation business as there is high revenue potential and return on investment in original property development. Also, there are low barriers, in terms of language, culture or age of audience in this form of content. A number of Indian animation players have developed and produced fully owned properties.

**Critics and Critiques of Animation: A Never-ending Tale of Misconstruction**

Foreign animation continues to spark controversy and condemnation in Asia. For years, Chinese authorities have on and off banned western favorites to make room for local cartoon characters, and have released feature productions to eclipse western cartoons not in tune with China policy. Red River Valley was released to offset Disney’s *Kundun*, which sang the praise of the Dalai Lama, and have cancelled or postponed the showing of American animation as a reaction to the U.S.-China trade wars.

The main objections to the importation of American and Japanese animation have to do with their presentation of values, which are anathema to Asian cultures, or the depiction of violent or sexually explicit content. Authorities in Korea, Taiwan, the Philippines, Thailand, Singapore, and Malaysia have made such complaints, in some cases, such as that of Malaysia, leading to the development of more culturally appropriate local animation.
Filipino parents, newspaper columnists, and religious and educational figures complained about Japanese robot *Anime* as early as 1979 when the genre was introduced to the Philippines. Reacting to the parents’ objections, then President Ferdinand Marcos ordered the Board of Censors that the showing of all robot programs be proscribed immediately. At the time, the Japanese show, *Voltes V*, was rated number one of all television programming with a 40% viewership rating. More recently, the head of the movie review agency met with television executives to demand that violent scenes be removed from cartoon shows.

In 1994, Singapore Broadcasting Corporation permitted Japanese *Anime* with some sex and violence to be shown after midnight, which made little sense as the broadcasters see animation as being children’s fare, and the censoring board extended the hours per week that could be filled with *Anime* from two to four in the early 1990s, and from twelve to fifteen in 2000. But none is shown in primetime. The television station chooses the *Anime* by its popularity and clean content, often looking at past records of particular cartoons in other nations. *Anime* was banned in Korea and Taiwan for decades because of the fear of Japanese cultural imperialism, understandable, as both countries had been occupied by Japan. However, in neither country was the inflow of *Anime* abated as piracy ran rampant. Commissions were set up in Korea and Taiwan to censor and ban *Anime*, staying in existence until the 1990s. In Korea, the maintaining of a censoring body for Japanese cultural products had no logical base whatsoever, since such products were not allowed to be there in the first place.

Calls for the banning of Disney’s *Aladdin* as a racist film in 1993 did not advance very far in Muslim Southeast Asia, partly because of lack of attention by the mass media. In Malaysia, very little publicity was given to the charges, according to one study, because Malays are Muslims, but not Arabs; the public perceives animation as just cartoons not to be taken seriously, and the distributor of *Aladdin* had taken steps to offset negative publicity. The reaction was low key in Indonesia, because the country must protect a highly developed film industry, which has had past troubles with Hollywood. Since 1989, Indonesia has been on a U.S. watch list for copyright infringements relative to films and videos; at another time, Hollywood had threatened to completely take over film distribution and exhibition in the country. Concluding their 1995 study, White and Winn said that though Islam is a powerful force in the region, so are money and the love of Disney. They pointed out that fundamentalists calling for a ban of *Aladdin* sought publicity in newspapers highly dependent on advertising, much of it from movie theatres. The end results: Muslims were torn between their religion and Arab solidarity and their love of movies and Disney animation; governments between public groups offended by *Aladdin* and the demands of the mainstream. Ultimately, Disney won.

**The Construction of Digital Content Identity in Asian Societies**

Aesthetically staged and rendered in an organic and pseudo-structural visualization by artists fueled with the desire to create original content, the socio-cultural milieu of animation and its inherent affordances for interaction allow, in most instances, audiences of varied interests and divergent status to aggregate and pullulate. Such appropriation of animated films succeeds by reflecting diverse characters and relationships, social norms and purpose, cultural presence and patterns, even economic affairs and political advocacy.

Through animated images, artists and audiences alike see what they reveal about themselves; they can make adjustments and influence a facet of their self-identity, their community’s identity, and their society’s collective identity as formed through an aggregation and abstraction of particular elements present in their various animation experiences. Thus, animated imagery and its unique visual staging and rendition play an influential role, as popular culture, in the emergence of facets of community identity.

The early venture to represent digital identity was rather minimalist and opted to embed social information in a content-centric view. In succeeding years, with increased interests in CG worlds, more dynamic images became popular not only as visual caricatures but also as caricatures of particular personal traits. (Kurlander et al.,1996) More recently, Donath (2002) and others began advocating the use of simple graphics and legible visualizations to represent people, activities and aspects of social context in small and large-scale environments. Some of the recent animated productions attempt to provide portraits that are similar to what was described as a facet of identity.

Animated visualizations to be acceptable to audiences need to be accessible and visually engaging for them to identify with or connect to. Thus, animators employ visual design elements and techniques, which create evocative imagery of the physical, emotional and socio-cultural realities. The social milieu is made visible to audiences for exploration. Participants with a shared
sense of “we-ness” are able to explore their visual experiences to see how they are seen by “others”, and how their actions and contributions influence the character of the community portrait as projected on screen. This unique reciprocity permits the audience to react to the animated product, participate in the visual process, and in the end, influence the artists to make adjustments to what they reveal about themselves; thus, they contribute to the formation of their community identity.

Throughout its rich history, animation has been used both as a medium and message in various Asian societies. Asian animation was molded by utilizing the use of indigenous artistic styles and techniques, such as paper fold, paper-cut, ink and wash, shadow theatre, and localized plots based on literary, religious, or folkloric stories. Symbiotic relationship exists between animation and other mass media in Asia: in Japan, Anime, Manga and video games complement each other; Japanese Animes eventually evolve into live action films and television drama serials; Thai animated TV series **Pang Pond** is translated into comics and developed into a full-length format; Hong Kong musicians write and sing Cantonese versions of Anime theme songs; and other Asian artists, such as Lat of Malaysia, Nonoy Marcelo of the Philippines, Dwi Koendoro of Indonesia, or Pran of India adapt their print cartoon characters to the screen.

Politically, filmed cartoons have served governmental and bureaucratic goals, particularly in China, Vietnam, and the Philippines; most Chinese animation stressed morals, such as wholehearted service to the people (*The Panda’s Shop*); and promoted campaigns; or exposed enemies of the state, such as the Gang of Four in *One Night In An Art Gallery* (1978). In the 1960s and early 1970s, Vietnamese cartoons carried wartime themes, such as those of *The Kitty* (1966), which depicted a kitten who successfully organizes against an army of invading rats, or *The Talking Blackbird* (1972), the story of a Vietnamese boy and his blackbird companion who together defeat the Americans. Ironically, it was the Marcos dictatorship that advanced animation in the Philippines, the type deemed useful to the administration, such as propagandizing for the presidency and its favorite projects.

**THE THAI ANIMATION INDUSTRY**

**Overview**

Thailand is entering the global digital content marketplace—notably in the animation and computer game market segments—at a time when competitive forces are driving major companies to engage new pools of affordable talent for animation, games development, digital video production, post-production, website design, special effects, and e-learning services. Thailand offers stability, incentives, and strong creative talent to meet these needs. These assets make it possible for the country to achieve near-term results in boosting exports and employment in digital content creation and related services, and to position the country in coming years as a leading creative hub in the Asian market.

Thailand, however, remains in early stages of animation and computer game industry development relative to its regional competitors. Overall, its software and digital content exports in 2002 stood at approximately US$8.79 million, with digital content comprising 19% or roughly US$8.79 million. An estimated 1,000 animators and computer game development workers at present are employed, a majority of whom are producing for the regional and global market. During the past year, however, Thailand’s industry has grown substantially. Much of the growth has been driven by the rapid expansion in demand for digital special effects driven by the Thai film and television industry, which are beginning to win global recognition for the quality of their output. Several overseas film productions are shot in Thailand during the year and several noted directors work with the industry. Thailand’s Digital Content cluster has joined SIGGRAPH in an effort to create linkages with other firms and professionals in the multimedia industry.

Thailand’s opportunity to make a success is benefiting from a convergence of both market and technology trends. On the demand side, popular response to “Finding Nemo”, “Lord of the Rings” and other movies relying on computer graphics is driving studios to expand output while keeping costs down. Technology advances in the production of computer animation and gaming are also driving the rapid growth and globalization of digital content firms. Notable developments in these areas include the following:

- **Lower costs in software and hardware**, which reduce key cost barriers for expanded output of quality animation and graphics. The price-performance of advanced authoring systems for digital content have fallen by factors of 20 or more over the past 10 years, and further progress will create a “level field” in which small creative teams operating on limited budgets will be able to produce animated content comparable in quality to large studios and production houses.

- **Plunging costs of international telecommunications**, which enable individuals and firms specializing in
digital content creation to find clients and partners and interact with them more efficiently. Plunging costs of international and community-level telecommunications can bring pervasive telecommunications links to both urban and rural areas. High quality Voice Over Internet Protocol (VOIP) links are enabling to drive international telecommunications costs to a few U.S. cents per minute. Exceptionally affordable Internet links are also becoming available via VSAT satellite dishes comparable in size and cost to TV broadcast receivers. The emergence of Wifi (802.x) systems means that this international bandwidth can be affordably shared at neighborhood levels.

- **Online workflow systems.** Another driver of new offshore opportunities consists of innovations in management of projects and coordination of onshore/offshore teams. New workflow systems from companies such as Digital Production Solutions (DPS) have emerged to manage animation project teams across time zones and national boundaries. A spectrum of web-enabled tools for online meetings, project scheduling, task assignment and tracking are making it possible for small groups of individuals and specialists to cooperate effectively.

- **“Anytime, Anywhere” Learning and Certification.** New e-learning systems have emerged to rapidly create and share online learning resources. Wherever bandwidth permits, short courses, workshops, seminars, and degree programs can be readily delivered - enabling students and practitioners to stay current as market conditions, skills, and technologies change. These online training resources help level the global playing field for countries seeking to rapidly develop skills to compete in global digital content creation and other ICT markets, by enabling technical, management, and language skills to permeate throughout developing countries at unprecedented speeds and at far lower cost than before.

- **Online Markets for Small and Medium-Size Entrepreneurs.** Electronic marketplaces that offer immediate job opportunities to firms of all sizes, ranging from micro entrepreneurs to mid-range animation and gaming enterprises. A further impetus for rapid growth of digital content (and other ICT industries) is through improvement of business climates made possible by E-Government systems which offer the prospect of introducing unprecedented transparency, efficiency, and accountability in public sector operations as they relate to SMEs and other companies seeking to compete in global markets.

### Digital Content Cluster

In 2004, the Thailand Competitiveness Initiative (TCI) and the Software Industry Promotion Agency (SIPA) of the Ministry of Information Technology and Communication (MICT) launched a Benchmarking Study for the Thai Animation Industry as compared to other relevant countries in the region. The mandate of this massive undertaking, which was supported by the U.S. Agency for International Development (USAID) and conducted by J.E. Austin and Associates with key industry stakeholders such as Thomasidea, Imagimax, Imagine Design, Cyberplanet, Jowit, Beboyd, SIPA, Silpakorn University, was to identify opportunities and strategies to assure Thai firms a more favorable business climate relative to nearby competitors, while assessing the perceived strengths and weaknesses of the Thai animation industry. As a result of this study, Thailand’s Digital Content Cluster has been formed to accelerate the growth of the country’s animation and computer game industries in order to compete in the global marketplace. The cluster has outlined key strategies and action items and developed supporting agenda in the areas of inter-firm cooperation and cluster linkages, skills development, marketing, business development, and business climate enhancement.

### Strengths and Opportunities, Weaknesses and Threats

Thailand stands out as a potential Asian leader in Digital Content industries. Its strengths include the existence of a creative and skilled talent pool with a rich tradition in the arts, and the emergence of local firms with world-class capabilities with thriving advertising and film industries. There is low geopolitical risk, and enjoys proximity to world’s next giant consumer markets such as China and India. Labor price is lower compared to several traditional high cost multimedia-exporting nations, notably Korea and Japan. Most importantly, there is a strong government support in promoting skills formation in animation and digital content industries. Such strong national government commitment to cluster success is reflected in the success of Thailand Animation Multimedia (TAM) 2004 and the establishment of the Software Industry Promotion Agency (SIPA).

However, in comparison with key competitors, Thailand lags behind in the following respects:
• Low visibility in target markets relative to current animation and computer game leaders (Korea, Japan, Taiwan, The Philippines),
• Higher labor costs than large emerging competitors (China and India),
• Relatively high cost international telecommunications links,
• Dearth of skilled professionals with international project experience both in terms of value-add skill sets and project management in focus markets,
• Limited public awareness of world-class animation standards and uneven industry awareness of production best practices,
• Lack of scalable production systems, largely because of shortages of skilled workforces and established workflow systems,
• Lack of entrepreneurial preparation,
• Inadequate investor funding for media ventures and start-ups,
• Relatively unengaged diasporas,
• High taxes and bureaucracy encountered by export-oriented firms,
• Limited international marketing and promotion—overall lack of brand awareness to differentiate Thai digital content market,
• Nascent international marketing, promotion, and sponsorship of presence in leading animation and computer game industry events, and
• Weak intellectual property safeguards for digital content creators.

Although it is a relative latecomer into the global animation and computer gaming marketplace, Thailand can capitalize on technology and market advances to secure opportunities in rapidly expanding markets and arenas. Principal opportunities for near-term growth are coming, such as the emergence of nearby mass Asian consumer demand for entertainment and education, fuelled by rising living standards and the advent of affordable bandwidth. Increasingly accessible are 3D computer modeling, animation and “virtual studio” tools, enabling small as well as large creative teams to rival large studios in quality of output. New computer gaming market opportunities including wireless, game-movie tie-ins, customization, and Asian online massive multiplayer games are rising: “edutainment” and related e-learning content development and globalization are also gaining ground. Finally, potential production partnerships is being explored with Indian and Chinese entertainment and studios, as well as established North American, Japanese and European leaders, to develop and adapt content for regional global markets. Yet, several primary threats are also on the horizon. Among them are:

• A growing concentration of the top-tier global media and digital content creation companies through mergers and acquisitions, reducing options for Thai Digital Content SMEs to direct establish contracting and other relationships,
• Increasingly fierce price competition as Indian and Chinese firms gear up to bring their huge talent pools into animation and computer game markets,
• Aggressive partnering by smaller rivals such as Singapore to stake out leadership positions as “learning hubs” through partnerships with top universities and technical institutes in creation of e-learning content,
• Risks of “subsidy and protection wars” as government agencies in rival countries move to promote their local industries and markets through grants, subsidies and loans, and local content requirements,
• Concerns over the quality of trainees from Thai government-backed initiatives in meeting industry needs for animation/graphic artists,
• Potential lags in acquiring leading-edge technical skills suited to the rapidly changing markets (due constraints in universities and other education and training providers), and
• Dependency of Digital Content initiatives on government subsidy, making them less sensitive to market needs and vulnerable over time to changes in political priorities.

Industry Priorities

The benchmarking analysis confirms key areas for near-term action in line with the Digital Content Cluster’s draft strategy (KIASia, February 16, 2004 draft). Specifically, the following measures under active consideration by the Cluster and SIPA appear well suited as near-term priorities:

• Animation Exchange—gives practical projects experience to Thai animation and gaming students and freelancers, and enables digital content firms to qualify and engage proven talent throughout the country,
• Global linkage-building for Centers of Excellence—builds global advisory networks for key research, standard-setting, e-learning content creation, and demonstration projects benefiting Thai Digital Content industry, universities, and training providers,
• Virtual Incubator—offers a CDROM for students
containing advice and insights on freelance opportunities from successful Thai Digital Content entrepreneurs,

- **Public relations campaigns**—advertising to expand public and visitor awareness and appreciation for Thai animation and computer game achievements,
- **Microscholarship Fund for broad based “anytime, anywhere” learning**—with funding from donors, government, and/or the private sector, this can help Thailand accelerate the spread of marketable skills and build grassroots purchasing power for e-learning resources and certifications,
- **Toolkits for revenue-generating partnerships in content creation**—CDROMs with how-to information can assist universities and telecenters in proceeding with content creation initiatives,
- **New tax and regulatory relief measures**—provide incentives equaling or surpassing those offered by other countries for Digital Content firms,
- **E-Government projects for an efficient and transparent operating environment**—remove bottlenecks in obtaining visas, registrations, and incentives needed by Digital Content companies, and
- **Active international marketing and promotion campaigns**, including stepped up initiatives in: developing closer ties with Thailand’s film industry, deepening synergies between Thai Software industries and Digital Content firms, expanding outreach efforts to Thailand’s “digital diaspora”, promoting Thailand internationally as a tourism destination for working vacations by Digital Content entrepreneurs; and approaching diversification-oriented Indian multimedia and entertainment firms.

These initiatives, coupled with stepped-up Government action to assure respect for intellectual property, will help Thailand to become recognized as a leader in emerging global Digital Content markets in ways that lead to large-scale job creation and export earnings.

**Thai Animation and the Legacy of Khun Payut Ngaokrachang**

Animated movies afford the public the opportunity to admire fully the joys and diversity of this magical art form; it can transport the viewer to a myriad of fantastic worlds and has the ability to open windows to different arrays of mindsets, cultures, time periods and ways of life. However, it is the perfidious hegemonic hold of colonialism that hinders Asian animation artists, directors and producers from fully maximizing their potentials to evolve as digital purveyors of their culture.

However, even if Thailand has never been under colonial grip, its indigenous ways of producing truly Thai animated products is constantly under threat from foreign elements, both Western and Asian, specifically Japanese, exacerbated by abrasive clashes among political and cultural power holders, including their critics, to work and determine the norms and standards of excellent animated filmmaking. With a relatively young animation industry, as compared to its neighbors, the fast-growing animation powerhouse in India and the animation veteran Philippine animation industry, Thailand’s aggressive backing from its government is slowly but surely consolidating its effort to launch itself as another animation center in the region. In the first part of 2005 alone, there were three animation festivals and conferences, Thailand Animation and Multimedia (TAM 2005), Thailand Animation Film Festival (TAFF 2005) and Bangkok International Film Festival (BIFF 2005)—Animation Workshop, which were held one after the other, in the capital city of Bangkok directed towards both the local market as well as international audiences. Kantana Animation Company’s Zon and the soon-to-be released Khankluay, and Vithita Animation Company’s Pang Pond were some of the original and locally produced animated movies that the country’s animation industry could offer. And most of the animation artists trace the success of their industry to the trailblazing effort of Khun Payut Ngaokrachang.

Khun Payut grew up in the remote Prachuap Khiri Khan province in the Kingdom of Thailand, with a special interest on cartoons and the comic characters of Nan talung Thai shadow puppet theater, such as I-Kaew, I-Pluei and I-Tang. Rooted to his growing fascination with vibrant visuals coupled with his insatiable infatuation towards imagery, young Payut’s fondness of cartoons extended to Pat Sullivan’s Felix the Cat, which he first saw in his hometown Klong Warl village.

His peregrination leading to the emancipation of his first animated feature began after meeting Sanae Klaikluen, a famous Thai painter whom Payut, himself, would consider to be the foremost animator in Thailand, as Sanae predated him by a decade. With fondness, Payut recalled:

> I was inspired by Sanae Klaikluen. I respected him very much. He was a famous painter. I loved looking at his paintings on banners. One time I looked up at one banner and said, “Oh! Very beautiful drawing! Very beautiful painting! Just like Sanae.” Then the man putting up the banner turned around, looked at me and asked, “You know Sanae?” I replied, “No. But I like that painting, it’s like Sanae.” He asked...
me if I had seen Sanae in person or if I had been to Bangkok. I said no and that I only saw his works on banners and covers of novels. He asked me if I knew any other artist. I said I only knew Shalami and Sanae. He asked me who between these two artists I liked more. I said, “Shalami. Sanae has beautiful drawing but no life.” He smiled. Then, he asked me to draw. After looking at my drawing, he invited me to come to Bangkok because “Sanae can meet you there and I think, he will also like your drawing.” But I said “For now, no. I am just in secondary.” He politely insisted, “After you finished school, go to Bangkok. Just opposite of Siphaya Temple that is the building.” Then he said, “You know, Sanae and I are very similar.” Then, he left that night to go to another job. From that day, I remembered how polite he talked to me and persuaded me to meet Sanae. At that time, I was just 12 years old. Then, the war started. The Japanese came. So I wasn’t able to go to Bangkok. Then after finishing secondary, I went to Bangkok. After World War II, Bangkok looked bad. I didn’t know where to find him. And then, I remembered his instructions. I rode the bus, went to the temple and walked to the opposite building. Finally, I saw the man painting. He was, after all, Sanae! From that day on, I came to see him and learned so much from him.³

Later, this locally renowned artist inspired him to be part of an animation project in Bangkok. Unfortunately, Sanae passed away without realizing his dreams as his animation project failed to materialize due to lack of sponsorship and government support. Galvanized by Sanae’s memory, Payut resolved to pursue his friend’s wish.

Sanae tried to make animation. But the government did not support him. He got sick. He was so frustrated. He could not make animation. After he died, I decided that I would make animation. I tried asking everyone who worked with Sanae how animation worked. But no one knew. I kept on asking until one told me Sanae worked on cel-luloid. So I realized how to do it. I tried to do it and it worked! I used X-ray film. I asked a Chinese friend how to clean it. I told him I tried scrubbing it but it was still dirty. He said he didn’t know. So I asked him to clean the X-ray films by putting some ash to the water then dipping it in the X-ray film. It worked!⁴

In 1955, Payut decided to animate a cartoon he had been drawing for the newspaper, Lakmuang, Sala Chalerm Thai Theater house on July 5, 1955 and received tremendous acclaim. This gag cartoon entitled Haed Mahasajan showed a policeman (who) directs traffic, swaying to the tune of music in the manner of Thai classical dancers. A woman begins to cross the street when the zipper (a newly introduced fashion accoutrement in Thailand) on her dress splits, diverting the policeman’s attention with the result that cars pile up all around him.⁵

Recognizing Payut’s talent, the United State Information Service (USIS) awarded him 10,000 baht and sponsored him to go on vacation in Japan. For training, the agency gave Payut a choice of spending six to eight months with Disney Studios or going to Japan. He chose Japan, where he just looked around, as animation did not exist there at the time.⁶

Payut only made one animated film for the USIS, a 20-minute propaganda film entitled Hanuman Pachon Pai Krang Mai (The Adventure of Hanuman, 1957) that recounted the story of Hanuman, the white monkey in the classic Ramayana. The propaganda element was present in the form of the defeated red monkey, which represented communism.

The Americans hired me to create animation after World War II to fight communism. It was for propaganda. Since animation is cheaper here than done in Hollywood...for their propaganda, I was asked by the American Embassy to create a 20-minute animation. So I made Hanuman in 1958. But we could not make the final film in Thailand. So I sent it to Japan laboratory. The first animation I made, I sent to Australia. But the government banned Hanuman in Thailand because one of the government officials, who owned a matchstick factory, used the Hanuman character for the cover of the match. So, he didn’t want Hanuman to be used in my animation. He thought my animation was not good for his matchstick. But he didn’t even watch it yet. He thought my animation would show a bad Hanuman, which would be bad for his business. Dr. John Pikering, the American investor, became so disappointed because he invested a lot of money. But the government who did not support my production wanted to ban Hanuman. He invested much but nothing came out of it. Nothing.⁷

Later, Payut created another short cartoon entitled Dek Kab Mee (A Boy and A Bear, 1960) for the Southeast Asia Treaty Organization (SEATO), based on the theme that unity was necessary to combat communism. Apart from working at USIS, Payut also worked on part-time job on making commercial animation films to many products, of which many advertisements are still in contemporary Thai’s memory. In 1976, Payut...
devoted his time to produce the first Thai-produced full-length animated film, *The Adventure of Sudsakorn* based on a famous early 19th century Thai literary work, *Pra Apai Manee*, written by internationally renowned author and poet, Sudthornpu.

The tale was a feast of incongruous adventures: Sud Sakorn, the son of a mermaid and a musician, fights on different occasions, an elephant, shark, and dragon horse, and encounters in his meanderings a king, a hermit, a yogi, a magic wand, and ghosts.8

With a limited budget and sponsorship, the production of this 35mm, 82-minute long, hand-drawn animation was plagued with difficulties aggravated by the loss of Payut’s left eyesight after having labored night and day for two straight years on this film. Production was plagued with shortages of capital, personnel, and equipment. For the first six months, the crew was made up of 75 daytime and 25 nighttime workers, almost all students. By the second year, only nine remained as the “others could not work without money,” Payut explained. He did most of his own work at night since during the day; he was fully employed at the USIS.9

Defying the standard tools and techniques being used in the animation industry at that time, Khun Payut’s creativity and ingenuity led to the successful realization of this first and so far, the only Thai feature animation film which was screened on April 1979.

I made a lot of my equipment from pieces I got from junk of World War II military surplus. I’d find a screw here, a crank there, etc. I used a combat camera and adapted it. I pulled together pieces of wood, aluminum, whatever I could find. For this movie *Sudsakorn*, I tried to do it myself at first. But it was difficult. So I approached the government, but it did not pay attention to my movie. No film producer helped me. No one supported me.10

After *The Adventure of Sudsakorn*, Payut stopped making animation until 1992, when he was subsidized by Film of Japan to make a film for educating girls under the title *My Way*. After his retirement, Payut would serve as guest lecturer on animation at many universities. He is still waiting to see the second Thai feature animation film. Interestingly, Payut considers Japanese *Anime*, not American animation, as a threat, claiming that Thai cartoonists slavishly imitate the Japanese style. He also pointed out that Thai children favor Japanese over American animation, adding:

The children don’t pay attention to Disney; they follow Japanese cartooning even though it is not smooth, in fact, it is very rough. They watch Japanese animation every day and they are used to it—the rapid action. Disney seems too slow for them. Even my granddaughter is this way. Disney spends lots of money to be smooth, but children prefer rougher Japanese animation. Of course, it is more violent too.11

On Japanese influence on Thai animation, he explained:

It is caused by the presence of Japanese cartoon books all over Bangkok. The printing press makes a lot of money because these comics are very popular. Young students buy these books at footpaths. It’s very cheap so more books are bought. More and more Thai children are exposed to Japanese comic books each day. So the influence of Japanese *Manga* is everywhere. In the end, most of the young generation of Thai animators is influenced by Japanese *Anime*. No originality. It’s sad but true. One time, Japanese cartoonists accompanied by Thai people from the printing press came here in my house to interview me about Thai cartoon. I politely said, “Go away. I teach at our universities about original Thai cartoons and you come to me after allowing these Japanese to draw cartoons for Thai children?12

On cartoon, Khun Payut shared that it came from a Latin word meaning cardboard.

For me, there are five kinds of cartoon: political cartoon (editorial); humorous cartoon (gag of 1-2 frames); illustration cartoon (for education, information, how to?); comic book (cartoon strips with 1 story); and cartoon animation (movie).13

On Disney and Japanese *Anime*, Ngaokrachang stated with conviction:

Disney is the Master of Animation. I like Disney more because I grow up with Americans. Japanese *Anime* from Toei even came after me. I’ll tell you a secret. Look at Hanuman [pointing to his early drawing of Hanuman]. Now look at this [a card from a Mr. Yasuo Otsuka of Toei Animation dated 1960]. This movie is entitled *Saiyuki*. The monkey looks very similar to Hanuman. Why? Because he asked me to give my Hanuman drawing to him and based his *Saiyuki* monkey character to my very own Hanuman.14
THE JAPANESE ANIME INDUSTRY

Overview

Global acclaim for Japanese animated products stemmed from the apparent originality and astounding quality of the industry’s annual outputs. Their distinctive imprint and collective impact on the world stage had been recognized and categorized as Japanimation; the Japanese term Anime had successfully become a global brand – a stature well deserved in the global market. At the Seventy-Fifth Annual Academy Awards in 2003, Spirited Away (Sen to Chihiro no Kamikakushi), the blockbuster movie directed by Anime Grandmaster Hayao Miyazaki, ran away with an Oscar for Best Animated Feature Film; the previous year, it had won the Golden Bear at the 52nd Berlin International Film Festival. These remarkable feats certainly affirmed the high regard that Japanese Anime enjoys among international audiences and critics.

The Japanese Anime market is comprised of three main sectors: animated films for theaters, cartoons for television, and videocassettes and DVDs of the works from the first two sectors. According to the Media Development Research Institute, Anime sales (box-office revenue for animated films, production costs for cartoons, and sales and rentals of videos and DVDs) rose 14.8% to ¥213.5 billion (US$1.9 billion) in 2002 (Fig. 1), marking the first time the ¥200 billion (US$1.8 billion) mark had been topped in Japan. In the year earlier as well, the Japanese market grew nearly ¥30 billion (US$270 million) due to the great success of Spirited Away, which brought in about ¥38 billion (US$345 million) at domestic box offices. The market was also boosted by demand for DVDs to replace old videocassettes: titles that had already been released on video were re-released on DVD, resulting in sales of two million DVDs. But these figures do not account for the entire market, because the business of branded-character merchandising, including the licensing of rights to use Anime characters and sales of toy figures and other goods using characters’ images, is huge. If these categories are included, the total Anime market is believed to be worth more than ¥2 trillion (US$18 billion) in annual sale.

Figure 1: Japanese Market for Anime.

Source: Media Development Research Institute Inc.

The domestic Anime industry has well-established arrangements for production, but it is visibly lacking in know-how when it comes to domestic and international distribution, licensing and other rights, as well as international business practices.

Industry Status

A simplified view of the domestic Anime industry is presented in Figure 2. In the planning stage a number of firms from different fields, such as TV broadcasters, advertising agencies, toy companies and Anime production companies, form production committees for joint planning. In the case of cartoons, toy companies are involved from the planning stage as sponsors, because the development of branded characters is an essential component of the business. Production is carried out by Anime production companies. In addition to the original contractor, numerous production companies are involved as subcontractors. Japan has some 430 Anime production companies, of which 264 (about 60%) are located in Tokyo. Companies that turn out full-length feature films, such as Studio Ghibli (Spirited Away), are the exception, as most companies produce cartoons for TV. Although Japanese Anime is gaining international fame, the industry is still restrained by relatively small production budgets and a shortage of animators. The production budget for a 30-minute cartoon is generally less than ¥10 million. TV Anime is unprofitable on its own in most cases, so production companies must seek profits from corollary business, including videos/DVDs and branded-character goods.
A new trend in recent years has been the outsourcing of Anime production to other countries. For example, original drawings are sent in digital format to production offices in countries like China and South Korea, where the drawings are completed, colored and then sent back to Japan. Toei Animation has about 130 people working in a studio in the Philippines, and even some of the work on Studio Ghibli’s Spirited Away was contracted out to a South Korean firm. The common pattern nowadays is to handle key work such as planning and direction in Japan, but outsource more routine operations such as animating and coloring. Traditionally, however, Japanese animators developed their basic skills performing these routine jobs, so some people are expressing concern that outsourcing will eventually sap Japan’s ability to produce Anime domestically. Other countries are also building up competitive strengths. For example, South Korea has been developing technical prowess in this field by establishing animation departments at universities. Whereas almost all TV cartoons in South Korea once were from Japan, now 30%-40% of the titles are domestic products. China and France are also developing human resources in this field.

Studio Ghibli’s ability to produce high-quality works is based on its system of tapping the skills of firms such as broadcasters, publishing houses and advertising agencies to undertake major projects. In the case of Spirited Away, Tokuma Shoten Publishing, Nippon Television Network, Tohokushinsha Film and others joined Ghibli in forming a production committee and put up about ¥2.5 billion (US$23 million) for production costs. The firms shared the risk and received a corresponding share of the profits. With revenues expected from three sources—box office, video/DVD and TV—media firms participated in the project and helped to publicize the work. The production budget for Spirited Away was truly remarkable considering that a Japanese film is considered a great hit if it brings in box office revenues of just ¥1 billion (US$9 million). Studio Ghibli’s success has inspired firms like Toei Animation to actively resume producing original feature films. It has also encouraged companies to devote considerable sums for the production of high-quality films with a view to overseas markets.

**Latest Trends**

According to the Dentsu Communication Institute, box office revenues for animated feature films came to ¥37.7 billion (US$343 million) in 2002 (Fig. 3). This was less than in 2001, the year when Spirited Away was released, but the medium-term trend has been positive. More domestic titles than foreign titles were released in both 2001 and 2002 (Fig. 4) and most of the films topping the box office rankings were Japanese.
The Ministry of Economy, Trade and Industry’s (METI) Survey of Selected Service Industries revealed that the number of animated films produced by the filmmaking, film-distribution and video sales industries came to 346 in 2001, more than eight times the number produced in 1998 (Table 1). Animated films were viewed by 11.5 million people, or 12.7% of total theatergoers (Table 2), in 2003, according to the same survey. A number of new cinema complexes opened in 2002, which led to a doubling of movie screens in operation and contributed to a sharp rise in theatergoers for both Japanese and foreign films. Animated film theatergoers even increased in 2001, when the number of screens declined. And in 2003, even when there was no big hit in the animated category as live-action Japanese films stole the limelight, more than 10 million people went to see animated films. *Anime* clearly enjoys a strong base of popularity.

**Table 1: Films Produced and Videos Sold in 2001.**

<table>
<thead>
<tr>
<th>Category</th>
<th>Number</th>
<th>Share</th>
<th>Change from 1998</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Films</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Films</td>
<td>4,904</td>
<td>100.0%</td>
<td>111.4%</td>
</tr>
<tr>
<td>Feature Films</td>
<td>571</td>
<td>11.6%</td>
<td>135.6%</td>
</tr>
<tr>
<td>Live Action</td>
<td>225</td>
<td>4.6%</td>
<td>59.1%</td>
</tr>
<tr>
<td>Animation</td>
<td>346</td>
<td>7.1%</td>
<td>865.0%</td>
</tr>
<tr>
<td>Educational</td>
<td>265</td>
<td>5.4%</td>
<td>70.5%</td>
</tr>
<tr>
<td>Documentary</td>
<td>2,726</td>
<td>56.6%</td>
<td>254.3%</td>
</tr>
<tr>
<td>Other</td>
<td>1,342</td>
<td>27.4%</td>
<td>53.0%</td>
</tr>
<tr>
<td><strong>Videos</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total Videos Sold</td>
<td>64,408,548</td>
<td>100.0%</td>
<td>115.1%</td>
</tr>
<tr>
<td>Feature Films</td>
<td>35,054,436</td>
<td>54.4%</td>
<td>141.0%</td>
</tr>
<tr>
<td>Japanese</td>
<td>14,317,939</td>
<td>22.2%</td>
<td>200.2%</td>
</tr>
<tr>
<td>Live Action</td>
<td>3,935,652</td>
<td>6.1%</td>
<td>117.4%</td>
</tr>
<tr>
<td>Animation</td>
<td>10,382,287</td>
<td>16.1%</td>
<td>273.3%</td>
</tr>
<tr>
<td>Foreign</td>
<td>20,736,497</td>
<td>32.2%</td>
<td>117.1%</td>
</tr>
<tr>
<td>Feature Films</td>
<td>15,987,108</td>
<td>24.8%</td>
<td>178.9%</td>
</tr>
<tr>
<td>Animation</td>
<td>4,749,389</td>
<td>7.4%</td>
<td>54.2%</td>
</tr>
<tr>
<td>TV Shows</td>
<td>8,295,120</td>
<td>12.9%</td>
<td>108.4%</td>
</tr>
<tr>
<td>Original Videos</td>
<td>21,058,992</td>
<td>32.7%</td>
<td>89.9%</td>
</tr>
</tbody>
</table>

**Source:** Compiled by Dentsu Communication Institute based on data from Media Development Research Institute Inc.

**Figure 3: Estimated Box-Office Revenues from *Anime* Films.**

**Source:** Compiled by Dentsu Communication Institute based on data from Media Development Research Institute Inc.

**Figure 4: Animated Feature Film Releases.**

**Source:** Survey of Selected Service Industries, Ministry of Economy, Trade and Industry.

*Anime* has also been doing well in the category of TV broadcasts. In the spring of 2002, when the new broadcasting season began, the line up included about 60 cartoon programs a week, but a year later the number topped 80. In 2002, when the total number of TV shows declined, cartoons’ share rose to 5.1% (2,748), up from 4.5% in 2001 (Fig. 5).

**Table 2: Theater-goers in Japan.**

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total</strong></td>
<td>45,870,073</td>
<td>48,764,386</td>
<td>90,321,473</td>
<td>90,947,473</td>
</tr>
<tr>
<td><strong>Japanese Films</strong></td>
<td>8,962,164</td>
<td>7,832,728</td>
<td>13,458,378</td>
<td>22,033,875</td>
</tr>
<tr>
<td><strong>Foreign Films</strong></td>
<td>29,066,717</td>
<td>28,529,076</td>
<td>58,863,095</td>
<td>68,913,998</td>
</tr>
<tr>
<td><strong>Animation</strong></td>
<td>584</td>
<td>577</td>
<td>1,087</td>
<td>1,018,911</td>
</tr>
<tr>
<td><strong>Screens</strong></td>
<td>1,006,459</td>
<td>991,649</td>
<td>2,017,865</td>
<td>2,018,911</td>
</tr>
</tbody>
</table>

**Source:** Survey of Selected Service Industries, Ministry of Economy, Trade and Industry.
In terms of broadcast time slots (Fig. 6), cartoons had been aired mostly in the early evening (6:00–7:00 PM), but the number being shown from 11 PM onwards has risen, which reflects the increasing age of Anime fans.

According to the Japan Video Software Association, its members’ sale of Anime video software (videocassettes and DVDs) totaled ¥107,625 million, or 27.12 million units, in 2002. These numbers were up 42.6% and 40.8%, respectively, over 2001. The aforementioned METI survey found that while unit sales of foreign Anime video software declined between 1998 and 2002, Japanese Anime sales almost tripled to 10.38 million, or more than 70% of total Japanese film sales. Shipments of DVDs registered a very large increase. The lineup of Anime on DVD is directed more toward older fans than children, reflecting the trend that of parents buying Anime from their childhoods to watch them again with their own children.

Considerable attention is now focused on the field of branded-character merchandising (Fig. 7), which enables the production companies, etc. that invest in Anime projects to earn fees from the licensing of Anime characters. Licensees include a wide range of companies in industries including finance, toys, automobiles, aviation and food. Typical uses include the adoption of characters as corporate/product mascots and the creation of toy figures of the characters themselves. To the extent that the Anime (films or cartoons) helps to promote these secondary products, the value of the Anime rises. It has become increasingly common for advertising agencies to work as intermediaries to arrange for toymakers, game software companies and other sponsors to participate from the planning stage.

Export and Import Trends

During the 1980s and 1990s, Japanese Anime established a leading position in the global market. Early examples of exported Anime were Astro Boy, which went on the air in the United States in 1963, and A Dog of Flanders, which was an early export to the European market. In both cases, local viewers accepted the works without thinking of them as Japanese. The Doraemon cartoon series, meanwhile, has become a popular children’s program in a number of Asian countries. In more recent years, popular domestic cartoon series like Sailor Moon and Dragon Ball were broadcast in Europe and won many fans, while Akira, Gundam and works from Studio Ghibli drew favorable attention in the United States. In 1998, the video release of the film Ghost in the Shell topped the U.S. video sales charts. Though there are no precise statistics for international transactions involving Anime, METI estimated in January 2004 that about 60% of the cartoons broadcast around the world are made in Japan. As of March 2003, some 20 Japanese cartoons were being aired in the United States. Exports of Anime from Japan are believed to be going to countries all over the globe. On the import side, Europe and the United States are the main sources of foreign Anime seen in Japan.

The first example of a Japanese Anime creation that achieved a major success overseas was Pokemon (short for Pocket Monsters), which started out as a Nintendo game and was subsequently turned into a series of cartoons.
and movies. Box office revenues from the three *Pokemon* films released overseas so far have reached ¥38 billion, about double the domestic figure. If sales of related products are included, it is estimated that *Pokemon* has earned some ¥3 trillion (US$27 billion) around the world. What is particularly notable about the *Pokemon* phenomenon is the huge size of its branded-character business, which has brought home the importance of *Anime* as a medium for promoting characters to consumers. In the past, the usual pattern was to offer animated works to the foreign market after they had achieved a certain degree of success in Japan. More recently, however, an increasing number of works have been produced with an eye on potential overseas audiences. Also, while exported works used to be predominantly cartoons for children or serious *Anime* fans, the success of Spirited Away has encouraged the industry to export feature films with a high level of artistic content. In April this year, the Japan Broadcasting Corporation (NHK) began airing *Hinotori (Phoenix)—*a cartoon based on a Manga (comic book) series created by Osamu Tezuka—which it plans to market internationally. Foreign companies are showing a high level of interest in Japanese *Anime*. The Disney Group, which has a subsidiary in Japan to distribute Disney works, has established a department within the subsidiary to purchase Japanese content for airing on its own network, which broadcasts in 54 countries. It is also considering collaborations with Japanese partners to produce films and *Anime*. Another sign of foreign interest is investments in Japanese *Anime* projects by overseas TV broadcasters and distributors, with the foreign investors participating from the planning stage. There are also cases where works produced through Japanese–international collaboration are broadcast in both countries. Foreign production companies and others have also made equity investments in the Japanese *Anime* production industry. Even Hollywood is showing its growing appreciation of Japanese *Anime*. U.S. moviemakers have acquired the rights to make live movie versions of *Dragon Ball, Akira* and *Lupin III*, and the Wachowski brothers have asked a number of Japanese directors to create an animated version of their hit film *The Matrix*. The awarding of an Oscar to *Spirited Away* has provided an extra boost to Japanese *Anime*’s international image.

However, Japan’s extreme shortage of people familiar with international laws concerning intellectual property rights is keeping the Japanese *Anime* industry from earning larger profits from exports. Ordinarily, when rights to sell visual content are traded in countries like the United States, a minimum guarantee is set for the payment by the company acquiring the rights and an agreement is made on payments to be made if sales exceed the minimum. In order for the Japanese side to deal on equal terms with U.S. and other foreign counterparts, people with the requisite know-how are needed to help ensure that overseas sales are monitored accurately and to avoid entering into contracts with unfavorable terms. The industry also needs to develop marketing skills to maximize the profit potential of its creative content. Bandai Visual, which handles international distribution rights for *Anime* and other visual content, estimates that it is losing tens of millions of yen each year in uncollected royalties from the overseas market, so its three-year plan for the period starting February 2004 aims to triple international market revenues to ¥2.1 billion (US$19 million) by protecting copyrights more vigorously. It now employs European-based Japanese who are familiar with the local situation to keep close track of sales and actively exercise the company’s right to audit partners with regard to products that have topped their minimum guarantees. In the area of joint production as well, up to now few Japanese companies have been able to deal with U.S. counterparts on an even footing. Instead, they have tended to play the role of subcontractors. Correcting this situation requires a combination of planning prowess and negotiating ability. A company called Production I.G, which has produced a number of works that have become popular overseas, such as *Ghost in the Shell*, has hired lawyers and accountants familiar with U.S. business practices and law to work at its U.S. subsidiary and handle distribution sales contracts, joint production and other legal matters. In some Asian countries, meanwhile, widespread pirating of videos and other entertainment content is presenting a major hurdle for business development in these markets.

**Global Successes**

In 1998, *Ghost in the Shell*, directed by Mamoru Oshii, ranked at the top of video sales in the United States. In 2004, a sequel entitled *Innocence* was released in theaters in the United States and Europe with DreamWorks SKG, a U.S.-based film production and distribution company, distributing the film. The *Anime* feature film *Yu-Gi-Oh!* based on a Japanese cartoon series was released in the United States through Warner Bros. Pictures in over 3,000 American theaters. This was quite a change from the days when *Pokemon* was released in Japan in 1998, at which point there were no definite plans for overseas screening, though the film went on to gross ¥17 billion (US$155 million) at North American box offices. Gonzo Digimation Holding had been working on an animated film entitled *Spirit*. As the firm’s first feature film, it was conceived with overseas distribution in...
mind. GDH shared its production processes with its two U.S. distributors from the initial stage and had been receiving advice about how to adapt the work for U.S. audiences. In 2005, *Astro Boy* would be released as a Hollywood film produced by Sony Pictures Entertainment.

Toei Animation has entered into an agreement with a U.S. agency to sell several of its cartoon series, including *Saint Seiya, One Piece* and *Ojamajo Doremi*, to American broadcasters, and these shows are now being aired in North America. In 2002, North American and European broadcast and branded-character rights for the series broadcast in Japan as *Kinnikuman Nisei* were sold to the US company 4Kids Entertainment. The series has since been aired on the Fox Network as *Ultimate Muscle*. Producers of cartoons will be working to tap the popularity of Japanese *Anime* in foreign markets by creating series designed from the start to be broadcast initially overseas by, for example, adjusting the contents to appeal to American viewers. *Sony Pictures Entertainment’s* cartoon series *Astro Boy/Tetsuwan Atom*, was launched on Japanese TV in 2003 by the Fuji Television Network and on U.S. TV in the same year on Kids’ WB, a subsidiary of the WB Television Network operated by Warner Bros. Entertainment. The series has been produced with global distribution mind, so extreme scenes, religious content and other elements that might interfere with broadcasting in some countries have been eliminated from the start. Since the spring of 2003, GDH has teamed up with a French animation company to produce 26 cartoon episodes for the European market. The French are writing the scenarios and five of their production crew members have come to Japan to produce the cartoons jointly in GDH’s studio. The plan is to approach Japanese broadcasters, in addition to showing the cartoons in Europe. *Nippon Animation’s* *Hunter X Hunter* is already being shown in three Asian markets outside Japan and the company has licensed broadcast rights in countries including France, Italy, Mexico and Spain. Plans include possible broadcasts in Germany, Portugal and the United States, along with arrangements for video sales/rentals and licensing of branded-character goods. *Nippon Animation and the government-operated China Central Television*, that country’s largest broadcaster, have entered into a partnership for the joint production of TV programs, with the work shared between the Japanese and Chinese sides. *Nippon Animation* hopes to use this as a springboard for developing its business in the Chinese market, where the broadcasting infrastructure has been improving. The first joint project, based on *Les Miserables*, will be broadcast in China and major Japanese broadcasters will also be approached. The two organizations will work on additional *Anime* works based on classics and will in principle share copyrights equally. Apart from Chinese and Japanese broadcasts, they intend to take their works to Cannes and elsewhere to seek deals with broadcasters in other markets. In December 2003, Toei Animation launched an online service called Toei Tokusatsu [Special Effects] *Anime Archives*, which allows users to download works like *Fist of the North Star (Hokuto no Ken)* for ¥100 (US$0.91) per episode. This is an interesting example of secondary use of *Anime* content. Meanwhile, in the field of branded-character merchandising, Bandai is planning to market characters from at least four cartoons, including *Teen Titans* and *Saint Saiya*. The company hopes to raise overseas sales from an estimated ¥52 billion (US$470 million) in fiscal year of 2003 (ended March 2004) to ¥70 billion (US$640 billion) within two years. Hal Film Maker is developing the Chinese market for *Anime*-related products. Working through a planning company set up in Dalian by its Chinese subsidiary, it will supply know-how and manage copyrights to earn licensing fees based on a percentage of local sales for cartoon videos, music software and branded-character products. It also plans to undertake activities such as character design, story proposals and marketing.

**The Art of Japanese Anime**

“To worry about the relation of the popular to high or official culture is to think about the perennial problem of value: perennial first, because value is so exasperatingly mercurial… and second, because its determination only deflects us from understanding how cultures high, low and in-between exist in discursive and material relations of exchange, negotiation and conflict with each other.”—John Treat. Contemporary Japan and Popular Culture, 1996

Can or even, should *Anime* be taken as seriously as the extraordinary range of high cultural artifacts, from Woodblock Prints to Haiku that Japanese culture is famous for? Can or should *Anime* be only seen as an art or should it also be analyzed as a sociological phenomenon—a key to understanding some of the current concerns abounding in present-day Japanese society?

Japanese *Anime* builds on previous high cultural traditions; it shows influences from Japanese traditional arts as kabuki and woodblock print. Using worldwide artistic traditions of twentieth century cinema and photography, it explores, often in surprisingly complex ways, issues familiar to viewers of contemporary art.
cinema and even to the readers of contemporary literature. It is a richly fascinating contemporary Japanese art form with a distinctive narrative and visual aesthetic that both harks back to Japanese culture and moves forward to the cutting edge of art and media. With its enormous breadth of subject material, it is also a useful mirror on contemporary Japanese society, offering an array of insights into the significant issues, dreams and nightmares of the day.

Since Japan is a country that is traditionally more pictocentric than the cultures of the West, as exemplified in its use of characters and ideograms, Anime easily fits into a contemporary culture of the visual. Consequently, images from Anime and its related medium of Manga are omnipresent throughout Japan. Various elements found in the animated realm are extensively used for education, adornment and commercial enterprise. As a unique artistic product, Anime stands out as a site of implicit cultural resistance to American dominance of mass culture and hegemonic globalism. As a local form of popular culture, Anime shows clear indications of its Japanese roots, but at the same time exerts an increasingly wide influence beyond its native shores. And while Japanese Manga do, of course, have their pictorial aspect, even more, they are more narrative in form, a means of communication and expression. This is largely thanks to the groundbreaking presence of Osamu Tezuka, creator of Tetsuwan Atom (Astro Boy), Hi no Tori (Phoenix) and many other famous series, who expanded the simple semiotics of Manga art into a more complex narrative realm of cinema and novels. Which perhaps is also why most aspiring Manga artists do not create imagery and styles out of nowhere, but start by emulating their favorite masters. At the same time, film, painting, photography and other pictorial expressions are included in distorted form as means of bringing out the narrative tone of novels, cinema and theater. Sometimes, this means collage constructions, though more often artists will unify such elements via the rhythms of their own styles and sensibilities, making them over into wholly other expressions. Hence, there is little point in examining the particulars of figuration, production values, story-telling or dialogue; some things are bound to be derivative, others merely play upon general patterns.

Anime has three major expressive modes, namely Apocalyptic, Festival and Elegiac. Apparently, the imagined apocalyptic state of worldwide destruction and catastrophe, which seems to be a staple across all cultures, is Anime’s favored mode. However, the apocalyptic can range beyond material catastrophe to include more intimate forms of apocalypse, such as spiritual or even pathological ones. The flexible visuals available to animation make apocalypse a natural subject for the medium; but it is the interplay of character that Anime offers its most distinctive visions of the terminal days. Festival is being used as a direct translation of the Japanese term “matsuri”; Mikhail Bakhtin’s theorizing of the term “carnival” may also apply, i.e. “the carnival sense of the world is one predicated on the pathos of shifts and changes, of death and renewal.” The privileging of change is at the heart of animation, but animation’s narrative structure and themes can also be carnivalesque: liminal period of topsy turvy, joyful relativity of all structure and order, norms transgressed or inverted, weak holds power, sexual and gender rules broken or reversed, and a state of manic intensity replaces conventional restraint. The visual flexibility of animation, with its intense palette of colors and ability to transform figures, shapes and even space itself, makes the medium peculiarly suited to the extreme and sometimes grotesque mode of the festival. Finally, the elegiac mode’s implications of loss, grief, misery, mourning, and absence may not be so wide a category in Western animated texts compared to its Asian counterpart. Specifically in Japan, this lyrical sense of mourning—often connected with an acute consciousness of a waning traditional culture—is an important element in both Anime and live-action cinema.

With the target audience, and plot and character development as the determining factors, Anime and Manga may be classified into five major categories, namely Shoujo, Shounen, Seinen, Hentai and Yaoi. Shoujo is targeted towards the consumption of junior or high school girls. The stories are usually based on the main characters’ romantic space and amorous involvement but with other plot elements and sub plots as well; usually, the main character is a young girl but often, it can also be a couple or sometimes a young man. Shounen is for junior to high school boys and young men. Obviously, its popularity among the boys stem from the fact that it focuses on action sequences and endless battles; although, there is still some room for character development. Seinen has a varied target audience as it usually revolves around a hobby or sports. It is the least violent or sexual compared to the other forms of Manga/Anime. Hentai is geared towards the adult market and oftentimes synonymous with animated pornography. But it still has room for plot development though for the most part, this merely leads to sex. Much of hentai is based on fetishism of some description. Yaoi is derived from the expression “yama nashi, ochi nashi, imi nashi” which means “no peak, no point, no meaning.” Also known as slash Manga, yaoi is devoted to the relationship between two males, be it mere friendship or passionate romance, either sexual or asexual. It is
interesting to note that the audience is mainly female.

Aesthetic Constructs of Japanese Anime

*Anime* is a medium in which distinctive visual elements combine with an array of generic, thematic, and philosophical structures to produce a unique aesthetic world. This aesthetic world is oftentimes more provocative, more tragic and more highly sexualized; it contains far more complex story lines than would be the case in equivalent American popular cultural offerings. There is lack of compromise in making its narrative palatable—as evidenced not only in Japanese references within the narratives, but also to its style, pacing, imagery, and humor, emotions and psychology, which usually run a far wider gamut and show a greater depth than its animated counterparts. *Anime* challenges the viewers’ emotions and senses with its complex storyline, dark tone and visual content. As a medium, *Anime* is both different in a way that is appealing to a Western audience satiated on the predictabilities of American popular culture and also approachable in its universal themes and images. From narrative and characterization to genre and visual styles, audiences become captive of *Anime*’s distinctive thumbprint and engrossing stories. Both animation (in general) and *Anime* (in particular) serves as ideal artistic vehicle for expressing the hopes and nightmares of an uneasy contemporary world.

*Anime* is a fusion of technology and art—both suggesting in its content and embodying in its form new interfaces between the two. *Anime*’s references to technology—as seen in Cyberpunk and Mecha—make it such an appropriate art form for this millennium. Cyberpunk is a genre focusing on dystopian futures in which human struggle in an overpoweringly technological world where the difference between human and machine is increasingly amorphous. Mecha, a shortening of the word mechanical, is a genre privileges a favorite form from Japanese popular culture—the light-hearted robot; but recently, Mecha features humanoid machines in more ominous mode. In its fascination with gender roles and gender transgression—as seen in *Shoujo* and *Hentai*—*Anime* encapsulates both the increasing fluidity of gender identity in contemporary popular culture and the tensions between the sexes that characterize a world in which women’s roles are drastically transforming. The prevalence of females as *Anime*’s main protagonists is attributed to the fact that it is often the female subject who most clearly embodies the dizzying changes occurring in modern society. *Anime* texts also explore, implicitly and explicitly, the meaning of history in contemporary society and the political nature of historical memory; these works usually involve a specifically Japanese context within the period of *samurai* warfare and atomic realities of WWII. Miyazaki’s historical epic *Princess Mononoke* problematized the nature of historical identity in relation to the modern world through its complex mixture of fantasy and fact. *Anime* may be the perfect medium to capture the shifting nature of identity in a constantly changing society. With its rapid shifts of narrative pace and its constantly transforming imagery, *Anime* is positioned to illustrate the atmosphere of change permeating in industrialized, industrializing and even third world societies. Moving at a rapid pace and predicated upon the instability of form, animation is both a symptom and a metaphor for a society obsessed with change and spectacle. Animation’s emphasis on metamorphosis can be seen as the ideal artistic vehicle for expressing the postmodern obsession with fluctuating identity; it is a function of animation that has powerful resonances with contemporary society and culture.

Retracing the Origins of Animation and Japanese Anime

Allusions to Japanese *Anime*, arguably the most highly celebrated aspect of Japanese popular culture, immediately provoke images of cutesy pink-haired, sailor-suited heroines with dewy, wide eyes and short skirts; on the other side of the spectrum, *Anime* is represented by imaginative and apocalyptic visions of societies with man and machine locked in uneasy symbiosis. Such whimsical misrepresentations of this genre outside of Japan is due to the fact that even within the country, the effort to trace its visual lineage back to its true origins has been hampered by the tragic unavailability of prints for viewing. War, earthquakes and the ravages of time have all, as with much of Japanese cinema, taken their toll, and much of what remained has been in the form of scratchy 16mm prints owned by private collectors, most of them exacting gargantuan financial reward before sharing such rare treasures. Fortunately, due to selfless detective work of some film experts such as Yoshio Yasui of Planet Bibliothèque de Cinema in Osaka, a large number of pivotal early works have been salvaged, restored, blown up from 16mm to 35mm and placed in the National Film Centre archive. However, the condition of these prints with noticeable flaws in their contrast and lack of soundtrack, as heaps of them were made in the silent era, did not contain soundtrack at all, meant that releasing them as DVD packages might prove to be a commercially-tricky undertaking—more of interest to academics, Asian cinema specialists and film historians than to the general public. It is precisely this kind of problem that has resulted in the invisibility of several nations’ early film histories, meaning that for
the moment at least, the best chances to see works such as these are via the precious rare windows of opportunity opened up by art and film festivals.

The recognized trailblazer to whom the origin of the modern animated cartoon may be attributed is J. Stuart Blackton (1875-1941). Born in Britain, Blackton first arrived in the United States at the age of 10 when his family moved there from Sheffield. After a chance meeting with Thomas Edison, he founded the American Vitagraph Studio with fellow British émigré Albert E. Smith, making comic shorts which they utilized as part of their vaudeville stage acts. In 1906, Blackton made the 3-minute long *Humorous Phases of a Fanny Face*. Another early landmark came later with Windsor McCay’s *Gertie the Trained Dinosaur* (1914), which consisted of a total of 10,000 images all drawn single-handedly by its creator. The animated short film soon caught on throughout the West, and it was such films from the US, Britain and France that were the first examples of this new offshoot of early cinema to be introduced into Japan around 1914. In 1915, 21 foreign animations played in Japan, and inspired by their success, the first works of Japanese animation soon followed.

However, there is some confusion as to who can claim the distinction of being the first Japanese to start work in the field, but three figures are cited as producing works at around the same time: Oten Shimokawa (1892-1973), Junichi Kouchi (1886-1970) and Seitaro Kitayama (1892-1973). The first two came from a cartoonist background, both working for the satirical magazine Tokyo Puck, and were commissioned by the companies Tenkatsu and Kobayashi Shokai respectively to produce their first works. Kitayama, however, was a watercolor artist with an interest in developments in Western art, and it was he who approached Ninkatsu to undertake the company’s first work in the field in 1917. Of the three directors, Shimokawa was the first to have his work released into theatres, with *Imokawa Mukuzo, The Janitor* (*Imokawa Mukuzo, Genkanban no Maki*) reported to have come out in January—although there is some speculation as to whether this film ever existed beyond a title, because as is the case with all of the five works Shimokawa produced before leaving the field in the very same year, not a trace remains.

After its invention in 1915, cel animation rapidly became established as the standard technique for studio animation in the West. It utilizes the labor-saving process of using several layers of transparent plastic overlaid over one another, as opposed to drawing each frame individually, so that parts of the frame can be repeated. During these early days, the celluloid used for cel animation (acetate is now used) was in scarce supply in Japan, so Shimokawa pioneered two timesaving techniques of his own in his work. One was to draw each individual frame in chalk on a blackboard, rubbing out the images and redrawing from frame to frame. Another technique was to make thousands of copies of each individual background, and cover a part of each with white paint in order to draw the moving foreground characters over it.

With his first film, *Hanawa Hekonai, Famous Swords* (*Hanawa Hekonai, Meito No Maki*) released in June of 1917, Kouchi was the last of the three to have his film released. Of his oeuvre, only *Hyoroku’s Warrior Training* (*Hyoroku No Musha Shugyo*, release date unknown, but between 1917-1925) remains. Contemporary reviews however were quick to point out a marked superiority in technique with that of the first works of his two contemporaries, often utilizing the cut-out technique in which each frame is composed of individual cut-out parts of, for example, paper, and manipulated from frame to frame. Cut-out animation, often in combination with other methods, became one of the most popular approaches used by later animators such as Sanoe Yamamoto, Yasuji Murata, Hakuzan Kimura and most notably, Noboro Ofuji (1900-1961), up until the point where cel animation became a more affordable option. Kouchi left the industry in 1930, after producing his final work *Chopped Snake* (*Chongire Hebi*), leaving little in the way of written records of his animation methods.

It is Kitayama, the third of these figures, who is in many ways the most significant. His first animation, *Monkey Crab Battle* (a.k.a. *The Crab Gets Its Revenge on the Monkey or Saru Kani Gassen*) was released in May 1917. Records show that Kitayama was the most prolific of the three (around 30 titles can be attributed to him), bringing out ten in the first year alone, though only his *Taro the Guard, The Submarine* (*Taro no Banpei, Senkotei No Maki*, 1918) survives. More significant, perhaps, was the diversity of his output: advertising films, animated sequences for live action films, political propaganda and later educational films intended for the classroom, such as his last work *Circle*. (En, 1932) His chosen animation technique, again, was drawing his moving figures over detailed paper backgrounds, though he later moved to paper cutout animation. But his most important legacy was in establishing Kitayama Eiga Seisaku-sho, Japan’s first animation studio, in 1921.

Whilst nothing from these three initial pioneers survives in a state fit for public screening, one can perhaps get
an impression of what their works were like from those that immediately followed in the early 1920s. Various animated gems have been originally screened with a benshi narration and a musical accompaniment, shown not only as parts of programs in conventional cinemas, but also in public places such as schools, a venue which would assume an increasing importance during the next decade when Japanese animation would take on an important role as propaganda for youngsters.

Sanae Yamamoto was a crucial figure in Japanese animation history. Learning the ropes at Seitaro Kitayama’s studio, he later became one of the founders of Toei Doga, contributing significantly to such seminal early features as *Legend of the White Serpent* (1958), *Journey to the West* (1960) and *Arabian Night: Sindbad’s Adventure* (1962). As such, he bridges the gap from animation’s inception in Japan to the crucial period when it effectively came of age in the late 1950s, with the industry simultaneously starting to produce feature-length color works that attempted to rival higher-budgeted American competition, and with Manga artist Osamu Tezuka’s efforts to produce work cheaply and en masse for television. Osamu Tezuka was born in Osaka in 1928. He was raised in Takarazuka, which is also famous for its all-female theatrical troop, and graduated from the Medical Department of Osaka University, but gave up medicine to draw Manga, or cartoons. Tezuka is perhaps the first great artist who created *Manga* that could be enjoyed by adults as well as children. Eventually, he started a company that produced the first cartoon TV show in Japan, *Astro Boy* (*Tetsuwan Atomu*).

*Astro Boy* made his appearance in a Japanese magazine in 1951, six years after Hiroshima and Nagasaki were bombed. Underpinning the *Astro Boy* stories is the “robot law,” which states that the two main rules are “robots exist to make people happy” and “robots shall not injure or kill humans.” Most of the stories in this world-renowned animated TV series deal with the conflicts between humans and robots. Tezuka’s utilization of the concept of robots serves to expose the narcissistic trait in humans: robots are machines, but somehow humans have decided to build these machines after his own likeness. But underlying this effort is the question: Why must humans create machines that look and acts human? Set in 2003, *Tezuka’s Astro Boy* stories are eerily prescient in theme if not in fact. *Tezuka’s complex vision of 2003 shows what humanity humans have lost in the name of progress. His Astro Boy is thus best read as a parable about regaining this humanity.

Throughout the course of the decade, Japanese animated films became more conservative, and in the wake of the mass-influx of Western culture that had poured into the country and shaped its culture during the period of Taisho liberalization, more and more came to re-assert their own cultural identity and set of values. The shift from more whimsical subject matter was matched by an increase in narratives glorifying the exploits of former military heroes, such as Murata’s *Sara Masamune* (1930), based on the legend of how the great Japanese sword smith receives a sword from a tribe of monkeys after rescuing one of the monkeys from a hunter with a gun, later using it to fend off a savage wild boar, and later in Masaoka’s *Benkei vs. Ushiwaka* (*Benkei Tai Ushiwaka*, 1939), based on a childhood episode from the life of the great Heian general Yoshitsune Minamoto.

The propaganda content became more flagrant in later films, and even the cuter characters whose identity was not steeped in legend began to serve very different roles within the narratives. Murata animated a couple of stories featuring the character of Norakuro, a black dog in the Japanese army, popularized in a series that ran from 1931 to 1941 in the youth magazine Boys’ Club, and whose design owed heavily to Felix the Cat. In *Corporal Norakuro* (*Norakuru Gochou*, 1934), the character falls asleep after a visit to a yakitori stall during his day off duty, and dreams of successfully fending off an attack from an enemy squad of monkeys who attempt to make off with some valuable plans from the dogs’ military compound. In later stories, Norakuro’s adversaries would manifest themselves physically, not just in his daydreams.

Emerging from the ashes of post-War ruin, with the days of Norakuro, Taro, Mao and Momotaro pretty much gone for good, Japanese animation’s founding fathers still managed to continue making bold steps in pushing both the industry and the art onwards and upwards. Ofuji created an early short color cel animation, *Flower and Butterfly* (*Hana To Cho*, 1954). His work gained appreciative nods from none other than Pablo Picasso and Jean Cocteau when his multi-colored cellophane silhouette ensemble Whale (*Kujira, 1952*), a remake of his 1927 work of the same name, won the second prize at the 1952 Cannes Film Festival, and his next work, *Ghost Ship* (*Yuureisen*, 1956) brought him to further international acclaim when it snatched the first prize at the 1956 Venice Film Festival. On the other hand, Yamamoto and Yabushita went to push the field in a more commercial direction with their early feature-length color animations at Toei Animation. No one among these directors could have easily imagined what the animation industry in Japan would grow into. With animation as one of the nation’s biggest cultural
exports, directors such as Mamoru Oshii and Katsuhiro Otomo continue to push the medium in search of new levels of realism and way past the thematic and intellectual boundaries of the nation’s live action cinema. Most importantly, the films of modern day’s Master of Anime, Hayao Miyazaki and his Studio Ghibli animated movie productions, have begun to earn serious international acclaim, specifically at the Oscars, and multiple successes at the global box office.

Japanese Anime and the Legacy of Hayao Miyazaki

Regarded as one of the greatest creators of animated films whose body of work certainly stands out as one of the best the genre has to offer, Hayao Miyazaki was born in Tokyo on January 5, 1941. He started his career in 1963 as an animator at the studio Toei Douga, and was subsequently involved in many early classics of Japanese animation. From the beginning, he commanded attention with his incredible ability to draw, and the seemingly endless stream of movie ideas he proposed. In 1971, he moved to A Pro with Isao Takahata, then to Nippon Animation in 1973, where he was heavily involved in the World Masterpiece Theater TV animation series for the next five years. In 1978, he directed his first TV series, Conan, The Boy in Future, then moved to Tokyo Movie Shinsha in 1979 to direct his first movie, the classic Lupin III: The Castle of Cagliostro. In 1984, he released Nausicaä of the Valley of the Wind, based on the Manga of the same title he had started two years before. The success of the film led to the establishment of a new animation studio, Studio Ghibli, a name that would become synonymous with Japanese animation. From the beginning, he commanded attention with his incredible ability to draw, and the seemingly endless stream of movie ideas he proposed. In 1971, he moved to A Pro with Isao Takahata, then to Nippon Animation in 1973, where he was heavily involved in the World Masterpiece Theater TV animation series for the next five years. In 1978, he directed his first TV series, Conan, The Boy in Future, then moved to Tokyo Movie Shinsha in 1979 to direct his first movie, the classic Lupin III: The Castle of Cagliostro. In 1984, he released Nausicaä of the Valley of Wind, based on the Manga of the same title he had started two years before. The success of the film led to the establishment of a new animation studio, Studio Ghibli, a name that would become synonymous with quality and for which Miyazaki has since directed, written, and produced many great films with Takahata.

All of these films enjoyed critical and box office successes. In particular, Miyazaki’s Princess Mononoke received the Japan Academy Award for Best Film and was the highest-grossing (about US$150 million) domestic film in Japan’s history until it was taken over by another Miyazaki work, Spirited Away which won for him his first Oscar for Best Animated Feature at the 75th annual Academy Awards in 2002. His recent animated movie is Howl’s Moving Castle (Hauru no ugoku shiro, 2004), which transports the audience to dizzying emotional heights with magical fantasy creatures behaving in imaginative fairy tale convention. In addition to animation, Miyazaki also draws Manga. His major work was the Nausicaä Manga, an epic tale he worked on intermittently from 1982 to 1994 while he was busy making animated films. Another Manga, Hikoutei Jidai, was later evolved into his 1992 film Porco Rosso.

Miyazaki’s Views on Japanese Anime

Japanese Anime is Manga turned into animation; it uses character designs of Manga, absorbs the vitality of Manga, and is created by staff members who wanted to be Manga writers. Hayao Miyazaki furthered:

Japanese animation started when we gave up moving. That was made possible by introducing the methods of Manga [including gekiga]. The technique of cel Anime was suited to obvious impacts, and it was designed so that the viewers would see nothing but powerfulness, coolness, and cuteness. Instead of putting life into a character with gestures or facial expressions, [character design] was required to express all the charm of the character with just one picture.¹⁵

Theorists justified this growing phenomenon of limited animation, or that a still picture was the newest expression and movement is no longer needed. Not only were the design and personalities of the characters affected; time and space were also completely deformed. For example:

The time needed for a ball thrown by a pitcher to reach the catcher’s mitt was limitlessly extended by the passion put into the ball. And animators pursued powerful movement [to express] this extended moment. Depicting a narrow ring as a huge battlefield was justified, as it is equal to a battlefield for the hero. Strangely, the way of such storytelling has become closer to koudan.¹⁶

The role of the techniques to move pictures was limited to emphasizing and decorating the extended and skewed time and space. The depiction of characters’ action in everyday life, which Japanese Anime was not good at to start with, was actively eliminated as something unnecessary and out-of-date. Absurdity was strongly pursued. The criteria for judging an animator’s capability was changed to the capability to animate battles, matches, or detailed drawing of machines, an emphasis on the power of any arm, from nuclear to laser weapon. If there were a depiction of [character’s] feeling, the method of Manga was easily borrowed to get it done with music, angle, or decorating one still picture, without motion. It came to be considered as a rather uninteresting sequence, a section where the animators could take a rest. Animators became more inclined to judge only on the flashiness of the movement when they considered the value of the sequence they were to animate.

When this expressionism first appeared, it was justified.
by passion which was in fashion at that time. Indeed, when the audience got excessively involved with the piece of work, and sympathized with it more than the work expressed, this method was overwhelmingly supported by the audience. However, as the passion wore out, it merely became the easiest pattern of technique. And to turn around the adverse situation, expression in Anime more and more became excessively decorative. Character design became more and more complicated. Huge eyes had seven-colored highlights. More and more shadows were painted in different colors, and hair was painted in bright colors of every possible shade. It makes animators suffer, by increasing the workload of those who are paid by the quantity of animation they drew. The pattern has become prevalent to a frightening degree. To all these identifiable and uniquely Anime traits Miyazaki-san expressed:

Maybe I, too, am exaggerating the situation of Japanese Anime. Not all Japanese Anime is run by excessive expressionism. I do not say that there was no effort made to establish their own style of acting under various constraints. I do not say that there was no effort made to depict time and space with a sense of existence. I do not say that there was no effort made to refuse to be a subordinate of Manga. However, most of them followed this trend of expressionism, and many of the young staff joined the Anime industry because they admired this excessive expressionism. 17

Miyazaki-san has proven on numerous occasions how much love could be put into a work of animation, and how much the movement of the pictures can sublimate to acting. His movies exemplify an animator’s notion that one draws a simple and strong emotion earnestly and purely, animation can strike people’s hearts as much as the best works of other media can. He opined:

If an audience can be released from the stress or sorrow in their daily lives; can release their gloomy emotion, can find unexpected admiration, honesty, or affirmation in themselves, and can return to their daily lives with a bit more energy, that’s the role of a popular movie. Hence, I think that a popular movie has to be full of true emotion, even if it’s frivolous. The entrance should be low and wide so that anyone can be invited in, but the exit should be high and purified. It shouldn’t be something that admits, emphasizes, or enlarges the lowness. I don’t like Disney movies. The entrance and the exit are lined up at the same low height and width. I can’t help but feel that it looks down on the audience. 18

Noting the excessive expressionism in Anime and loss of motivation, Miyazaki-san lamented:

I don’t feel like defending, speaking for, or analyzing Japanese Anime. Anime is more suitable to be discussed together with computer games, foreign cars, or playing gourmet. When I discuss Anime with my friends, it somehow turns into a discussion about our cultural situation, the desolation of the society, or our tightly controlled society. Something called the Anime boom had come and gone. But there is no use talking about it. If there is something we have to talk about, it’s the “excessive expressionism” and the “loss of motives” in Japanese Anime. These two are corrupting Japanese popular animation. 19

Miyazaki-san observed that in spite of numerous animation techniques, most of the popular Japanese animation had been successfully created by employing cel animation process. Cel, meaning celluloid sheet, has become vinyl chloride sheet, but animators still use the same abbreviation today. Using this technique, a picture on paper is transferred to cel (by adhering carbon via heat treatment); then, it is colored with water-based vinyl paint and filmed with the background. This technique was developed in Japan almost at the same time as in the United States. He furthered:

Cel Anime is a technique suitable for group work, and the images in cel Anime are clear and have strong appeal. The clarity of the images at the same time means their shallowness. To make cel animation with a certain quality, you need a group of technicians with talent and patience. 20

On rotoscoping, a technique to draw poses and timing from live action film, he commented that this was developed in the United States and the Soviet Union because the limits of animators’ imagination and ability to draw was clear from early on. However, in Japan, rotoscoping did not become popular.

It isn’t just because of economic reasons. I myself hate this technique. If animators were enslaved by live-action films, the excitement in the animator’s work would lessen by half. Though we can also say that we didn’t have an acting style after which we could model. Bunraku, Kabuki, Noh, or Kyogen are too far apart from our works, and Japanese musicals or ballet which are just borrowed [from the West] didn’t interest us. 21

Miyazaki-san hailed the way Japanese animators proceed
with their tasks:

We have been animating with our passion, hunches, and feeling, based on various experiences of movies, *Manga*, and others, as much as time and money allowed us. Gestures [of the characters] tend to be constructed by symbolizing and breaking characters’ feelings down to facial parts (i.e., eyes, eyebrows, mouths, and noses) and reconstructing them. But we tried to overcome the decay of symbolization by animating through “identifying with the character” or “becoming the character.”

Among all popular culture, Japanese *Anime* may lay claim for having kept its preoccupation with love and justice the longest. This is either a reflection of the artists’ strong beliefs or the fact that *Anime* easily absorbs *Manga’s* core beliefs. However, Miyazaki observed that creators could no longer give heroes spontaneous motives.

The only remaining motive is, as in other genre, professionalism. Characters fight because they are robot soldiers, pursue criminals because they are police, beat competitors because they want to be singers, or work hard because they are sports players. Or else, [the remaining motive] is an interest in something in skirts or pants.

Japanese animation has proven how terrible it is to keep making works without motivating characters based on their value system. Alarmingly, Japanese *Anime* have become to be filled with games. Even the deaths of the characters became games, and creators became gods and reached a dead end. It is natural that *Anime* has been replaced by computer games where audiences became players and gain more satisfaction as games allow more participation. In spite of this, Hayao Miyazaki managed to surface strong motivations for his characters: as seen in the clear advocacy against environmental degradation expressed in *Princess Mononoke* and the anti-war sentiment evident in *Howl’s Moving Castle*.

I did not deliberately try to deliver any educational ideologies or messages to the audience. If they really exist in my works, they are only revealing themselves naturally. Many people think that I am telling a very deep truth. Actually what I like is simplicity. The reason that we made “Howl’s Moving Castle” is that there are too many unhappy matters in the world, such as wars and economic crises. We hope that, through the movie, people can keep up their courage and see the hope. The future world is still nice and beautiful. It is worthy for us to survive and explore it.

Furthermore, Miyazaki-san still subscribes to the notion that *Anime* has to be made for children.

I think that seeing a wonderful Japanese animation when one is a child isn’t such a bad experience. But on the other hand, I am very much aware that our business targets children’s purchasing power. No matter how we may think of ourselves as conscientious, it is true that images [such as *Anime*] stimulate only the visual and auditory sensations of children, and they deprive children of the world that they go out to find, touch, and taste. This society has bulged out to the point where the sheer volume has changed everything. But, our situation changes, and I myself change. While saying “we should make it for children,” I find myself making a film, which is not for children. When I reached the conclusion that “I make what I myself think is interesting now,” I knew, it became something that is no longer for children.

Finally, Miyazaki-san shared:

Although I thought about leaving the world of animation for many times, whenever I would see a piece of work that I really liked, I would naturally want to express it in my own ideas. When I hand it to the others, I always think about how this and that should be done. I feel that it will be better if I take up the work myself. In order to bring out the original spirit of the work, I will have to return.

**ASIAN DIGITAL CONTENT IDENTITY AND THE OTAKU PHENOMENON**

**Demystifying Japanese Anime Fanaticism**

*Otaku*, as a term used for a particular breed of obsessive, already has a currency internationally albeit loaded with a great many misconceptions. Even in Japan, where the term originated, a frightening degree of misunderstanding and prejudice surrounds *Otaku*. Negative image still abound—“deviates lacking in common sense social skills,” “alienated depressives,” “pedophiles who can not deal with adult women”—although of course, no one on the *Otaku* side in Japan has actively tried to correct these erroneous views. Unfortunately, very few profess precise acquaintance with the term. The problem is compounded by the fact that differences between “*Otaku* and obsessive are extremely vague and difficult to pin down. In general, the term *Otaku* most often designates *Anime* or game enthusiasts in their late teens to adulthood, and certain fans of *Manga*, figurine collectors and cultists of monster...
movies and other special effects films.

In Japan, Otaku generally refers to persons who lose themselves in Manga, Anime, computer games and other cartoon character media. The closest English translation is nerd. The stereotypical Otaku can be either be pudgy or lanky, but wholly unconcerned with fashion or personal appearance. Moreover in Japan at least, there is even a common image of the Otaku room: a cockpit surrounded by computers, video equipment and electronic gadgets, with Manga magazines, videotapes and other software in piles everywhere within hand’s reach by the bed. As with fashion, they are said to take no interest in décor or aesthetics, so the term Otaku includes an image of a spatial condition that is now transforming the cityspace itself.

In June 1983, an essayist named Akio Nakamori wrote a short column entitled “Otaku no Kenkyu [A Study of Otaku]” for the erotic Manga magazine Manga Brikkro. Nakamori studied a particular kind of driven personality: people who line up in front of theaters all night before the opening of an Anime film, people trying to take photos of rarely seen trains, kids with Coke who hang around computer stores, men who go to idol autograph sessions early in the morning to secure a good seat in front, and audiophiles who are extremely uptight about sound quality. These kinds of people were often called maniacs, enthusiastic fans or nekura, but none of these terms really hit the target. (Macias and Machiyama: 2004, 13) People needed a new word to integrate these kinds of people into a broader social phenomenon. In the absence of any better ideas, commentators seized upon the word Otaku. Observers had noted how fans at Anime conventions or get-togethers would use Otaku to address each other. When translated into English, Otaku roughly means you. Japan has many “you” equivalent depending on the social context, rank, mood, etc. Among the “you’s” in Japan, Otaku is formal and impersonal. Taku means house; and thus, when combined with the honorific prefix o—it literally means “your house,” “your side,” or “your family”. Middle-class housewives, for instance, use Otaku at afternoon tea parties as they regard each other not as individuals but as members of a larger family or lineage. Otaku then becomes a dispassionate and aloof way of referring to another person. But why did Anime fans choose to use a word that came from housewives? One possible reason is that they were not comfortable with the alternative term for you: omae. Traditionally, male friends use the first person ore and the second person omae. But omae may sound a bit rough to Japanese ears and is properly used only in close relationships and for those at the same or lower rank.

A meek Anime fan, reluctant to use such overpowering masculine words, finds the housewife word Otaku more suited to his and his colleagues’ sensibility. As housewives relate to others as representatives of a family, and not as individuals, Anime fans don’t want to cross over into each other’s personal lives. By calling each other Otaku, personal feelings are off the table; in the fantasy world of Anime, this is a sure route to a simple conversation. (Tomohiro Machiyama, 2004)

Since the magazine in which Akio Nakamuri had defined the word Otaku was a little-known porno publication, news about the new usage of the word did not spread far, The first recorded usage of Otaku in the mass media actually came before Nakamori’s column. It popped up in the 1982-83 Anime series Super Dimensional Fortress Macross (shown in the USA as Robotech). The fighter-pilot protagonist Hikaru Ichijoe often uses the term Otaku when addressing others. It appears that the Macross crew, including the scriptwriters, was Otaku fans themselves, and had inadvertently used their own vernacular.

But why did Otaku become so popular? By the time people were talking about Otaku in 1989, the truth is somewhat different. Tsutomo Miyazaki, a man who kidnapped, raped, and murdered three little girls, was arrested in 1989. Miyazaki was a walking worst-case scenario Otaku. With messy long hair, a pale face, and geeky glasses, he was 27 years old, unemployed, and living with his parents. His room was full of Anime videos and Lolicon [Lolita Complex] Manga. Because the case was so sensational many Japanese people began to wonder what kind of lifestyle had created such a monster. Otaku no Hon had just come out. People connected the dots and came to conclusion that Otaku were dangerous perverts.

Yet, it was Tomohiro Machiyama’s book called Otaku no Hon (The Book of Otaku) in 1989 which helped popularize the word in Japan. This bestseller was a collection of essays about people deeply into Anime dojinshi [fan-made comics], bishojo [beautiful girl], figyo [figures], yaoi [male-male love], computers, video games, pro wrestling and B-class idol singers. It also included analysis and discussion from scholars about these new kinds of cultures. Inspired by the popularity of Otaku no Hon, Toshio Okada, producer of the 1988 seminal Anime Gunbuster, made another Anime in 1992 called “Otaku no Video” that further explored the Otaku phenomenon. However, Tomohiro Machiyama declared:

Much as I’d like to think that it was my book, Otaku No Hon, that made the word a sensation in 1989, the truth is somewhat different. Tsutomo Miyazaki, a man who kidnapped, raped, and murdered three little girls, was arrested in 1989. Miyazaki was a walking worst-case scenario Otaku. With messy long hair, a pale face, and geeky glasses, he was 27 years old, unemployed, and living with his parents. His room was full of Anime videos and Lolicon [Lolita Complex] Manga. Because the case was so sensational many Japanese people began to wonder what kind of lifestyle had created such a monster. Otaku no Hon had just come out. People connected the dots and came to conclusion that Otaku were dangerous perverts.
Otaku suddenly became a social problem, which infiltrated the whole of Japanese society like communists and terrorists. Otaku-bashing became a new witch-hunt. Even Otaku began to despise their kind. Hardcore Otaku who could never have normal lives were called itai [the painful], and fellow Otaku condemned them. Anime Otaku were ashamed to be associated with the word itself, and stopped using it to address or refer to each other.

The 1980’s marked the peak of the bubble economy in Japan. But in 1989, this bubble began to burst, ending the period of high economic growth after World War II and beginning a deep recession that lingers to this day. But as other industries grew sluggish, only the Otaku market continued booming. Anime, Manga and video games became the new favored exports of Japan. Marketers and economists started to research Otaku consumers’ tendencies and preferences. Academics started researching the psychology of Otaku, now considered as a model of human beings in a new postmodern society. In a reversal of events in 1989, Otaku were acknowledged as a subculture that Japan could be proud of and learn from. After all, it was Otaku who, through their purchasing power, supported technological advances in Japan, especially with the consumer electronics and computers they used to store, reproduce, and view their favored Anime products. Both the corporate world and the highest levels of government policymakers acknowledged the significance of this emerging subculture.

This time, the word Otaku has acquired a positive connotation, suggesting that a person has his or her own sense of values with a child’s purity and passion, and possesses in-depth knowledge and an uncompromising opinion on his own likes and dislikes. Persons without Otaku leanings are assumed to be without uniqueness, originality and creativity. Even as this new wave of Otaku redefinition occurred, the negative meaning permeates the society’s consciousness and is still widely used. Ota, a shortened version of Otaku, is used to ridicule someone or make fun of oneself. For instance, an Otaku of the idol group Morning Musume is called Mo-ota; an Otaku of Gundam is called Gun-ota.

The Otaku Space

Interspersed with the country’s dazzling images and inspiring vision of tomorrow—trains propelled by magnetic levitation, humanoid robots made by Sony, cell phones smarter than most human beings—Japan is in the grips of a Natsukashi [Nostalgia] Boom. It first began in the mid-1980’s when academics started searching for hidden meanings in the Anime and Manga of their childhood. To evoke the distinct feel of the late Showa Era, when Otaku culture in Japan was at its peak, Anime and Manga are now overpopulated with remakes and re-releases of blockbuster hits between 1954 and 1989. Advertising agencies routinely trot out old characters like Astro Boy and Joe Yabuki [from Tomorrow’s Joe] to help rope in middle-aged consumers. Television is clogged with retrospectives and clip shows highlighting yesteryears’ Anime icons and celebrities. The past is reclaiming the present on all fronts.

Manga

Manga first emerged out of Japan’s poverty stricken postwar era and was embraced by a populace hungry for cheap visual entertainment. Creators like Osamu Tezuka and Shotaro Ishinomori created a new style of storytelling based on big eyes and time compressed or stretched out. The resulting industry soon made the transition to movies and television in the form of Anime. This medium would be the first to bring the Manga sensibility to the rest of the world. English translations of Manga are the fastest-growing segment of the US publishing industry with annual sales valued around US$120 million. Year 1996 was the peak year for Manga in Japan, when a comic magazine like Shonen Jump had a circulation of six million copies a week—which is already equivalent to the annual comic books sales in the US. But the drop-off began the next year. Sales for major Manga publishers like Shogakukan, Shueisha, and Kodansha have steadily been going down ever since. The reasons for such decline in Manga consumption are numerous. Manga scribe Kentaro Takekuma blames the increasing lack of creator-owned properties. Major publishers now develop and license titles like Yu-gi-oh! and Pokemon themselves, with the resulting cash going directly into the company coffers. The majors want blockbusters from creative staff, but artists and writers are paid at low rates. Meanwhile, the same pre-teen boys, which most of today’s comics are created for, have made the switch to portable video game devices. Adults have their own version of the Game Boy, and a whole lot more, in thekeitai—the cell phone—a technology that’s revolutionizing 21st century Japan while leaving older media behind. To be more competitive, the publishing industry is trying to find ways to deliver Manga content directly to cell phones and computer screens. But “digital shoplifting”, that is, photographing the pages of books and magazines using a cell-phone camera, easily cuts out the middleman. Masuzo Furukawa, CEO of Mandarake, an enormous shopping empire of Manga and Anime goods, opined:
Otaku culture is just like any other culture. There are two needs: first, the country should be rich, and the second is, there needs to be freedom of expression, just like Europe during the Renaissance, and the impressionist movement in France. You need to be able to make anything you want: even stories about violence and sex. That’s why Japan has the biggest Otaku culture. 28

Toys: Figyo, Gachapon and Shokugan

Action figures used to occupy the same place in Japanese society that they did everywhere else: they were meant for children, and only for children to play with. But as any kid who grew up coveting Shogun Warriors and Transformers can tell, Japanese toys from the 1960’s onward were truly amazing things to behold. These kids refused to give up their affection with toys; they hunted down old Godzilla vinyl figures or figyo made by Marusan and made lists of all known variations in the Chogokin die-cast metal robot toys from Fomy. In the 1980’s, figures of favorite characters in the form of elaborate models known as “garbage kits,” often as colossal in size as they are expensive, were manufactured.

Hisanori Nukata, founding editor of Japanese magazine Figure Oh [Figure King], credits the hugely popular TV program, Kaitou Nandemo Kanteidan, which is inspired by the BBC’s Antiques Roadshow, for getting regular people interested in collecting figures. Suddenly, Otaku-like hoarding started to look downright respectable to the public. Aside from the warmth and nostalgia that these old figures of heroes and villains bring, their market value simply skyrocketed.

Bandai, the leading Japanese toy company, introduced its first capsule toys called Gachapon, a variation of the generic Gacahapon, a term which originates from the noise the machine makes when the dial is cranked and the capsule drops pon. Sold from vending machines, Bandai’s High Grade Series offered miniaturized Ultraman and Evangelion goods. 1.5”-high figure with all the detail of a US$100 garage-kit were sold for a mere ¥200 (around US$2) at a size perfect for a Japanese apartment or apato where space was at a premium. Less than a year after the debut of the High Grade Series, Bandai was raking in millions; their Gachapon were the biggest financial success in the history of Japanese toys. To keep up with demand, Bandai opened a new factory deep in the mountains of China.

This figyo craze began at the natural breeding ground for capsule toys, Akihabara, where Gachapon machines swept up the remaining pocket money of Otaku who would come to buy computer parts and games at this “Electric City”. Quickly, the rest of the populace began to take a liking to these machines as well, especially the middle-aged men attracted to the brilliantly-detailed toys and figures based on their favorite Anime and game characters from their youth. Every Gachapon machine offers something new and different—Ultraman monsters, mecha from Evangelion, gals from Sailor Moon or even a figure of ape-faced villain Dr. Gori from the 1970’s superhero show Spectreman. These vending machines rake in as much as ¥31 billion (US$310 million) annually, which shows that ordinary people and Otaku alike are in the grips of this capsule toy addiction.

Inspired by the success of Gachapon, which effectively circumvented toy stores and retailers while offering high-quality goods at low prices, the rest of the toy industry joined in. In 1999, one of these post-Gachapon companies, Kaiyodo, was asked to make small toys for candy company Furuta Seika. Years earlier, Furuta teamed up with Italian chocolate maker Ferrero to produce choco eggs with toy prizes called omake to be sold in Japan. Sales of these Easter egg-like confectionaries had been sluggish, so Furuta asked Kaiyodo to produce small animal figurines for a new line of choco eggs. Shinobu Matsumura, one of Kaiyodo’s sculptors, began to create animals that were 75% anatomically accurate, while 25% was filled in by distinct kawaii or cute touch. The result was another revolution; females, from schoolgirls to office ladies, began collecting omake. Classified as food, not as toys, these choco eggs immediately had massive distribution through Japan’s groceries and convenience stores—outnumbering existing toy stores. Sales jumped to 6 million units within months. Other toy companies and sweet makers soon followed suit and began to form alliances. By 2001, a hundred different companies were offering various forms of candy toys, called shokugan: from shoku, meaning food and gan, from the Japanese word for toy, gangu.

Even as the candy toy industry pull in about US$500 million annually and are holding steady, creating a hit toy line is not necessarily risk-free. Obscure characters like the 1970’s superhero Denjin Zaboga can meet modest success due to obsessive collectors, while a juggernaut media property like Dragon Ball Z can mysteriously turn out to be a bust, as the Konami Company belatedly found out when it made some 100,000 figures that nobody wanted to buy. Meanwhile, a limited edition figure can easily go for thousands of dollars on Internet auctions. Indeed, gambling, that is the rarity of a toy prize leading to a mad demand, is still a key to this candy-toy phenomenon.
Lolicon, Dolls and Dollers

Hayao Miyazaki’s 1979 film Lupin III: Castle of Cagliostro exemplified the Lolita Complex, a fixation on or desire for young girls, into Anime when its two middle-aged protagonists Lupin and Cagliostro, fought over the affections of a teenage girl named Clarise. But what has in Japan become known as Lolicon already had a long literary tradition in the West, where it was associated with intellectual decadents like Lewis Carroll and Nabokov.

When Mamoru Oshii, another internationally acclaimed Anime director, was asked to make his 2004 film Ghost in the Shell 2: Innocence, his fascination on Doll Love surfaced as he utilized Hans Bellmer’s life-sized dolls into his work. Innocence’s story—about female sex androids that kill their owners—was possible only in a Lolicon country like Japan. The androids were modeled after little girls similar to Bellmer’s dolls. However, Oshii repeatedly insisted that his film’s android was not simply a substitute for a real girl, but that the doll itself is the ideal girl. Oshii was not alone in this outlandish sentiment; so-called Dollers, or doll collectors, had already become a large segment of the Otaku world.

The source of the doll boom may have started with Paper Moon Company’s life-size figures of Rei Ayantami, the heroine of Neon Genesis Evangelion, which were put on the market in March 1996. These dolls, costing more than US$5,000 each were produced in limited edition and immediately sold out. Paper Moon then began selling life-size dolls of other Bishojo characters like Asuka and characters from the Gal game Tokimeki Memorial. Released one after another, they ranged in price from US$2,500 to US$5,000 but sold very well. Paper Moon also began selling original life-size dolls as part of its Caramel Ribbon line; these dolls were not modeled on specific characters but had unique and original Animate-styled faces. The doll owner names his doll and assigns it exactly the personality and characteristics he desires. This eventually proves that Anime aesthetics in Japan have already become independent of animation itself.

Volks Company offered the Dolfie doll series assembly kit. These dolls are meticulously detailed, even more so than their European antique-style counterpart. They come in 27-cm-tall standard doll or the 57-cm Super Dolfie. The biggest sales feature is its Full Choice System: one can choose from 30 different kinds of heads, 22 kinds of eyebrows and 186 kinds of wigs, along with all sorts of other body parts to create a totally unique doll. Aside from beautiful-girl dolls, there are also pretty-boy dolls whose collectors include women and men of all ages.

Dollers hold doll parties or Dolpa to show off or sell original costumes for their dolls. The fun of having a doll is not just dressing it up but cuddling with it. But Paper Moon’s life-size dolls are too hard owing to their FRP (Fiber Reinforced Plastic) bodies. Dolfies, on the other hand, are too small and fragile. The Fantastic Soft Figures line, created by Orient Industry Company, is the solution as it offers life-sized Love Dolls with soft skin and an Anime face. But doll collectors may opt not to view their dolls as substitute to a human girlfriend or an Anime character. They even affectionately call their dolls musume or daughter and consider the purchase of one as an adoption or omukae.

Moe

Various opinions as to how Otaku came to use moe for expressing their enchantment with the so called Lolicon [Lolita Complex] characters; it might have been a shortened version of Tomoe, which is Sailor Saturn’s real name in Sailor Moon, or it might have been from Moe Sagisawa from the 1993 Anime TV series Kyoryu Waksui [Dinosaur Planet]; or it could have originated from the Japanese word moeru, which means burning and describes fans’ passion toward animation characters. Fundamentally, moe is a verb that means a plant sprouting—a wholesome image used as a metaphor for budding love, as it was in the Manyoshu collection of poems written in the 8th century Nara period. This ancient nuance has been revived as an expression of adoration for innocent girls as fresh as a flower bud.

The most frequent objects of moe are characters from Anime, Manga and games. When Otaku get moe over girls, they want to protect them. Flesh-and-blood (real people) idols can become the object of moe too. But moe is not just for a person or a character: maid moe is being excited by French-maid costumes; miko moe is towards shrine maidens; and other varieties include bunny-girl moe, cat ear-girl moe, eye glasses-girl moe, etc.— varieties which are clearly sexual fetishes, deviating from the original moe of pure, innocent, and fresh definitions.

For critics, moe suggests pedophilia. Certainly, Gal games have a lot of sex in them, and there are dojinshi sold at Comiket full of 2D raping and forced enemas. However, virginity is essential to moe. Once actual sex is portrayed, the fantasy is destroyed. In fact, Otaku are fond of the younger-sister moe scenario where the ultimate object of desire is to protect innocence and virginity. Such qualities are prized on the one hand, and continually destroyed with the other hand in masturbatory fantasy—creating an infinite loop of arousal.
Akihabara

Tokyo’s Electric Town, a haven for hackers and nerds, a messy Otaku room enlarged, Akihabara is the heart of Anime City. Its neon signs and myriad displays repeat an endless mantra of sorts: Anime, Manga, Figure, Game, Hobby, Used DVD, Video Games, Gundam. All these continuously assault the vision of tourists and customers alike; all these dazzle and hypnotize as a cornucopia of Anime theme songs permeate the air. This public space acts more like a Times Square or Vegas strip for Otaku. This is Neo Tokyo: where private fantasy and obsession take over an entire city.

Through the years, Akihabara’s transformation saw several stages; the first of which belonged to junk shops. People collected and recycled electronic and mechanical parts. These recycled parts were then sold at a cheaper price, which originally made Akihabara a place to buy discount electronics. Then, as the economy exploded, Akihabara became the place to buy dazzling new consumer goods like washing machines, TV sets, camera, and hi-fi equipment at discount prices. This incarnation of the Electric Town persisted until massive chain stores like Yodobashi began popping up in other wards and in the suburbs. Akihabara began losing patrons. However, in the 1980’s, due to a new underground hacker boom, Akihabara got a second wind from the sales of illegal electronic devices like mini cameras, radio scanners, eavesdropping devices and bootleg software. The nerds and fanatics took over and decided to make it an Otaku paradise. As the 1990’s rolled in, advances in digital encryption and computer system gave something back to the Otaku. Gal games—girlfriend and sex simulators. Moreover, the stores began to offer other Otaku goods like Tegyo, dojinshi, dojin sof, and Anime that was decidedly not suitable for kids. More recently, a host of Cosplay Café’s have opened where Otaku can enjoy food and conversation with girls dressed as Anime characters.

Tokyo’s electronics district once represented a full one-tenth of Japan’s appliance market within less than one square kilometer. Over a brief three year period from 1997, the area underwent a radical transformation into a sanctuary for Otaku, as one after another mainstream appliance retailer has been replaced by Manga bookshops and figure specialty stores. Already everywhere from inside Akihabara train station out onto the main avenue Chuo Dori is cluttered with signs and posters of smiling Anime nymphs advertising porn computer games. This unprecedented urban transformation owes little to state or corporate development strategies, but is a direct outgrowth of the Otaku persona concentrating on a geographic scale. Otaku tastes once hidden away in private rooms have now come out in a big way in public space, turning areas of the city into gigantic Otaku rooms.

Robots and Nymphs

As shadows of reality descended upon the future and science, dreams of youth raced off into the realm of fantasy. Objects of fascination veered from science toward science fiction and on to SF Anime, whose two leading lights have characteristically been robots and bishojo nymphs. Robots have undergone significant image changes from their original definition in science fiction as subservient labor devices into heroic warriors, avatars of power and natural resources invested in science as with the Apollo space program—as if American fighter planes symbolically transmuted into the giant fighting robots of Japanese animation. Nor was it a mere transposition of scientific and military prowess. Japanese Anime imaging had its origins in America’s Disney animation, a processed offshoot of a parent culture. In essence, Disney used the technique of cel animation to sanitize European folktales, both story and picture, into family entertainment. Similarly under post-war American cultural domination, Japanese artists like Ozamu Tezuka reworked a Disney style into their own idiom, taking the artificial feel of the cel technique one step further into the attractions of pygmalionism (love of inanimate figurations). Thus, Otaku culture essentially consists in the impetus to remake culture in its objectively shared attributes so as to conform to the subject self. What better way, then, than to take those cartoons and animated films that Disney had established as a medium for impressionable children by purging them of all sexual elements and inject them with sex appeal? The result was the bishojo figure so ubiquitous to Japanese Anime.

Surveying the gamut of robot-and-nymph Japanese Anime, supernatural powers and robotic servomechanisms often catapult the protagonist into the heroic reconstruction of new worlds after the destruction of today’s society due to nuclear war or catastrophic upheaval. An Armageddon wish as salvation from this faded mentality. Sadly enough, such Anime-colored Armageddon fantasies did in fact incite religious cult to commit terrorist acts using poison gas in 1995. Headlining Japan news programming for almost two months until finally brought to an end by the arrest of the cult leader, the incident dealt a swift blow to infatuations with post-Armageddon heroics, and sent Otaku scurrying back to the school-days nostalgia of Anime and games depicting the imaginary daily life of adorable young girls. This trend toward love-fixation
upon bishojo or nymphs came to be called moe, soon supplanting Otaku visions of a cataclysmic kin mirai [near future]. The storefronts of Akihabara where appliances once gleamed, long since became Otaku shrines are now lined with moe nymph signs bewitching and eroding the modernist cityscape. Victory banners hailing the Otaku conquest of the area, these nymph icons clearly signify that persona and tastes are replacing state and mega corporations as determinants of the urban fabric. Net-based interest communities are restructuring real places. In a reversal on the received wisdom that cyberspace is replicating the city, here the city has begun to mimic cyberspace.

Gal Games

Video games started in Japan in 1978 with Taito’s Space Invaders. By the early 1980’s, amusement companies like Namco and Nintendo were filling arcades with made-in-Japan games like Pac-Man and Donkey Kong. While coin-op culture was spreading across the world, a new kind of game was emerging in Japan. In 1982, Koei Company released Danchi Tsuna no Yuwaku [Seduction of the Condominium Wife] for the PC8001 home computer. This game, a mixture of text-based erotic adventure and crude graphics owing to the computer’s eight-color palette, was an instant hit. Koei became a major software company, and the bold new era of Bishojo games, or Galge [Gal games] had begun. In 1994, Konami Company was about to close down when fans set up a fund to produce a platonic romantic simulation for the PC engine called Tokimeki Memorial. With no sex at all, it became the next best-selling Bishojo game and put Konami on the map. In 1999, an independent software development house Visual Art’sKey published an adult game called Kanon for the Windows PC. In the game, the player meets five girls in a snowy small town and experiences tragic love affairs with them. Naturally, Kanon was a sex game, which initially attracted male consumers. But like the readers of girls’ comics, these men found themselves identifying with the protagonists over the emotional trials and tribulations of pure love. Kanon was then released for the PlayStation minus the explicit sex. It sold even better than the dirty PC version did. Finally, Kanon Anime version was broadcasted on network television. And as floppy discs gave way to CD-ROMs, and crude home computers gave way to a succession of Windows OS, the Bishojo games evolved into a mix of gorgeously detailed illustrations, full-blown animation and dazzling computer graphics. Modern games often employ all free techniques.

The visuals of Bishojo games strengthened the links between Anime, Manga and the electronics culture of Akihabara ward. A new Otaku industry was created where a small crew consisting of an illustrator, a scriptwriter, and a programmer could churn out a product that could sell as many as 30,000 copies. With some 500 new Bishojo titles debuting annually, this genre is estimated to account for 25% of all software sales in Japan.

Pachinko Parlors

Even if an Otaku may not be interested in gambling, he probably still won’t be able to resist dropping in on a pachinko parlor. Pictures of girls drawn in Anime style seduces from countless banners and posters. Many of the pachinko machines lined up in rows exhibit design schemes which are based on Anime like Gatchaman [Battle of the Planets], Lupin III, Mobile Suit Gundam and Space Battleship Yamato. Animation plays in a small video monitor installed in the center of each machine. The sounds of the machines in action include memorable lines of dialogue spoken by the original Anime voice actors. Thus, Otaku can gamble while watching a favorite Anime at the same time.

Cosplay

In the 1990’s, Cosplay was about wearing China dresses, nurse outfits and other uniforms, which are sexually appealing to men. Nowadays, Cosplay, an abridgment of two words: costume and player, is a fun activity for popular culture fans to disguise themselves with a look-alike costumes of and role-play as their favorite Anime characters. Fans, boys and girls alike, dress up as characters from a two-dimensional world. Their costumes are creative and outrageous: from enamels, leathers to velvet dresses. Girls may dress up in boys’ costumes; guys in girls’. Blue wigs are worn for Rei Ayanami from Evangelion, yellow hair for Sailor Moon. These fans make their own costumes, or buy them through internet. Most cosplayers have never even sewn before in their lives, but somehow developed the skills out of love and desire. Cosplayers express their devotion to the Anime character that they love or desire by imitating the character’s physical appearance.

Cosplay started as a sideshow at the largest and most famous convention for all Anime and Manga lovers, the Comiket [Comic Market] which is held twice a year, in August and December. The first few cosplayers appeared there around mid-1980’s as it was the only place that fans dressed up in public. Now, Comiket is the cosplayer’s own Paris Collection fashion show. Cosplay started to grow rapidly in the 1990’s to the point where cosplayers began to attend smaller dojinshi events. Visual J-rock
bands emerged slowly, and fans of these artists started cosplaying as their favorite artists in Akihabara and in Harajuku, the mecca of new fashion, every Sunday. Started by a group of amateur cameramen in the late 1990’s, the first cosplay-only event was held and was called Tokyo Cosplay Character Show. A thousand people showed up and crowded into a small hall every weekend. Now, the event continues to run twice a month, with more than two thousand regular attendees. Moreover, amusement parks in Tokyo realized how huge this new trend has become. Cosplay Days have since become regular events at amusement parks like Korakuen, Toshimaen and Yomiuri Land in Tokyo usually on Sundays. Unlike at some cons, weapons and props can be freely displayed at these events. Through these huge and unrestricted events, cosplay has become more and more open to regular society and is spreading internationally. And since countless cosplay conventions and parties are now held in Tokyo, people who hid their interest before are becoming free to talk about and show what they love. Magazines about cosplay and Gothic Lolita fashion are sold in major bookshops, and over a hundred internet cosplay shops are filled up with orders for new costumes. The stereotype of a typical young Otaku is someone who is isolated and shy. But that’s changing rapidly through cosplay: a vivid way to express oneself.

**Kigurumers**

Dressing up like one’s favorite characters seems like a natural spin-off of Anime and comic conventions. Even so, there are Otaku who are not satisfied merely by wearing Anime costumes. For whatever reason, they needed to get inside the character’s body. These people are known as Kirigumers. Kirigumi is the Japanese word for a person who wears a character mascot costume to greet customers at amusement parks or department stores. Kirigumers make a character costume and a face mask to go with it. Not an inch of actual skin is shown to outside world. Since some Kigurumers cover their faces in layers of cloths, there is a risk of asphyxiation.

The mostly male Kigurumers might be seen merely as cross-dressers. But the visual strangeness of this fetish makes them even more far out than regular gender-benders. Simply by dressing up, Kigurumers cross the boundary from fantasy to real life, from 2D to 3D, as they break a host of other taboos as well. Kigurumers claim that the mask is not there to hide their face; they sublimate themselves inside the costume to act as a medium for the character’s motions and thoughts. The mask is the character’s head; the tights are the skin. Unlike cosplayers, Kirigumers are not wearing costumes. Rather, they physically and psychologically inhabit their characters.

**Comiket**

Comiket, an abbreviation of Comic Market, is an Otaku multiverse made real: a three-day pile up of all possible Japanese subcultures at once. It is a self-contained city-state that springs up at Tokyo Big Sight in Odaiba twice annually during summer and winter. Some 30,000 people are estimated to attend each session, making it one of the largest gatherings of people in the world. The biggest draw for Comiket is dojinshi, limited edition of fan-made publications usually in the form of comics but also increasingly as floppy disks or CD-ROMs known as dojin-soft. The subject matter is often of parody of, or an erotic take on, a popular Anime or Manga property like Naruto or One Piece. However, numerous other subjects and topics are covered in the non-Manga dojinshi margins: from chatter about live-action superheroes to obsessive dissertations on canned soft drinks. Production values for printed goods range from crudely photocopied ‘zines to squarebound books with glossy covers, Dojin soft can contain anything from simple illustrations, to cosplay pictures, to original and fully playable videogames.

An individual either makes a dojinshi on his or her own, or as part of a clan of artists called a circle. Some 10,000 dojin circles are crammed into the Tokyo Big Sight exhibition halls. A red-hot dojin circle dojinshi can sell out of a printrun of as many as 100,000 copies. The total amount of money that exchanges hands at a single Comiket is a whopping ¥1 billion. The profit from an independently made dojinshi can be bigger than that of a Manga from a major publisher. This great gathering of Otaku circles may have begun as a purely fan-driven movement in 1975. But then, major corporations, sensing the big money involved, have now moved in and set up their own special section. While Comiket itself offers free attendance, showing up without any cash to spend might prove cumbersome for fans as ATM machines give up early on and buying dojinshi is a cash-only affair. Begging dealers for discount or bargain is considered un-Otaku like.

**Comiket is loosely organized around themes:** for instance, December 29 is Women’s Day, when a good deal of dojinshi is devoted to yaoi works. The roles are reversed on the 30th, Boys’ day. An immense sea of porn, the most popular section of Comiket, stretches out as far as the eye can see; most of them are even more explicit than what can be normally found in Akihabara.
As a major arena for *Otaku* culture, *comiket* fanzine expositions, afford a venue for amateur *Manga* artists to exhibit. Largest among these is the annual summer and winter Comic Market expositions that rent out the entire 230,000 square meter Tokyo International Exhibit Center (Tokyo Big Sight) at Ariake on Tokyo Bay, for three days each time. Each day, some 12,000 interest groups or circles change places, making three-day total of 35,000 circles selling fanzines, with attendees numbering upwards of 500, 000. The hall is typically laid out during commercial trade fairs in a virtual diagram of capitalism, with the largest booths of high-capital enterprises in rows at the centers and smaller booths of lesser companies relegated to the fringes—a principle replicated throughout most contemporary architecture and urban planning. Whereas with the Comic Market, the spread between minor fan groups and most major sellers might differ by a scale of thousands, all booths are equal in size and organized in columns by genre—spatial articulation by taste, not capital. Those circles expecting large number of visitors are placed in separate birthday seat blocks so their queues will not interfere with other booths, with major visitor-drawing circles situated along the walls and the very biggest by delivery shutter-doors so the queues can wrap around the outside of the hall. Thus, while nominally a market, the Comic Market is laid out according to different spatial principles. Here, icons and fanzines function as community currency.

*Kombini*

Be it Lawson, Family Mart, Sunkus, 7-Eleven, AM/PM, or Cico Mart, any Japanese convenience store or *Kombini* offers a fine selection of *Manga*, toys and video games. Best of all, most locations are open twenty-four hours a day, which means *Otaku* can pursue their hobby or addiction around the clock. Along with the usual weekly and monthly *Manga* periodicals, there are entire lines of graphic novel collections distributed exclusively in *kombini*. Wide selection of *figyo* can be found on the display shelves from companies like *Konami* and *Kaiyodo*. For as cheap as a 100 yen coin, one can buy a *shokugan* [candy toy] and score a high-quality collectible figure along with a tasty treat. Near the cash register, a behind-the-counter selection of the latest videogame, CD and DVD releases is temptingly available.

*Otaku* Global Phenomenon

Since the 1990’s, this peculiar subculture of *Manga*, *Anime* and computer games spread with other Japanese popular culture to Europe, America and East Asia. Other countries have had their own homegrown cartoon, animation and game fanatics, but when referring to those who favor Japanese subcultural genres it was only natural that they too used the Japanese word *Otaku*. Still, differences do exist. In Korea for instance, there are Korean *Otaku* who are into Japanese, American and European subculture and who belong to the generation that are now the prime movers of society. These many different *Otaku* make powerful use of on-line networking, particularly via the internet.

In America where the internet first took hold, *Otaku* where meeting on the net from the 1980’s. In Korea, *Otaku* began on-line email networking in earnest from around 1987-88. Likewise in Japan, *Otaku* began frequenting the net from the email times, and now an ever-expanding of worldwide internet-based *Otaku* activities. Yet in Japan, even without resorting to the internet, magazines, television programming and theater are readily accessible everywhere; almost every medium commercial to word-of-mouth feeds the Japanese a steady diet of information unimaginable to foreigners elsewhere. For however diligently the average person in Korea or the West might seek, information from Japan is limited.

Very likely these tendencies are not isolated to Korea. As the internet spreads ever further around the world, such phenomena are occurring everywhere. The online community is definitely bringing major changes to *Otaku* worldwide. And in different ways than networking has changed non-*Otaku*. Just what changes lie ahead is hard to say; the only certainty is the rate of evolution is not slowing down.

*Otaku* Impact on Anime Domestic Market

A scientific survey conducted by Nomura Research Institute, Ltd. on the market scale and actual conditions of the Japanese enthusiasts consumer group or *Otaku* showed the staggering impact of their unique consumption behavior in five major fields: animation, comics, games, idols and PC assembly (Table 3).

The survey showed that consumer spending for these five fields among *Otaku*, which is now estimated to be 2.85 million, has reached approximately ¥290 billion. The market scale for the overall industry in the four fields related to content (animation, idols, comics, games) is approximately ¥2.3 trillion, of which the share of enthusiast consumers stood at 11% in terms of monetary amount. The enthusiast consumer group’s impact on the market as a whole and its scale of consumption are such that this group can no longer be dismissed as simply hobby-induced. Indeed, the impact of *Otaku’s* enormous buying power within the domestic market is highly significant.
Table 3: Estimates concerning the Enthusiast Consumer Group in Five Major Domestic Fields. (Populations of individual fields may overlap)

<table>
<thead>
<tr>
<th>FIELDS</th>
<th>POPULATION</th>
<th>ESTIMATED MARKET SCALE</th>
<th>MAJOR INDEXES REFERRED</th>
</tr>
</thead>
<tbody>
<tr>
<td>ANIMATION</td>
<td>200,000</td>
<td>¥20 billion</td>
<td>Concert mobilization capability; CD first release sales</td>
</tr>
<tr>
<td>IDOL</td>
<td>800,000</td>
<td>¥60 billion</td>
<td></td>
</tr>
<tr>
<td>COMICS</td>
<td>1 million</td>
<td>¥100 billion</td>
<td>Number of participants in fanzine spot sales; Magazine subscription rates</td>
</tr>
<tr>
<td>Animation</td>
<td>Home</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>570,000</td>
<td>¥15 billion</td>
<td>Hours playing games;</td>
</tr>
<tr>
<td></td>
<td>PC</td>
<td></td>
<td>Network game participation rates;</td>
</tr>
<tr>
<td></td>
<td>140,000</td>
<td>¥19 billion</td>
<td>Circulation of specific magazines</td>
</tr>
<tr>
<td></td>
<td>Network</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>30,000</td>
<td>¥1 billion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Arcade, Etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>60,000</td>
<td>¥13 billion</td>
<td></td>
</tr>
<tr>
<td>GAMES</td>
<td>Total of four fields</td>
<td>¥258 billion</td>
<td></td>
</tr>
<tr>
<td>PC ASSEMBLY</td>
<td>Rich</td>
<td></td>
<td>Volume of shipment of specific parts; Circulation of specific magazines; Sales of parts shop in Akihabara</td>
</tr>
<tr>
<td></td>
<td>Junk</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>30,000</td>
<td>¥10 billion</td>
<td></td>
</tr>
<tr>
<td></td>
<td>20,000</td>
<td>¥2 billion</td>
<td></td>
</tr>
<tr>
<td>GRAND TOTAL</td>
<td></td>
<td>2.85 million</td>
<td>¥290 billion</td>
</tr>
</tbody>
</table>

Note: Arcade games refer to games provided in game centers, including board games and card games.

Furthermore, it also became evident that these enthusiast consumers have a high Internet usage rate, strong information dissemination capabilities, and a strong social impact—they form sub-groups that extend across more than one related field (Table 4). They pursue their ideals by repeating consumption patterns that preferentially allocate money and time, based on their own distinctive values, and redevelopment of a world view based on their own interpretation and secondary creative activities. In other words, the enthusiast consumer group not only exhibits a high level of consumer appetite, but also has considerable value as a community-forming nucleus, as a venue for next generation technology innovation and as an experimental target for new products. It forms a population segment with significant potential, from the industrial perspective, as a determining factor in future marketing of new products.
Table 4: Sub-groupings among Otaku/Enthusiast Consumer Groups.

<table>
<thead>
<tr>
<th>SUB-GROUP</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Animation enthusiasts</strong></td>
<td>A group with people who love animation, who daily watch TV animation, OVA (original video animation) and animated movies. Many in this group record TV animation programs more than 10 times a week. They actively use PCs and HDD recorders: their IT literacy is relatively high. The group consists mainly of males in the age group between 15 and the 40s. It comprises approximately 13% of the total market (assuming animation DVD market). The overlap rate is high with comic enthusiasts and game enthusiasts as they share content. Furthermore, there is strong correlation with PC enthusiasts in terms of animation recording and PC games.</td>
</tr>
<tr>
<td><strong>Idol enthusiasts</strong></td>
<td>People in this group have strong admiration for and sympathy with specific artists and entertainers, and place a high priority on collecting information about those artists and supporting them. The group consists mainly of separate male and female sub-groups, with ages ranging from the teens to the 30s. The group can be divided into two main types of people: the “on-the-spot” type (those wanting to share space and time with their idols), who, because of the considerable time burden, are mostly young people in their teens and 20s, and the “collector” type, who, due to the financial costs, are mainly in their 20s and 30s. There is also a certain crossover between the two types.</td>
</tr>
<tr>
<td><strong>Comic enthusiasts</strong></td>
<td>People in this group collect fanzines, participate in spot sales, or contribute to such fanzines. This group has a broad age spread, ranging from the teens to the 40s, but can be subdivided into specific, smaller sub-sections, such as boy’s series, girl’s series and adult series. The activities of members of this group focus on characters from comics, and their expression takes various forms. Deriving from their activities are costume plays and fan novels. The members of this group overlap significantly with animation enthusiasts and game enthusiasts. One unique feature of this group is that parodies developed in fanzines are now half-recognized by the publishing industry as grounds for generation of professional comic artists.</td>
</tr>
<tr>
<td><strong>Game enthusiasts</strong></td>
<td>People in this group are mainly aged between 13 and 24, but some are in their 30s. They spend much of their lives engrossed in games. The home game market is the largest single sector in this field, but the market is stagnant with the oligopoly of the market by big titles and little new genre creation. The core members of this group are aging and there is a trend for members to move on to net games and PC games where new games are appearing. Information exchange between people in this group and manufacturers is quite active and the former often also participate in the enhancement and improvement of games.</td>
</tr>
<tr>
<td><strong>PC assembly enthusiasts</strong></td>
<td>People in this group often ignore the original uses of PCs, such as the creation of documents, and see the actual act of assembling PCs as an objective in itself. They are mostly male who spend most of their leisure time and disposable income on assembling PCs. The group, however, can be sub-divided into “rich PC assembly enthusiasts” and “junk PC assembly enthusiasts”. Rich PC assembly enthusiasts comprise mainly of those aged from 18 to the 30s. Members of this sub-group buy new products at shelf prices from PC parts shops in Tokyo’s Akihabara electrics and electronics retail district. Since geographical proximity is required, a relatively large number of members of this sub-group live in suburban Tokyo. Once the parts have been installed and the PC completed, they almost always sell it within a week to a secondhand products shop, and then immediately start a search for their next parts. Parts that became popular in the rich enthusiast market tend, within one to two years, to be incorporated in mass-market PCs; thus, to PC manufacturers, this group is regarded as a voluntary, continuous test market. Junk PC assembly enthusiasts comprise mainly of people between 15 and 18 (the minority) and those in their 40s (the majority). Members of this sub-group search for inventory clearance parts at super low prices and used parts in the back streets of Tokyo’s Akihabara electrics and electronics retail district. And as geographical proximity is required, they, too, tend to live in suburban Tokyo. However, since their main activity is to repeatedly add minimum functions to low spec PCs, the value of parts they consume is low, and their consumption cycle is long.</td>
</tr>
</tbody>
</table>
Apparently, these *Otaku* subgroups can no longer be considered as a small market. Numbering 2.85 million with a market size of 290 billion yen, the existence of these groups has become increasingly significant in the consumer market. With extreme patterns of consumption driven by admiration, devotion, sympathy, and strong pursuit of their ideals, the *Otaku*’s presence has become a driving force for bringing about industrial innovation. Thus, businesses should not treat these enthusiastic consumers merely as loyal customers; rather, they should study their consumption behaviors in order to find seeds of innovation.

**Conclusion**

Aesthetically staged and rendered by Asian artists fueled with the desire to create original digital content, the socio-cultural milieu of animation and its inherent affordances for interaction allow, in most instances, audiences of varied interests and divergent status to aggrupate and pullulate. Such appropriation of Asian animated films succeeds by reflecting the country’s diverse characters and relationships, social norms and purpose, cultural presence and patterns, even economic affairs and political advocacies.

Asian animation artists endeavor to capture and enshrine their own local cultures in an industry inundated with Western influences. Japanese animation or *Anime*, for instance, seeks to counterbalance the hegemony of American animation in Asia and the world, showing that globalization of popular culture does not necessarily imply homogenization or Americanization. The global acclaim for Japanese animated products stemmed from the apparent originality and astounding quality of the industry’s annual outputs. Their distinctive imprint and collective impact on the world stage had been recognized; the Japanese term *Anime* had successfully become a global brand—a stature well deserved in the global market.

Japanese *Anime* builds on previous high cultural traditions; it shows influences from Japanese traditional arts as kabuki and woodblock print. Using worldwide artistic traditions of twentieth century cinema and photography, it explores, often in surprisingly complex ways, issues familiar to viewers of contemporary art cinema and even to the readers of contemporary literature. It is a richly fascinating contemporary Japanese art form with a distinctive narrative and visual aesthetic that both harks back to Japanese culture and moves forward to the cutting edge of art and media. With its enormous breadth of subject material, it is also a useful mirror on contemporary Japanese society, offering an array of insights into the significant issues, dreams and nightmares of the day. *Anime* is a medium in which distinctive visual elements combine with an array of generic, thematic, and philosophical structures to produce a unique aesthetic world. This aesthetic world is oftentimes more provocative, more tragic and more highly sexualized; it contains far more complex story lines than would be the case in equivalent American popular cultural offerings. There is lack of compromise in making its narrative palatable—as evidenced not only in Japanese references within the narratives, but also to its style, pacing, imagery, and humor, emotions and psychology, which usually run a far wider gamut and show a greater depth than its animated counterparts. *Anime* challenges the viewers’ emotions and senses with its complex storyline, dark tone and visual content. As a medium, *Anime* is both different in a way that is appealing to a Western audience satiated on the predictabilities of American popular culture and also approachable in its universal themes and images. From narrative and characterization to genre and visual styles, audiences become captive of *Anime*’s distinctive thumbprint and engrossing stories. Its fascinating variety of genres, mixture of traditional and modern elements, disparate assemblage of subjectivities and expressive modes reach across arbitrary aesthetic boundaries to strike significant artistic and socio-cultural chords.

Thailand stands out as a potential Asian leader in Digital Content industries. Its strengths include the existence of a creative and skilled talent pool with a rich tradition in the arts, and the emergence of local firms with world-class capabilities with thriving advertising and film industries. There is low geopolitical risk, and enjoys proximity to world’s next giant consumer markets such as China and India. Labor price is lower compared to several traditional high cost multimedia-exporting nations, notably Korea and Japan. Most importantly, there is a strong government support in promoting skills formation in animation and digital content industries.

Yet, even if Thailand has never been under colonial grip, its indigenous ways of producing truly Thai animated products is constantly under threat from foreign elements, both Western and Asian, specifically Japanese, exacerbated by abrasive clashes among political and cultural power holders, including their critics, to work and determine the norms and standards of excellent animated filmmaking. With a relatively young animation industry, as compared to its neighbors, the fast-growing animation powerhouse in India and the animation veteran Philippine animation industry, Thailand’s aggressive backing from its government is slowly but surely consolidating its effort to launch itself
as another animation center in the region.

Throughout its rich history, animation has been used both as a medium and message in various Asian societies such as Japan and Thailand. Asian animation was molded by utilizing the use of indigenous artistic styles and techniques, such as paper fold, paper-cut, ink and wash, shadow theatre, and localized plots based on literary, religious, or folkloric stories. Through animated images, artists and audiences alike see what they reveal about themselves; they can make adjustments and influence a facet of their self-identity, their community’s identity, and their society’s collective identity as formed through an aggregation and abstraction of particular elements present in their various animation experiences. Thus, animated imagery and its unique visual staging and rendition play an influential role, as popular culture, in the emergence of facets of community identity.

Animated visualizations to be acceptable to audiences need to be accessible and visually engaging for them to identify with or connect to. Thus, animators employ visual design elements and techniques, which create evocative imagery of the physical, emotional and socio-cultural realities. The social milieu is made visible to audiences for exploration. Active participants such as the Otaku or animation enthusiast consumer groups who share a sense of “we-ness” are able to explore their visual experiences to see how they are seen by “others”, and how their actions and contributions influence the character of the community portrait as projected on screen. This unique reciprocity permits the audience to react to the animated product, participate in the visual process, and in the end, influence the artists to make adjustments to what they reveal about themselves. In the end, animation serves as an ideal artistic vehicle for expressing both the artists’ and audiences’ hopes and trepidations in an uneasy contemporary world.

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GLOBALIZATION OF FATNESS: CULTURAL, SOCIAL, AND ECONOMIC PERCEPTION OF OBESITY IN SOUTHEAST ASIA

Wan Abdul Manan Wan Muda

“Tell me what you eat: I will tell you what you are.”
Brillat-Savarin

INTRODUCTION

The world has experienced enormous health improvement in the last century, particularly in its later half (1950’s to 2000). Despite the overall improvement, however, we have to acknowledge also that developing countries benefited unequally from the above health gains, with many countries continue to have high mortality rate, where in some parts of the world the burden of ill health in the form of infectious and parasitic diseases are still prevalent. Communicable disease is an avoidable disease and avoidable mortality, but due to unequal access to healthcare and preventive remedies within a country can lead to notable number of death as a result of lack of access to effective treatment. The leading causes of death in children in developing countries in 2002 are shown in Table 1.

Table 1: Leading causes of death in children in developing countries, 2002.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Cause</th>
<th>No. (,000)</th>
<th>% of all deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Perinatal conditions</td>
<td>2,375</td>
<td>23.1</td>
</tr>
<tr>
<td>2</td>
<td>Lower respiratory infection</td>
<td>1,856</td>
<td>18.1</td>
</tr>
<tr>
<td>3</td>
<td>Diarrhoeal diseases</td>
<td>1,566</td>
<td>15.2</td>
</tr>
<tr>
<td>4</td>
<td>Malaria</td>
<td>1,098</td>
<td>10.7</td>
</tr>
<tr>
<td>5</td>
<td>Measles</td>
<td>551</td>
<td>5.4</td>
</tr>
<tr>
<td>6</td>
<td>Congenital abnormalities</td>
<td>386</td>
<td>3.8</td>
</tr>
<tr>
<td>7</td>
<td>HIV/AIDS</td>
<td>370</td>
<td>3.6</td>
</tr>
<tr>
<td>8</td>
<td>Pertussis</td>
<td>301</td>
<td>2.9</td>
</tr>
<tr>
<td>9</td>
<td>Tetanus</td>
<td>185</td>
<td>1.8</td>
</tr>
<tr>
<td>10</td>
<td>Protein –energy malnutrition</td>
<td>138</td>
<td>1.3</td>
</tr>
<tr>
<td></td>
<td>Other causes</td>
<td>1,437</td>
<td>14.0</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>10,263</td>
<td>100</td>
</tr>
</tbody>
</table>


The challenge of communicable diseases will still be a major reality in developing countries until effective prevention and treatment measures are well in place. Apart from communicable diseases, the world is also witnessing more than 800 million people suffering from chronic undernutrition, hunger and food insecurity. (Behrman, 2004) Malnutrition and communicable diseases have a synergistic relationship. This scenario has transformed the demographic and economic balance between the developed and less developed countries. The changes in food supply and distribution varies from region to region, and between and within countries.

Developing countries particularly those in the middle range of GNP are currently facing a double burden of malnutrition at both extreme end of the same continuum, undernutrition and obesity. (Doak et al., 2004) Both undernutrition and obesity will have wide ranging health consequences in all age groups. Figure 1 show a few selected developing countries with the double burden of malnutrition. As shown in Figure 1, many countries in Central and Latin America are showing prevalence of overweight above 30 % of their population, particularly in Colombia, Chile, Peru, Brazil, Costa Rica, and Cuba. The graph also depicts an increase trend between underweight and overweight in most countries in Latin America and Africa. This problem is not only confining to Latin America or Africa, but is also a common trend in Southeast Asia.

Figure 1: Underweight and overweight in selected developing countries.

Despite gloomy conditions in terms of global health, the world will at the same time see rapid growth of cities and income in the near future. In 1900 only 10% of the world’s population lived in cities, however, today the proportion has increased to nearly 50%. (FAO, 2005)
According to the United Nations estimates, almost all of the world’s population growth from 2000 to 2030 will be concentrated in urban areas of developing countries, where, if the present trend continues, it is expected that 60% of the developing countries will be urban by 2030. At the same time it is projected that income per person in developing countries will grow at an annual rate of 3.4% from 2006 to 2015, which is twice that, was registered in the 1990’s (1.7%).

The growing of cities and rising income in developing countries will lead to significant changes in the lifestyles of the population. The most immediate changes will be the food supply and eating habits of the burgeoning inhabitants of the rapidly expanding urban areas. The average calorie intake, type of foods consumed and food availability will determine the kind of food habits that are going to be the new norms of eating. Normally as total calorie increased, the proportion of calories derived from fat and oils, meat, sugar and wheat products will also increase.

Consumer preference of particular foods will be linked to income and purchasing power. However, the power of advertising will also be an important factor in food selection and consumption in urban areas. The converging of diets towards less variety but more towards common food items can lead to dietary convergence and dietary adaptation. Dietary convergence refers to increasing similarity in diets worldwide, characterized by a greater reliance on a narrow base of staple grains (wheat and rice), increased consumption of meat, dairy products, edible oil, salt, sugar, and lower intake of dietary fiber. Whereas, dietary adaptation reflects the rapid pace and time, and pressures of urban lifestyle households where both parents often commute long distance and work long hours, consumers eat more meals outside the home and purchase more brand-name processed foods.

Changes in dietary pattern, coupled with sedentary living style give rise to a new problem of overweight and obesity. It is also the result of increase consumption of energy-dense foods and lack of physical activities. Thus, despite the presence of widespread undernutrition, the world is also experiencing the rise in prevalence of obesity. The developing countries are experiencing what is known as the “nutrition transition”, where when people became more affluent they abandoned traditional plant-based diet and began eating more meat, fat and processed foods, which most often increased the prevalence of obesity and developed risk factors for chronic diseases. (Doak et al., 2005; Nestle, 2002; Brody, 2002; Antipatis and Gill, 2001)

Obesity is defined as excess body fat. (Bray, 1979) On the other hand overweight means the body weight above ideal weight or standard weight for height. A person may be overweight but not necessarily overfat, this is common among athletes or football players. (Welham, 1942) However, normally a person who is grossly overweight will most likely be overfat. The World Health Organization (WHO) defined obesity as those people with the body mass index (BMI) of equal of greater than 30, and overweight as those whose BMI are between 25.0 to 29.9. (WHO, 1995) At the physiological level obesity can be referred to as a condition of abnormal or excessive fat accumulation in adipose tissue to the extent that health may be impaired. (Antipatis and Gill, 2001)

The normal scientific explanation for obesity has been the imbalance between energy intake and energy expenditure. When input is greater than expenditure, excess fat will accumulate. However, understanding the physiological basis alone is not adequate, as it can be seen today that obesity has become a pandemic, there is a trend towards global obesity or globosity. (Brownell, 2004) In western countries the prevalence of obesity is beyond control despite the knowledge and researched the have accumulated. (Spurloch, 2005; Critser, 2003; Fumento, 1997) Obesity and overweight are complex biosocial phenomena that are shaped by many factors, including a variety of social, cultural and economic influences. (Sobal, 2001) Economic development and affluence have altered the consumption pattern of the middle class in developing countries. New consumption pattern consisted of meals and snacks between meals, where it has led to increase prevalence of snacking during the day. (Senauer et al., 1991) Globalization of western food or fast food and drinks has been one of the major contributing factors to new global consumption pattern in developing countries, particularly Southeast Asia and East Asia. (Schlosser, 2002; Nestle, 2002; Critser, 2003; Kilman and Gracy, 2005)

**PROJECT DESCRIPTION**

This project attempted to study the relationship between obesity in relation to globalization of food consumption that was promoted by transnational corporations, and at the same time solicits people’s perception about obesity based on their cultural and social context. Is globalization a major contributing factor in the increase prevalence of obesity in Southeast Asia? How do Southeast Asians reconcile their cultural values and norms about body weight with the new affluence and over abundance of ready to eat foods? How globalization and commodification of food created the...
great divide between availability and scarcity, between having power and lack of power? To what extent have fast food chains invaded Southeast Asia and what are their stakes in economic terms? How different is Japan from Southeast Asia in confronting the western fast food proliferation?

OBJECTIVES

General Objective: The objective of this project is to examine perceptions about obesity in relation to globalization and changing lifestyles in Southeast Asia.

Specific Objectives:
1. To examine the cultural dimension obesity among selected groups,
2. To identify social and economic factors influencing obesity,
3. To evaluate changes in eating pattern and lifestyles of Southeast Asian adults, and
4. To assess the relationship between prevalence of obesity and globalization fast food in Southeast Asia and Japan.

BACKGROUND AND SIGNIFICANCE

Obesity today is a widespread health problem which affect millions of people world wide irrespective of age, sex, ethnic group, social status or place of residence (developed or developing countries). (Seidell, 2001; WHO, 1998) In fact, global fattening is a phenomenon of the twenty first century. Obesity has become a pandemic. Studies from developed countries and limited data from developing countries testified to the increase in prevalence over the past few decades. (Byers, 1993)

The nutritional problems in developing countries have shifted from the previous problem of undernutrition to the twin problem of undernutrition and obesity or overnutrition. (Doak et al., 2005) This scenario is alarming considering many countries are still facing the threat of famine and hunger in some parts of the world while the other half of its population is struggling to dispose their excess fat.

Table 2 shows the sex-specific overweight (BMI>25) and obesity (BMI>30.0) prevalence from a recent nationally representative data from selected Southeast Asian countries and Japan. (Nishida and Mucavele, 2005; Kantachuvessiri, 2005; Aekplakorn et al., 2004) The table shows that among females, prevalence of overweight was highest in Thai adults (33.9%). Prevalence of obesity among Malaysian and Thai males were, 4.0% and 3.5% respectively. While prevalence of obesity among females, Thai adults show the highest prevalence (8.8%) followed by Malaysian adults (7.6%). Since there is no recent data available from Indonesia it is difficult to make an accurate comparison between Southeast Asian countries.

The change of obesity rate among female adults is rising at the rate of .2% in the Philippines from 1993 to 1998 (Table 3). The prevalence of obesity in Japan also showed an increase in rate from 1.9% in males and 2.9% in females in 1994 (Yoshiike et al 1998) to 2.9% and 3.3% in 2001, respectively (Table 3). The prevalence of overweight among males was highest in Japan (26.8%) followed by Malaysia (24.1%). However, the largest in rate of change in obesity prevalence is in Thailand, where the obesity rate rose by 0.3% and 0.53% from 1991 to 1997 in adult males and females, respectively.

Table 2: The national overweight and obesity prevalence rates among selected Southeast Asian countries and Japan.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year</th>
<th>Range</th>
<th>% Overweight</th>
<th>% Obesity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thailand</td>
<td>1976-80</td>
<td>15+</td>
<td>26.8</td>
<td>2.9</td>
</tr>
<tr>
<td>Japan</td>
<td>1991</td>
<td>20+</td>
<td>24.1</td>
<td>4.0</td>
</tr>
<tr>
<td>Malaysia</td>
<td>2000</td>
<td>20+</td>
<td>17.0</td>
<td>2.1</td>
</tr>
<tr>
<td>Philippines</td>
<td>1998</td>
<td>20+</td>
<td>19.2</td>
<td>3.5</td>
</tr>
<tr>
<td>Indonesia</td>
<td>2001</td>
<td>15+</td>
<td>20.7</td>
<td>3.3</td>
</tr>
<tr>
<td>Japan</td>
<td>2001</td>
<td>15+</td>
<td>26.8</td>
<td>2.9</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1996</td>
<td>20+</td>
<td>24.1</td>
<td>4.0</td>
</tr>
<tr>
<td>Philippines</td>
<td>1998</td>
<td>20+</td>
<td>17.0</td>
<td>2.1</td>
</tr>
<tr>
<td>Thailand</td>
<td>1997</td>
<td>20+</td>
<td>19.2</td>
<td>3.5</td>
</tr>
<tr>
<td>Japan</td>
<td>2001</td>
<td>15+</td>
<td>26.8</td>
<td>2.9</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1996</td>
<td>20+</td>
<td>24.1</td>
<td>4.0</td>
</tr>
<tr>
<td>Philippines</td>
<td>1998</td>
<td>20+</td>
<td>17.0</td>
<td>2.1</td>
</tr>
<tr>
<td>Thailand</td>
<td>1997</td>
<td>20+</td>
<td>19.2</td>
<td>3.5</td>
</tr>
</tbody>
</table>

Table 3: The prevalence of obesity (BMI ≥ 30) and the rates of change in adult obesity.

<table>
<thead>
<tr>
<th>Country</th>
<th>Year of Survey</th>
<th>Age Range</th>
<th>% Obese M</th>
<th>% Obese F</th>
<th>Males Rate Change</th>
<th>% Change</th>
<th>Females Rate Change</th>
<th>Trend</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Japan</td>
<td>1976-80</td>
<td>15+</td>
<td>29</td>
<td>3.3</td>
<td>0.03</td>
<td>2.69</td>
<td>0.03</td>
<td></td>
</tr>
<tr>
<td>Malaysia</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>1993</td>
<td>20+</td>
<td>0.08</td>
<td>3.4</td>
<td>0.20</td>
<td>3</td>
<td>0.53</td>
<td>8.8</td>
</tr>
<tr>
<td>Thailand</td>
<td>1998</td>
<td>20+</td>
<td>4.4</td>
<td>8.8</td>
<td>0.53</td>
<td>5.6</td>
<td>0.53</td>
<td></td>
</tr>
</tbody>
</table>

A detailed table of weight changes in the Japanese adult population is presented in Tables 4 and 5. The table also recorded the rate of change between 1984 until 2002. Figures 2 and 3 show the average weight changes among Japanese males and females aged 26-70 years old. (Health and Welfare, 2004)

A weight change in Japan is more prominent in the 18-25 age categories for both males and females (Table 4). In males the changes is highest in 24 year old group with an increased of 5.1% in 2002. However, Japanese females recorded increase changes in four age groups, in 2002 weight changes were recorded in the 18 year (2.4%), 19 year (3.7%), 21year (5.5%), and 25 year (4.9%). Weight changes among the 26-70 year old cat-

<table>
<thead>
<tr>
<th>Age</th>
<th>Year</th>
<th>Male</th>
<th>Rate of Change</th>
<th>Female</th>
<th>Rate of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>1984</td>
<td>60.8</td>
<td>52.8</td>
<td>2.3</td>
<td>-4.5</td>
</tr>
<tr>
<td></td>
<td>1994</td>
<td>62.2</td>
<td>50.4</td>
<td>0.0</td>
<td>4.2</td>
</tr>
<tr>
<td></td>
<td>1997</td>
<td>62.2</td>
<td>52.5</td>
<td>-1.8</td>
<td>-0.4</td>
</tr>
<tr>
<td></td>
<td>1998</td>
<td>61.1</td>
<td>52.3</td>
<td>2.1</td>
<td>-3.1</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>62.4</td>
<td>50.7</td>
<td>-0.3</td>
<td>2.4</td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Age</th>
<th>Year</th>
<th>Male</th>
<th>Rate of Change</th>
<th>Female</th>
<th>Rate of Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>26-29</td>
<td>1984</td>
<td>62.1</td>
<td>51.4</td>
<td>5.6</td>
<td>0.4</td>
</tr>
<tr>
<td></td>
<td>1994</td>
<td>65.6</td>
<td>51.4</td>
<td>2.7</td>
<td>-0.2</td>
</tr>
<tr>
<td></td>
<td>1997</td>
<td>67.4</td>
<td>51.5</td>
<td>-2.1</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>1998</td>
<td>66.0</td>
<td>51.8</td>
<td>1.2</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>66.8</td>
<td>51.8</td>
<td>0.3</td>
<td>-0.8</td>
</tr>
<tr>
<td>30-39</td>
<td>1984</td>
<td>63.2</td>
<td>52</td>
<td>5.7</td>
<td>2.3</td>
</tr>
<tr>
<td></td>
<td>1994</td>
<td>66.8</td>
<td>53.2</td>
<td>1.0</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>1997</td>
<td>67.5</td>
<td>53.3</td>
<td>1.9</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>1998</td>
<td>68.8</td>
<td>53.3</td>
<td>1.9</td>
<td>0.0</td>
</tr>
<tr>
<td></td>
<td>2000</td>
<td>68.2</td>
<td>55</td>
<td>3.7</td>
<td>0.0</td>
</tr>
</tbody>
</table>

Figure 2: Weight changes in Japanese males (26-70 yr), 1984-2002.
The health consequences of obesity are numerous. Obesity has been found to be associated with increased mortality and decreased life expectancy. (Williamson et al., 1995; Surgeon General’s Report, 1988; Royal College of Physicians, 1983) Epidemiologic data also show that obesity is associated with increased morbidity from chronic diseases, particularly cardiovascular diseases, hypertension, Diabetes Mellitus, gallbladder diseases, cancers and other digestive diseases. (Jung, 1997; Committee on Diet and Health, 1989)

GLOBALIZATION

The role of diet in etiology of disease, particularly noncommunicable diseases has become the most important global cause of morbidity and mortality. The shift in consumption from traditional diets to more refined foods, more meat and dairy products have been termed as the "nutrition transition", and this has resulted in increase prevalence of overweight and obesity in countries that are undergoing the nutrition transition. (Brody, 2002)

In the past it was assumed that changes in the diet were strongly influenced by income levels, cultural upbringings and personal taste. However, those assumptions have been overridden by an additional factor, namely, globalization. Globalization is a term which denotes many meanings. Globalization as defined by Daulaire (1999) is "the flow of information, goods, capital, and people across political and economic boundaries". It is a process that is changing the nature of human interaction across many spheres, particularly those of politics, institutions, economics and trade, social and cultural life, the environment and technology. Globalization is changing the temporal, spatial and conceptual boundaries that separate individuals in society. (Lee, 2001) It is both an opportunity and a threat that requires holistic examination to assess their benefits and costs, particularly in relation to human health, which encompasses health policies and decisions at the local and global level. (Walt, 2000)

However, for the purpose of this project, the three major components of globalization that have direct influence on health and obesity are. (Chopra, 2002)

(a) The recent explosion in cross-border trade facilitated by the progressive lowering of tariffs increase mobility of capital and labor and cheaper cost and increasing speed of communication have accelerated pre-existing economic, political and social interdependence. This in turn has encouraged the formation of large transnational corporations that increasingly organize production, distribution and marketing on a global scale.

(b) Along with the greater movement of capital and people there has also been a greater diffusion of cultural influences across national boundaries.

(c) Globalization is also associated with issues of governance with formation of new global institutions such as the World Trade Organization (WTO) that increasingly impinge upon national states and redefinition of the role and influence of existing global institutions (e.g. increasing role of World Bank on global health policy).

In terms of food trade, globalization has been a vehicle of food distribution since the spice trade and colonization of Asia and Africa. However, the pace and scale of change in food trade in the last few decades have been unprecedented. The global value of trading in food grew from US$224 billion in 1972 to US$438 billion in 1998, where food now constitute 11% of global trade, a percentage higher than fuel. (Chopra, 2002; Pinstrup-Andersen and Babinard, 2001) This increase has been accompanied by the consolidation of agricultural and food companies into large transnational corporations (TNCs). Table 6 shows the top ten TNCs in food manufacturing and processing by total sales in 1998. (Financial Times, 1999)
Globalization has also created a common cultural environment where people have access to common source of information through corporate networks of television and other mass media. This has also lead to global consumption culture where the TNCs in food manufacturing and supplies have captured the global consumers. Therefore globalization of the food industry played a key role in affecting the global diets and food consumption, which ultimately determine the nutritional and health status of the population. (Sobal, 2001; Yach, 2003)

FAST FOOD PHENOMENA

What is normally termed as “fast foods” are quick, reasonably priced, and readily available alternatives to home cooking. While convenient and economical for people who busy and no time to prepare home meals, fast foods are typically high in calories, fat, saturated fat, sugar, and salt. Fast foods are very appealing because they are widely available and inexpensive

According to Eric Schlosser (2002), “the collapse of Soviet Communism has led to an unprecendented “Americanization” of the world, expressed in the growing popularity of movies, CDs, music videos, television shows, and clothing from the United States. Unlike those commodities, fast food is the one form of American culture that foreign consumers literally consume”. The growth of fast food in Asia is not new; Kentucky Fried Chicken (KFC) for example has its first outlet in the Philippines in 1967. Fast food industry in Southeast Asia has grown several folds in the last 3 decades. The two major fast food chains, KFC has made its presence in Southeast Asia since 1970s, while McDonald’s came in the 1980s, and later came Pizza Hut (Tables 7, 8, and 9). The number of outlets and when it was first established in Southeast Asian countries for KFC and McDonald’s are shown in Tables 7 and 8. KFC was established in the Philippines in 1967, which was the earliest Asian outlet, followed by Japan and Malaysia, in 1970 and 1973, respectively. In terms of the number of population per outlet, Malaysia has the smallest ratio with one outlet per 70,000, while Indonesia has one outlet per 1.16 million. In 2004 there were 3774 McDonald’s outlets in Japan, and the ratio of outlet per population also show that Japan has the lowest ratio with one outlet per 30,000 people, next is Malaysia, with 140,000 people per outlet. Pizza Hut came later in Southeast Asia, however their number of outlets is growing, in 2002, there 94 outlets in Malaysia, with a population ratio of 240,000 people per outlet.

### Table 6: Top ten transnational corporations in food manufacturing and processing by total sales in 1998.

<table>
<thead>
<tr>
<th>Corporation</th>
<th>Sales (US$ billion)</th>
<th>Profit (US$ billion)</th>
<th>Chief Products</th>
<th>Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>Phillip Morris</td>
<td>56.11</td>
<td>6.31</td>
<td>Tobacco, cereals, beverages</td>
<td>152,000</td>
</tr>
<tr>
<td>Carrell</td>
<td>51.00</td>
<td>4.68</td>
<td>Cereals, seeds, oil, beverages</td>
<td>80,000</td>
</tr>
<tr>
<td>Unilever</td>
<td>50.06</td>
<td>7.94</td>
<td>Oils, dairy, beverages, meat</td>
<td>287,000</td>
</tr>
<tr>
<td>Nestle</td>
<td>49.96</td>
<td>4.11</td>
<td>Beverages, cereals, infant food</td>
<td>225,808</td>
</tr>
<tr>
<td>Pepsico</td>
<td>20.92</td>
<td>1.49</td>
<td>Beverages, snacks</td>
<td>142,000</td>
</tr>
<tr>
<td>Sara Lee</td>
<td>20.01</td>
<td>0.33</td>
<td>Meat and bakery</td>
<td>139,800</td>
</tr>
<tr>
<td>Coca-Cola</td>
<td>18.87</td>
<td>4.13</td>
<td>Beverages, foods</td>
<td>29,500</td>
</tr>
<tr>
<td>McDonalds</td>
<td>11.41</td>
<td>1.64</td>
<td>Restaurants</td>
<td>267,000</td>
</tr>
</tbody>
</table>

### Table 7: KFC outlets in Southeast Asia and Japan.

<table>
<thead>
<tr>
<th>Countries</th>
<th>First Established</th>
<th>Number of Outlets</th>
<th>Year</th>
<th>Population (million)</th>
<th>Population (million) Per KFC Outlet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>1979</td>
<td>201</td>
<td>2003</td>
<td>234</td>
<td>1.16</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1973</td>
<td>325</td>
<td>2005</td>
<td>24</td>
<td>0.07 (70 thousands)</td>
</tr>
<tr>
<td>Thailand</td>
<td>1983</td>
<td>305</td>
<td>2003</td>
<td>64</td>
<td>0.21 (210 thousands)</td>
</tr>
<tr>
<td>Philippines</td>
<td>1967</td>
<td>130</td>
<td>2004</td>
<td>87</td>
<td>0.67 (670 thousands)</td>
</tr>
<tr>
<td>Japan</td>
<td>1970</td>
<td>1140</td>
<td>2004</td>
<td>127</td>
<td>0.11 (110 thousands)</td>
</tr>
</tbody>
</table>

### Table 8: McDonald’s outlets in Southeast Asia and Japan.

<table>
<thead>
<tr>
<th>Countries</th>
<th>First Established</th>
<th>Number of Outlets</th>
<th>Year</th>
<th>Population (million)</th>
<th>Population (million) Per McDonald’s Outlet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>1979</td>
<td>190</td>
<td>2004</td>
<td>241</td>
<td>2.21</td>
</tr>
<tr>
<td>Malaysia</td>
<td>1982</td>
<td>164</td>
<td>2004</td>
<td>23</td>
<td>0.14 (140 thousands)</td>
</tr>
<tr>
<td>Thailand</td>
<td>1985</td>
<td>99</td>
<td>2004</td>
<td>64</td>
<td>0.65 (650 thousands)</td>
</tr>
<tr>
<td>Philippines</td>
<td>1981</td>
<td>242</td>
<td>2004</td>
<td>87</td>
<td>0.36 (360 thousands)</td>
</tr>
<tr>
<td>Japan</td>
<td>1970</td>
<td>3774</td>
<td>2004</td>
<td>127</td>
<td>0.03 (30 thousands)</td>
</tr>
</tbody>
</table>

### Table 9: Pizza Hut outlets in Southeast Asia and Japan.

<table>
<thead>
<tr>
<th>Countries</th>
<th>Number of Outlets</th>
<th>Year</th>
<th>Population (million)</th>
<th>Population (million) Per Pizza Hut Outlet</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesia</td>
<td>69</td>
<td>2002</td>
<td>231</td>
<td>3.55 mill.</td>
</tr>
<tr>
<td>Malaysia</td>
<td>94</td>
<td>2002</td>
<td>23</td>
<td>0.24 mill. (240 thousands)</td>
</tr>
<tr>
<td>Thailand</td>
<td>83</td>
<td>2002</td>
<td>62</td>
<td>0.75 mill. (750 thousands)</td>
</tr>
<tr>
<td>Philippines</td>
<td>93</td>
<td>2002</td>
<td>85</td>
<td>0.91 mill. (910 thousands)</td>
</tr>
<tr>
<td>Japan</td>
<td>293</td>
<td>2002</td>
<td>127</td>
<td>0.43 mill. (430 thousands)</td>
</tr>
</tbody>
</table>

### METHODOLOGY

This study incorporated both the quantitative and qualitative approaches:

The information gathering and data collection for this project consisted mainly of secondary data and small samples of primary data. The primary data was
collected using a questionnaire, interview and focus groups methods, where the researcher conducted a field survey among selected groups of respondents in different communities.

Inclusion Criteria:
1. Adults age 18 years
2. Literate
3. Body Mass Index above 25
4. Non pregnant (for females)
5. Mobile and able to stand and walk
6. Consent to participate

Exclusion Criteria
1. Age under 18 years
2. Illiterate
3. Body Mass Index 25 and below
4. Pregnant (for females)
5. Immobile, bedridden or handicap
6. Refuse to give consent

The questionnaire focuses on eating habits, body image, quality of life (ORWELL 97) and socio-demography. The focus group discussion touched on globalization of food consumption, lifestyles and socio-cultural perception of obesity.

Anthropometric measurements were also taken on respondents, namely, weight, height, body mass index, waist circumference, hip circumference, and waist to hip ratio.

Population

In order to fulfill the above objectives, the research was conducted in five different geographical locations in Southeast Asia. The population sample will consist of literate adults age 18 years or older. The respondents for questionnaire survey in the urban areas came mainly from the middle class (administrative and professional groups), while in the rural areas the majority is low income earners in Thailand, Philippines, and Indonesia. Selection of respondents employed a purposive sample selection which people who are overweight or obese and met the inclusion criteria above. The sample size for each group is about 50. The sampling distribution was as follows:

<table>
<thead>
<tr>
<th>Country</th>
<th>Urban (Bangkok)</th>
<th>Rural (Pattani)</th>
<th>Rural (Satun)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thailand</td>
<td>51</td>
<td>96</td>
<td>50</td>
</tr>
<tr>
<td>Philippines</td>
<td>Urban (Manila)</td>
<td>53</td>
<td></td>
</tr>
<tr>
<td>Indonesia</td>
<td>Urban (Jogjakarta)</td>
<td>65</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Rural (Manado)</td>
<td>55</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td>370</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Apart from the questionnaire survey, focus group discussion was also conducted among selected groups in all the study areas.

Schedule of activities during the study period:

Indonesia:
- 12 Sept. - 27 Oct. 2004 Jokjakarta (Gadjah Mada University)
- 28 October - 27 November 2004 Manado (Sam Ratulangi University)

Japan:
- 1 December - 31 December 2004 (University of Tokyo and Waseda University, Tokorozawa)

Philippines:
- 5 January - 4 February 2005 (University of Philippines)

Thailand:
- 10 Feb. - 10 April 2005 (Chulalongkorn & Mahidol University)
- 11 April - 21 June 2005 (Prince of Songkla University, Pattani)

Focus group discussions (FGDs) were carried out in the following places:

Yogyakarta:
1) Yogyakarta High School
2) Kartika Dewi Health and Fitness Center
3) Gadjah Mada University Graduate Student

Manado:
1) Bahu village housewives

Metro Manila
1) Office workers at the Presidential Commission for Urban Renewal, Quezon City.

Bangkok:
1) Chulalongkorn University Graduate Students and Staff

Satun:
1) Fishermen of Temelang Island, Satun

Pattani:
1) Graduates students and unemployed graduates, Prince of Songkla University

Limitation of the Study

1. The selection of samples may not represent a representative sample of the population or obese population in the study area due to its small sample size. Thus the
conclusion cannot be generalized.
2. Comparing different countries and culture may not be very appropriate based on the sample population only without considering other aspects of belief, attitudes, practices, lifestyles, socio-demography and geographical differences.
3. The focus group discussion help to strengthen and enrich the quantitative data, however, there are also limitations due to small number of FGDs that can be conducted.
4. This is only a preliminary study, and the time spend in each country and places were short in duration (1-2 months).

RESULTS

A total of 370 respondents and mean age is 39 years old, which consist of 135 males (36.5%) and 235 females (63.5%). The respondents were asked regarding their self-perception of health and physical activities, the findings are shown in Table 10, where 64% considered themselves as very healthy or healthy. Most respondents planned to lose weight (89.3%) (Table 10), while those who had regular and occasional exercise is 50% and another 50% rarely or never exercise at all (Table 11).

The respondents’ current spouse/partners and preferred sexual partners in relation to body weight are shown in Table 12. More than 60% has spouse or partners who are normal weight and only 24% are obese or overweight. Regarding sexual partners, more than 90% preferred sexual partners who are of normal weight.

Table 13 reported the respondents’ responses on what obesity and thinness symbolized to them. Regarding obesity about 30% said it symbolizes happiness, 16.2% said it was a result of lack of control in food consumption, while 15.9% and 13.3% said it symbolizes sickness and laziness, respectively. On thinness, 25.4% thought it was a result of fear of eating, 25.1% said it reflects being weak, another 15.1% thought they were not happy, while 5.9 % said these thin people reflect that they are poor.

The respondents were also asked regarding their priority in life, Table 14 listed the ranking of priority by respondents. The number one priority in Table 14 is to be physically healthy, followed by happiness, having a happy family, being rich, emotionally healthy, earned higher education, and modest living condition.

The perception in defining a beautiful female and a handsome male is presented in Table 15. For females the most important criteria is behavior and personality (46.6%), next come facial (27.7%) beauty and body (23.8%) shape. For male, behavior and personality also topped the definition of being handsome (41.7), followed by body shape (30.7%) and facial attractiveness (26.5%). Table 16 show the perception of respondents on what do they mean by a beautiful body or shape. For female, height was given the highest rating (51.5%), followed by being muscular (29.2%) and being thin (16.7%). While for a male body, being muscular (49.4%) and tall (43.9%) are the most important attributes.

On body self-perception, 56% are not satisfied with their current body shape (Table 17), the main reason why they are not satisfied is because they perceived they are obese or overweight (84.6%). A small number of respondents (13.5%) are not satisfied because they perceived themselves as being too thin. Among those who are dissatisfied with their weight, 91.5% planned to lose weight and 7.0% planned to gain weight.

Regarding the daily meal consumption, most respondents have their breakfast (71.3%), lunch (58.5%), and dinner (84.6%) at home (Table 18). However, a significant number had their breakfast outside their homes (18.2%) and their lunch in office canteens and restaurants (38.4%). Only 13.1% of the respondents had their dinner outside. About ten percent of the respondents skip their breakfast.

A question was also asked on the preference of fast food, 51.7% reported they liked fast food and 48.3% reported in the negative (Table 19). Regarding their familiarity with major fast food outlets, the findings in Table 16 show that most people have eaten at KFC (67.2%), McDonald’s (43.7%), and Pizza Hut (41.5%). In the Philippines the results indicated that all the respondents have eaten in Jollibee (100%), 96.2% in Chow King and 88.6% in Greenwich. In Indonesia 62.7% of the respondents have eaten at Texas Chicken Outlets. Jollibee, Greenwich and Chow King are local fast food outlets and not available in Indonesia and Thailand, the same is true with Texas Chicken; it is a local Indonesian outlet. Table 20 also listed other fast food outlet that have been frequented by the respondents which include Burger King (29.9%), Wendy’s (20.5%), Dunkin Donuts (45.4%), and Mr. Donut (32.1%).

Most respondents said that the price of fast food is either expensive (51.3%) or very expensive (17.4%) (Table 21). When a question was being asked as to what eating in a fast food restaurant reflects, respondents’s responses were that they reflected prestige (30.4%), delicious and quality food (20.9%), clean and safe food (20.3%), and western culture (14.2%) (Table 22).
Table 10: Self Report on Health (N=364).

<table>
<thead>
<tr>
<th></th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Healthy and very healthy</td>
<td>64.0</td>
</tr>
<tr>
<td>Moderate and weight well</td>
<td>36.0</td>
</tr>
<tr>
<td>Plan to lose weight</td>
<td>89.3</td>
</tr>
<tr>
<td>Satisfied</td>
<td>10.7</td>
</tr>
</tbody>
</table>

Table 11: Physical activities.

<table>
<thead>
<tr>
<th>Frequency</th>
<th>Percent</th>
<th>Cumulative Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>regular</td>
<td>78</td>
<td>21.5</td>
</tr>
<tr>
<td>occasionally</td>
<td>103</td>
<td>28.5</td>
</tr>
<tr>
<td>rare</td>
<td>100</td>
<td>27.6</td>
</tr>
<tr>
<td>never</td>
<td>81</td>
<td>22.4</td>
</tr>
<tr>
<td>Total</td>
<td>362</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 12: Current Spouse and Preferred Sexual Partners.

<table>
<thead>
<tr>
<th></th>
<th>Ob/Ow</th>
<th>Normal</th>
<th>Thin</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current spouse</td>
<td>24 %</td>
<td>60.4 %</td>
<td>15.5 %</td>
</tr>
<tr>
<td>Sexual partners preferred</td>
<td>6.3 %</td>
<td>92.2 %</td>
<td>1.4 %</td>
</tr>
</tbody>
</table>

Table 13: What Obesity and Thinness Symbolizes.

<table>
<thead>
<tr>
<th>Obese (%)</th>
<th>Thin (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Happy</td>
<td>29.5</td>
</tr>
<tr>
<td>Lack of control</td>
<td>16.2</td>
</tr>
<tr>
<td>Sick</td>
<td>15.9</td>
</tr>
<tr>
<td>Lazy</td>
<td>13.1</td>
</tr>
<tr>
<td>Not happy</td>
<td>15.1</td>
</tr>
<tr>
<td>Fear of eating</td>
<td>25.4</td>
</tr>
<tr>
<td>Weak</td>
<td>25.1</td>
</tr>
<tr>
<td>Poor</td>
<td>5.9</td>
</tr>
<tr>
<td>Strong</td>
<td>7.2</td>
</tr>
</tbody>
</table>

Table 14: Priority in Life.

<table>
<thead>
<tr>
<th>Rank</th>
<th>Priority in Life</th>
<th>Frequency</th>
<th>Percent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Physically healthy</td>
<td>104</td>
<td>30.2</td>
</tr>
<tr>
<td>2</td>
<td>Happiness</td>
<td>76</td>
<td>22.1</td>
</tr>
<tr>
<td>3</td>
<td>Happy family</td>
<td>69</td>
<td>20.0</td>
</tr>
<tr>
<td>4</td>
<td>Rich</td>
<td>44</td>
<td>12.8</td>
</tr>
<tr>
<td>5</td>
<td>Emotionally healthy</td>
<td>18</td>
<td>5.2</td>
</tr>
<tr>
<td>6</td>
<td>Higher education</td>
<td>16</td>
<td>4.7</td>
</tr>
<tr>
<td>7</td>
<td>Modest living</td>
<td>15</td>
<td>4.4</td>
</tr>
<tr>
<td>8</td>
<td>Others</td>
<td>2</td>
<td>.6</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td>344</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Table 15: Defining Female Being Beautiful and Male Being Handsome.

<table>
<thead>
<tr>
<th></th>
<th>Female (%)</th>
<th>Male (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facial</td>
<td>27.7</td>
<td>26.5</td>
</tr>
<tr>
<td>Body</td>
<td>23.8</td>
<td>30.7</td>
</tr>
<tr>
<td>Hair style</td>
<td>1.1</td>
<td>0.6</td>
</tr>
<tr>
<td>Voice</td>
<td>0.8</td>
<td>0.6</td>
</tr>
<tr>
<td>Behavior</td>
<td>46.6</td>
<td>41.7</td>
</tr>
</tbody>
</table>

Table 16: What is a Beautiful Body?

<table>
<thead>
<tr>
<th></th>
<th>For Female (%)</th>
<th>For Male (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fat</td>
<td>1.7</td>
<td>2.2</td>
</tr>
<tr>
<td>Muscular</td>
<td>29.2</td>
<td>49.4</td>
</tr>
<tr>
<td>Tall</td>
<td>51.5</td>
<td>43.9</td>
</tr>
<tr>
<td>Short</td>
<td>0.8</td>
<td>0.3</td>
</tr>
<tr>
<td>Thin</td>
<td>16.7</td>
<td>4.2</td>
</tr>
</tbody>
</table>

Table 17: Body Self Perception.

<table>
<thead>
<tr>
<th></th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I am satisfied with my current shape</td>
<td>44.0</td>
</tr>
<tr>
<td>I am not satisfied with my current shape</td>
<td>56.0</td>
</tr>
<tr>
<td>I plan to lose weight</td>
<td>91.5</td>
</tr>
<tr>
<td>I plan to gain weight</td>
<td>7.0</td>
</tr>
<tr>
<td>I am obese/overweight</td>
<td>84.6</td>
</tr>
<tr>
<td>I am thin</td>
<td>13.5</td>
</tr>
<tr>
<td>I feel tired</td>
<td>1.9</td>
</tr>
</tbody>
</table>

Table 18: Daily Meals.

<table>
<thead>
<tr>
<th></th>
<th>Home (%)</th>
<th>Eating Out (%)</th>
<th>No Meal (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Breakfast</td>
<td>71.3</td>
<td>18.2</td>
<td>10.5</td>
</tr>
<tr>
<td>Lunch</td>
<td>58.5</td>
<td>38.4</td>
<td>3.2</td>
</tr>
<tr>
<td>Dinner</td>
<td>84.6</td>
<td>13.1</td>
<td>2.2</td>
</tr>
</tbody>
</table>

Table 19: Fast Food Preference.

<table>
<thead>
<tr>
<th></th>
<th>Percent (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>I like</td>
<td>51.7%</td>
</tr>
<tr>
<td>Do not like</td>
<td>48.3%</td>
</tr>
</tbody>
</table>

Table 20: Have Eaten in Fast Food Outlets.

<table>
<thead>
<tr>
<th></th>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>KFC</td>
<td>67.2</td>
</tr>
<tr>
<td>McDonald</td>
<td>43.7</td>
</tr>
<tr>
<td>Pizza Hut</td>
<td>41.5</td>
</tr>
<tr>
<td>Jollibee (Philippines only)</td>
<td>100</td>
</tr>
<tr>
<td>Greenwich (Philippines only)</td>
<td>88.6</td>
</tr>
<tr>
<td>Wendy’s</td>
<td>20.5</td>
</tr>
<tr>
<td>Texas Chicken (Indonesia only)</td>
<td>62.7</td>
</tr>
<tr>
<td>Chow King (Philippines only)</td>
<td>96.2</td>
</tr>
<tr>
<td>Dunkin Donut</td>
<td>45.4</td>
</tr>
<tr>
<td>Mister Donut</td>
<td>32.1</td>
</tr>
<tr>
<td>Burger King</td>
<td>29.9</td>
</tr>
</tbody>
</table>
Table 21: Price of Fast Foods.

<table>
<thead>
<tr>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very expensive</td>
</tr>
<tr>
<td>Expensive</td>
</tr>
<tr>
<td>Moderate</td>
</tr>
<tr>
<td>Cheap</td>
</tr>
</tbody>
</table>

Table 22: Eating in Fast Food Reflects.

<table>
<thead>
<tr>
<th>Percentage (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prestige</td>
</tr>
<tr>
<td>Clean and safe</td>
</tr>
<tr>
<td>Delicious and quality</td>
</tr>
<tr>
<td>Western culture</td>
</tr>
</tbody>
</table>

Anthropometry

Several anthropometric measurements such as weight, height, waist circumference and hip circumference were performed on the respondents. The results are shown in Table 23, where the mean body weight of respondents is 80.0 kilograms (SD ± 15.8), and a median weight of 75.5 kilograms. The mean body mass index (BMI) is 31.0 ± 5.5, which according to the World Health Organization (WHO) classification falls under the Grade 1 obesity. The mean waist circumference recorded is 92.4 cm and the mean waist-hip ratio is .88. However, when the results are analyzed based on sex on the respondents, the mean weight for males (Table 24) is 84.3 ± 17.3 kg and the median weight is 80.0 kg. Mean waist circumference for males is 96.95 ± 15.7 cm and the mean waist-hip ratio is .94. In Table 25 it shows that the mean weight for females is 74.5 ± 13.8 kg and the median weight is 72.0 kg. The mean waist circumference for females is 91.2 ± 14.0 cm and a mean waist-hip ratio of .85, which is on the borderline of the cut-off point for increase risk of cardiovascular problem.

Detailed anthropometric results for each country are presented in Tables 26-31. The mean body weight for Indonesian respondents is 78.0 kg (SD ± 14.9) and the mean BMI is 32.5 ± 5.7 (Table 26). The proportion of respondents who are in the category of Grade 1 obesity and above is 61.7%, while those who are categorized as overweight is 36.7% (Table 27). In the Philippines the mean body weight of respondents is 86.3 kg (SD ± 22.3) and the mean BMI is 32.6 ± 6.9 (Table 28). The proportion of those who are obese (BMI > 30.0) is 54.7% and those who are overweight are 43.4% (Table 29). In Thailand the mean body weight of respondents is 75.6 kg (SD ± 13.4), while their mean BMI is 29.7 ± 4.5 (Table 30). The proportion of Thai respondents who are obese is 40.2 %, and the proportion who is overweight is 47.9% (Table 31).
Table 29: Body mass index (BMI) of Filipino respondents.

<table>
<thead>
<tr>
<th>BMI (kg/m²)</th>
<th>Frequency</th>
<th>Percentage</th>
<th>Cumulative %</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;25</td>
<td>1</td>
<td>1.9</td>
<td>1.9</td>
</tr>
<tr>
<td>25.0-29.9</td>
<td>23</td>
<td>43.4</td>
<td>45.3</td>
</tr>
<tr>
<td>30.0-34.9</td>
<td>14</td>
<td>26.4</td>
<td>71.7</td>
</tr>
<tr>
<td>35.0-39.9</td>
<td>7</td>
<td>13.2</td>
<td>84.9</td>
</tr>
<tr>
<td>&gt;40</td>
<td>8</td>
<td>15.1</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>53</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

CHANGING LIFESTYLES AND HEALTH

Table 30: Anthropometric indicators for Thai respondents.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>N</th>
<th>Mean ± S.D.</th>
<th>Median</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Weight (kg)</td>
<td>196</td>
<td>75.63 ± 13.48</td>
<td>75.0</td>
<td>125.0</td>
</tr>
<tr>
<td>BMI (kg/m²)</td>
<td>194</td>
<td>29.68 ± 4.54</td>
<td>29.0</td>
<td>49.1</td>
</tr>
<tr>
<td>Waist Circumference (cm)</td>
<td>195</td>
<td>91.45 ± 14.19</td>
<td>92.40</td>
<td>133.0</td>
</tr>
<tr>
<td>Waist-to-hip Ratio, WHR</td>
<td>192</td>
<td>0.89 ± 0.09</td>
<td>0.90</td>
<td>1.10</td>
</tr>
</tbody>
</table>

Table 31: Body mass index (BMI) of Thai respondents.

<table>
<thead>
<tr>
<th>BMI (kg/m²)</th>
<th>Frequency</th>
<th>Percentage</th>
<th>Cumulative %</th>
</tr>
</thead>
<tbody>
<tr>
<td>&lt;25</td>
<td>23</td>
<td>11.9</td>
<td>11.9</td>
</tr>
<tr>
<td>25.0-29.9</td>
<td>93</td>
<td>47.9</td>
<td>59.8</td>
</tr>
<tr>
<td>30.0-34.9</td>
<td>53</td>
<td>27.3</td>
<td>87.1</td>
</tr>
<tr>
<td>35.0-39.9</td>
<td>20</td>
<td>10.3</td>
<td>97.4</td>
</tr>
<tr>
<td>&gt;40</td>
<td>5</td>
<td>2.6</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>194</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

ORWELL 97 Results

A self-reported measure of obesity–related quality of life questionnaire (ORWELL 97) was administered to the respondents to assess whether their weight affect their quality of life. (Manucci et al., 1999) ORWELL 97 consisted of an 18 item questions and for each item the respondent scored on a 4-point Likert scale the occurrence and severity of the symptom (occurrence) and the subjective relevance of the symptom-related impairment in the respondent’s own life (relevance). The score of the item is calculated as the product of occurrence and relevance. The total ORWELL 97 score is obtained as the sum of the scores of individual items. Higher ORWELL 97 scores mean a lower quality of life.

The results of ORWELL 97 scores for the entire data are shown in Table 32, with the mean total score of 53.3 ± 34.7. The mean ORWELL 97-O (occurrence) is 27.9 ± 17.1, and the mean ORWELL 97-R (relevance) is 25.4 ± 17.6. ORWELL 97 scores for Indonesia, Philippines, and Thailand are 57.7 ± 37.6 (Table 33), 52.6 ± 33.0 (Table 33), and 51.0 ± 32.1 (Table 33), respectively. In terms of quality of life among respondents, respondents in Thailand have a better quality of life than in the Philippines and Indonesia.

Analysis of total ORWELL 97 scores based on sex, show that the total scores for males is 51.7 ± 32.6 (Table 34) and for females is 54.3 ± 35.5 (Table 34). These results indicated that the impact of obesity on quality of life is worse in females than in males.

Table 32: ORWELL 97 total score for all respondents.

<table>
<thead>
<tr>
<th>Questionnaires</th>
<th>R+O</th>
<th>R</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>3.38 ± 2.06</td>
<td>1.98 ± 1.03</td>
<td>1.40 ± 1.03</td>
</tr>
<tr>
<td>2.</td>
<td>2.53 ± 1.99</td>
<td>1.63 ± 1.07</td>
<td>0.90 ± 0.92</td>
</tr>
<tr>
<td>3.</td>
<td>2.22 ± 1.95</td>
<td>1.13 ± 1.02</td>
<td>1.09 ± 0.93</td>
</tr>
<tr>
<td>4.</td>
<td>3.32 ± 1.83</td>
<td>1.49 ± 0.94</td>
<td>1.83 ± 0.89</td>
</tr>
<tr>
<td>5.</td>
<td>3.11 ± 2.05</td>
<td>1.42 ± 1.01</td>
<td>1.69 ± 1.04</td>
</tr>
<tr>
<td>6.</td>
<td>3.89 ± 1.90</td>
<td>1.82 ± 0.97</td>
<td>2.07 ± 0.93</td>
</tr>
<tr>
<td>7.</td>
<td>4.11 ± 1.71</td>
<td>2.60 ± 0.74</td>
<td>1.51 ± 0.97</td>
</tr>
<tr>
<td>8.</td>
<td>3.82 ± 1.78</td>
<td>2.55 ± 0.76</td>
<td>1.27 ± 1.02</td>
</tr>
<tr>
<td>9.</td>
<td>2.94 ± 1.87</td>
<td>1.99 ± 0.93</td>
<td>0.95 ± 0.94</td>
</tr>
<tr>
<td>10.</td>
<td>2.45 ± 1.98</td>
<td>1.10 ± 0.95</td>
<td>1.35 ± 1.03</td>
</tr>
<tr>
<td>11.</td>
<td>2.80 ± 2.15</td>
<td>1.27 ± 1.04</td>
<td>1.53 ± 1.11</td>
</tr>
<tr>
<td>12.</td>
<td>2.44 ± 1.95</td>
<td>1.14 ± 1.00</td>
<td>1.30 ± 0.94</td>
</tr>
<tr>
<td>13.</td>
<td>2.72 ± 1.90</td>
<td>1.29 ± 0.92</td>
<td>1.43 ± 0.98</td>
</tr>
<tr>
<td>14.</td>
<td>2.79 ± 1.89</td>
<td>1.51 ± 0.93</td>
<td>1.28 ± 0.97</td>
</tr>
<tr>
<td>15.</td>
<td>2.41 ± 1.81</td>
<td>1.29 ± 0.91</td>
<td>1.12 ± 0.91</td>
</tr>
<tr>
<td>16.</td>
<td>2.30 ± 1.86</td>
<td>1.10 ± 0.93</td>
<td>1.20 ± 0.94</td>
</tr>
<tr>
<td>17.</td>
<td>2.86 ± 1.96</td>
<td>1.13 ± 0.92</td>
<td>1.73 ± 1.04</td>
</tr>
<tr>
<td>18.</td>
<td>3.25 ± 2.08</td>
<td>1.51 ± 1.05</td>
<td>1.74 ± 1.03</td>
</tr>
<tr>
<td>Total</td>
<td>53.34 ± 34.70</td>
<td>27.95 ± 17.11</td>
<td>25.39 ± 17.59</td>
</tr>
</tbody>
</table>

Table 33: ORWELL 97 total scores among different nationality.

<table>
<thead>
<tr>
<th>Nationality</th>
<th>R+O</th>
<th>R</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indonesian</td>
<td>57.71 ± 37.60</td>
<td>30.31 ± 18.07</td>
<td>27.4 ± 19.53</td>
</tr>
<tr>
<td>Filipino</td>
<td>52.61 ± 32.99</td>
<td>28.35 ± 16.13</td>
<td>24.26 ± 16.85</td>
</tr>
<tr>
<td>Thai</td>
<td>50.98 ± 32.14</td>
<td>26.45 ± 16.06</td>
<td>24.53 ± 10.08</td>
</tr>
</tbody>
</table>

Table 34: ORWELL 97 total scores by sex.

<table>
<thead>
<tr>
<th>Sex</th>
<th>R+O</th>
<th>R</th>
<th>O</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>51.72 ± 32.58</td>
<td>27.61 ± 15.98</td>
<td>24.11 ± 16.62</td>
</tr>
<tr>
<td>Female</td>
<td>54.27 ± 35.54</td>
<td>28.11 ± 17.62</td>
<td>26.16 ± 17.92</td>
</tr>
</tbody>
</table>

Focus Group Discussion (FGD)

Focus group discussions were conducted to solicit more
information using a qualitative approach in listening to perception of people in the study areas regarding obesity and health. The number of FGD conducted is as follows:

1. Indonesia—4 FGDs
   a) Professional and administrative group (Jogjakarta)
   b) Participants of Kartika Dewi Fitness Center (Jogjakarta)
   c) Junior High School students (Jogjakarta)
   d) Housewives (Manado)

2. Philippines—1 FGD
   a) Office workers (Manila)

3. Thailand—3 FGDs
   a) Academics and postgraduate students (Bangkok)
   b) Fishermen and village workers (Satun)
   c) Unemployed graduates (Pattani)

FGD stem questions touched on issues of happiness, peace, health, illness, obesity, fast food, and globalization. The responses that we got varied from groups, however the perception differed more between rural and urban groups than between countries. Urban participants of FGDs tend to be more familiar with fast food and globalization than rural participants. The main responses to the FGD questions are summed up in Table 35.

DISCUSSION

Currently obesity is increasing at rates of epidemic proportion across the world. Previously obesity was a public health issue of primarily the modern, industrialized world; however, overweight now affects children and adults of Southeast Asian countries with increase prevalence year by year. Despite the presence of undernutrition which in some countries still remained a serious threat to child health, the emergence of overweight in children left a double burden in terms of health consequences.

Globalization of fast food has been one of the important factors that lead to consumption of foods which are calorie-dense; these include carbonated drinks that provide high calories. The role of globalization in this case is not just about movement of goods and people, but it’s also about movement of lifestyles and ideas. (Navarro, 2005) What the world is witnessing today are changes in lifestyles, in nutritional and dietary patterns. Thus, the rise of obesity and overweight is not an isolated or medically-based phenomenon, but in itself the means and ends of the globalizing processes. Dietary changes are part of the globalization and culture equation, where cross cultural borrowing and mimicry is for example manifested as activities in the fast food restaurant. Cultural hegemony of fast food is what Benjamin Barber called McWorld. (Barber, 1995) Globalization, which is at the same time Westernization and Americanization spread to other cultures as through trade and entertainment in the guise of spreading and providing diversity. But to some culture McWorld appeared as an aggressive, secularist, materialist attack on authentic values and what they care most for their family and children.

The results of the survey in that were carried out in Indonesia, Philippines and Thailand show a common trend regarding the perception of people in relation to health, dietary practices and obesity. Even though more than 60 percent of the respondents perceived themselves as healthy or very healthy, however, 90% said they plan to lose weight, which means that although they are overweight still some of them considered themselves as healthy (Table 10). A quarter of the respondents had spouses who were overweight or obese. Thus considering the respondent’s population are already a group of overweight people, about two third of them have spouses who have normal weight.

It is interesting to note also that a high percentage (29.5%) of respondents perceived that obesity symbolizes as being happy, which also reflect that it’s alright to be obese, only happy people have good appetite. While a substantial proportion perceived obese people as those who lack self-control (16.2%), lack of control here can mean inability to resist food and eating temptation or people who lack overall self-discipline. Another group of respondents perceived obese people as being ill or sick (15.9%). This can be the result of imbalances in body metabolism or an indulgence in consumption of food. Thin people symbolized they are those who feared or resisted eating (25.4%) and those who are weak (25.1%). They are also perceived as people who are not happy (15.1%), thus refused to eat or lacking in appetite.

In terms of placing their priority in life, the greatest proportion chose physical health as the number (30.2%) one priority, being happy or self-contented is the second priority (22.1%), and the third priority is having a happy family (20.0%), and the fourth placing is being rich (12.8%). This results show the close relationship between being healthy and being happy, including having a happy family.

What is the perception of beauty? A beautiful woman is judged on her behavior or character (46.6%) as the
### Table 35: Major theme and perceptions from FGDs.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Perceived ideas and responses</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Happy &amp; Peaceful Life</strong></td>
<td>Live in peace</td>
</tr>
<tr>
<td></td>
<td>Plan executed</td>
</tr>
<tr>
<td></td>
<td>Security, freedom from fear</td>
</tr>
<tr>
<td></td>
<td>Self actualization</td>
</tr>
<tr>
<td></td>
<td>Good health</td>
</tr>
<tr>
<td></td>
<td>Love for positive thinking</td>
</tr>
<tr>
<td></td>
<td>Free life</td>
</tr>
<tr>
<td></td>
<td>Awareness; self-consciousness; self-control</td>
</tr>
<tr>
<td></td>
<td>Able to do anything without feeling guilty or worried</td>
</tr>
<tr>
<td><strong>What is Health?</strong></td>
<td>Feeling strong</td>
</tr>
<tr>
<td></td>
<td>Fresh and cheerful</td>
</tr>
<tr>
<td></td>
<td>A measure of human’s life—healthy or going to die</td>
</tr>
<tr>
<td></td>
<td>There are various levels of health</td>
</tr>
<tr>
<td></td>
<td>Cleanliness</td>
</tr>
<tr>
<td></td>
<td>Physical health (e.g. no physical limitation); mental health (calm; think before you act)</td>
</tr>
<tr>
<td><strong>What is Illness?</strong></td>
<td>Weakness</td>
</tr>
<tr>
<td></td>
<td>Interruption in melody of life</td>
</tr>
<tr>
<td></td>
<td>Body or mental trauma</td>
</tr>
<tr>
<td></td>
<td>Unable to do what normal human being can do</td>
</tr>
<tr>
<td></td>
<td>Lack of something</td>
</tr>
<tr>
<td></td>
<td>Harmful or dangerous environment</td>
</tr>
<tr>
<td></td>
<td>Hospitalized</td>
</tr>
<tr>
<td></td>
<td>Financial burden</td>
</tr>
<tr>
<td></td>
<td>Everyone will face it</td>
</tr>
<tr>
<td><strong>What is Obesity?</strong></td>
<td>Fat guy</td>
</tr>
<tr>
<td></td>
<td>Cholesterol</td>
</tr>
<tr>
<td></td>
<td>Bad body shape</td>
</tr>
<tr>
<td></td>
<td>Run slowly</td>
</tr>
<tr>
<td></td>
<td>Always eating</td>
</tr>
<tr>
<td></td>
<td>Can cause illness</td>
</tr>
<tr>
<td></td>
<td>Bad health</td>
</tr>
<tr>
<td></td>
<td>Big belly</td>
</tr>
<tr>
<td></td>
<td>Double the normal size</td>
</tr>
<tr>
<td></td>
<td>Overeating</td>
</tr>
<tr>
<td><strong>Obesity reflects or symbolizes what type of personality</strong></td>
<td>Lazy, Sumo wrestler, Clumsy</td>
</tr>
<tr>
<td></td>
<td>Sleepy and drowsy</td>
</tr>
<tr>
<td></td>
<td>Big and slow, Pig</td>
</tr>
<tr>
<td></td>
<td>Mental problem (lack of control)</td>
</tr>
<tr>
<td></td>
<td>Sweating a lot</td>
</tr>
<tr>
<td></td>
<td>Comparable to elephant</td>
</tr>
<tr>
<td></td>
<td>Rich people</td>
</tr>
<tr>
<td><strong>Number of obese people increased in the last few years?</strong></td>
<td>More obese children now</td>
</tr>
<tr>
<td></td>
<td>Less obese people now—slim consciousness</td>
</tr>
<tr>
<td></td>
<td>More fat people, but at the same time more thin people (see diagram)</td>
</tr>
<tr>
<td></td>
<td>More over-consumption now</td>
</tr>
</tbody>
</table>

**What is Fast Food?**
- McDonald’s
- Order and get it quickly
- Ready to serve; precooked
- Spaghetti
- Fat and oily
- Fashionable in Thailand
- Attractive to teenagers
- Not a meal, but more as a snack
- Different definition from Western and Thai
- Poor nutrition food; high in cholesterol and fat

**Do you like Fast Food? Why and Why Not?**
- Yes; easy, quick and tasty
- Occasionally for a change of taste
- Expensive
- 2x per month
- Localization of fast food
- Don’t know what to eat? Go for fast food
- 2x weekly
- They are not Thai food; tired of Thai food

**How to solve obesity problem?**
- Reduce consumption
- Exercise
- Reduce weight
- Change of attitude
- Change routine or old habits
- Eat suitably
- Public policy, initiative to promote healthy lifestyle

**What is globalization?**
- **Advantages**
  - People can imitate from other society
  - No boundary
  - Prosperity
  - Improve means of communication, transportation
  - Nearer, easier, faster
  - One community; reduce space and distance
  - Cross-cultural interaction
  - New channel to express yourself and reach out
- **Disadvantages**
  - Pollution
  - No identity/loss of identity
  - Lose uniqueness
  - Less peace
  - GMO/cloning
  - Reduce human-to-human interaction
  - Less patience due to faster communication
  - Will exhaust national/natural resources
  - Localization
  - Slave of capitalist made of (production?)
  - Dominated by big power
  - Loss of local idea/ knowledge
number one criteria, next only come the face (27.7%), and followed by body shape (23.8%). This is also true for a handsome male, where behavior or character (41.7%) is being perceived as the most important criteria, followed by the body shape (30.7%) and facial look (26.5%). This results show how important is the character or behavior of a person in society, and it has a very powerful influence in determining the acceptability by the society at large. This may be unique to Southeast Asia where a person’s worth is in his/her behavior, you are evaluated on how you conduct yourself within a certain norms that is expected in your society.

Regarding body self-perception, 56% are not satisfied with their current body shape, and out of this group 84.6% perceived themselves as obese or overweight. This results is expected, because the respondents that we selected were mostly overweight or obese (Mean BMI=31.0).

More than half (52.7%) of the respondents said they like fast food. In terms of whether they have eaten in any of the fast food restaurant, the responses differed from country to country. This will also depend on whether there is abundance of fast food outlets in that particular city or country. Overall, the frequented fast food outlet is KFC (62.2%), the next favorite fast food outlet is McDonald’s (43.7%), followed by Pizza Hut (41.5%) and Wendy’s (20.5%). Why KFC is more popular is because it is the largest and has the higher number of outlets in countries under study (see Table 5). KFC is also one of the earliest fast food outlets that were established in Southeast Asian countries.

Local fast food outlets are also competing fiercely with the international franchises, particularly in the Philippines, and they are winning. Jollibee a Filipino owned fast food, recorded that all respondents that were interviewed have eaten at Jollibee (100%), Greenwich an outlet which offered similar menu to Pizza Hut have been visited by 86.6% of the Filipino respondents. Another Philippine owned fast food outlet is Chow King, where 96.2% of the Filipino respondents have eaten there. Indonesia has local version of KFC under the name of Texas Chicken, where 62.7% of the Indonesian respondents have eaten at the outlet. The results here strongly indicated that Filipino respondent frequented fast food outlets more than other respondents. This can be explained base on several facts and assumption; first our respondents are from Metro Manila, a very large urban center of about 15 million inhabitants. In Manila there are more fast food outlets than any other cities in Southeast Asia. Furthermore, fast foods in Manila are cheaper and affordable as compared to prices of the same menu in Bangkok or Jogjakarta.

Anthropometric results in general depicted a picture that the respondents in general are either obese or overweight. This is not by chance, but those who were judged by the naked eye as overweight or obese were purposely chosen to participate in the study. The mean BMI of 31.0 indicated that they fall under the grade 1 obesity. Analysis of results between countries show that the mean BMI of Filipinos is higher (BMI=32.6) than its counterparts in Indonesia and Thailand. If we were to link between the number of fast food outlets in Manila and the reasonable price of fast foods to the higher mean BMI of Filipino, it will not be a surprise to see the positive correlation between the two variables.

CONCLUSION

The impact of globalization on trade and the economy has been studied in detailed and many books have been published on the topic that advances the advantages and disadvantages of globalization. Secondary data have shown that globalization is not only about movement of goods and people, but also movement of lifestyles. Thus the coming of fast food chains to Southeast Asia can be considered as part of the wave of globalization that is enveloping the world. Fast food is part of the lifestyles and eating habits that have been borrowed from the west to Southeast Asia, it is a new culture of eating and consumption. The increase in number of major fast food outlets such as KFC and McDonald’s is a testimony that globalization of new dietary habits is making an impact in the countries under study.

This study also surveyed the perception of Southeast Asian population regarding health, obesity, fast food and impact of weight on quality of life. The results indicated that perception on obesity did not differed very much between the countries under study, in fact there existed a lot of similarities in their perception about health, quality of life, personal health, fast food and self-satisfaction with own body.

This study is a preliminary study, and the results of the study is very encouraging, it challenged the researcher to go into more in depth to untangle the link between globalization and health consequences, particularly obesity. It is hoped that further research can be carried out to provide a more comprehensive findings regarding the factors and variables that are at play in accelerating or slowing down globalization food trade and consumption.
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TEAM BUILDING AND SIMULATION OF HIV OUTBREAK AT A SENTINEL SITE IN THE PHILIPPINES

Seiji Kageyama

INTRODUCTION

Emerging Infections: Influence of Globalization on Infectious Diseases

Compared with earlier generations, we possess an enormous scientific base at present. New information about infectious diseases as “Emerging and re-emerging infections” has been acquired and the knowledge level is highest in the human history. However, new infectious diseases are still being identified often with unknown long-term public health impact, and even classical infections are still broadly endemic and maintain a large reservoir of agents. (Satcher, 1995)

A careful review of infectious disease trends shows a fragile equilibrium between humans and infectious microorganisms. A number of infections and etiologic agents were identified just within the last 30 years (Table 1). Most of those occurred as zoonoses and the human invasion into an animal world such as forests may have been enabled humans to encounter new pathogens. Those pathogens transmit to others internationally through the rapid transportation measures, such as by using airplanes within a couple of days. Infectious disease expansion in the world has become easier along with the global industrialization. Once the pathogens enter into human world (from the forest, for instance), those can easily transmit from a human to another human and become common in human world. Usually new infection causes severe disease for human and in some cases it is fatal. In Table 1, the representative new infections emerged in human world are shown since 1973. Some are severe and others are fatal. Among these infections, some may have been existed since ancient times but the recognition of the relationships between the etiologies and the pathogens were revealed very recently. This was enabled by the development of diagnosis technology. These infections are now common in the world. This implies that we are living in the world very close to other species harboring pathogens that normally infect only limited animals. These pathogens spontaneously come to the human world and cause disease and sometimes do fatal ones.

Table 1: Emerging Infections Since 1973.

<table>
<thead>
<tr>
<th>Year</th>
<th>Agent</th>
<th>Disease</th>
</tr>
</thead>
<tbody>
<tr>
<td>1973</td>
<td>Rotavirus</td>
<td>Major cause of infantile diarrhea world wide</td>
</tr>
<tr>
<td>1975</td>
<td>Parvovirus B19</td>
<td>Aplastic crisis in chronic hemolytic anemia</td>
</tr>
<tr>
<td>1976</td>
<td>Cryptosporidium parvum</td>
<td>Acute enterocolitis</td>
</tr>
<tr>
<td>1977</td>
<td>Ebola virus</td>
<td>Ebola hemorrhagic fever</td>
</tr>
<tr>
<td>1977</td>
<td>Legionella pneumophila</td>
<td>Legionnaires’ disease</td>
</tr>
<tr>
<td>1977</td>
<td>Hantaan virus</td>
<td>Hemorrhagic fever with renal syndrome (HFRS)</td>
</tr>
<tr>
<td>1977</td>
<td>Campylobacter sp.</td>
<td>Enteric pathogens distributed globally</td>
</tr>
<tr>
<td>1980</td>
<td>HTLV-1</td>
<td>T cell lymphoma leukemia</td>
</tr>
<tr>
<td>1981</td>
<td>Staphylococcus toxin</td>
<td>Toxic shock syndrome associated with tampon use</td>
</tr>
<tr>
<td>1982</td>
<td>Escherichia coli O157:H7</td>
<td>Hemorrhagic colitis; hemolytic uremic syndrome</td>
</tr>
<tr>
<td>1982</td>
<td>HTLV II</td>
<td>Hairy cell leukemia</td>
</tr>
<tr>
<td>1983</td>
<td>Borrelia burgdorferi</td>
<td>Lyme disease</td>
</tr>
<tr>
<td>1983</td>
<td>HIV</td>
<td>AIDS</td>
</tr>
<tr>
<td>1988</td>
<td>Helicobacter pylori</td>
<td>Gastric ulcers</td>
</tr>
<tr>
<td>1988</td>
<td>Human herpes virus-6</td>
<td>Rossella subrumb</td>
</tr>
<tr>
<td>1989</td>
<td>Ehrlichia chaffeensis</td>
<td>Human ehrlichiosis</td>
</tr>
<tr>
<td>1989</td>
<td>Hepatitis C virus</td>
<td>Hepatitis and related disorders</td>
</tr>
<tr>
<td>1991</td>
<td>Guaranito virus</td>
<td>Venezuelan hemorrhagic fever</td>
</tr>
<tr>
<td>1992</td>
<td>Vibrio cholerae O139</td>
<td>New strain associated with epidemic cholera</td>
</tr>
<tr>
<td>1992</td>
<td>Bartonella henselae</td>
<td>Cat-scratch disease; bacillary anitomatositis</td>
</tr>
<tr>
<td>1993</td>
<td>Sin Nombre</td>
<td>Hantavirus pulmonary syndrome</td>
</tr>
<tr>
<td>1994</td>
<td>Sabá virus</td>
<td>Brazilian hemorrhagic fever</td>
</tr>
<tr>
<td>1997</td>
<td>Avian influenza virus</td>
<td>Influenza</td>
</tr>
<tr>
<td>1999</td>
<td>Nipah virus</td>
<td>Encephalitis</td>
</tr>
<tr>
<td>2003</td>
<td>SARS-Corona virus</td>
<td>Severe acute respiratory syndrome (SARS)</td>
</tr>
</tbody>
</table>

Strategy to Overcome the Underlying Problems, Prevention and Treatment

Prevention and treatment are the eternal goal for the infectious disease control. Prevention needs for un-infected individuals and treatment does for already infected ones. Global surveillance and the development of vaccination strategy must be the main components to realize the prevention. On the other hand, chemotherapy is currently the major strategy for the treatment of infections. For the disease control composed of prevention and treatment, the scientific approaches in academic institutions trigger the sequential procedures together with field workers living with the infected and un-infected people, and gear toward the realization of global surveillance. If all the epidemic sites and all the epidemic pathogens will be revealed, the fear for the infection must be globally vanished. Such a global surveillance still remains in a dream, but the effort for the dream is worth doing.

During API Fellowship, I initiated the team building and promoted the activity at some fields in the Philippines. However, the global surveillance can be realized only through the effort of the indigenous working groups themselves. Here, the accumulation of the actions based on the evidences might be the key issues. This process itself must strengthen the ability of the team. In my approach, the prevention of human immunodeficiency virus (HIV)/AIDS outbreak was the specific goal of activity in low prevalence countries through such as a capability building. The strategy was to trace the spreading route of the preexisted blood-borne pathogens for the simulation of the initial phase of HIV infection.

Asian AIDS Epidemic Trend for the Low Prevalence Countries

The past trend of HIV/AIDS outbreak in South and Southeast Asia reported by World Health Organization (WHO; HIV/AIDS in Asia and the Pacific Region, 2003) and others (Ruxrungtham, Brown, and Phanuphak, 2004) have implied that the epicenter of Asian AIDS epidemic may be at Thailand and Cambodia and spread to the surrounding area geographically. From this spreading trend, the epidemic area seems to emanate from inland (epicenter) to island (far apart from the epicenter). The spreading pathway starts from injecting drug users to sex workers. This is reasonable when considering the fact that the probability of HIV infection is 10-fold higher for the transmission through contaminated needle sharing than that through sexual contact. (Royce, Sena, Cates, Jr., and Cohen, 1997) Therefore, it could be postulated that an HIV outbreak would start as a blood-borne infection via contaminated needles among injecting drug users in the low HIV-prevalence countries including the Philippines, and that the HIV outbreak could be preceded by other blood-borne infections, such as hepatitis C virus and hepatitis B virus infections.

The surveillance quality is still poor in some Asian countries and difficult to know the real picture of the status of infections. To strengthen the capability of the surveillance of existed and expanding infections, the number of sentinel sites with enough diagnosis and examination capabilities must be increased. Through this effort we can realize the rapid information delivery to the world. It is no wonder that an internet-technology alone cannot realize its delivery and is meaningless without information production. The activity shown in this manuscript is one of the efforts toward the realization of the global surveillance.

Figure 1: HIV/AIDS in Asia (estimated prevalence).

AIDS epidemic update: December 2003, UNAIDS & WHO

Blood-borne Infections in the Philippines

HIV, hepatitis C virus and hepatitis B virus are the major blood-borne pathogens spreading among injecting drug users via shared syringes and other injection devices. (Lauer, and Walker, 2001) Serological prevalence of hepatitis C virus antibody (anti-HCV) has been globally reported to be 65-90% among injecting drug users (3, 6, 11, 21, 23, 25) and 83-100% among HIV-infected injecting drug users. (van Asten, L., I. Verhaest, S. Lamzira, I. Hernandez-Aguado, R. Zangerle, F. Boufassa, G. Rezza, B. Broers, J. R. Robertson, R. P. Brettle, J. McMenamin, M. Prins, A. Cochrane, P. Simmonds, R. A. Coutinho, and S. Bruisten. 2004) However, the number of reports on the prevalence and the characteristics of hepatitis C virus and hepatitis B virus have been limited in the Philippines. According to the available data, the positive rate for anti-HCV was 2.2% (9/392 tested) and the same rate was also
noted for HBs antigen (HBsAg) among blood donors in 1990 (Arguillas, M. O., E. O. Domingo, F. Tsuda, M. Mayumi, and H. Suzuki. 1991), and anti-HCV was reported to be 4.6% (23/502 tested) among inmates. (Katayama, Y., N. G. Barzaga, A. Alipio, Soetjipto, H. Doi, S. Ishido, and H. Hotta. 1996) The data of the prevalence of blood-borne infections among injecting drug users is scarcely recognized to date. The data limitation currently makes it difficult to track the route of blood-borne infections.

Figure 2: Factors contributing to HIV outbreak from Asian past history.

The Philippines as the Model Site for Monitoring the HIV/AIDS Outbreak

The Philippines is one of the low prevalence countries for HIV. Based on the HIV/AIDS registry of the Department of Health in the Philippines, the total number of HIV cases has increased but remained at low level at a cumulative total of 2,333 as of August 2005. Main mode of HIV transmission has been reported to be sexual intercourse (92%, as of August 2005) since 1984. Although HIV-positive cases have appeared sporadically among sexually active populations, no outbreak has occurred yet among them in this country, suggesting that the sexually infected transmission may not trigger the HIV/AIDS epidemic. Statistically overseas workers (especially seafarers) have been the major population among already reported cases in HIV/AIDS registry. Thus, triggering phase has not yet happened at the Philippines and only a few infected cases (via sexual contact) at abroad have entered into this country and secondary (domestic) infection has rarely observed in the Philippines to date.

Regardless of the low prevalence, wide-range HIV strains have already been introduced into the country, i.e.; five HIV-1 sub-types (A, B, C, D, and F), a circulating recombinant form (CRF01_AE) (7, 15, 19), a recombinant strain (gag-A/env-B). (Espantaleon, Kageyama, Bernardo, Nakano, Leano, Alban, Abrenica, Morimatsu, Teraoka, and Agdamag, 2003) Even HIV-2 (Leano, Kageyama, Espantaleon, Maniar, Iwasaki, Saple, Yoshihara, Kurimura, and Agdamag, 2003) have been identified. Among these, HIV-1 subtype B was the most predominant, followed by CRF01_AE. (Espantaleon, Kageyama, Bernardo, Nakano, Leano, Alban, Abrenica, Morimatsu, Teraoka, and Agdamag, 2003; Paladin, Monzon, Tsuchie, Aplasca, Learn, and Kurimura, 998; Santiago, Santiago, Hafalla, Manalo, Orantia, Cajimat, Martin, Cuaresma, Dominguez, Borromeo, De Groot, Flanigan, Carpenter, Mayer, and Ramirez,1998).

The low prevalence and the variety of HIV strains in the Philippines indicate that HIV has mainly been imported from abroad and the gateway of HIV into the Philippines has been quite open. Overseas workers may have brought those wide ranged strains into the county. Therefore, the migration sites, migration population and the subsequent circulation pathways of HIV have become one of the most important concerns for the prevention of an AIDS outbreak in the Philippines.

In this story, Metro Cebu of the Philippines was selected as the study field for the analysis of the blood-borne infections because the working teams here had a long and productive history (experience) with the injecting drug users to attain their harm reduction. The high number of injecting drug users does not always indicate the poor situation. This rather indicates the high activity level of caregivers for the purpose of infection control as well as the health care for the people at a poor setting. It could be mentioned, “No activity, no injecting drug users”.

Specific Goal of this Study and the Hypotheses

I hypothesized here in this study that blood-borne infection might be the triggering pathway and HIV epidemic may be superimposed on other blood-borne pathogens. Therefore, I focused on the infections caused by hepatitis B virus and hepatitis C virus as the representative blood-born infections to monitor the initial phase of HIV outbreak. In this study, a hepatitis C virus-epidemic site was attempted to identify among the injecting drug users in the Philippines and the genetic links of the hepatitis C virus strains circulating among the population was tried to analyze for the determination of their possible migration site, circulation pathways and the spreading speed. Such sequential examinations of the prevalence and characterization of viruses, the entry
sites and the movement of blood-borne pathogens in Metro Cebu, and the risk factors of the transmission of those pathogens, may give an important hint for the simulation of the possible future HIV outbreak.

**Working groups**

To accomplish this activity, a special working group was established and had set the goal. Components of the activities were divided into two, the harm reduction and disease prevention. Teams located in Metro Cebu and the supporters in Metro Manila agreed with the collaborative study on the blood-born infections including HIV/AIDS based on the educational campaign and the blood examination. This is now in stable collaboration stage and the size of group is getting bigger in conjunction with other groups including the community members in the field. The target population has been the injecting drug users and others at Metro Cebu and the main office is located at the Medical Society in Metro Cebu. Collaborators in Metro Manila have supported the activities in Metro Cebu through the technological measures. The detailed roles are in agreement as described in Figure 3.

**Figure 3: Study team and work flow.**

HIV, human immunodeficiency virus; HCV, hepatitis C virus; HBV, hepatitis B virus.

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**Outreach Program**

Simultaneously together with team building, the outreach program was conducted. The main activity of the outreach program was composed of two functions; to give knowledge of blood-bone infections and to examine the clients’ infection status. Through this examination, prevalence and the virus characters have been examined. Tentative goal of this activity has been to speculate the factors contributing to the initial phase of HIV epidemic by the demonstration of the circulation mode of pre-existent blood-borne infections.

**Protection of Human Rights**

This project gave the appropriate knowledge about the infection and the diagnosis results to the clients. Judging from the information given to clients, they decided whether they would be subjected to the diagnosis tests. The informed consent for the management of the personal data was cautiously performed. Results will be
given to the clients confidentially in a sealed envelope without informing to the doctor. The numbers of the cases and the samples were only accessible to the limited persons at the Cebu-project control center. Surveillance data will be summarized in the database with clients’ sample ID. Sample ID will be composed of an anonymous number but it can be linked to the client’s name to return the test results to the clients and also for the further longitudinal examination. All the procedure will follow the reference and guideline of “Policy and communications bulletin by the clinical center of the National Institutes of Health in USA (7 March 2003)” (push.cc.nih.gov/policies/PDF/M77-2.pdf) and other appropriate guidelines. This entire procedure propose was submitted to the ethical committee of Kanazawa University of Japan and was approved. The detailed explanation for the clients is given to the clients written in the local language.

MATERIALS AND Methods

Subjects

From June to August 2002, 560 individuals had been recruited in Metro Cebu of the Philippines. Study population was categorized into five groups; injecting drug users (n=87), inhalation drug users (n=43), sex workers (n=130), antenatal clinic attendees (n=100), and students and health care workers (n=200). Characteristics of the study subjects are shown in Table 2. Injecting drug users were from two areas; an urban area where there was easy access to the prohibited drugs and the drug rehabilitation centers where they were trying to be accustomed to be free from the drugs. Injecting drug users were identified through the pre-tested interview questionnaire conducted by a trained study staff. All of the 560 participants agreed to be part of the study after the researchers explained the objectives and the conduct of the study, and signified their intent to join the study by signing an informed consent form.

<table>
<thead>
<tr>
<th>Population</th>
<th>Tested (Male/Female)</th>
<th>Mean Age (Range)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injecting drug users</td>
<td>87 (80/7)</td>
<td>30 (13-46)</td>
</tr>
<tr>
<td>Inhalation drug users</td>
<td>43 (42/1)</td>
<td>29 (11-53)</td>
</tr>
<tr>
<td>Sex workers</td>
<td>130 (2/128)</td>
<td>25 (18-46)</td>
</tr>
<tr>
<td>Antenatal clinic attendees</td>
<td>100 (0/100)</td>
<td>26 (17-42)</td>
</tr>
<tr>
<td>Students/Health care workers</td>
<td>200 (65/135)</td>
<td>31 (6-61)</td>
</tr>
</tbody>
</table>

Table 2: Characteristics of the Study Subjects.

Abbreviation: HIV, human immunodeficiency virus; HCV, hepatitis C virus; HBV, hepatitis B virus.

Serological Testing

A total of 5 ml whole blood was collected from each participant. Plasma was separated and subjected to each test.

Determine HIV-1/2 (ABBOTT JAPAN, Tokyo, Japan) and Determine HBsAg (ABBOTT JAPAN) were used for the detection of anti-HIV antibody and Hepatitis B surface antigen, respectively. HCV PHA “ABBOTT” (ABBOTT HCV 2nd Generation) was kindly provided by ABBOTT JAPAN for research purpose and was used for the detection of anti-HCV in this study. All the systems were cautiously used according to the manufacturer’s instructions.

RNA Extraction, Reverse Transcription and Polymerase Chain Reaction (PCR)

Hepatitis C virus-RNA was extracted from 100µl of plasma using SMITEST EX-R&D (Genome Science Laboratories, Fukushima, Japan), and reverse-transcribed according to First-Strand cDNA Synthesis protocol (Invitrogen, Carlsbad, CA) with antisense gene-specific primers, hep32 (‘5’-GCDGARTACCTGGTCATAGC-3’) for NS5B regions of hepatitis C virus genome. A part of NS5B region of hepatitis C virus gene was amplified by nested PCR with primers, hep31b (‘5’-TGGGSTTCTCTDATTGAYACC-3’)/hep32 in the first round, and hep33b (‘5’-AYACCGMTGYTTTTGACCTC-3’)/hep34b (‘5’-CCTCCGTGAAKRCTCKCAG-3’) in the second round. Nested PCR was performed with 20µl reaction mixture containing 2.5mM MgCl2, 200µM each dNTP, 0.5µM primers and one unit of AmpliTaq Gold® (Applied Biosystems, Foster City, CA). First-round PCR was done with one cycle of 94ºC for 10 min, and 35 cycles of 94ºC for 30 sec, 55ºC for 30 sec and 72ºC for 30 sec with a final extension of 72ºC for 10 min. Second-round PCR was done in the same condition except for the annealing temperature at 60ºC. PCR amplification was confirmed by visualization with ethidium bromide staining of the gel. (White, Zhai, Carter, Zhao, and Rawlinson, 2000)

Genotyping

PCR product was subjected to nucleotide sequence determination directly with the primers of hep33b and hep34b for NS5B region. Some of the PCR-products were cloned with TOPO TA cloning kit (Invitrogen) and sequenced as previously described. (Thompson, Higgins, and Gibson, 1994) At least 11 clones per sample were analyzed to investigate the possible co-existence of different hepatitis C virus genotypes. The sample sequences were aligned with hepatitis C virus sequences from the database in STD AIDS Cooperative
Central Laboratory (Manila, the Philippines) and hepatitis C virus sequence database (http://gluttony.lanl.gov/content/hcv-db/combined_search/ search) by ClustalW with subsequent inspection and manual modification. (Thompson, Higgins, and Gibson, 1994) The frequency of nucleotide substitution in each base of the sequences was estimated by the Kimura two-parameter method. A phylogenetic tree was constructed by the neighbor-joining method, and its reliability was estimated by 1000 bootstrap replications. The profile of the tree was visualized with the program of Njplot. (Perriere and Gouy, 1996)

### Statistical analysis

Prevalence data of hepatitis C virus and hepatitis B virus infection was analyzed by $\chi^2$ test and p value less than 0.05 was considered to be significant.

### RESULTS

#### Prevalence of Hepatitis C Virus, Hepatitis B Virus and HIV Infections

Of the 87 injecting drug users, 61 (70.1%) were positive for anti-HCV. Twenty-eight of the injecting drug users were recruited from an area at the downtown of Metro Cebu, and all of them (100%, 28/28) had anti-HCV. Of the 43 inhalation drug users, only seven (16.3%) had anti-HCV. No one was positive for anti-HCV in the 130 sex workers and the 100 antenatal clinic attendees. Among the students/health care workers (n=200), only 4 (2.0%) were positive for anti-HCV (Table 3). Thus, the prevalence of anti-HCV was significantly higher among injecting drug users than inhalation drug users (P=0.00; Odds ratio (OR)=12, 95% Confidence interval (CI): 5-31), sex workers (P=0.00; OR=∞), antenatal clinic attendees (P=0.00; OR=∞), and students/health care workers (P=0.00; OR=115, 95% CI: 38-346), indicating that injecting drug use is significantly associated with the hepatitis C virus infection.

Seroprevalence of HBsAg among injecting drug users (10.3%, 9/87) was significantly higher than that among sex workers (2.3%, 3/130; P=0.01; OR=5, 95% CI: 1-19) and antenatal clinic attendees (3.0%, 3/100; P=0.04; OR=4, 95% CI: 1-14), but not than that among inhalation drug users (9.3%, 4/43; P=0.9) and students/health care workers (4.5%, 9/200; P=0.06) (Table 3).

HIV antibody was not detected in any of these groups (Table 3).

Seven (8.0%) of the 87 injecting drug users were dually positive for HBsAg and anti-HCV. Among other population groups, there was no dual positive case.

#### Hepatitis C virus genotypes

Of the 61 injecting drug users positive for anti-HCV (Table 3), 52 samples were available for further analysis and 38 samples were positive for PCR with NS5B primers. Twenty-three of the PCR-positive samples were randomly selected and were subjected to nucleotide sequencing. The PCR products were directly sequenced and analyzed phylogenetically. A phylogenetic tree (Figure 2) based on NS5B sequences (nucleotides, 7975 to 8196 (5)) showed two hepatitis C virus genotypes, 1a and 2b. Of the 23 hepatitis C virus strains analyzed, 15 clustered significantly with genotype 1a reference sequences (with bootstrap value 97%), and most of them sub-clustered together while two strains (02dx98 and 02du49) did not. The remaining 8 clustered significantly with genotype 2b reference sequences and formed a significant sub-cluster (with bootstrap value 96%), suggesting that the source of hepatitis C virus 2b circulation among the injecting drug users in Metro Cebu is limited and 02du49 could be a founder strain.

![Figure (Legend). Hepatitis C virus strains found among the injecting drug users in Metro Cebu and the comparison of those with other strains in the central laboratory (Manila, the Philippines) and the hepatitis C virus sequence database (http://gluttony.lanl.gov/content/hcv-db/combined_search/search) by ClustalW with subsequent inspection and manual modification. (Thompson, Higgins, and Gibson, 1994) The frequency of nucleotide substitution in each base of the sequences was estimated by the Kimura two-parameter method. A phylogenetic tree was constructed by the neighbor-joining method, and its reliability was estimated by 1000 bootstrap replications. The profile of the tree was visualized with the program of Njplot. (Perriere and Gouy, 1996)]

### Table 3: Seroprevalence of Hepatitis B Virus, Hepatitis C Virus and HIV Infections among Selected Population in Metro Cebu.

<table>
<thead>
<tr>
<th>Positive cases (%) for: Population</th>
<th>Tested</th>
<th>HBsAg</th>
<th>Anti-HCV</th>
<th>Anti-HIV</th>
</tr>
</thead>
<tbody>
<tr>
<td>Injecting drug users</td>
<td>87</td>
<td>9 (10%)</td>
<td>61 (70)</td>
<td>0</td>
</tr>
<tr>
<td>Downtown of Metro Cebu*</td>
<td>28</td>
<td>3 (11)</td>
<td>28 (100)</td>
<td>0</td>
</tr>
<tr>
<td>Drug rehabilitation centers</td>
<td>59</td>
<td>6 (10)</td>
<td>33 (56)</td>
<td>0</td>
</tr>
<tr>
<td>Inhalation drug users*</td>
<td>43</td>
<td>4 (9.3)</td>
<td>7 (16)</td>
<td>0</td>
</tr>
<tr>
<td>Sex workers</td>
<td>130</td>
<td>3 (2.3)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Antenatal clinic attendees</td>
<td>100</td>
<td>3 (3.0)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Students/Health care workers</td>
<td>200</td>
<td>9 (4.5)</td>
<td>4 (2.0)</td>
<td>0</td>
</tr>
</tbody>
</table>

* Clients from the downtown of Metro Cebu (n= 28) were all injecting drug users.

* All the inhalation drug users were from drug rehabilitation centers.

HIV, human immunodeficiency virus; HCV, hepatitis C virus; HBV, hepatitis B virus.

Reflections on the Human Condition: Change, Conflict and Modernity

The Work of the 2004/2005 API Fellows
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Figure (Legend). Hepatitis C virus strains found among the injecting drug users in Metro Cebu and the comparison of those with other strains in the...
Philippines. Phylogenetic trees of 23 hepatitis C virus strains (highlighted in the boxes) from injecting drug users in Metro Cebu and 31 hepatitis C virus strains from other area of the Philippines, performed on 227 nt within the NS5B region by the neighbor-joining method with GBV-B (accession no. NC 001655) as an out group. Analyzed samples were indicated with two digits of the collecting year at the head of the ID (e.g. 02ES). If the collecting year is unknown, IDs are shown with the symbol of “?” (e.g.:?JF). Accession numbers were used for the IDs of the genotype-known reference strains with two digits indicating genotypes at the end of the number (e.g. L23471-5a). Bootstrap values are given on the branches as percentage from 1,000 replicates.

**Heterogeneity of Hepatitis C Virus Strains in an Injecting Drug User**

To investigate the possible co-existence of different hepatitis C virus genotypes in an injecting drug users, the PCR products of randomly selected nine strains (five genotype 1a strains: 02d0z0, 02ccdm6, 02ccmk2, 02du98, 02q901; and four genotype 2b strains: 02ww8, 02cdq4, 02cdq5, 02du49) were cloned. At least 11 clones per sample were sequenced in the regions of NS5B and done phylogenic analysis. Phylogenetic trees based on NS5B sequences showed that nucleotide sequences of all the clones in each individual were homogeneous, and co-existence of genotype 1a and 2b were not observed.

**DISCUSSION**

**High Hepatitis C Virus Prevalence but Low HIV Prevalence**

In the current study, it was found that a hepatitis C virus infection was epidemic in Metro Cebu of the Philippines, where 70% of injecting drug users was positive for anti-HCV. Contrary to hepatitis C virus infection, hepatitis B virus infection among injecting drug users was not significantly prevalent as it was compared to that among other populations, such as sex workers and antenatal clinic attendees. This might be because hepatitis C virus was transmitted mainly through blood-borne route; however hepatitis B virus does also through mother-to-infant pathway (as the detail was documented later). In this sense, for tracking the blood-borne infections for the simulation of future HIV epidemic, hepatitis C virus has an advantage as a surrogate than hepatitis B virus.

The prevalence of anti-HCV among injecting drug users has been reported to be 65-90% globally (Chamot, Saussure, Hirsche, Deglon, and Perrin, 1992; Crofts, Hopper, Bowden, Breckin, Milner, and Locarnini, 1993; Van Ameijden, Van den Hoek, Mientjes, and Coutinho, 1993; Hoek, Haastrecht, Goudsmit, Wolf, and Coutinho, 1990), and that of Metro Cebu in our study was consistent with the previous reports. Despite the high prevalence of anti-HCV positive cases among the tested injecting drug users, HIV infection was not observed at all. The absence of HIV infections among the highest risk population strongly supported the conclusion reported in the HIV/AIDS Registry (Department of Health, Philippines) that the Philippines is low prevalence country for HIV infection.

**Homogeneous Hepatitis C Virus Population Among Injecting Drug Users Implying the Rapid Spread of this Blood-Borne Infection**

Like most of RNA viruses, hepatitis C virus exhibits genetic heterogeneity (Bukh, Miller, and Purcell, 1995; Zuckerman, and Zuckerman, 1995), and mutates easily and is selected by the immune pressure afterward. This phenomenon has been demonstrated and reported even within the same individual over the time course of infection. (Chen, Lin, Tai, Liu, Lin, and Chen, 1992; Higashi, Kakumu, Yoshioka, Wakita, Mizokami, Ohba, Ito, Ishikawa, Takayanagi, and Nagai, 1993; Houghton, Weiner, Han, Kuo, and Choo, 1991; Martell, Esteban, Quer, Genesca, Weiner, Esteban, Guardia, and Gomez, 1992; Okamoto, Okada, Sugiyama, Kurai, Iizuka, Machida, Miyakawa, and Mayumi, 1991) Thus, longer and longer an individual harbors hepatitis C virus strains, the strains expand the heterogeneity with the mutations and super-infections (multiple infections due to frequent exposures) in a body. In other words, the degree of the heterogeneity indicates the period of infection. In Metro Cebu of the Philippines, two hepatitis C virus genotypes, 1a and 2b, were found and were circulating among injecting drug users. However, injecting drug users in Metro Cebu had narrow-ranged strains. Further, co-existence of two different genotypes has not been seen yet in any individual body. These results suggested that these hepatitis C virus strains had been introduced recently into the studied injecting drug users in Metro Cebu and the harboring period was not long. In other words, the new hepatitis C virus strains spread rapidly among them from a few origins and the life span of drug users might be short. However, the entering moment of new strain could not be figured out during this study period and the resultant spread features of new strains have not been recognized yet. Hence, further study must be required for long period until the detection of newly appeared HCV strain and
the detailed characterization on the transmission routes both entering and the subsequent spreading moments.

Another Blood-Borne Infection, Hepatitis B Virus Infection and Its Infection Pathway

The rate of HBsAg was found to be from 2% to 10% among the different population groups in Metro Cebu. However, there was no significant difference in the seroprevalence of HBsAg between injecting drug users and inhalation drug users (P= 0.85). This may be because newly acquired hepatitis B virus caused acute infection and did not persist in the body, needle sharing among injecting drug users may not contribute to the increase in the chronic infection caused by hepatitis B virus, and hepatitis B virus antigen carrier state may mainly be induced by vertical infections. For the further discussion, the detection of anti-HBs antibody will be required; however it has not been fully performed yet.

At the planning period of this study, it was expected that hepatitis B virus transmitted mainly through blood-borne pathway including contaminated needle sharing. However, the results showed that hepatitis B virus might be spread through blood-borne pathway only transiently and disappears very rapidly from the body. Probably the detected hepatitis B virus infections were mostly caused by mother-to-infant infections. These results mean hepatitis B virus infection is no longer one of the simulation markers suitable for the future HIV epidemics. For the simulation of the mode of the infection including entry and spread, only the hepatitis C virus infection can be the surrogate to simulate the mode of future HIV epidemics.

Comparison with the Situation in Indonesia

The Philippines and Indonesia are both island countries and have similar distances from Thailand and Cambodia where HIV infection is most prevalent in Asia. Before the year 1999, Indonesia had been considered to be one of the low and slow HIV prevalence countries like the Philippines. However, in the late 2000, sharp increase in HIV prevalence among injecting drug users (up to over 35% in Jakarta) was noted (HIV/AIDS in Asia and the Pacific Region 2001, WHO). This increasing trend of HIV prevalence was also noted among blood donors thereafter, suggesting that the behavior of contaminated needle sharing (causing hepatitis C virus infection) triggered an AIDS outbreak before the increase in the number of HIV-positives through sexual transmission. As seen in Indonesia, HIV may have spread first among injecting drug users, followed by sex workers in other Asian countries especially if drug users are the clients of sex workers. (Ruxrungtham, Brown, and Phanuphak, 2004)

Strengthening Sata for the Low Prevalence of HIV Infection

It seems that HIV has not yet deeply migrated through the blood-borne pathway in the Philippines. As shown in this study, HIV infection was very rare even among hepatitis C virus-positive injecting drug users. Some criticized that there must be underestimation of HIV prevalence because of the poor surveillance network including its size. The data of HIV prevalence among injecting drug users in this study strengthens the low prevalence status that the HIV/AIDS registry of the Philippines has already recognized through the national serological survey. However, the convincing evidence will be given through the further analyses with increased in the number of subjects composed of clients in the geographically different places in this country.

The Increasing Risk of the HIV Outbreak in the Philippines

Although HIV is of low prevalence, the rapid spread of hepatitis C virus infection among injecting drug users indicates that there exists the vulnerability to HIV/AIDS epidemic in the Philippines. Once the HIV/AIDS epidemic core is made, the prevalence speed would be accelerated through the vulnerable sexual behaviors in thriving sex industry fueled by poverty and with already prevalent sexually transmitted infections (personal communication). The situation of the HIV prevalence in the Philippines might be dawn of an outbreak.

CONCLUSIONS

In this study, it was demonstrated that the hepatitis C virus infection clustered among injecting drug users in Metro Cebu of the Philippines. Clustering phenomenon was recognized in comparison with the strains found in other areas of the Philippines and the world. Although hepatitis C virus strains often mix and generate co-existence of several strains in an individual during natural course of hepatitis C virus infections over time of multiple exposure, no dual and multiple strains co-existence has been seen in any of hepatitis C virus-infected individual among the injecting drug users in Metro Cebu. These evidences imply that hepatitis C virus infection seem to rapidly spread among injecting drug users from limited sources. Further studies must be conducted to specify the migration site(s) and the subsequent circulation mode of hepatitis C virus infection more precisely, which can serve as a model
for probable migration sites of HIV infections at early phase of a possible AIDS epidemic in the Philippines.

The part of this brief story documented above was also published in *Journal of Medical Virology* 77:221-226 (2005).

**REMAINING ISSUES**

The sentinel site has been set in Metro Cebu and the supporting system has been built in Metro Manila. The campaign and the continual/mutual communication are ongoing in the study field, Metro Cebu. To date, the virus characterization has been concluded mainly in Japan and is scheduled to perform also in the Metro Manila. However, the infrastructure for the genetic analysis is still not enough to complete all the examination procedures in Metro Cebu and even in Metro Manila. In near future, technology transfer would be completed and all the analysis might be performed rapidly on site. I will support the structure for the further intensive studies as a consultant through the planning, reviewing, and reporting.

The evidences and information are the basis for the discussion leading to the intervention. However, those do not always impress the stakeholders because of its complicated matter. It is necessary that the information must be given in the simplest format. Otherwise, the information will not have a power to compel the stakeholders to start the action for solving the underlying problems and difficulties. During API Fellowship, I tried to make the visual information system showing the geographical movements of pathogen and patients with time. However, the specification of the patients’ sites was difficult at that moment because it was considered that the protection of clients’ human rights must be prioritized and not been completed. Instead of this geographical mapping, hepatitis C virus classification by phylogenetic system was performed to show the order of hepatitis C virus spread.

The data size of genetically analyzed hepatitis C viruses is getting bigger still now. I do believe that the information of newly emerged hepatitis C virus strains give the hint how blood-borne infection enters into this area and leads to the simulation of HIV infection. This must contribute to the finding of an earliest phase of HIV epidemic in the Philippines.

**REFERENCES**


RE-NEGOTIATING THE SOCIAL CONTRACT: HEALTH SYSTEMS IN TRANSITION IN EAST AND SOUTHEAST ASIA

Chan Chee Khoon

THE WELFARIST STATE UNDER DURESS

Through years of struggle and historical lessons, the capitalist state has emerged as an important stabilizer in class society by legitimating contested class dominance, moderating the excesses of class exploitation and unbearable inequality, maintaining aggregate demand through public sector spending, and generally doing the necessary for the continuance of orderly, if not maximal, capital accumulation.

In its elaborated forms, such as the Western European social-democratic compromise (welfarist Keynesianism), the state had come to figure prominently in many areas of social reproduction, in many instances involving itself directly in the organization and provision of social services such as in healthcare and education. More generally, it also plays an essential role in coping with uncertainty, whether arising from social, natural, or created environments.

Entering the 21st century, it is clear that this social accommodation has come under increasing strain. Worldwide, the terms of this accommodation are being re-defined at the expense of the dominated classes; and re-imposed amidst mounting resistance.

Beginning in the late 1970s, anti-statist views became pervasive among influential development financing institutions such as the World Bank and the International Monetary Fund (IMF). Neo-liberal analysts settled upon dirigiste developmentalist states as leading culprits for the economic travails and chronic indebtedness of many 3rd World countries, prescribing “structural adjustment” and “downsizing” of “inefficient, wasteful and corrupt” state institutions, to make way for a more efficient allocation of economic resources by a free market.

Meanwhile, in the industrialized countries of the North, Keynesian economics and the welfarist state similarly came under attack for its inability to deal with persistent “stagflation”. Indeed, supply-side economists regarded high taxes and the prevailing balance between capital and labor (“labor market rigidity” and a “misguided” social contract entailing a “full employment squeeze on profits”) as key obstacles which discouraged investment and caused economic stagnation.

In both cases, the retrenchment of the state (at any rate, a curtailment of its welfarist and regulatory functions) to allow for an expanded, minimally regulated market swiftly became the ruling orthodoxy in the international financial institutions (IFIs) and beyond (the neo-liberal “Washington Consensus”). These policies were in due course extended to the healthcare sector as well, a social service which had been provided on a non-commercial, publicly funded (or publicly subsidized) basis to many communities in developed and developing countries.

AN EFFICIENT MARKET IN HEALTHCARE?

The argument in favor of privatization rests on the efficiency of the market to allocate. Remarkably, this persists despite repeated market failures and the fact that important pre-requisites for efficient markets are often not met for the microeconomics of health care:

- the health care consumer is often disadvantaged relative to the healthcare provider (information asymmetry)
- there is often no alternative provider in less densely populated rural areas
- low patient volume (in small or medium-sized facilities) can lead to degraded skills of medical specialists and poorer patient outcomes (medical equivalent of economies of scale)
- wasteful or inappropriate use of resources (over-treatment and under-treatment)
- reduced access for poor patients (more an issue of equity)

Beyond theoretical considerations, the peer reviewed literature also reports many instances where profit-driven healthcare empirically fall short in comparison to not-for-profit healthcare, across a range of outcome measures.

We may thus reasonably state that while public sector healthcare may not always outperform the private sector, the reverse is demonstrably false, and to continue dismantling the public healthcare sector out of an obsessive faith that market-based solutions will invariably deliver higher efficiency and lower unit costs is clearly unwarranted.
DESPERATELY SEEKING MARKETS

If market-driven healthcare is unpersuasive on efficiency grounds, let alone on equity grounds, what might explain the continuing enthusiasm for market-driven healthcare?

The neo-liberal stance begins to make more sense if one looks at it from the perspective of an over-accumulation of capital (and its corollary, demand deficit).

Beginning in the late 1990s, production overcapacity in the global economy received increasing attention including prominent coverage in the pages of the New York Times (November 16, 1997), the Financial Times, London (November 1997), Business Week (November 10, 1997), and the Economist (November 15, 1997):

Business executives and international investors who built today’s global economy now fear that it might backfire…The Asian financial turmoil may be the first stage of a developing worldwide crisis driven mainly by a phenomenon called overcapacity: the tendency of the unfettered global economy to produce more cars, toys, shoes, airplanes, steel, paper, appliances, film, clothing and electronic devices than people will buy at high enough prices…”There is excess global capacity in almost every industry.” Jack Welch, chairman of General Electric, said in a recent interview in The Financial Times of London.

Louis Uchitelle
New York Times (November 16, 1997)

By late 1997, there was little dispute over the existence of these gluts although views differed as to whether these were cyclical downturns and transient disjunctures; or more chronic manifestations of deep-seated instability and systemic dysfunction.9

This imbalance between accumulation and consumption arguably is a major factor underlying the desperate search worldwide for new arenas for circulation and accumulation:

As profitability in manufacturing has declined because of international competition, corporations have turned to services as an alternative source of profit. According to the European Commission; “The service sector accounts for two thirds of the [European] Union’s economy and jobs, almost a quarter of the EU’s total exports and a half of all foreign investment flowing from the Union to other parts of the world.” In the USA, more than a third of economic growth over the past 5 years has been because of service exports. The World Bank has calculated that in less-developed countries alone, infrastructure development involving some private backing rose from US$15.6 billion in 1990 to $120.0 billion in 1997...With the backing of powerful coalitions of transnational and multinational corporations, the race is on to capture the share of gross domestic product governments currently spend on public services.

David Price, Allyson M Pollock, Jean Shaoul
Lancet 354:1889-92 (November 27, 1999)

Hence we might consider globalization in these terms: technology-enabled, continuing outward impulse of capital, driven by saturated mature markets (overcapacity, declining rates of profit) and the search for competitive advantage (in production and in control of natural and human resources), and for emerging markets.

And privatization as: the inward impulse, cannibalizing the welfarist state, market creation and market deepening, extending the circuit of capital into a hitherto non-commercial public sector domain.

In its ceaseless search for opportunities for profitable deployment and redeployment, globally mobile capital has contributed to the undermining of the welfarist state through these modalities:

• globally mobile capital in search of low-cost labor, competitive tax regimes and tax havens, which foster a “race to the bottom” and thereby reduce the fiscal capacity of states. Besides lower corporate taxes, runaway firms also leave behind unemployed workers and reduced income tax receipts, even as the need for unemployment benefits rises;
• neo-liberal trade policies which reduce custom duties as a source of state revenues;
• an overriding concern of globally mobile finance capital with inflation and balanced budgets in the countries where it circulates. Wary of activist Keynesianism, it imparts a deflationary bias to national economies, demanding fiscal discipline to reduce public spending and budget deficits through its threat of withdrawal and flight; and
• widening imbalance between accumulation and consumption, manifested as overcapacity and demand deficit. To cope with the excess accumulation, pressure builds up to extend the circuit of capital into new arenas for accumulation, encroaching into a hitherto non-commercial public sector domain, i.e. privatization and dismembering the welfarist state.
THE ENIGMA OF HEALTH AND HEALTH CARE IN JAPAN

Among OECD countries, Japan has for many years stood out as one country with enviable population health indices:

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These achievements are even more remarkable when juxtaposed against the moderate expenditures on health care that had been reported in the decades preceding the 1990s, whether judged by OECD standards or by comparison against WHO recommended norms (national health expenditures as % GDP).

The reasons for these favorable health statistics remain enigmatic. Few studies have investigated this rigorously, but among the (contributory) factors that have been suggested are diet (low fat, high fish consumption), physical activity (less sedentary lifestyle), lesser social disparity, a more homogeneous and inclusive society. Indeed, some have suggested that the longevity among the current elderly population could be partly due to the privations of the 2nd World War and its immediate aftermath which selected out the constitutionally weaker. Similarly, their longevity could be partly a consequence of dietary, lifestyle, and levels of physical activity which are now much less prevalent among the younger generations.

Japan’s egalitarianism furthermore has been eroded in the last decade by casualization of the workforce and the associated downward pressure on wages. Between 1997 and 2002, part-timers increased from 15% of the workforce to 25-30%, and by March 2005, temporary work had been extended to most job categories including those in the manufacturing sector. Along with the loss of employment security and mounting social inequalities, stress-related incidents are also on the rise. Among OECD countries, Japan’s suicide rates in 2002-2003 were exceeded only by Hungary. (Reported suicides are overwhelmingly male in most countries, and suicides among Japanese males rose from 20.4 per 100,000 in 1990 to 35.2 in 2002, with the highest rates among those aged 55-64 years, 64.7 per 100,000).

The enigma of health and health care in Japan intersects with current shifts in opinion within the public health profession in relation to the determinants of population health. Two decades after the International Conference on Primary Health Care (PHC) in Alma-Ata, USSR in September 1978, it has become conventional wisdom (belatedly) that there is only a modest overlap between health and health care (in the narrow sense). Health care expenditures as conventionally understood may therefore capture only a subset of the full range of factors contributing towards population health, in line with a social ecological perspective on health and disease. The poor correlation of health care expenditures with population health in Japan (which mirrors the cases of Kerala, Cuba, Costa Rica, Sri Lanka, Maoist China and to an extent, Malaysia among developing countries) may therefore not be that enigmatic after all.

NEO-LIBERALISM VS. COMMUNITARIAN CAPITALISM?

Sakakibara Eisuke, a former Vice Minister of Finance for International Affairs and currently Professor of Economics at Keio University (Tokyo), has described the Japanese economy as 10% capitalist, and 90% “socialist”. He was of course contrasting the internationally competitive sectors of Japanese manufacturing industry (automobiles, computers and consumer electronics,
integrated circuits, industrial robots (mechatronics) and other industrial machinery, steel, chemicals) with the protected domestic sectors (agriculture, construction, banks and financial services, transportation, retailing, healthcare, etc) which have been portrayed every so often as overly-regulated and insulated, and therefore inefficient.

Not surprisingly, these laments about low productivity and inefficiency in the protected sectors became more insistent as the Japanese economy stagnated and endured a period of deflation after the property and asset bubbles burst in the early 1990s, which effectively brought to an end the years of robust, if at times, unsteady growth.

Framing it as an efficiency issue, however, may miss the point that Japanese economy and society has redistributive aspects which accommodate diverse interest groups and in some instances moderate the social stresses and regional disparities of Japan’s rapid industrial growth in the decades after the 2nd World War. Raising efficiency in these domestic sectors presumably would entail shedding “excess” labor—it is an article of faith among supply side economists that the excess labor would be absorbed by other economic sectors as part of expansive, market-driven growth (or serve as an unemployed reserve to depress wages?). It furthermore assumes continuing investment expenditures (and export markets?) to compensate for a possible shrinkage of domestic demand if the aggregate wage bill falls. Just as likely, insecure consumers (and casualized employees) could very well opt to save more as employment security and social safety nets are shredded by neo-liberal policies, as happened in Japan in the 1990s.24

A more accurate description of Japanese political economy perhaps is communitarian capitalism,25 in which an interventionist state exercises a degree of technocratic autonomy in economic (and social) management and furthermore gives expression, through moderately redistributive social policies, to the communitarian norms and expectations of Japanese society in areas such as health, welfare, and social security.26 While not always equitable, the social transfers and cross subsidies are substantial enough that Japan is notably among the more egalitarian of OECD countries.

This contemporary social formation emerged out of a constellation of factors in post-WWII Japan,27 which included:

- the strategic need of the US (occupation) authorities to secure the domestic stability of Japan as an important East Asian bulwark and ally during the Cold War, the Korean and Vietnam wars with its unresolved tensions in Northeast Asia, and during the various phases of the “containment” of China;
- a technocracy which emerged (or re-formed?)28 under the aegis of the US postwar occupation regime, endowed with a degree of autonomy via a vis the war-weakened business and political establishments, which allowed it some leeway to implement policies in pursuit of system-wide interests and some manner of ”social rationality”; and
- Japanese norms and traditions which translate into expectations and aspirations of communitarianism in the governance of key aspects of livelihood and welfare.

Functionally, Japanese communitarian capitalism may therefore be thought of as an East Asian (paternalistic) counterpart of Western European social democracy. In both cases, the state plays an integrative role in moderating the excesses of unrestrained capitalism and is furthermore engaged in the management of uncertainty (risk management)29 faced by its citizens (health insecurity, unemployment insecurity, old age insecurity, threats from natural or man-made catastrophes).30 In both cases, this social accommodation has been increasingly challenged by a neo-liberal ascendance tied to an over-accumulation of capital desperately seeking out new arenas for circulation and accumulation. Evidently, the hitherto non-commercial public sector domain in countries both rich and poor is now considered legitimate, new terrain for an “inwardly directed colonialism” (retrenching the welfare-cum-developmentalist states, even as militarist states expand).

In 2001, the administration of newly-elected Prime Minister Koizumi Junichiro moved quickly to strengthen the Economic and Fiscal Council as a top policymaking body which was chaired by the Prime Minister and consisted of key cabinet members, central bankers, and economists. Together with the Regulation Reform Council which included private sector representatives (chaired by Miyauchi Yoshihiko, the CEO of an aggressively expanding insurance, financial services, and leasing company Orix), these were complementary initiatives to a concerted effort to transform the Japanese cabinet (traditionally more of a coordinating mechanism among independent-minded ministries) into an executive body more at the direction of the chief executive, i.e. the Prime Minister as he proceed with his agenda for restructuring the Japanese economy.31 The Regulation Reform Council in particular was

Reflections on the Human Condition: Change, Conflict and Modernity

The Work of the 2004/2005 API Fellows
given a broad mandate to put forward proposals for deregulation in all sectors of the economy, including transport, agriculture, financial services, education, health etc., where market distortions and inefficiencies were deemed to be pervasive and contributing towards economic stagnation.

Among the urgent priorities identified was the privatization of the publicly-operated Japan Post (JP), a goal which Prime Minister Koizumi had consistently championed since 1992 (as Minister of Posts and Telecommunications in the Miyazawa Kiichi administration) and which he evidently was prepared to stake his political future on.

(Koizumi’s proposals for privatizing Japan Post were narrowly approved by a margin of five votes in the lower house of the Diet on 5 July 2005, but were subsequently rejected by the upper house on 8 August 2005 owing to rebellious LDP Diet members 37 of whom voted with the opposition. Koizumi responded by dissolving the lower house and calling for snap elections for 11 September 2005 in a high-stake bid to purge the crisis-ridden party of influential opponents.)

Japan Post, mundane as it might sound, is much more than just a service that delivers letters and parcels. It is the world’s largest financial institution with assets of about ¥386 trillion ($3.6 trillion). With its 25,000 post offices spread nationwide, it accounts for ¥265 trillion in individual savings deposits, about 30% of the national total, and about three times the size of those held by Mitsubishi Tokyo Financial Group, Japan’s largest private holder of savings deposits. Kampo, Japan Post’s life-insurance scheme has assets of ¥121 trillion, some 40% of the national total.

The controversial postal bills that Koizumi presented to the Diet in July 2005, overriding some internal opposition within his own Liberal Democratic Party (LDP), proposed to break up Japan Post into four subsidiaries by April 2007, one each for the delivery of mail, management of the network of branches, and for the banking and insurance operations. From 2007 to 2017 the government’s holding company would gradually divest itself of all stakes in the banking and insurance companies, and retain control only over the delivery and branch operations of the privatized entities. The government’s control of the holding company would furthermore have been diluted down as it sold off two-thirds of its stake.

Just as the World Bank has been under pressure in recent decades to divest more of its development financing activities to private capital markets (is the WB being privatized?), private financial interests are similarly keen on the lending opportunities available in the public sector in Japan. The Economist for instance emphatically notes that the privatization of Japan Post:

“is only one step towards unwinding Japan’s pervasive system of financial socialism. There are nine other government financial institutions (GFIs), which lend to a wide range of special interests. These GFIs are sitting on ¥144 trillion of outstanding loans…[these include] the Government Housing Loan Corporation (GHLC), which once provided Japanese homeowners with cheap mortgages. In 2001 the government ordered it to stop making new home loans… Over the past four years, the GHLC’s loans have fallen from ¥77 trillion to ¥52 trillion. Private banks have increased their mortgage lending by roughly the same amount, so it seems clear that the state-backed lender had been crowding them out before… Three of them compete to give cheap financing to millions of small companies. Another, the Development Bank of Japan, finances projects from urban railways to high-tech… One GFI lends to municipal governments, utilities and other local projects; yet another to farmer-friendly causes; and the island prefecture of Okinawa has a special GFI of its own… With Japan’s private banks struggling to boost profitability, the last thing they need is a collection of big government lenders - backed by explicit and implicit subsidies—depressing lending rates and competing with them for business, although, unlike the GHLC, Japan’s other eight GFIs are also serving some borrowers which no private bank would touch… [Japan’s private] banks are [now] better capitalized and keen to lend. There are too many banking assets chasing too few borrowers, so corporate lending remains woefully unprofitable. Some of the GFIs’ functions are worth keeping. The Japan Bank for International Co-operation (JBIC), for example, helps the government to administer its overseas aid, which most reckon is a useful role. But some of even JBIC’s functions, such as export financing, might be usefully spun off.”

“The State as Sugar Daddy” (Economist, 30 July 2005)

Private financial institutions have been complaining endlessly that Japan Post is exempt from paying most taxes and contributing to state-backed deposit-insurance schemes as is required of private deposit-taking companies. JP instead benefits from direct government guarantees which are extended to its savings and insurance operations. With this implicit subsidy and competitive advantage, rival financial institutions are apprehensive.
that JP’s privatized banking division might go beyond its previous lending activities (largely confined to government bond purchases) to broader-based lending activities. Likewise, Japanese private insurers complain that Kampo, JP’s life-insurance scheme, benefiting from similar government guarantees and exemptions from taxes and mandatory contributions to an industry-wide contingency fund, has built up a 40% market share in direct competition with them. Foreign firms, which have carved out businesses in other areas of insurance that are unaffected by the subsidies available to Kampo, are also wary that a privatized entity could use its substantial revenues from existing policies to compete aggressively within their respective domains and niche markets.

Japan Post’s significance, however, goes beyond the competition (and opportunities) it offers to the financial services industry. The government’s statutory control of JP’s banking and insurance assets in effect provides it with a discretionary second national budget which it has deployed in the past in targeted industrial development and massive public works programs in construction and infrastructure.

More disturbingly, it has also engendered pork barrel politics on a scale which has sustained the LDP’s infamous political factions organized around iron triangles of politicians, business interests, and technocrats in the various economic sectors and interest clusters (zoku). 33

In seeking an electoral mandate for the neo-liberal agenda, Koizumi’s strategists cleverly and subtly capitalized on the recent scandals and seedy history of reciprocal favors and corruption of LDP factions and their business and bureaucrat associates which the party rebels allegedly typified and wished to perpetuate.

In presenting the neo-liberal alternative as a solution to this entrenched problem (let the free market sort out crony capitalism, familiar mantra), he was clearly intent on dismantling the iron triangles, portrayed as the root of Japan’s political malaise and economic stagnation, and as an obstacle to the revival and dynamism of Japan’s economy and society. Indeed, going by his rhetoric, Koizumi was prepared to destroy not just the iron triangles but the LDP itself in his pursuit of a neo-Liberal Democratic Party and its economic credo of market fundamentalism.

Koizumi’s neo-liberal remedy could very well prove to be worse than the disease that it seeks to cure. Quite apart from the heightened insecurity and risk of deflation, and equity and solidarity as casualties along the accelerated march of Homo japonicus towards Homo economicus, I sometimes wonder which is being more guilty of wishful thinking - a private sector purged of information asymmetry, insider advantages, power imbalances, and market distortions, or a competent, efficiently-managed and accountable public sector. 34

Rather than dwell unduly on this dilemma, one might perhaps more profitably explore alternative perspectives from political economy 35 which can throw light on the roots of stagnation (and dynamism) in the evolution of capitalist world systems, beyond the “end of history”.

**THE JAPANESE HEALTHCARE SYSTEM**

How does the healthcare sector figure in all this? First, let us review some essential features of the Japanese health care system, as described by the two leading scholars in this field, Ikegami Naoki and John Campbell (synthesized from their cumulative writings): 36

Medical care in Japan is financed through a pluralistic social-insurance system which taken together covers the entire population. 37 Enrollment, based on employment or residence, is mandatory and premiums are proportional to income:

- Large-firm employees and their dependents are covered by Society-Managed Health Insurance (SMHI) while public-sector employees are covered by Mutual Aid Associations (MAAs). These independent plans, jointly managed by representatives of the employer and employees charge premiums which vary from about 6 to 9.5 percent of monthly wages up to a ceiling, at least half of which is paid by employers;
- Small-firm employees, with lower average incomes, are covered by Government-Managed Health Insurance (GMHI) in a single national pool operated by the Ministry of Labor, Health and Welfare. The employer pays half of the premium, which is now 8.6 percent of wages up to a ceiling. The Ministry of Labor, Health and Welfare acts as the insurer and directly subsidizes 14 percent of the expenditures; and
- For the self-employed and pensioners, among the least wealthy, municipal governments of cities, towns, and villages are the insurers through a scheme called the Citizens’ Health Insurance (CHI). Premiums are based on income, assets, and number of people in a given household and they vary widely, but the maximum is about
US$430 per household per month and the central government contributes half the costs. The costs for the elderly are further subsidized from a fund of pooled contributions from all the insurance plans. This direct subsidization of the old by the young, in addition to government subsidies and income-proportional premiums, makes the Japanese system more egalitarian than the German system of social insurance.

Healthcare Providers:

- **Hospitals.** Most hospitals are small, family enterprises that developed from physicians' offices. The large hospitals are owned by the national or local governments, voluntary organizations, and universities. For-profit investor-owned hospitals have been prohibited since (1948? 1965?), but the existing, company-owned hospitals which provided services to their employees and the local community were allowed to continue. Their numbers have been declining in the last four decades. Similarly, physician-owned hospitals while not classified as investor-owned, nonetheless operate as commercial entities and the returns here as well have not fuelled a major expansion of the for-profit hospital sector.

- **Physicians.** The vast majority of physicians are in solo practice. Private practitioners cannot attend hospitalized patients, and hospital physicians (other than the owner) work for a salary not tied to their practice loads. Physicians in private practice working mainly in primary care have roughly double the income of specialists, who are employed in hospitals. The latter however are considered to be of higher status with the opportunities to provide professionally rewarding specialty care. (see section below on fee schedule)

**National Fee Schedule**

Payments to providers, regardless of the insurance scheme and where the care is received, is in accordance with a uniform national fee schedule. The fee schedule lists all procedures and products that can be paid for by health insurance and sets their prices. Balance billing—billing the patient for fees not covered by insurance—is strictly prohibited. Public-sector and academic hospitals however receive direct subsidies from (local) government or university budgets, for capital and occasionally operating expenses.

Patients can choose any physician or hospital within traveling distance, and physicians have much clinical autonomy to decide about appropriate treatments. To prevent egregious over-treatment, claims are reviewed retrospectively by a committee of physicians at the local level before reimbursement. While this clearly can be challenged as an independent review mechanism, the administrative costs in Japan are nonetheless about half those in the United States.

**Dispensation of Drugs**

The weakness of this review system, however, is evident in dispensing practices, in which there is no formal separation between pharmacists and physicians in Japan. Physicians and hospitals derive a substantial proportion of their income from dispensing medication, and the tendency to over-prescribe has resulted in the per capita expenditures on pharmaceuticals (US$116) being higher than in the United States (US$109), even though overall spending on health care is much lower.

The salient features of the Japanese healthcare system are therefore as follows:

- **Universal coverage:** the three insurance schemes cover essentially the entire population;
- **Relatively egalitarian:** contributions proportional to income, extensive cross subsidies, plus top-up subsidies from government budgets for the less wealthy; and
- **Moderate aggregate health expenditures,** by OECD standards.

The last two features are a direct consequence of the authority wielded by government agencies in regulating the healthcare system (most importantly, the Ministry of Labor, Health and Welfare), which has substantial influence over the fees schedule negotiated with the medical profession (Japanese Medical Association, JMA) and the hospitals, and the prices paid to suppliers of medical inputs.

The concessions to the powerful JMA (Takemi Taro legacy) are nonetheless evident in the existing *modus vivendi:* continuing bias in the fee schedule which favors GPs over hospital-based specialists (JMA represent GPs more than hospital-based specialists), the persistent tendency to overmedicate referred to above (in the context of liberal clinical autonomy), the exemption allowed for physician-owned private hospitals, and the relatively unregulated nature of professional practice, specialist accreditation, and medical quality assurance (malpractice and professional misconduct).

But what it also means is that there is, at the moment,
limited scope for private healthcare enterprises, given the existing system of state-regulated healthcare financing based on social insurance, which keeps Japan’s health expenditures moderate by OECD standards.

The problem with Japanese health expenditures is not excessive spending, although there are clearly areas where these can be rationalized (overmedication, excessively long stays in nursing homes/hospitals of elderly patients due to distorted incentives in the insurance re-imbursement system).

The fundamental problem is the stagnant economy, which keeps a lid on government revenues, payrolls and insurance contributions, even as needs and demands for health care grow along with an aging population and supply-induced demand.

Among the options that the MHLW can resort to in coping with this situation:

- increase premiums (already happening);
- increase co-payments (already happening);
- reduce prices paid to providers (deflation), happened in 2002 when the aggregate fee schedule was actually reduced by 2.7% (an instance of the negotiating clout of the Ministry of Health, Labor and Welfare); and
- reduce coverage of health benefits provided by the social insurance system i.e. extra billing for uncovered services (this is the opening awaited by private healthcare entrepreneurs to create, expand or deepen the market for private healthcare).

Indeed, would-be healthcare entrepreneurs are promoting extra billing as an issue of “enhanced choice” for consumers, as the chosen strategy for expanding commercialized health care in Japan. When public budgets were in a healthier state, it was possible for the MHLW to insist, as a matter of egalitarian access, that all medically necessary care should be included in the reimbursable fee schedule. As fiscal austerity escalates in the coming years, the cutbacks in public healthcare expenditures will be accompanied by rising demands for extra-billing, from those able to afford the uncovered services, and from investors and entrepreneurs seeking to create, extend or deepen the market for healthcare services. Ability-to-pay will therefore become an increasingly important determinant of access to selected forms of healthcare, as solidarity and a sense of community are progressively diminished.

THAILAND: TRIANGLE MOVES THE MOUNTAIN?

Sam sib baht rak sa thuk rok [30 baht treating all diseases]
Campaign platform of Thai Rak Thai party (Thai general elections, 2001)

In Thailand, an intriguing set of circumstances opened a window of opportunity to formally extend healthcare access to uninsured communities making up 30% of the population.

These circumstances came about in the wake of protracted democratic upheavals in Thailand from the 1970s onwards, marked by the overthrow of military dictatorship in October 1973 and its brutal backlash three years later, continued struggles over the next two decades with periodic reversals and restorations of quasi-military rule in various guises, and gradual consolidation of electoral democracy in the 1990s.

Borwornsak Uwanno, professor and dean of the Faculty of Law at Chulalongkorn University offers this account of the events and influences contributing towards the Thai constitution of 1997, which is well worth quoting at length as an insider’s view from a member of the Constitution Drafting Committee and secretary of the Constitution Drafting Assembly:

The events which led up to the “Black May” incident in May, 1992 certainly had their roots in the events of the Seventies. Under the Constitution of 1978, an era of relative moderation seemed to take hold [and] the military [regime] had set a timetable for the eventual devolution of its control to a truly civilian government. Nevertheless, in 1980 the elected Parliament chose as the successor to General Kriangsak, General Prem Tinsulanonda who was the Commander-in-Chief of the Royal Thai Army. In spite of General Prem’s military connections this still did not protect his regime from several coup attempts. General Prem survived [these] challenges [and he] became the first military prime minister to resign his commission and still keep his premiership [and also] the first such prime minister to hand over his office voluntarily to an elected civilian Prime Minister, albeit also a former general, Chatichai Choonhavan. After barely three years in office [however], Chatichai Choonhavan began a heated feud with the two Army leaders, Generals Suchinda and Sunthorn over the armed forces displeasure with the departure of General Chavalit Yongchaiyudh from the cabinet as defense minister. This dispute
reached a head on 23 February, 1991 [when] the prime minister was forced to step down. The new military [regime] abolished the 1978 Constitution [amidst] assurances that they would return powers to a civilian government once order was restored. General Suchinda, who led the coup, promised late in 1991 that he would never seek to put himself in the premiership. But in May, 1992 he did just that. This resulted in demonstrations in and around Democracy Monument, the scene of many of the demonstrations in both 1973 and 1976. But this time around the demonstrators were dominated by members of the Bangkok middle classes and the army was brought in to crush the uprising. Only after the King intervened and called General Suchinda to an audience, together with General Chamlong who was seen as a key leader of the opposition, did the situation calm down. This incident and its aftermath (“Black May”) was the beginning of demands for profound political and social reform. When calm was restored, quiet pressure began to mount to once and for all rid the nation of the destructive cycle of coup after coup that had characterized Thailand’s history since 1947. [As] the reform movement began to gather momentum, the House of Representatives nominated an ad hoc committee, the Constitutional Reform Committee to analyze the needed steps for fundamental reform. While many forces were working behind the scenes to derail this process, too much had happened to forsake real change and revert back to the cycle of the past. In 1995, the Constitutional Reform Committee tabled a report just as the reform coalition of Prime Minister Chuan Leekpai began to unravel. The elections that followed placed Prime Minister Banharn Silpa-archa at the helm of the new government and rumors were rife that the new regime would try and derail the reform process. One of the major factors ensuring that a reversion to the past would no longer be tolerated was the emergence of powerful interest groups largely drawn from the academic and political community in Bangkok. Led by such luminaries as Prawase Wasi, the Committee for Developing Democracy followed the tabling of the Constitutional Reform Committee’s report to Parliament by staging nationwide public hearings to bring the people into the process. The hearings guaranteed that the debate was not limited to the Bangkok cognoscenti alone [but instead] concentrated on issues rather than factions or individuals. It did not limit its focus to the contents for reform but [also] dealt with the strategies for reform: Who would be involved in drafting an amended Constitution? And how would that drafting institution be created? In September 1996, the activists prevailed with an amending process approved by Parliament, and a Constitutional Drafting Assembly received approval as the way to accomplish the task. The success of the Drafting Assembly can credited to a strong triumvirate of reform advocates, Prawase Wasi leader of the CDD, Uthai Pimchaichon, an ex-PM with a reputation for honesty and a base in the provinces, and Anand Panycharayun, an ex-prime minister well-respected in Bangkok. Behind these figures stood the resolute public which was unwavering in its support of reform. An Assembly of the Poor had farmers march on Bangkok during the debate. Groups demanding justice for loss of land because of dam construction added their voices. Three projects were scrapped as a result of this grassroots pressure. Responding to this pressure and the groundswell of support for reform, the Constitution Amendment Bill of May 1996 [had earlier] provided for a Constitutional Drafting Assembly (CDA) made up of ninety-nine members. Seventy-six members were drawn from the provinces - one from each. The others were experts in public law, political science and public administration short-listed by universities, to be chosen by Parliament. The CDA was to conduct a survey of public opinion through hearings and was to finalize a draft for presentation to Parliament in 240 days. The task was, as the Secretary of the CDA Borwornsak Uwanno put it “… all about decoding what the people are saying and producing a legal document…” [After] sifting [through] the documents submitted by various pressure groups and NGO’s, there followed a series of “public hearings” organized by the provincial members of the CDA. Members of the CDC traveled up and down the length of the nation to listen to opinions on the first draft. The two stages of public opinion gathering provided an unprecedented exposure of constitutional issues to the public and assisted enormously in bringing the process to the attention of a wide spectrum of the Thai population… If Parliament voted short of a majority, a public referendum would be held. A simple majority of eligible voters would be sufficient to approve [the new Constitution]. The people had finally gained a real place in the process.

The Thai constitution of 1997 clearly shows the imprint of these formative influences, notably in the provisions for direct citizen participation in the political process (fifty thousand electors can now submit a piece of draft legislation to Parliament, or can ask the Senate to remove high officials in three levels of government if they should appear “unusually wealthy”, or in
instances where such individuals have exercised their powers unconstitutionally. There were further efforts to ensure that the public would have the means to air their views by restricting the state and private monopolies of radio, television and telecommunications. These were significant gains, but it remains to be seen how effective these safeguards are.

Among the other innovative provisions in the 1997 Constitution were the right of citizens to twelve years of state-provided education and the right to health care, albeit a modest one.

The latter entitlement in particular, as currently phrased (below), does not obligate the state to provide a scope of “medically necessary” care similar to what might be available in the private sector, beyond equal access to a certain level of publicly-provided care for Thai citizens, and free access to this care for the indigent:

A person shall enjoy an equal right to receive standard public health service, and the indigent shall have the right to receive free medical treatment from public health centers of the State, as provided by law.

The public health service by the State shall be provided thoroughly and efficiently and for this purpose, participation by local government organizations and the private sector shall also be promoted insofar as it is possible.

The State shall prevent and eradicate harmful contagious diseases for the public without charge, as provided by law.

Royal Thai Constitution, 1997, section 52 (Raksasat 1998)

The Thai right to health therefore contains within itself the possibility of two- (or multi-) tiered health care, and its actual configuration would depend crucially on the level of finances, staffing and other resources that can be marshaled for the public sector.

In any case, the preceding decades of social activism and democratic struggles had seeded various sectors of Thai society—the bureaucracy, policy researchers and technocrats, Thai NGOs and social activists, academicians and public intellectuals—with liberals and more radical elements with a shared concern for progressive social change. With divisive tactical differences kept in check, a mutually reinforcing strategy of engagement-plus-agitation (triangle moves the mountain) could be harnessed in the efforts to extend health care access to marginalized communities in Thailand. Indeed, the campaign for health care access was just one facet of a broad-based movement to re-conceptualize health and to lobby for national health legislation which addressed the social and environmental determinants of population health. (Komatra, 2005)

In response to sustained pressure from this coalition, a National Health System Reform Committee was formed on May 9, 2000 in the final months of the Chuan Leekpai administration.

Even as this committee began work, contending parties for the 2001 Thai general elections were positioning themselves for electoral advantage. Thaksin Shinawatra, a billionaire politician campaigning on a populist platform, announced that if elected, his government would declare a three-year moratorium on the repayment of loans by indebted farmers, a one-million baht revolving fund for each village, and it would furthermore set up a Citizen Bank and a 30-baht scheme for health and medical care for Thai citizens.

These populist promises were evidently well received by an electorate grappling with the aftermath of the 1997 currency crisis, and Thaksin’s Thai Rak Thai party went on to win an unprecedented electoral mandate allowing it to form a governing coalition with a comfortable majority.

In his first policy speech to Parliament on 26 February 2001, Thaksin stated that the universal coverage of health care policy aimed to “reduce the national health expenditures and household health expenditures with 30 baht out-of-pocket per episode and provide accessible and equitable quality health services”.

Implementing the UC policy in the aftermath of the 1997 financial crisis, one can understand the concern over public finances, underscored by the watchful gaze of the IMF over fiscal deficits, which had provided crisis management loans to the Thai government.

The prospects for reducing national health expenditures, predicated on reining in fee-for-service re-imbursements for civil servant medical benefits and replacing it eventually with capitation contracts, was at best an unlikely scenario, if it were not indeed a tactical sleight of hand to institutionalize the policy of universal coverage. (re: UK NHS)

Up until 2002, the existing risk protection schemes for health, which were partially or fully-subsidized by the
Thai government were as follows:

- the Civil Servant Medical Benefit Scheme (CSMBS), promulgated by Royal Decree in 1978 and financed by tax revenues, covering civil servants and their dependents, with re-imbursement on a fee-for-service basis;
- Social Security Scheme (SSS), which came into force in 1991 and covers formal sector employees, with equal contributions by employee, employer and the government (dependents not covered except for maternal benefits for the spouse of a male employee), capitation payments to contractor hospitals;
- Medical Welfare Scheme (MWS), established in 1975 as a means-tested scheme targeted at low-income families and eventually extended to elderly persons aged 60 years and above, persons with disabilities, and children under 12; and
- Voluntary Health Card Scheme (VHCS), established in 1983. Participating households pay 500 baht for a card which entitled up to four household members to receive needed health and medical care. In 1994, the government began making matching contributions to the scheme.

Despite these efforts to extend health insurance coverage over the past few decades, 28.97% of Thais remained without insurance cover in 2001. Of the coverage achieved by 2000, 37% was provided by the MWS (for the poor, senior citizens, children under 12 and the disabled), 11% by the CSMBS (for civil servants and their dependents), 9% by the SSS (for private sector and state enterprise employees), and 12% by the VHCS (mostly rural subscribers). Thirty-one percent of the population was uninsured. This 30% figure quite likely overestimates the numbers without access to health care, since it includes the dependents of SSS beneficiaries some of whom are capable of out-of-pocket payments, and many public hospitals furthermore resort to ad hoc cross subsidies for medical indigents who are treated despite their uninsured status.

Nonetheless, some strains quickly became evident as the 30-baht scheme removed financial barriers to healthcare for the previously underserved.

- The financial allocations for UC, based on a capitation of enrolled persons at participating health facilities, also entailed a shifting emphasis from hospital based care to primary care, including a redeployment of staff and resources to outlying provincial and rural areas.
- The initial capitation allocations for participating institutions included the salaries and allowances for health care staff. This was equitable, but given the existing concentration of medical personnel in the urban centers (with higher doctor: population ratios), a compromise was eventually reached which separated out staff salaries and allowances from the remaining allocations for capitation payments to participating institutions (with further contingency arrangements for reimbursing cross-province referrals and expensive procedures at tertiary institutions).
- The net effect of the above factors was an accelerated resignation of public sector (especially rural doctors), which of course was a self-reinforcing vicious cycle as the workload increased even more for those staff who remained in the public service.

The Nation on 9 December 2004 reported that:

“… a recent survey carried by Suan Dusit Poll shows more than half of the country’s hospital workers are unhappy with their jobs under the government’s low-cost scheme due to budget shortfalls and intensifying workloads...The top factor cited for healthcare workers—mostly doctors—in resigning was workload, followed by low wages and the high number of complaints hospitals receive, according to the poll. And according to the Medical Council’s statistics, more than 1,400 doctors have fled state hospitals for better work conditions and incomes in the private sector. In 2001, the pilot year of the Bt30-scheme, 276 hospital workers resigned, rising to 564 and 607 in the next two years…[Nonetheless] the latest multi-disciplinary study evaluating the Bt30-scheme estimates that the scheme has helped reduce poverty associated with spending on healthcare. Conducted by the Thailand Development Research Institute (TDRI), the study is entitled “The Monitoring and Evaluation of Universal Health Coverage in Thailand, Second Phase 2003-04.”

Paradoxically, as the post-1997 economic recovery gathered strength, it exacerbated the staffing shortage...
even as public finances improved for the financial sustainability of universal health care coverage. The market for private sector health care recovered along with the disposable incomes of the middle classes, and the outflow of medical staff from the public sector to the private sector quickly returned to pre-1997 levels. The current drive to promote Bangkok as a regional hub for medical tourism can only exacerbate this chronic staff shortage.

The Ministry of Public Health is well aware of the tensions inherent in the “dual track” policy objectives of achieving universal coverage while simultaneously developing a regional medical hub.

Among the policy measures adopted to cope with this dilemma are plans to markedly boost the enrolment of medical doctors with special attention to applicants from rural or provincial backgrounds, generous incentives and professional recognition for rural doctors, and renewed emphasis on health promotion as a cost-effective approach to improving population health.

It is nonetheless sobering that the USA, the archetype of market-driven healthcare, with its domestic supply of home-grown doctors further supplemented by immigrant MDs, is still unable to provide insured health care access for more than 40 million of its residents, despite spending 15% of its GDP on health care.

Dr. Ammar Siamwalla (TDRI) for one, is apprehensive that further unregulated growth of the private health care sector, coupled with under-financing of public sector health care, will lead to self-selection and opting out by the middle and upper classes, i.e. the vocal and more influential segments of society who might otherwise have a stake in agitating for universal health care of quality, provided (or financed) by the state, as an entitlement for all Thai citizens. It would be unfortunate if a promising experiment in Thai health care reforms gravitated instead towards a polarized system of deluxe, five-star care for the rich, and decimated, demoralized, and under-funded services for the destitute.

PHILIPPINES: THE MOUNTAIN MOVES

In the Philippines, the unbalanced distribution of healthcare staff is similarly driven by internal migration (see box right) but even more dramatically by transnational movements which have reached enormous proportion.

Distribution of health facilities and health staff within the Philippines

In 2000, there were 15,486 government and private health facilities in the Philippines. Most of these were rural health units, municipal health centers, and barangay health stations; and on a population basis, they were less unevenly distributed between regions. For the hospital sector however, comprising 1,089 private hospitals and 623 government hospitals, bed:population ratios ranged from 1:404 for the Cordillera Administrative Region to 1:5,967 for the Autonomous Region of Muslim Mindanao. The National Capital Region did not emerge as a particularly favored region because the concentration of personnel and facilities here is offset by the large metropolitan population, a sizeable fraction of whom nonetheless face financial barriers to health care despite its geographic proximity.

In terms of distribution of health personnel, 87% of physicians worked in hospitals (65% in private hospitals, 22% in government hospitals); 78% of nurses worked in hospitals (49% in private hospitals, 29% in government hospitals); 75% of midwives worked in hospitals, about evenly distributed between private and public hospitals; 74% of dentists worked in private hospitals and other private establishments, while 10% worked in government establishments.

In line with the 1991 Local Government Code (decentralization law), 75% of the Dept Health’s field staff (approx. 46000) were devolved to barangay, municipal, city and provincial levels. Meanwhile, the automatic revenue transfers from central government to local government units increased from 11% to 40% of the national budget (20% to the barangays, 34% to municipalities, 23% to cities, and 23% to the provinces). Provinces and municipalities together received 57% of the revenue transfers, but had to bear 92.5% of the costs of devolved responsibilities (including health services). Cities and barangays, responsible for 7.5% of the devolved responsibilities, nonetheless received 43% of the transfers. Hence, while decentralization may offer opportunities for more participatory and democratic local governance, decentralization without the commensurate reallocation of funds (or devolution of fiscal powers), may be an abdication of responsibilities by a central governing authority. Along with privatization, decentralization may thus be a parallel strategy for retrenching the welfarist state.
The net migration of medical doctors and other health staff from poorer countries to more affluent ones is a global phenomenon, hardly novel but one which has emerged as a significant issue in international health policy circles.49

Driven in part by escalating demand for nursing care as the “baby boom” generation ages, recruitment of nurses especially from countries of the English-speaking South has accelerated in the last decade.50

In recent years, the annual exodus of nurses leaving the Philippines for foreign employment markedly exceeded the number of trained nurses who were licensed in those years.

This peaked at 13,536 nurse émigrés in 2001, more than three times the number of trained nurses who were licensed in that year (4280), but this outflow had declined to 8,968 in 2003. Cumulatively, 163,756, or 85% of currently employed Filipino nurses are working outside of the Philippines, principally in Saudi Arabia, United States of America, United Kingdom, Libya, United Arab Emirates, Ireland, Singapore, and Kuwait. The recruitment by these countries have fluctuated greatly in the period 1992-2003, with the exception of Saudi Arabia where recruitment was consistently high with a recent uptrend perhaps reflecting lower recruitment from other source countries in the post-9/11 period. By 2003, Saudi Arabia accounted for 56.8% of Filipino nurses employed abroad.51

This international mobility of labor evokes divergent passions:

- Is this a gratifying corrective to the asymmetric mobility between labor and capital in globalization?
- Or is this depriving a country of scarce, skilled human resources and thereby exacerbating global inequity arising from gross imbalances in purchasing power?

At a HAIAP Regional Seminar on Healthcare Financing held in Penang on 15 April 2004, Dr. Magdalena Barcelon, Executive Director of the Community Medicine Development Foundation (Manila) reported that:

“... for the last two years, at least 1,000 or 20 percent of nurses in 11 government hospitals have gone abroad. At least 50% of health professionals in government hospitals have pending application for abroad. Operating rooms are staffed with novice nurses, and those with experience often work double shifts. In Jose R. Reyes Memorial and Medical Center, the flagship hospital of the Department of Health, 25 out of 30 operating room nurses, or 83 percent, have applied to go abroad. 50% of nursing staff of Phil Heart Center, National Kidney and Transplant Institute have left for abroad in the past few years... Novice nurses now occupy sensitive posts in the OR, ICU...Deans of nursing schools all over the country are scrounging for experienced clinical instructors for replacement to those who have migrated... Meanwhile, 2,000 medical doctors, many of them are specialists, have become nurses. Thousands more have enrolled in colleges that would give them a nursing degree within one year. Many have left for abroad, leaving behind their patients who are in dire need of their care.”

[there are anecdotal reports of other professionals including lawyers enrolling in nursing colleges]

Interestingly, Dean Baker,52 co-director of the left-wing Center for Economic and Policy Research (Washington, DC), points out (half tongue-in-cheek?) the class bias of US trade policy negotiators:

Free trade has generally meant removing barriers on trade in goods, the effect of which is to put downward pressure on the wages of the three quarters of the work force without a college degree. A consistent proponent of “free trade” would also be arguing strongly for the removal of barriers to trade in professional services. Putting highly paid professionals in direct competition with professionals in developing countries would lead to large gains to consumers and the economy. In addition, it would be a more equitable approach to trade... For the last 50 years, US trade policy has focused primarily on removing barriers to trade in goods. Trade policy has not only reduced or eliminated direct barriers, such as tariffs and quotas; it has also worked to reduce indirect barriers, such as rules governing foreign investment, product safety and environmental standards... However, US trade negotiators have made no comparable effort to reduce barriers to trade in highly paid professional services, such as doctors’, dentists’, lawyers’ and accountants’ services. To the contrary, in some cases barriers to foreign professionals working in the United States have increased in recent years.
The United States could easily design mechanisms to ensure that developing countries would share in these gains. Even with no governmental action, developing countries would benefit from an increased flow of remittances from emigrant professionals. The United States could also ensure that part of the earnings of foreign professionals would be paid to home-country governments to compensate for those countries’ investment in educating professionals. Since professionals must have their licenses renewed on a regular basis, coordinating this transfer should be straightforward. If, in addition, the US government increased its foreign assistance by an amount equal to the efficiency gains from the inflow of foreign professionals [ignoring the gains to consumers], the resulting transfer of funds would more than double the foreign aid budget.

Baker does not include nurses among the highly-paid professionals that he lists, but others not so discriminating would readily extend the argument to other professions including nursing, and indeed, why not to lesser-skilled immigrants as well?

In a recently published book The Anti-Development State: The Political Economy of Permanent Crisis in the Philippines (University of the Philippines, 2004) Walden Bello and his co-authors Herbert Docena, Marissa de Guzman and Marylou Malig pose the question why, among the Southeast Asian countries, the Philippines was notably bypassed in the massive redeployment of Japanese manufacturing capital following the Plaza accords of 1985, when the upward revaluation of the yen by 50 percent threatened its export competitiveness. Malaysia, Thailand, and Indonesia in particular were the favored choices as low wage offshore production platforms, and with further investments from Hong Kong and Taiwanese (and US) manufacturers, it went on to stimulate the export-oriented industrialization of these Southeast Asian countries.

Bello and his colleagues argue that corruption was not a key factor since it appeared not to deter investors from South Korea, Indonesia and other notably corrupt East and Southeast Asian states. They highlighted instead the small domestic market, a consequence of a lack of meaningful land reform and the associated extreme inequality of income distribution. It is not clear that a limited domestic market was a decisive factor for export-oriented investors. More pertinent perhaps, among the other factors mentioned, was the (Aquino administration’s) burden of debt servicing, inherited from the Marcos dictatorship and perpetuated by a corrupt political class incapable of subsuming their short-term factional interests, which annually consumed a third of the Philippine national budget and decimated the country’s supportive infrastructure (physical, technical, educational and social). The Philippines is presently the world’s leading exporter of labor. If globalizing capital doesn’t come to the mountain, the mountain will seek it out. So in 2004, an average of 2,600 Filipinos left the country daily to seek employment and livelihood abroad. There are currently at least 7.5 million registered migrant workers employed in 186 countries, and unregistered workers estimated conservatively at 1.7 million. This amounts to 11.2 percent of the Filipino population (or 17 percent of the labor force), whose remittances to the Philippines totaled US$10.35 billion in 2005, equivalent to a quarter of the country’s exports, or about 12 percent of gross domestic product, without which the Philippine economy might well have collapsed.

As Pepe Escobar, a regular columnist for Asia Times online puts it: “The soundtrack of Southeast Asia—and most of the Middle East—is played by Filipinos. Officials and crews on cargo and cruise ships sailing across all oceans are invariably Filipino. Filipino doctors and nurses [and teachers] migrate to overseas hospitals [and schools] by the thousands every year. At least 4,000 Filipinos risk their lives working in Iraq. (The Philippines banned its citizens from going to work in Iraq after truck driver Angelo de la Cruz was kidnapped by Islamic militants on July 7, 2005. However, 42% of all Filipinos believe they have a right to look for a job in a danger zone such as Iraq). Hong Kong’s [Filipino] amahs leave their families behind and embark on two-year contracts that pay a fixed salary set by the Hong Kong government. They then send 70-85% of the total back to the Philippines every month. The “privilege” of working in a wealthy, advanced and multi-racial society where they keep the house impeccably clean,
cook tasty food, communicate well, teach English to the children of their wealthy employers for free, and learn Cantonese almost immediately, is rewarded in many cases with being treated as a very low-class citizen—not to mention a back-breaking, full six-day work-week and a single trip to see the family back home once every two years.\(^3\)

Escobar also has the appropriate last word:

“The Filipinos are a capable, well-educated, joyful people. Most who have settled abroad, [who have] escaped the misery of semi-feudal rule and been given the opportunity to prosper, have done so. But, of course, they can’t all emigrate or become overseas workers. Ultimately, they will need to find the political means to rid themselves of the oppressive medieval structures that make their lives on Earth the equivalent of purgatory.”

Notes


\(^4\)see for example, EL Hannan, M Racz, TJ Ryan et al. 1997. “Coronary angioplasty volume-outcome relationships for hospitals and cardiologists”. In *Journal of American Medical Association* 277: 892-898.


\(^6\)quite apart from economic barriers to existing treatments, * Médecins Sans Frontières* (MSF) has highlighted the persistent problems of neglected diseases: of the 1,393 new drugs approved between 1975 and 1999, only 16 (or just over 1 percent) were specifically developed for tropical diseases (such as malaria, sleeping sickness, Chagas’ disease, kala azar) and tuberculosis, diseases that account for 11.4 percent of the global disease burden. For 13 out of those 16 drugs, two were modifications of existing medicines, two were produced for the US military, and five came from veterinary research. Only four were developed by commercial pharmaceutical companies specifically for tropical diseases in humans. These tropical diseases mainly affect poorer communities in countries of the South, which do not constitute a valuable enough market to stimulate adequate R&D by the multinational pharmaceutical companies. ref: P Trouiller, P Olliaro, E Torrelee, J Orbinski, R Laing, N Ford. 2002. Drug Development for Neglected Diseases: A Deficient Market and a Public Health Policy Failure. *Lancet* 359: 2188-2194 (22 June 2002); R Cohen. 2002. Neglected Diseases and the Health Burden in Poor Countries. *Multinational Monitor*, June 2002; Michael Kremer & Rachel Glannerster, “Creating a Market for Vaccines” in *New York Times*, 1 June 2001.


\(^9\)in the terminology of the neo-Keynesian French Regulation School, this would be an instance of “regulation failure” and crisis of the existing regime of accumulation: “there are long periods of time when things work, when the configuration of social relations that defines capitalism, for instance, reproduces itself in a stabilized way. We call such a continuing system a regime of accumulation. This refers, of course, to economics but this can be extended to politics, diplomacy, and so on... we have to think [also] about the ways this regime of accumulation is achieved... individual expectations and behavior must
take shape so that they are in line with the needs of each particular regime of accumulation. There are two aspects of the process. The first operates as habitus, as Bourdieu would say, in the minds of individuals with a particular culture and willingness to play by the rules of the game. The other operates through a set of institutions [which] may vary widely, even within the same basic pattern of social relations. Wage relations, market relations, and gender relations have, for example, changed a lot since they first developed. We call a set of such behavioral patterns and institutions a mode of regulation…” Alain Lipietz. 1987. Rebel Sons: The [French] Regulation School - An interview conducted by Jane Jenson. In French Politics & Society, Volume 5, n°4, September 1987. [If we add an element of periodicity, it calls to mind Kondratieff waves (business cycles) and the periodic build-up (and dissipation or destruction) of over-accumulated capital and excess capacity].

10Utsa Patnaik discusses the deflationary bias of finance capital thus: “the emergence and dominance of highly mobile and fluid global finance capital in the wake of the oil-shocks of the 1970s and the largely successful attempts of this finance capital in moulding economic policy agendas worldwide… [it expresses largely] the interests of capitalists who deal in money to make profit [which] have always been substantially different from the interests of capitalists who are engaged in material production for profit on the basis of borrowed money. Financiers are creditors, and creditors above all wish to prevent inflation, which erodes their returns: they wish to maintain high real interest rates and want complete freedom to move their finances in and out of countries in search of the highest returns, which are mainly speculative in nature...Deflationary economic policies combined with the removal of all national barriers to its free movement thus forms the core of the policy agenda of finance capital. The dominance of finance capital over all other types of capital, and the systematic implementation of its deflationary agenda in over 80 countries through conditions attached to external debt from the international lending agencies, has brought about the present global crisis of livelihoods”. Utsa Patnaik. 2003. Global Capitalism, Deflation and Agrarian Crisis in Developing Countries. UNRISD Social Policy & Development Program paper number 15. Geneva: UNRISD. See also: Prabhat Patnaik. 2004. The New Imperialism, paper presented at the International Development Economics Associates (IDEAs) international conference on The Economics of the New Imperialism, Jawaharlal Nehru University, New Delhi, January 22-24, 2004.


14there are however marginalized communities of Koreans, Chinese and lower caste burakumin, whose ranks may be swelled as communal solidarity within the mainstream is eroded by an ascendant neoliberalism.


16until recently, the Finance Ministry held a majority stake in Japan Tobacco Inc, which had a virtual monopoly on the tobacco industry, and generated tax revenues estimated at 896 billion yen (US$7.5 billion) in 1999. Lancet 354:843, September 4, 1999.


24 Kaneko Masaru, a professor of public finance at Keio University has written extensively on the dangers of a neoliberal approach to Japan’s economic woes, which would amplify risks and weaken consumption further, and thereby exacerbate deflation. At the same time, he is severely critical of the vested interests among the status quo whose self-serving mismanagement of public finances threaten to run the Japanese economy into the ground. A useful summary of his views is provided by Andrew Dewit in Japan’s Third Way: A Public Intellectual Confronts Japan’s Economic Stagnation. April 2004. www.japanfocus.org/article.asp?id=105. Accessed on January 24, 2006.

25 the term has also been used by Marie Anchordoguy to describe a distinctively Japanese capitalism with its seemingly less fratricidal (more accommodative) relations between rival enterprise groups, their interdependent units, their financial backers, and their employees, over and above the industrial coordination and redistributive initiatives of a technocratic welfarist state. The High Tech Crisis Under Communitarian Capitalism. Cornell University Press, 2005.


28 Chalmers Johnson argues that the pre-eminent role of technocrats pre-dated the US post-WWII occupation, going back at least to the powerful bureaucracies that were mandated from the 1930s onwards with responsibilities in war mobilization and war production, as integral key components of the Japanese corporatist state. re: MITI’s wartime origins as the all-powerful Ministry of Munitions. Johnson, C. 1982. MITI and the Japanese Miracle. California: Stanford University Press.


30 the modern welfarist state acts also as a pooler of risks to cope with the catastrophic and burdensome events which occasionally befall its less fortunate citizens. Socialized resources (taxes and other public revenues) have traditionally financed safety nets in healthcare, in unemployment and social security, and provided relief in instances where neither the individual nor her/his family and social support network could cope with the consequences of catastrophe. The modern state, in short plays a crucial role as an insurer and risk manager in dealing with uncertainty. The privatization of healthcare provision in principle is still compatible with public financing of healthcare (via a tax-supported national health trust fund, national health insurance, or some such arrangement). The privatization of risk management however is the lifeblood of the insurance (and financial services) industry, and this industry would look favorably upon the market opportunities emerging from a reduced role for government in social insurance and social protection, i.e. in the management of uncertainty. CK Chan. “The Privatisation of Social Insurance”. In Malaysiakini.com, 28 August 2000.

31 ongoing efforts to expand commercialized health care in Japan are discussed by Ikegami Naoki. 2005. Should providers be allowed to extra-bill for uncovered services? Debate, resolution and the future in Japan, paper presented at the International Seminar on Reforming Health Social Security, Keio University, Tokyo, June 27-29, 2005.

32 as an agent of global social reproduction, the World
Bank itself may be subject to forces pushing for privatization (in this case, divestment of its development financing role to private capital markets), much in the way that welfarist states are being urged to selectively offload their more profitable social services to the private sector. Not surprisingly (as an institutional compromise and accommodation), the WB, without requiring much of a push, seems to have re-positioned itself to be an even more influential agent which can promote the privatization and retrenchment of the welfarist state, including the welfarist state in its developmentalist incarnation. We see, for instance, an expanded role of IFC/MIGA to promote private sector involvement in “development”; World Bank bonds to raise funds in private capital markets to make up for funding shortfalls from donor countries; World Bank Institute, recently established ideological hub to propagate more vigorously the neo-liberal agenda through a global network of affiliated and influential think-tanks, in the process, disingenuously exaggerating the role of the “free” market in fostering “development”, and denigrating the state-led experiences of much of East & Southeast Asia. Since the time of AW Clausen (World Bank President, 1981-1986, former president Bank of America, not coincidentally a time when metropolitan banks were flush with liquidity from Eurodollars and petrodollars), there have been persistent calls from certain US quarters for IFIs (esp. the World Bank) to divest more of its development financing activities to private capital markets. The same interests presumably are among the perennial chorus clamoring to reduce US contributions to multilateral lending agencies. The Meltzer Commission, in its report to the US Congress in 2000, recommended in effect a triage of borrower countries: debt cancellation, outright grants and performance-based concessional loans for the most destitute of highly-indebted countries, as opposed to the more “credit-worthy” borrowers with access to capital markets, who should be weaned from multilateral lending agencies and henceforth be serviced by private lending institutions (i.e. the financial analogue of “targeted” programs in health services). Indeed, this is the persuasive face and generic template for the privatization of social services. [see also The New Public Finance (ed. Inge Kaul & Pedro Conceicao), Oxford University Press, 2006 for a discussion of “public-private partnerships” in development financing and the financing of global public goods; Einhorn, Jessica. 2006. “Reforming the World Bank: Creative Destruction”. In Foreign Affairs 85(1):17-22].

In 1980s and 1990s, critics and skeptics of the socialist project spoke patronizingly if not dismissively of actually existing socialism, warts and all. By the same token, one should also speak of actually existing neo-liberalism (market fundamentalism), in light of contemporary and cumulative evidence from the past two decades (silence from the neo-liberals in the wake of the scandals and debacles engulfing WorldCom, Enron, Long-Term Capital Management, Halliburton, etc) rather than ensemble on about some hypothetical, idealized construct emanating from Chicago and Vienna.

The Japanese government began providing health insurance in 1927, and in 1961 universal coverage was achieved.


Dr. Prawase Wasi, emeritus professor of medicine at Mahidol University and a prominent public intellectual, was a key figure in the Thai movement for constitutional reform. He emerged from that experience with a tactical approach “Triangle that Moves the Mountain” which was influential among health systems reform activists who sought to nurture and build upon the
positive synergism of knowledge creation (research and analysis), social mobilization, and political engagement as a mutually-reinforcing base for their advocacy.


45 Wibulpolprasert, Suwit. (forthcoming, 2005)

46 at the International Seminar on Reforming Health Social Security (Keio University, Tokyo, June 27 – 29, 2005), Takemi Keizo, LDP Diet member (House of Councilors) and Chairman, Committee on Foreign Affairs and Defense remarked that in the bilateral negotiations for a Free Trade Agreement between Japan and Thailand, the Thai side had requested that Japanese nationals be allowed to use their social insurance entitlements to pay for health care that they might receive from Thai health care institutions. Presumably this could extend to temporary visitors and tourists, Japanese retirees residing in Thailand, and medical visitors.

47 Wibulpolprasert, Suwit, interviewed on October 3, 2005, at the Ministry of Public Health, Bangkok.

48 Siamwalla, Ammar, interviewed on October 13, 2005, at the Thai Development Research Institute, Bangkok.

49 Pang, Tikki; Lansang, Mary Ann and Andy Haines. “Brain Drain and Health Professionals”. In *BMJ Editorials*, vol.324, pp. 499-500, 2 March, 2002.


51 source: Philippine Overseas Employment Administration, POEA.


[Reflections on the Human Condition: Change, Conflict and Modernity]

*The Work of the 2004/2005 API Fellows*
ReSEARCH ON MEDICINAL PLANTS IN THAILAND BETWEEN 1998-2002: THE BIOMETRIC APPROACH

Ambar Yoganingrum

INTRODUCTION

In the last decade, there has been a global rise in the use of traditional medicine and complementary and alternative medicine not only in developing countries but also in developed countries. The most widely used traditional medicine and complementary and alternative medicine therapies are herbal medicines and acupuncture. The popularity of herbal medicine was gained as people in the world wants back to nature. (Prana, 2004; Zhang, 2000)

In a survey between 1987-1996, 34% of Americans use complementary medicine. It increased to 40% in 1997 (Zollmand and Vickers, 1999; Tanne, 1998). The popularity of herbal medicine increased in Australia especially the use of western herbal medicine. (Wohlmuth and Nathan, 2002; Alternative and Complementary Medicine in Australia, 2005; Tanne, 1998) The increase of public demands for complementary medicine such as acupuncture, homoeopathy, manual therapy or manipulation, and herbal medicine were differ among countries in Europe but the demands were strong and growing. (Tanne, 1998; Hoareau and Da Silva, 1999; Fisher and Ward, 1994) Countries in Africa had declared the program namely “Promoting the Role of Traditional Medicine in Health systems: A Strategy for the African Region” in 2000. The program was conscious of African member states of the fact that about 80% of the population living in the African region depend on traditional medicine for their health care needs. (Zhang, 2000; Timmermans, 2005)

In several Southeast Asia countries such as Indonesia and Thailand, the traditional medicine became more popular because synthetic drug prize increased when the economic crisis hit those countries in the middle of 1997. (Prana, 2004; Department of Industrial Promotion, 2005; Sudibyo, 2005)

There are various reasons why people in the world prefer using herbal medicine than synthetics. Some of them believe natural drugs are safer than synthetics. It is also cheaper than modern medicine for daily health care purposes. In Indonesia it has been used from generation to generation, therefore they believe the merit of herbal medicine for health care. (Department of Industrial Promotion, 2005; Sulhi-intisari-cn02, 2004)

Herbal medicine is an important component of national health system in several South East Asian (SEA) countries such as Indonesia and Thailand. Those countries are not only abundance of plant diversity but also rich of traditional knowledge on herbal remedies. (Zhang, 2000; Timmermans, 2005)

Indonesian has recognized herbal medicine since 17th century. They use plants as a medicine (known as jamu) to cure various kinds of illness, to maintain good health, as cosmetics, indeed to maintain a loving family harmony, which jamu could make a women and men sexual organ in a good condition. (Sulhi-intisari-cn02, 2004)

Based on survey in 1989, folk medicine particularly from herbs still played an important role in primary health care of Thais. Thais, in each region of the country, use medicinal plants to cure common ailments. They use also as ingredients in foods and drinks. (Saralamp, 1996; Ruprecht, 2003; Samabuddhi, 2003)

Thai government has a commitment to revive and promote scientific interest in medicinal plants and use of medicinal plant in the primary health care system since 1977. Thai government declares that folk medicine is an alternative medicine and a complement of modern medicine especially for people in rural areas. The Thai government increased the budget for knowledge and standards for alternative and traditional Thai medicine and Thai herbal medicine in fiscal year 2002. (NRCT, 2005) Thai government built institutions, implemented several major projects and conducted researches regarding herbal medicine during about 30 years. Those efforts also were responses for World Health Organization (WHO) statement in 1977.

It is important to clarify several aspects such as the growth of research, the particular subjects on medicinal plants developed, and the number of institutions and researchers having the role of the development. In developing countries sometimes those aspects are obeyed whereas in fact could assist the improvement and the development of research on herbal medicine. Moreover if compared by the role of herbal medicine as an important component in national health system.
The main purpose of this project is to study the development of medicinal plant in Thailand. The specific objectives of the study are:

1. To study the growth of research document and research institutions that participated in developing of medicinal plants in the year 1998-2002.
2. To identify the major subjects on the medicinal herbs research published in the year 1998-2002.
3. To assess the synergism between researches and the policy that be drafted for developing of medicinal plants.

This project focused on research activities that are learning profile and structure of medicinal herb researches in 1998-2002 in Thailand. Those purposes allow assessing the direction of the medicinal herb research on the period. The reason why we choose that period was we found that in Indonesia publication relating to herbal medicine increased when economy crisis hit this country on the middle of 1997. So we wanted to look the trend of research on Thai herbal medicine at the same period and the trend for five years onward.

Knowing the direction of the research is a way to know the effectiveness of program. By studying the previous researches we could observe the direction of the researches. Furthermore in developing countries there is a limitation of research budget and expert. So it is important to investigate the direction of research of a discipline and compare to the program.

Bibliometrics is an appropriate method to study the development of medicinal plant from quantitative perspective. It is a quantitative method to measure the growth of science based on scientific publication published in a period of time. (Ding, Chowdhury, and Foo, 2000)

Co-word analysis is an important subset of bibliometrics. It analyzes the co-occurrences of keywords in research documents on a subject. In information sciences area, keywords of a document are important subject. They are not only for recognizing a document in literature retrieval but also carry and represent concept and idea that contained in a document. Co-word analysis provides an immediate picture of the actual content of research topics dealt with in the literature. (Chen, 2003; Ding, Chowdhury, and Foo: 2000)

Many researchers from any disciplines used Bibliometrics method for some purposes such as to measure the growth of disciplines, to investigate the researcher and institution performance and to evaluate the synergism between research and program. The method has applied on any research fields such as medicine, information sciences, anthropology, chemistry and so on. (Arunchalam and Gunasekaran: 2001; Butler, Bourke, Biglia: 1997; Ding, Chowdhury, Foo: 2000)

**METHODOLOGY**

This study used two techniques i.e. Bibliometrics and in-depth interview. Bibliometrics was done toward the research reports in the discipline of medicinal plants published on scientific journals in the period of 1998-2002. The period allows a country produced a number of publications sufficient for statistical analysis.

This research did not cover the non-publication scientific document such as dissertation, thesis, and internal research report. Although those kinds of document are the important sources for studying the development of science, especially well supervised theses and dissertation; however, it would need much time and budget to collect unpublished document from any universities and institutions both government and private.

This study used articles published by Thai and foreign researchers on scientific journals. The list of articles is obtained from several resources i.e. Thai Documentation Centre, who has collection of Thai scientific publication including medicinal plant, CSA database, SCI (Science Citation Index) database, SSCI (Social Science Citation Index) database and AHCI (Art and Human Citation Index) database. Articles also were collected from scientific journals in some faculties and universities libraries in Bangkok and Chiang Mai in order to have comprehensive source of data.

In-depth interview and literatures study were also carried out to collect the information about the policy on medicinal plant research in Thailand. The informants were researchers in the field related to medicinal plant from Chulalongkorn University, Chiang Mai University, Prince of Songkhla University and Rangsit University, and the government employees in Ministry of Public Health.

**Data Collection**

The number of journal articles published in 1998-2002 on local and international scientific journal was 342 articles. In case of local journal, we collected all articles not only written in English but also in Thai. All journal articles written in Thai have abstract in English. Then we calculated the number of researches, the rank of the institutions and the rank of researchers.
The indexers extracted the important keywords from titles and abstracts manually. All these keywords are standardized using the thesaurus in order to make them consistent, unified and unambiguous.

A total of 992 unique keywords were collected from 342 articles. The frequency of the keywords was range between 1-42. Keywords with frequency of one or two were merged with their broad term. We eliminated the keywords with frequency one and two that did not have any broad term. Finally, we had 132 keywords for co-word analysis.

We calculate the number of times two keywords appear together in the same publication using software. Then we had a co-occurrence matrix of 132X132 keywords. The value of each cell of the matrix was co-occurrence frequency of x and y. Furthermore we calculated which topic are core, prominence and emerging level based on method of Sujit Battarcharja. (Bhattacharya, Kretschmer, and Meyer, 2003; Bhattacharya, 2001)

Based on the data obtained on this research we conducted a modification of the method by defining those levels as follow:

1. Core level is the co-occurrence frequency of keywords that contained on more than 5% of total documents.
2. Prominence level is the co-occurrence frequency of keywords that contained on 2-5% of total documents.
3. Emerging level is the co-occurrence frequency of keywords that contained on 1-2% of total documents.

THE MEDICINAL PLANTS IN THAILAND: AN OVERVIEW

Historical background

The land of Thailand is located in tropical region which covering the area of 200,148 square miles. The country has a good climate that causes for many kinds of plant to grow fertile. Therefore, Thailand is well known for her biodiversity. Because of the abundant of various species of flora, Thai people recognized the plant as medicines and become a part of life since centuries ago.

The first evidence indicating the use of medicinal plants in Thailand was found in the 12th century, in which the form of stone tablet in the reign of King Chaiworaman VII was used as medicine. It was also found the stone at Prasart Taprom, right now is known as Cambodia area, which contained the list of material including herbs used as medicine. The Mahayana Sect of Buddhism led by Phra Bhaisajkuru influenced largely the art of drug compounding on this period.

Afterwards in Sukhothai Period (1238-1377 AD) Ramkamhaeng Stone Inscription was found, which contained evidence about trading of herbal medicine and transferring of drug compounding technology between Thailand and her neighboring countries. The Hinayana Sect of Buddhism influenced the development of medicinal plants in this period.

Although Burma destroyed much of evidences during the Great War in Ayuthaya Period (1350-1767 AD), the evidence of herbal medicine trading between Thailand and other countries such as Spain, Holland and Britain was still found in the middle part of that period. In 1782, King Rama I moved the capital from Ayuthaya to Bangkok. There were only 23 herbals survived from the great fire in Ayuthaya.

In 1821 in the reign of King Rama III, Thai herbal medicine reached the peak of the development. In which many herbal drug formulas were written on inscription to decorate the temple’s wall. The traditional drug recipes were compiled from various sources systematically during this period. The most important temple was Wat Phra Chetuphon Wimonmangkhalaram (Wat Po) that contains 1100 drug formulas on its wall.

The manuscript of Thai herbal remedy were reviewed and revised for almost 42 years became a Thai medical textbook. This was a first comprehensive manuscript on Thai herbal medicine. The most drugs used in hospitals around the country were those derived from medicinal plants.

The establishment of Siriraj hospital, the first modern hospital in Thailand, in 1888 had totally changed the golden era of medicinal use. The number of western-educated physician introduced the modern drugs, especially in government hospitals and health centers. The modern drugs replaced the herbal medicine in Thailand. However herbal medicine still played important role in rural areas, in which the communities still respected traditional healers and herbalists.

The use of modern drugs in hospitals thoroughly made the import value of drug soar. This condition influenced the Royal Thai Government aware of the importance of Thai medicinal plants. It was also encouraged the leather of monks in Wat Po to build the School of Thai Traditional medicine inside the temple. Other temples in Bangkok and other provinces followed this act.
Many temples in rural area built their own medicinal plant garden as a source of herbs not only to treatment of patients but also as an educational place. Thai scientist in collaboration with their counterparts conducted research on a large number of Thai indigenous plants collected for 30 years. The government has a commitment to revive and promote scientific interest in medicinal plants and usage of medicinal plant in the primary health care system. Thai government built institutions and implemented several major projects during this period as a response for World Health Organization (WHO) statement in 1977. They proved scientifically that herbal drugs could substitute the modern medicine.

The Thai Committee on Thai Medicinal Plants was built in 1979 purposed to study ways and means of integrating the use of herbal drugs into community activities. In 1980 the National Economic and Social Development Board, the Ministry of Public Health carried out the strategies for the development of Thai medicinal plant, as followed:

1. The development of Thai medicinal plant for use in primary health care
2. The development of Thai medicinal plant for use in traditional and modern drug industries
3. The development of Thai medicinal plant for export.

Following that the government established the Medicinal Plants and Traditional Medicine section under the Ministry of Public Health that is in charge on promoting and supporting activities relating to the usage of medicinal plants and traditional Thai medicine in primary health care.

As a one of the commitments the government implemented a pilot project sponsored by UNICEF during 1984-1985. The project was the use of selected 66 medicinal plants species, which already known the data on efficacy and safety, to cure the ailments on 1000 villages located in 25 provinces. Other activities as a part of this project were to prepare the rural health practitioners as well as the production and distribution of the materials.

Subsequently of previous project the government employed other project. It was the formulation and the clinical usage of five selected species to five community hospitals i.e. Curcuma longa, Andrographis paniculata, Cassia alata, Clinacanthus nutans and Aloe barbadensis.

The foundation for the promotion of traditional Thai medicine was established in 1982 to set up “Ayurved-Vidyalaya”, which purposed to train the practitioners, who already have skills in traditional medicine, in order to have skills on modern diagnostic procedures. This project increased the usage of medicinal plants in primary health care in rural areas.

In order to boost up the promotion of the medicinal plant the government has offered a grant for the research on scientific, toxicological and clinical aspects of various medicinal plans. The government also established several institutions such as Center for Information of Medicinal Plants and Center for Coordination of the Development of Traditional Thai Medicine and Herbal Drugs. (Medicinal Information Center, 2004)

The first institution has task to learn and disseminate information on medicinal plants from various sources and to render services to government and private agencies, researchers, students and the general public on medicinal plant data search and analysis. The other institution has task to devise strategies and coordination of the development of traditional Thai medicine and herbal drug.

Challenges for protection of knowledge of traditional medicine

The traditional medicine has an important role on health care in many developing countries for many years. Nowadays the use of traditional medicine also diffused in developed countries. While many people become in doubt toward modern or western medicine for daily health care, the traditional medicines are increasingly popular. (Zhang, 2000)

This phenomenon makes the commercial value of traditional medicines goes on increasing especially herbal products. This is trigger for emerging important issue related to provide a system to protect the knowledge of traditional medicine from bio-piracy. It is defined as a term to describe the exploitation and the appropriation of biological and genetic resources and/or associated (traditional) knowledge without the approval or consent of their holders, and without adequate compensation. (Zhang, 2000; Timmermans, 2005; Mashelkar, 2000) Let us scrutinize these two essential issues related to how important to create appropriate intellectual property right for protecting the knowledge of traditional medicine.

In 1996, The Council of Scientific and Industrial Research of India (CSIR) requested to revoke the patent on the use of turmeric in wound healing. In India turmeric powder is widely known and used for...
wound healing from generation to generation. Then the patent was revoked on the basis of lack of novelty. CSIR succeed to revoke the patent because they could provide relevant scientific literature, including an ancient Sanskrit text and a paper published in a journal in 1953. (Timmerman, 2005; Mashelkar, 2000) One of ways to protect the knowledge of traditional medicine from bio-piracy is systematic documentation of traditional medicine.

This is other reality; pharmaceutical giants – commonly in developed country - have been interested and active in exploring the knowledge of traditional medicine – commonly from developing country. They spend million-dollar to develop new drugs on the basis of traditional ones. It is ironic when they patented plants, compounds or derived products from traditional medicine without fair compensation to indigenous people who have created and preserved the knowledge; an example was vincristine and vinblastin as anticancer drugs from Madagascar’s rosy periwinkle plant. (Timmermans, 2005; Mashelkar, 2000)

Indian expert group examined that there were 374 from 762 US patents (49%) based on traditional knowledge. The international community gave significant support for opposing the grant of patent on non-original inventions. There are barriers for developing countries to do this i.e. time consuming and particularly extremely expensive. (Mashelkar, 2000)

The western IPR system is not an appropriate system to protect knowledge of traditional medicine. The knowledge that can be patented by western IPR system has to meet criteria such as novelty, inventiveness, and the inventors should be identified. Those criteria are not suitable with properties of knowledge of traditional medicine. The traditional medicine has been known from generation to generation so it is not novelty, not original and not identified the founder.

The issues here are concerned how to protect the intellectual property rights between indigenous people who created, possessed and conserved the traditional knowledge and scientists who develop and transfer the knowledge to the modern technologies.

Thailand has started creating the protection system for its traditional medicine by adopting of the Act on Protection and Promotion of Traditional Thai Medicinal Intelligence in 1999 (BE 2542) that sponsored by Ministry of Public Health (Kuanpoth, u.d.). Thailand also already has Plant Variety law to protect its biodiversity. (S&I International Bangkok Office, 2005)

Indonesia also concern about protecting its traditional knowledge especially in the field of biodiversity. Several institutions and NGO conducted meetings, seminars and activities in national scale concerning the protection of its traditional knowledge; however this issue is still in the early step in Indonesia. (Kamil, 2000)

RESULT AND DISCUSSION

The profile of medicinal plants research in Thailand 1998-2002

The popularity of Thai traditional medicine increased slowly but sure. Doing research on any aspects of herbal medicine is an effort of Thai government to revive and promote scientific interest in medicinal plants.

Since WHO statement in 1977 the government was active to establish the institutions and implement projects as a strategy to carry out medicinal herbs on primary health care system, to produce traditional medicine on modern industry and to export. We tried to identify any institutions and their tasks and projects to develop the medicinal plant in Thailand for about 30 years and showed the result in Figure 1.
Over the period of five years (1998-2002), Thailand published about 342 research reports on herbal medicine in scientific journal. The number of publication increased since 1998 and hit the peak in 2001. Afterwards there is a dramatically decrease in 2002. There was a reason to explain that condition. The Thai government drafted the program called “Decade of Thai Traditional Medicine Development” in the period of 1994-2000 only. After 2000, there was no follow up program for traditional medicine development, therefore the budget for research declined and the number of research report decreased. The program to develop medicinal plants was drafted again on 2002 until 2007. Figure 2 shows the trend of number of publication on Thai herbal medicine.

There were 785 researchers including native and foreigners from 64 local and foreign institutions which publishing the Thai medicinal plant researches in the period 1998-2002. Figure 3 shows the list of 21 researchers who have the most publication in 1998-2002. Ruangrungsi, a researcher from Chulalongkorn University, had some interest of several research topics. He conducted researches on the determination of antimicrobial, anti-malarial and antioxidant activities particularly essential oils from Thai medicinal plants. Chuakul, a researcher from Mahidol University, conducted wide and continuous research on survey of medicinal plants used by Thais in rural area. He found several new indigenous species whom commonly used by Thai as medicine. Likhitwitayawuid, a researcher from Chulalongkorn University, had interest in some topics of medicinal plant but his focus of research was on the topic of anti malarial of some Thai medicinal plants.
Figure 3: The list of 21 researchers who have the most publication in 1998-2002.

<table>
<thead>
<tr>
<th>AUTHOR</th>
<th>FREQUENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ruangrungsi, N</td>
<td>23</td>
</tr>
<tr>
<td>Chuakul, W</td>
<td>19</td>
</tr>
<tr>
<td>Likhitwitayawud, K</td>
<td>15</td>
</tr>
<tr>
<td>Suttiwit, R</td>
<td>11</td>
</tr>
<tr>
<td>Suwanborirux, K</td>
<td>10</td>
</tr>
<tr>
<td>Grisanapan, W</td>
<td>9</td>
</tr>
<tr>
<td>Kraisintu, K</td>
<td>8</td>
</tr>
<tr>
<td>Saralamp, P.</td>
<td>8</td>
</tr>
<tr>
<td>Suksamarn, A</td>
<td>7</td>
</tr>
<tr>
<td>Jiratchariyakul, W</td>
<td>7</td>
</tr>
<tr>
<td>De-Eknamkul, W</td>
<td>6</td>
</tr>
<tr>
<td>Lipipun, V</td>
<td>6</td>
</tr>
<tr>
<td>Lohakachornpun, P</td>
<td>6</td>
</tr>
<tr>
<td>Panthong, A</td>
<td>6</td>
</tr>
<tr>
<td>Sriubolmas, N</td>
<td>6</td>
</tr>
<tr>
<td>Chuthaputti, A.</td>
<td>6</td>
</tr>
<tr>
<td>Wuthi-udomlert, M.</td>
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</tr>
<tr>
<td>Subhadhirasakul, S</td>
<td>6</td>
</tr>
<tr>
<td>Soonthornchareonnnon, N</td>
<td>6</td>
</tr>
<tr>
<td>Kukongviriyapa, V.</td>
<td>6</td>
</tr>
</tbody>
</table>

Figure 4 shows the 64 institutions which published the Thai medicinal plant researches in 1998-2002. Mahidol and Chulalongkorn University had the biggest contribution during 1998-2002 (27.48% and 26.61%). This ranking did not indicate the performance of institutions, since there are many kinds of publication of researches. Furthermore those universities allocated higher budget than other universities for their research in health, in which the budget was supported by national budget and other sources. (Ministry of University Affairs, 2002) Therefore, it is not surprising if those two universities gave the most contribution for herbal medicine development.

Figure 4: The contribution of Thai and foreign institutions on herbal medicine researches in Thailand.

<table>
<thead>
<tr>
<th>Institution</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mahidol University</td>
<td>94</td>
</tr>
<tr>
<td>Chulalongkorn University</td>
<td>91</td>
</tr>
<tr>
<td>Prince of Songkla University</td>
<td>36</td>
</tr>
<tr>
<td>Ministry of Public Health</td>
<td>28</td>
</tr>
<tr>
<td>Chiang Mai University</td>
<td>25</td>
</tr>
<tr>
<td>Khon Kaen University</td>
<td>23</td>
</tr>
<tr>
<td>Srinakharinwirot University</td>
<td>10</td>
</tr>
<tr>
<td>Chulabhorn Research Institute</td>
<td>8</td>
</tr>
<tr>
<td>Huachiew Chalermprakiet University</td>
<td>8</td>
</tr>
<tr>
<td>Ramkhamhaeng University</td>
<td>7</td>
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<tr>
<td>Naresuan University</td>
<td>6</td>
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<tr>
<td>Kasetsart University</td>
<td>5</td>
</tr>
<tr>
<td>Rajamangala Institute of Technology</td>
<td>4</td>
</tr>
<tr>
<td>Thailand Institute of Scientific and Technological Research (TISTR)</td>
<td>4</td>
</tr>
<tr>
<td>Mahasarakham University</td>
<td>3</td>
</tr>
<tr>
<td>National Cancer Institute</td>
<td>3</td>
</tr>
<tr>
<td>National Science and Technology Development Agency (NSTDA)</td>
<td>3</td>
</tr>
<tr>
<td>Silpakorn University</td>
<td>3</td>
</tr>
<tr>
<td>National Center for Genetic Engineering and Biotechnology (BIOTEC)</td>
<td>2</td>
</tr>
<tr>
<td>Ramathibodi Hospital</td>
<td>2</td>
</tr>
<tr>
<td>Rangsit university</td>
<td>2</td>
</tr>
<tr>
<td>Royal Forest Department, Forest Herbarium</td>
<td>2</td>
</tr>
<tr>
<td>Thammasat University</td>
<td>2</td>
</tr>
<tr>
<td>Amarin Printing and Publishing Co. Ltd, Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>Botanical Garden Org</td>
<td>1</td>
</tr>
<tr>
<td>Lopburi Agricultural and Technology College</td>
<td>1</td>
</tr>
<tr>
<td>Maharaj Nakorn Chiang Mai Hospital</td>
<td>1</td>
</tr>
<tr>
<td>Ministry of National Resources and Environment</td>
<td>1</td>
</tr>
<tr>
<td>Nakornping Hospital</td>
<td>1</td>
</tr>
<tr>
<td>National Institute of Coastal Aquaculture</td>
<td>1</td>
</tr>
<tr>
<td>National Institute of Health</td>
<td>1</td>
</tr>
<tr>
<td>Postharvest Technology, Chiang Mai</td>
<td>1</td>
</tr>
<tr>
<td>Rajavithi Hospital</td>
<td>1</td>
</tr>
<tr>
<td>Thai Herbal Products, Bangkok</td>
<td>1</td>
</tr>
<tr>
<td>The Government Pharmaceutical Organisation</td>
<td>1</td>
</tr>
<tr>
<td>The Royal project foundation, Thailand</td>
<td>1</td>
</tr>
<tr>
<td>Ubonratchathan University</td>
<td>1</td>
</tr>
<tr>
<td>Suranaree University of Technology</td>
<td>1</td>
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</tbody>
</table>
In the development of herbal medicine in 1998-2002, Thailand collaborated with several universities and institutions from other countries. There were 42 documents (17.87%) were research collaboration with other countries based on publication on local journal (Figure 4). Thailand had the most research collaboration to Japan, it is 20 documents or 47.62%.

<table>
<thead>
<tr>
<th>Foreign institutions</th>
<th>Frequency</th>
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<tbody>
<tr>
<td>University of Chiba, Japan</td>
<td>6</td>
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<tr>
<td>Meiji Pharmaceutical University, Japan</td>
<td>3</td>
</tr>
<tr>
<td>University of Hiroshima, Japan</td>
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<tr>
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</tr>
<tr>
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<tr>
<td>Meiji College of Pharmacy, Japan</td>
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<tr>
<td>University of Fukuoka, Japan</td>
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<td>Science University of Tokyo, Japan</td>
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<td>Tokiwa Phytochemical Co., Japan</td>
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<tr>
<td>University of Tokyo, Jepang</td>
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<tr>
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<td>Inst Econ Bot, New York Bot Garden, USA</td>
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<tr>
<td>University of Illinois, USA</td>
<td>2</td>
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<tr>
<td>Shaman Pharmaceut Inc, USA</td>
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<tr>
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<td>Leibniz Inst Pflanzenbiochem, Germany</td>
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<tr>
<td>Universitaet of Freiburg, Germany</td>
<td>2</td>
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<tr>
<td>Monash University, Australia</td>
<td>2</td>
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<tr>
<td>Southern Cross University, Australia</td>
<td>1</td>
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<tr>
<td>University of Leeds, UK.</td>
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<td>University of Nottingham, UK.</td>
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<td>University of Cardiff, UK.</td>
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<tr>
<td>AIDS Network Development Foundation</td>
<td>1</td>
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<tr>
<td>University of Alberta, Canada</td>
<td>1</td>
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<tr>
<td>University of Lausanne, Switzerland</td>
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<tr>
<td>University of Leiden, Netherlands</td>
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<td>USA</td>
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<td>Switzerland</td>
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Figure 5: The list of countries that had collaboration research on medicinal plants with Thailand.

The direction of medicinal plants research in Thailand 1998-2002

The direction of the development of Thai medicinal plants research in 1998-2002 generally still follow the strategy made before, whereas there are some aspects added especially related to modernize of traditional medicine industry and to gain export. Basically, the direction depends on the trend in the world. Thai government defined six categories of direction of medicinal plants development, as follows:

A. The development of medicinal plant on basic research has four targets:
   1. To seek of new sources of natural product;
   2. To isolate, identify, and bioassay active constituents including the essential oil for aromatherapy;
   3. To prepare herbal medicine on new dosage form; and
   4. Standardization and quality control.

B. The development of medicinal plant on modern industry has of three targets:
   1. Networking in production of traditional medicine;
   2. Regulations of herbal manufacturing industry; and
   3. Assessment quality, safety and efficacy.

C. The development of medicinal plant on application has two targets:
   1. Using in local/governmental hospital as a complement for modern medicine; and
   2. High promotion in rural area.

D. The development of medicinal plant as an export target as two targets:
1. Regulation of export; and
2. Export to support free trade.

E. The dissemination of information on medicinal plants.
F. The development of medicinal plant on others i.e. cooperation of agencies, the development of organic product, certification of worker on Thai massage, grants for research.

In this research, we used co-words analysis in order to have the detail result about which topics are core level, prominence level and emerging level based on modification of Batthacharya method.

The core topic published by the researchers on Thai herbal medicine in 1998-2002 was survey of plants used as folk medicine. This topic was on 22 documents or 6.41% of all documents. In accordance with the government’s program in the development of Thai medicinal plant, this topic was in line with the government’s program. An informant said;

"The direction of Thai medicinal plants was to seek new sources of natural products for medicinal plant used in the country."

An informant, a pharmacologist, also said that the direction of Thai medicinal plants researches was the use of plants for aromatherapy including seeking plants and extracting their compounds.

Surveys of medicinal plants in any provinces in Thailand was carried out to identify plants and their ethno medical use in order to conserve the native knowledge about folk medicines and to search new potential candidates for modern drug investigations and development. (Chuakul, Boonjaras, and Boonpleng, 2002)

Those activities were also crucial if related to an effort of Thai government to protect their biodiversity. The documentation of knowledge of traditional medicine was one of efforts to prohibit to be patented the knowledge by ineligible parties.

We studied through several research documents on survey of medicinal plants that Thais in rural area use many kinds of plant as medicine. An informant said that Thai government conducted high promotion of the use of medicinal plants in rural area. Since 1980 Thai government was promoting and supporting activities relating to the usage of medicinal plants and traditional Thai medicine in primary health care especially in rural area. (Kuanpoth, u.d.)

The prominent topics of Thai medicinal plant researches were four species of medicinal plants, as follows:

1. Durio zibethinus (Thai: Turian, Indonesian: Durian), study polysaccharide gel (PG) from the fruit hull of Durian for preventing cholesterol absorption and antibacterial activities, for preparation pharmaceutical and dietary fiber and the toxicity of fruit hall extract;
2. Psidium guajava (Thai: Farang, Indonesian: Jambu biji), study the antibacterial activities, topical homeostasis of the extract;
3. Cassia siamea (Thai: Ton Kee Lek, Indonesian: Johar), study the extracting, the biological activity for some diseases, and the stability of its compound; and
4. Curcuma longa (Thai: Ka-minn chan, Indonesian: Kanyit), study the antibacterial activity, antifungal activity, the safety of extract, antiulcer activity and as ingredients of cosmetics.

Others prominence topic of medicinal plant researches were the determination of anti plasmodium of Thai medicinal plants and the determination of chemical structure of therapeutic compounds particularly flavonoids, alkaloids and terpenoid.

It seemed that Thai researches on herbal medicine focused on searching compounds having activity on antibacterial and anti-plasmodium. In reality the communicable diseases such as pneumonia, diarrhea, tuberculosis and malaria were the leading cause of death for children less than five years however the cases of malaria and tuberculosis showed declining trend as an important cause of mortality. (WHO-Regional Office for Southeast Asia, 2005) Nevertheless no informant talked about the relation between the policy of research on medicinal plants and the diseases pattern of Thai society.

In general, the emerging topics of Thai medicinal plant published in 1998-2002 were as follow:

1. Determination of biological activities particularly antimicrobial, antiparasitic, antineoplastic, antidiabetic, antioxidant, antimitagenic, antivector (mosquitos of Culex, Aedes and Anopheles), and antiulcer activities of medicinal plants extract;
2. Extraction of therapeutic compounds from Thai medicinal plant; and
3. Determination of safety and efficacy of herbal medicine.

In accordance those topics to the government program of the development of medicinal plant, an informant said;

"The development of Thai Medicinal Plants followed"
the trend of the world. There are Dietary supplement, Phytocosmetics, and Phytomedicine. Phytomedicine consisted of the extraction of the compounds from medicinal plant (Phytopharmaceuticals) …… also related to assessment on quality, safety and efficacy. The reasons why Thailand followed those trends are export potential and modern industrialization to support free trade. Therefore regulation on export is important thing as well.”

The bibliometrics analysis of research reports published in local and international journal in 1998-2002 showed that Thai government focused on basic research of medicinal plants. There was only one publication on journal articles had topic on export and one publication had topic on modern industrialization of medicinal plant. Perhaps the researches on other topics were published through seminar, workshop or other kinds of publication.

CONCLUSION

Thailand published about 342 research reports on herbal medicine in scientific journal in 1998-2002. There were 785 researchers including native and foreigners from 64 local and foreign institutions contributing in development of Thai medicinal plants. Based on publication on local journal, Japan gave the most contribution to the development.

The core topics of Thai medicinal plant research were survey medicinal plants used as folk medicine by Thai community. This topic was in line with the government program.

There were four species as prominent topics of the development of Thai medicinal plants in 1998-2002 i.e. Durio zibethinus (Thai: Turian, Indonesian: Durian), Psidium guajava (Thai: Farang, Indonesian: Jambu biji), Cassia siamea (Thai: Ton Kee Lek, Indonesian: Johar), and Curcuma longa (Thai: Ka-minn chan, Indonesian: Kunyit). The activity compounds which become prominence topics were antibacterial and antimalarial activity. This is the right way if related to the disease pattern of Thai society. The leading causes of mortality of Thai children less than five years were pneumonia, diarrhea, tuberculosis and malaria.

Based on bibliometrics study, the researches on Thai medicinal plants in 1998-2002 were focused on basic research to support export and modern industrialization of herbal medicine. Perhaps the researches on other topics were published through seminar, workshop or other kinds of publication.

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Notes

1WHO urged the member countries to protect the national heritage in the form of ethno-medicine and develop the medicinal plant into the part of the primary health care system.

REDEFINING THE JAPANESE SELF DEFENSE FORCES: LESSONS IN FORGING A GLOBAL IDENTITY

Rosalie Arcala Hall

INTRODUCTION

For over five decades, the legal debate surrounding the existence and tasks of the Self Defense Forces’ (SDF), Japan’s de facto military polarized politics inside the country. Under Article 9 of the Japanese Constitution, the country renounces use of force as a means of settling international disputes, and is prohibited from establishing land, sea and air capabilities. Article 9 was early on widely supported by the Japanese populace whose experience of victimization during World War II produced profound animosity towards militaristic endeavors. However, not long after US occupation ended, Japan was pressed to assume its own territorial defense as the US redirected its energies towards the Cold War. The Japanese government responded by creating a 50,000 strong police reserve in 1954, which later evolved into the current Self Defense Forces. Because the Japanese Supreme Court early on has demurred over this issue, the legal debate over the SDF’s existence generated political confrontation between leftist parties and the ruling conservative Liberal Democratic Party. Given the politically divisive nature of and the public’s allergy towards security matters, the Japanese government devised self-imposed restrictions on the posture, size, equipment and functions of the SDF. American pressure during the 1980s for Japan to contribute more to the bilateral security relationship, yielded policy outcomes, which depict ingenuous compromises designed to balance domestic and external concerns.

The 1991 Persian Gulf War proved to be a watershed event for Japan. It was severely criticized by the international community for its failure to contribute personnel to the war effort and its reliance on “checkbook diplomacy”. Sobered by this experience, the Diet passed two landmark legislation in 1992, the International Peace Cooperation Law (PKO law) and the International Humanitarian Assistance Law, which provided the framework for Japan’s subsequent high-profile SDF overseas dispatches. Several years after, Japan and the US agreed on a revised treaty guideline, which substantiated Japan’s responsibility within the alliance in regional security operations. In 2001 and 2003, the government dispatched the SDF to the Indian Ocean and Iraq, respectively on the basis of special measures that again put to test the government’s outstanding interpretation of what is allowed under Article 9.

This paper presents the domestic debate over Japan’s global identity in the post Cold War era, as played out in current efforts to possibly revise Article 9 of the Japanese Constitution. At the core of this debate is whether or not Japan should “normalize”—that is to use the SDF as a policy instrument to achieve international objectives, just like any advanced industrialized country. To move in this direction requires unshackling the interpretive limits of Article 9, which for many decades has been credited for Japan’s pacifist reputation. This paper tracks the consensus, continuities and departures in the interpretation of this controversial article using the changes in the SDF’s roles, tasks and missions (from 1954 to date) as template. It maps out the players and their positions along three themes: (1) the use of SDF for Japan’s international contribution; and (2) the SDF’s role within the Japan-US alliance; and (3) constitutional revision. Lastly, this paper presents the implications of these changes on the nature of civil-military relations in Japan.

RECONCILING THE SDF WITH ARTICLE 9: SOME FUNDAMENTALS

Reconciling the SDF’s existence with the war renouncing and no-military Article 9 provision depicted the torturous reasoning logic of the LDP controlled government (from 1955-1993), which tried to balance conflicting domestic and US pressure. To solve the SDF conundrum, the Japanese government maintained the following interpretation. First, the SDF exists because of an extra-constitutional (international law) precept, which confers to every state the right to self defense. Operationally, this means that Japan can maintain the SDF but ONLY for the purpose of self-defense (hence its purely defensive defense posture or senshu boei). Under international law, any state could opt to rely on its own wherewithal (individual self-defense) or act in conjunction with other states (collective self-defense) to repel attacks. Noting however the slippery slope inherent in this argument (any war could be justified as an act of self-defense), the
government long maintained an interpretation that only a minimum standard of self defense is compatible with the first paragraph of Article 9. (Watanabe: 1993, 43)

The means necessary to exercise that right to individual self defense itself must be limited. Accordingly, the government established hadome (breaks) designed to curtail unwarranted expansion of SDF’s capability. These hadome are: (1) 1% of GNP defense spending cap; (2) three non-nuclear principles (ban on acquiring, producing or possessing nuclear weapons); (3) ban on overseas deployment; and (4) limits on offensive weapons (SDF is not permitted to possess offensive weapons and equipment, including those with power projection potential such as aircraft carriers and escort vessels, long range bombers, long-range missiles and mid-air refueling capability). (Reinwick: 1995, 41)

These hadome became the de facto parameters of subsequent SDF modernization programs.

However, the government selectively and inconsistently observed these hadome. For instance, the defense spending cap was breached in 1983 under Prime Minister Nakasone, when Japan first embarked on its first military modernization program. In terms of equipment, what constitutes “war potential” has also been flexibly interpreted. In the 1980s, air refueling capacity was thought to construe war potential but is now part of the SDF’s purchases under the new modernization plan. Japan has small carrier vessels, but retrofitted to carry amphibious vehicles and helicopters for emergency rescue and relief operations only. The SDF has been on prior occasions dispatched overseas for joint or multilateral military training exercises (e.g. with US, and RIMPAC), for research expedition (e.g. the deployment of the MSDF for a research expedition in Antarctica), for post-conflict minesweeping operations. (e.g. in the Persian Gulf in 1991)

While minimum force necessary for self defense as defined is constitutionally permissible, collective self-defense is not. It is argued that the material and personnel requirement to meet responsibility for collective self-defense exceeds this minimum limit. While Japan can use force as an act of self-defense, it can not commit to do the same to aid other countries as part of a collective defense agreement. Corollary to this, the US-Japan arrangement is not a collective defense arrangement similar to NATO because Japan is not obliged (as interpreted) to defend the US in the event US is attacked by a third country. Similarly, a collective security arrangement whereby member countries commit to forcibly respond in a unified fashion against an indeterminate aggressor is not permitted under Article 9. Japan, therefore cannot have SDF forces join a use of force operations similar to the 1991 Gulf War alliance or any UN multinational force-like arrangement.

Throughout the Cold War, the government assumed that Japan’s defense could not be solely guaranteed by its own wherewithal. Noting the superpower rivalry between nuclear-possessing US and Soviet Union, Japan’s defense was more firmly provided under the US-Japan security arrangement. (Wooley: 2000, 44)

In the assumed threat scenario of large scale invasion by the Soviet Union, the SDF is assumed to maintain air superiority until reinforcement from the US arrives. But the government also adopted a flexible interpretation of what constitutes minimum standard of defense, depending on the understanding of the nature of the threat. Beginning 1970s, this has come to mean that the SDF must maintain air superiority at least during the initial stages. In the 1980s, the standard of defense was expanded to include defense of vital sea lanes. In recent years, ballistic missile defense has also been treated as standard.

The overarching state principle under Article 9 is (and remains) that Japan cannot engage in an aggressive war (use of force) nor can it be involved in another country’s use of force. Operationally, this principle invokes the limit of US-Japan bilateral relationship. Under Article 6 of the Japan-US security treaty, Japan is only obliged to support US military activities that contribute to the security of Japan, and the peace and security of the Far East region. Until 1997, neither Japan nor the US sought to substantiate how Japan could contribute to US operations in the region. This was mainly because the perception at that time leaned against the likelihood of instability erupting in the region. Also, Japan cannot be part of a UN-authorized use-of-force operations nor could it contribute to a theoretical UN standing army for that purpose. As Japan relied primarily on monetary contributions (in terms of foreign aid or financial support to peacekeeping operations) to international security, this non-use of force principle is moot.

**THE WAY IT WAS: CRAFTING POLICY ON DEFENSE AND SECURITY BEFORE 1992**

Security policy making in Japan prior to 1992 has been characterized as a “two level game” in which the government must simultaneously appease Americans demanding for Japan to contribute more, and the skeptical public and partisan left’s hostility towards remilitarization. (Cowhey, 1995) Although the Liberal Democratic Party’s (LDP) status as a one-party majority was never seriously contested by the left parties...
(the Social Democratic Party or SDP, and the Japan Communist Party or JCP), which long argued that the SDF and the Japan-US security treaty are illegal under Article 9, the left parties kept the matter alive by filing court cases and endlessly demanding for a government reinterpretation of Article 9. Within the LDP, consensus was also lacking on these issues. LDP itself was an amalgam of nationalists who favor independent security policy severed from the US, and moderate conservatives (like former Prime Minister Yoshida) who were wary of expanding military security role for fear of jeopardizing economic growth. Domestically, there was little incentive for the LDP government to initiate ground breaking security policies as this will surely trigger enormous opposition and require wasting political capital better harnessed for other endeavors.

The conservative predilection in security policy making is explained by the government imperative to assuage public concerns of remilitarization. The Japanese public at large was antimilitarist in orientation and was allergic to military security issues. (see Berger, 1998) This attitude took on several forms: (1) low opinion of SDF, which came out of the idea that the military institution was to be blamed for the war and defeat and (2) support for Article 9, which rejects the existence of a “regular military” and the use of force in settling disputes. Although the public over time grew to accept the reality of the SDF (in large part due to their role in disaster relief) and its importance to self defense, they nevertheless remained skeptical over any attempt to expand its self-defense role. The LDP actively molded public opinion in this direction and reassured the public by adding hadome against SDF expansion.

On the other hand, the Americans periodically pressured Japan to substantiate its commitment to the bilateral security arrangement. Previously, the LDP government adroitly used the interpreted limits of Article 9 (and its attendant interpretation of senshu boei) to deflect American pressure for Japan to assume more of its own defense needs. Gradually, the Japanese government conceded to assuming more of the burden for its own defense (beginning with the creation of the SDF in the 1960s following the pullout of US forces for the Korean War; Japan assuming sea lane defense in the 1980s under Nakasone, and Japan assuming the cost of maintaining US forces in Japan beginning 1978). Because military buildup inevitably pushed defense spending up, LDP leaders had to face the political gauntlet in pushing for such unpopular measures. Pushing for increased Japanese contribution to regional security (as provided under the treaty’s Far East clause) was, however, a harder sell to the skeptical public. For this, the LDP government ducked the issue of regional contribution under the alliance by reiterating the mantra that Article 9 bans overseas deployment, collective self-defense and use of force operations. Changes in security policy, when they occur, tended to be incremental, cautious and carefully defended as not departing from this established norm. For instance, although vital sea lanes defense (within 1,000 nautical miles from Japanese shore) would breach senshu boie, it has been argued that given Japan’s economic dependence on sea trade routes, keeping the routes safe is integral to defending its patrimony. SDF dispatches overseas in joint training exercises and research have also been justified as for non-use of force operations. Normal security policy making prior to 1992 was depoliticized, or existed outside the arena of political contestation (the Diet). The Japanese Diet is not the traditional loci of policy making on security and defense matters, but the Cabinet and the bureaucracy. Under the 1957 Basic Law on National Defense, the Prime Minister is expected to obtain prior approval or ex-post facto Diet approval only when mobilizing the SDF to repel external aggression (thus, limited to wartime footing). Prior to the 1992 law on UN PKO, much of the government initiatives that affected the SDF’s function fell under the US-Japan framework, and hence were products of intra-Cabinet negotiations for which the Diet has little or no role. At best, the Diet opposition functioned as critic of these LDP government initiatives.

Since the adoption of the Yoshida doctrine in the 1950s, the military connotation of security was also taboo at the formal level. If at all discussed, the political parties tended to debate security in terms of costs or in terms of its link to economic goals (e.g. Japan’s economic growth contingent on uninterrupted access to raw materials). (Katzenstein, 1996) Bureaucratic structures are also biased against articulation of security in military terms. (Katzenstein and Okawa: 1993, 20) The Ministry of Foreign Affairs (MOFA) and Ministry of International Trade and Industry (MITI) view security in broader terms. The MOFA, which is the coordinating body on all matters of foreign policy, is biased towards maintaining good relations with the US, and therefore tend to equate security in terms of the alliance relationship. MITI’s concern on the other hand is foreign trade, and views foreign acquisition of equipment/technology with military implications, from that vantage point.

DEPARTURES AND CONTINUITIES

The substance of Japan’s defense policy since 1992 significantly departed from an earlier focus on senshu

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
boei. First, beginning with Cambodia in 1992 (and subsequently, in Zaire, Golan Heights, Mozambique and East Timor), the government allowed the dispatch of SDF forces overseas for peacekeeping operations overseas under UN framework. In the same year, the government also laid the framework for SDF dispatch for international humanitarian relief; rescue, evacuation, and provision of food, clothing and medical supplies to refugees and construction of refugee camps. Subsequently, the SDF law has been amended to include peacekeeping as one of the legitimate, though not primary, activities of the SDF apart from defense and domestic disaster relief. The 1995 and 2005 National Defense Program Outlines (Taiko) similarly identifies peacekeeping and other international humanitarian relief activities as the SDF’s functions.

Second, the overseas dispatch of SDF was extended beyond UN operations to include logistical support for antiterrorism campaign in Afghanistan (in 2001) and reconstruction in Iraq (in 2003). Unlike PKO activities (and which enjoyed wide public approval as “international contribution”), these campaigns did not have the same stamp of UN approval and were instead campaigns more readily construed as US-led. The dispatch was also nearby or inside areas where actual fighting is still ongoing, unlike PKO dispatches in which ceasefire agreement was a prerequisite.

Third, Japan substantiated its support for US military activities in the region (during contingencies, humanitarian operations or during peace time) under the 1997 Revised USA-Japan Treaty Guidelines. Legislative enactment in 1999 committed Japan to provide rear area support in the form of: provision of supplies, transportation, repair and maintenance, medical services, securing US facilities within Japan and sharing intelligence information. Under the guidelines, the scope of rear support operations was no longer geographically confined to the Far East region, but “situational”. This enactment became the framework for subsequent reforms in the SDF’s force structure, planning and deployment. The imperative to prepare for joint operations has prompted greater SDF-US forces military integration, intelligence sharing as well as ballistic missile development.

Fourth, the SDF gained a firm legal grounding for mobilization and deployment during defense and other emergency operations. The National Emergency Laws of 2003 gave authority to the SDF, upon orders of the Prime Minister to use public and private properties for emergency passage and other uses during domestic contingencies. In 2001, the MSDF have also been given the authority to forcibly respond to illegal incursions into Japan’s territorial waters.

All of these developments constitute a break from previous exclusively self-defense orientation. The government argued that Japan’s PKO and international humanitarian deployment were necessary to shore up Japan’s international credibility, which has suffered a low point during the 1991 Gulf War. Accordingly, the policy debate surrounding overseas dispatch ceased to be whether or not to send troops, but how to do so in a fashion that do not subvert Japanese sensitivity towards use of force operations. In line with this, the government wrote in 5 stringent requirements to PKO dispatch. As amended in 1994 and in 2001, the International Peace Cooperation (or PKO) law allowed for SDF dispatch on 5 conditions: (1) there is a prior peace agreement; (2) Japan is invited by the parties; (3) the PKO activities are limited to providing logistical support, medical care, rehabilitation, construction, transportation, communications, and after 2001, election monitoring, disarmament and patrolling; (4) restricted weapons use; and (5) unilateral pullout of troops when any of the conditions no longer hold. In over a decade, the government’s PKO policy also steadily increased the types of missions the SDF could undertake under PKO (initially restricted to reconstruction and rehabilitation, but later “unfreezing” other functions to include disarmament and patrolling in 2001) and moved away from a restrictive stance on weapons use and rules of engagement. In the first PKO in Cambodia, the SDF were only lightly armed, and can only shoot in self-defense or defense of unit members. The more recent PKO in East Timor for instance, also allowed the SDF to use their weapons to protect those that come under their responsibility (e.g. UN officials and refugees).

Although overseas deployment under UN auspices in due course was received positively, non-UN sanctioned operations are more complicated. While PKO operations occur in post-conflict situations (though sometimes tenuous), the deployment in the Indian Ocean and Iraq were made while major fighting were still going on. Given the increased risks faced by SDF, the government’s response was to side step the inevitable crossing of the thin red line (SDF involvement in use of force) by deploying them in a
“safe area” (i.e. away from the major theater). In the case of the Afghan campaign, the government tried to avoid domestic criticism by restricting the MSDF’s logistical operations in the Indian Ocean and Pakistan (again away from the combat area) and by excluding transport of weapons and munitions. Under the 2003 Iraq Special Measures, the SDF was dispatched to Samawah, assessed by the government as relatively free from major conflict. One of the issues that emerged during Japan’s decade-long history of overseas deployment was the issue of objectively assessing whether the security situation in the area has deteriorated to the point where troop withdrawal becomes imminent. As was the case in Cambodia when the Khmer Rouge violated the ceasefire agreement and in the Iraq dispatch when the Samawah camp came under mortar attack, the government remained steadfast in keeping the troops.

These policy outcomes also depict two enduring principles: that the constitution prohibits Japan from using force to settle international disputes; and from engaging in collective self-defense or collective security. This non-use of force principle as incorporated in subsequent legislation has come to mean: (1) prohibiting SDF from engaging in activities overseas that constitute use of force; (2) prohibiting the SDF from participating in use of force operations by another country or entity; (3) prohibiting the SDF from being drawn into combat, that is when they have to fire their weapons. Under the PKO law, the SDF can not maintain peace and security in the areas where they are deployed, as this is understood as breaching the non-use of force principle (for this, they have to rely upon the presence of another country’s PKO unit). In the deployment for Indian Ocean and Iraq, SDF activities were limited to transport and provision of logistics to US and allied forces BUT NOT of weapons and munitions. Under the surrounding areas law and amended cross servicing agreement, SDF activities were also confined to transporting logistics, excluding weapons and munitions, but expressly rejecting SDF engaging in combat operations alongside the Americans. Under the Surrounding Areas Law, it is expressly indicated that the SDF will conduct its rear area support activities in Japanese territory or in the high seas, to emphasize its disassociation from US operations. Along the same vein, Japan can not send the SDF to any use of force operation (similar to the allied efforts in the 1991 Persian Gulf War), even if such was under UN auspices.

There are also restrictions on the type of weapons and equipment the SDF can bring with them during their mission and how they are going to use them (only in self-defense, in defense of members of their unit, and other people who come under their responsibility—e.g. UN officials and refugees). Because of these limits, much attention is paid on the security situation in the area where they are going to be based. In succeeding deployments to the Indian Ocean (2001) and in Iraq (2003), the government had to scout areas for deployment where no actual fighting occurs or where the risks of the SDF being drawn into combat is low.

Another check is the controversial, official government interpretation that Article 9 prohibits Japan from participating in collective self-defense and collective security endeavors. Widely criticized as unrealistic and farcical, the government steadfastly maintains this interpretation even as the SDF and US forces move increasingly towards greater military interoperability. For instance, much of the debate around the 1997 guidelines was slanted towards what types of rear-support activity meet this ban on collective self-defense. Is intelligence or information sharing during between the SDF and US forces during regional contingencies (many argue that such is already occurring) or medical assistance to wounded US soldiers acts of collective self-defense? The current debate on missile defense is also deep into the quagmire of collective self-defense limits. Because missile defense requires accurate and timely detection of incoming missile attacks, (for instance, a missile fired by North Korea would reach its Japanese target in 10 minutes) the US and Japan also have to integrate their intelligence systems to make missile defense work, thus provoking questions on whether such constitute collective defense. (Hughes: 2004, 187)

To date, the Japanese government is also intensely debating how it would proceed with its missile defense program, which it is jointly undertaking with the United States. The debate centers around one of the long-standing hadome—the ban on weapons export. Since the 1950s, the Japanese government has checked the growth of the military-industrial complex by prohibiting the export of weapons to countries at war, those under UN sanctions and those that could potentially engage in war. This ban extends even to technologies with potential military application, thus requiring many Japanese companies with joint projects with overseas firms having to seek certification from the MITI. Technologies jointly developed with the US under the bilateral treaty (e.g. FX aircraft series in the 1980s) are exempted from this ban. Under the program (for which Japan is expected to spend a record 220 trillion yen), Japan will upgrade its current missile defense capability with a newer generation of Patriots and SAM 3 (purchased from the United States). (Hughes: 2004, 187)
key issue for Japan is that there is no preventing the US to share the MD technology it jointly developed with Japan to its allies under its Theater Missile Defense program. This arrangement clearly runs counter to the ban on weapons export.

Taken in its entirety, the changes in the SDF’s missions and roles since 1992 have been dramatic yet cautious. Although the SDF can now engage in PKO, the enabling law contains very stringent benchmarks for SDF dispatch (including prior ceasefire agreement, invitation by host government) and a limited category of activities that the SDF can undertake (which does not constitute use of force). This lingering reluctance to fully utilize the SDF as the state’s instrument is evident in the fact that PKO and humanitarian activities remain ancillary (as opposed to primary) functions for the SDF. As such, requests for overseas deployment have to be weighed against SDF’s force and equipment capacity for homeland defense. For instance, the recent request for SDF PKO dispatch to Sudan was turned down by the Defense Agency because the SDF’s already committed its spare resources to the Indian Ocean and Iraq dispatch (“Diplomats playing politics,” 12 February 2005). Thus far, there has been no SDF casualty during overseas deployment, but judging from the public’s mostly negative reaction to the dispatch in war torn Iraq, it is likely that the government will take even yet more cautious stance towards future deployments.

BILATERALISM AND THE US CARD

In the last 15 years or so, Japan has been improving its defense capability quantitatively and qualitatively under the rubric of strengthening US-Japan security relations. Authors, however, are divided as to the underlying motive behind this development. Some argue that Japan’s focus on bilateralism has given nationalist forces an avenue to indirectly work on their goal of an independent defense. (DiFilippo: 2002, 97 and Leitenberg: 1996, 26) similarly saw the historic passage of the PKO law as serving the conservative leadership’s objective for the SDF to become a regular military. Hughes (2004) meanwhile sees these developments as a means for Japan to address the asymmetry of the alliance, thereby giving Japan a more equal role with the US. Rather than assuming Japan as passive recipient of US pressure, Richard Tanter (2004) and DiFilippo (2002) argue that local politicians have been actively utilizing these external influences in order to pursue long-held desire for Japan to become a normal country (with a professional regular military under civilian control that can be used as an instrument of state policy) just like other advanced industrialized democracies. The latter foresees that in the future Japan will further militarize in response to its security imperatives (i.e. go nuclear) regardless of US inclinations.

Hook (1996) and McCormack (2004) consider the strengthening of US-Japan relations as playing more into the US’s strategic interests rather than Japan’s. The recent enactment committing Japan to support US operations in the region, its involvement in the missile defense program and move towards greater military-to-military integration, are seen as tactics in containing an ascendant China. The deployments in Iraq, despite strong public opposition also depict how Japan has been increasingly playing into the US’s hegemonic plans. The Koizumi government disregards the staggering financial costs of the Iraq deployment and the ballistic missile defense program, and the long-term consequences of its closer ties with the US to regional stability. It has been argued that enhanced US-Japan cooperation will trigger a regional arms race, which in the long-run increases rather than eases regional tension. (McCormack, 2004; DiFilippo, 2002)

A strengthened Japan-US alliance does not only confer one-sided benefits. Some authors (Hughes and Fukushima, 2004; Soeya, 1998) see the US-Japan security alliance as the best and thus far, irreplaceable means for Japan to meet its security needs within domestic normative constraints. Despite the asymmetry, the Japanese government has sufficient room for hedging tactics within the bilateral arrangement. The 1997 guidelines and the decisions to send troops to the Indian Ocean and Iraq were indications of an “adjusted strategic bargain”—that Japan gets its security guarantee with the US, but in exchange must support US power projection in the region. (Hughes and Fukushima: 2004, 72) Despite the government’s new security articulations (concern for regional stability and international peace and order, domestic emergencies and terrorist attacks), Japan continues to formulate responses primarily within the prism of its ties with the US. Japan’s active participation in UN peacekeeping operations, as well as in various multilateral and bilateral dialogues is its way of coping with its militarist past (which strains its relations with neighboring countries) and being involved in crafting a stable regional environment. But these are seen as supplementing rather than supplanting Japan-US ties. (Soeya: 1998, 222)

MAKING GOOD NEIGHBORS

Throughout much of the Cold War, Japan’s diplomatic overtures to neighboring Asian countries relied primarily on the “low politics” of trade and investment. Security
as a foreign policy concern traditionally focused on economic rather than military aspects because of Asian sensitivity over Japan’s wartime record. Japan’s commitment to pacifism, as contained in Article 9, was considered sacrosanct and the limit it places on SDF (that is, its senshu boie orientation, non use of force, and territorial character) an inviolable standard of that pledge never to repeat its past aggressive behavior. These Asian countries have also learned to accept the implicit guarantee behind the US-Japan bilateral security ties—that US will not allow Japan to remilitarize within that bilateral framework.

Nevertheless, Japan’s relationship with its Asian neighbors has not been completely smooth because of standing issues over atonement for its wartime behavior. In recent years, three issues sparked controversy: (1) the Prime Minister and cabinet officials’ visit to the Yasukuni shrine, where Class A war criminals were enshrined; (2) history textbooks which gloss over or omit Japanese wartime record of atrocities; (3) revival of symbols (e.g. national anthem and flag) associated with Imperial Japan. Following the example of former Prime Minister Nakasone during the 1980s, incumbent Prime Minister Koizumi caused furor both at home and abroad because of his repeated annual visits in the Yasukuni shrine. Early in 2005, the education ministry affirmed the use of controversial history textbooks that sidestepped Japan’s wartime atrocities in Manchuria. These events triggered intense nationalist riots in China in the spring, and brought Japan-China ties at its lowest point. (“Mending fences…”, 6 October 2001) Similar protests were registered in South Korea. Following the example of former Prime Minister Nakasone during the 1980s, incumbent Prime Minister Koizumi caused furor both at home and abroad because of his repeated annual visits in the Yasukuni shrine. Early in 2005, the education ministry affirmed the use of controversial history textbooks that sidestepped Japan’s wartime atrocities in Manchuria. These events triggered intense nationalist riots in China in the spring, and brought Japan-China ties at its lowest point. (“Mending fences…”, 6 October 2001) Similar protests were registered in South Korea, criticizing Japan’s inability to squarely face its guilt over the disastrous Korean occupation.

Perhaps it is because of this lingering doubt over Japanese leaders’ sincerity that Asian countries continue to be anxious whenever Japan appears to take on directions that depart from the “guarantees” under Article 9. For instance, the modernization of Japan’s military under the various Taiko (1976, 1995 and 2004) and the concomitant upgrades in its military capability have elicited serious concerns. In the 1980s, when Japan assumed 1,000 nautical mile sea lane defense from the US, many neighboring countries expressed concern that this will usher in a new era of SDF overseas deployment in the region. When Japan first deployed the SDF for peacekeeping operations in Cambodia, these Asian countries also noted the groundbreaking event with trepidation. However, after Japan amassed considerable record in its PKO as well as international humanitarian relief in Asia and beyond, the Asian countries have soon accepted the beneficial aspects of SDF overseas deployment. Japan’s sending of troops for PKO in East Timor in 2001 barely passed notice in some quarters, or elicited strong approval from its neighbors. (Midford: 2003, 343)

Japan uses varying bilateral and multilateral approaches to ease concerns by Northeast and Southeast Asian its neighbors. With regards to countries in its own backyard (i.e. China, North and South Korea), Japan relies mostly on balance of power and deterrence measures in order to address its security concerns. This is partly because of highly unstable regional security environment marked by long-standing territorial issues (e.g. Taiwan, disputed islands between China and Japan, as well as between Japan and South Korea, Korean peninsula reunification scenario) and nuclear proliferation (e.g. North Korea’s nuclear ambition). Japan’s bilateral ties with the US continues to be the prism upon which these cross-regional links are conducted. Although Japan maintains semi official links with these countries (with the exception of North Korea), it has not pursued an independent nor multilateralist approach to security issues in the region.

This is further complicated by realist assumption and calculation of Japan’s neighbors’ intentions. Increasingly, Japan noted China’s rise as regional power, noting in the 2004 Taiko for instance, the latter’s military modernization as a “serious concern”. (“Defense policy outline suits…”, 11 December 2004) For the first time, the recent exchanges under the US-Japan 2 plus 2 setup cited a crisis erupting in Taiwan (should it be forcibly annexed by Chinese government) as a common allied concern. China’s deployment of war vessels for surveying near Japanese territorial waters also alarmed the Japanese government. Like the US, Japan considers China’s moves as potentially destabilizing for the region. The Taepodong missile tests by North Korea in 1994 and 1999 also spurred similar drive for Japan to pursue deterrence strategies. As early as 1999, it has agreed in principle to cooperate with the US on a ballistic missile defense program. Japan also poured in money to develop its own reconnaissance system (satellite) ostensibly to defend itself against a probable attack from North Korea. Although it has participated and continues to be involved in multilateral efforts (notably the energy program) to make North Korea abandon its nuclear ambition, it also pursued self-help measures alongside. This North Korean paranoia is highlighted by reports of abduction of Japanese citizens by North Korean agents (only recently recognized by the government), and intrusions of suspected North Korean “spy” ships into Japanese territorial waters. In 1999, alarmed by such reports, the
Japanese government revised its maritime law to allow the MSDF to pursue and forcibly engage illegal vessels that intrude into its sovereign waters. (“International cooperation needed...”, 28 December 2001) Recently, the government also tightened requirements for the docking of North Korean commercial vessels into Japanese ports, in response to domestic pressure.

With Southeast Asian countries, Japan has relied primarily on the multilateral framework offered by ASEAN Regional Forum or ARF. Through the ARF, Japan participates in regional security dialogue both at the official and track-two levels. However, despite the ARFOs many achievements, it remains an immature cooperative institution offering no more than confidence building measures and rudimentary form of conflict prevention. (Takeda: 2004, 91) For this reason, Japan relies less on this multilateral framework to meet its own security needs, in favor of a more reliable and effective alliance with the US. Nevertheless, the ARF has been invaluable as a venue for Japan to reach out to southeast Asian countries, and to soften the impact of any change in its internal security policy.

According to Takeda (2004, 96), Japan considers the bilateral treaty as a regional public good from which all Asian countries would benefit. Akin to a hub and spokes arrangement, Japan sees its bilateral ties with the US as critical in the maintenance of peace and security in the Asia-Pacific. The 1997 revised treaty guidelines, and the corresponding changes in Japan’s domestic laws (e.g. 1999 Surrounding Areas Law, 2004 ACSA amendment) precisely substantiate the claim that the 2 armed forces working together in humanitarian, disaster relief and other emergency situations stand to benefit all Asian countries.

For Japan, seeking Asian understanding for the reasons behind any change in its security policy is as imperative and critical as seeking domestic approval for them. In part, this task is made more difficult because decisions unrelated to security, such as the Prime Minister’s Yasukuni visit and the controversial history textbooks, make the Japanese government appear unpertinent, and therefore, untrustworthy. Sixty years since the end of the war, Asian countries still second guess whether Japan would, in due time, follow the well-trodden path of aggression. That Japan has the only Aegis-equipped vessels and cutting edge missile defense (with its PACs and SAMs) in the region is a fact that Asian countries seriously bear in mind. The SDF’s inexorable drive to military interoperability and integration with the US armed forces, even if Japan’s role is limited to logistical support, makes the alliance an unbeatable regional tandem.

**THE BRAVE NEW WORLD OF PARTISAN POLITICS**

The dramatic shift in Japan’s security policy in the past decade, and the corollary expansion of the SDF’s roles and missions, were made possible by tectonic changes in Japan’s domestic political landscape. These changes include: (1) the end of the 1955 system (one party-rule by the LDP); (2) the demise of the traditional partisan left (SDP and JCP); and (3) shift in public opinion towards greater acceptance of international contribution through SDF deployment.

In 1992, the LDP lost its majority in the House of Councilors, forcing it to enter into a coalition government with minor parties Komeito (The New Komeito Party) and Democratic Party of Japan (DPJ). In 1994, the SDP joined New Party Sakigake in a coalition with LDP. Then SDP leader Prime Minister Tomichi Murayama recognized the constitutionality of the SDF and the Japan-US Treaty, thereby ending the left-right axis upon which discussions on security/defense issues once pivoted. The electoral fortunes of SDP and JCP have also dwindled, and their esteemed opposition status replaced by newcomer DPJ and Komeito.

The partisan reconfiguration during the past decade (splits from former LDP and later mergers, and the short-life span of smaller parties like Sakigake and Shinsinto) produced more variation in party stances on security matters, but also less ideological cohesion. A 1994 Asahi poll of legislators reveal that of the 13% of legislators favoring amendment of Article 9, more than half came from the LDP and several from the other parties. But of the overwhelming 63% opposed to amending Article 9, one-third also comes from the LDP. It is clear that in the early 1990s, the LDP is split on the issue. A 1999 survey of political attitudes of legislators reveal that there is a wide variation from party to party on attitudes towards key security issues. (Kabashima: 1999) LDP members on the whole are somewhat in favor of strengthening defense capability, the Japan-US security arrangements and of revising Article 9. The New Komeito and DPJ are somewhat opposed to strengthening defense capabilities of the alliance, but neither in favor of nor opposed to revising Article 9. The SDP and JCP are definitively opposed to those propositions. Except for JCP, parties are not cohesive. The SDP has conservative and “middle of the road” members, and is the least cohesive. The DPJ, a hodgepodge of former socialists and LDP members also have low level of cohesiveness, while the New Komeito
in somewhat cohesive.

Numerous newspaper polls of legislators also provide insight into this shifting party stance on security matters. In a Mainichi 2000 poll, DPJ lawmakers exhibited a continuing split on the issue of constitutional revision. While 27.7% supported an aggressive review of the constitution, 18.8% explicitly said that even in a review, Article 9 should be kept in tact. In the 2004 Tokyo Shimbun poll, the DPJ exhibits the same pattern of stubborn resistance in amending Article 9. While 68% of DPJ lawmakers are for constitutional revision, only about half of them favor amending Article 9. The LDP meanwhile, according to the same poll, is moving towards a more cohesive stance on revising Article 9. Of the 96% of LDP members favoring constitutional revision, 80% call for amending Article 9. This trend is supported by the Yomiuri 2004 polls in which an overwhelming majority (88%) of LDP lawmakers favor amending Article 9, compared to 71% of New Komeito and 70% of New Komeito who are opposed. The chasm is as wide on the issue of right of collective self-defense. While 78% of LDP members argue that Japan can exercise this right, 86% of New Komeito and 54% of DPJ disagree. A similar gap was evident in the Kyodo 2004 poll. Eight (8) out 10 DPJ lawmakers want Article 9 revised compared to 18% of New Komeito members. Almost half of DPJ lawmakers (46.7%) favor revising Article 9. Seventy six percent (76%) of LDP want to write in a provision recognizing Japan’s collective right of self-defense, while 84.6% of New Komeito members are against it. However DPJ members are clearly split on the same issue (47% against versus 25.3% in favor).

What is evident from this poll results is that the LDP and New Komeito are clearly heading towards diametrically opposite stances on Article 9. It is also apparent that members are becoming more cohesive in these positions. The DPJ alone continues to suffer from intra-party differences on whether or not to amend Article 9. Leadership within the LDP confirms this more hawkish stance. Compared to more moderate faction leaders (like Kato Koichi, who does not see the need for revising Article 9 and doubtful of SDF overseas deployments beyond the traditional “attack on Japan or surrounding areas” as premises), the LDP helm had been occupied by characters like Ozawa Ichiro (whose proposal for Japan’s normalization and contribution to a UN standing force have raised so much furor in the early 1990s) and current Prime Minister Koizumi who is positive about revising Article 9 and more eager to expand the SDF’s overseas role. (Kato, 1999; Ozawa, 1999) The position of DPJ leaders Kan and Hatoyama is also closer to hawkish members of LDP. Hatoyama (1999) favors revising Article 9 to recognize SDF as a regular military for self-defense but is skeptical of sending the SDF in overseas missions, whether they are part of UN or not.

The LDP, New Komeito and DPJ since the 1990s appeared more pragmatic and willing to hammer out decisions while deftly avoiding direct debate on Article 9. The advent of coalition politics generated negotiated political outcomes—that is, by tradeoffs between the LDP, Komeito and DPJ, often excluding the traditional leftist parties (JCP and SDP) and marginalized conservative elements within the LDP. For instance, the LDP used the 1992 PKO bill as a negotiating point for inviting DPJ and Komeito into the first coalition government. In exchange for their endorsement, the DPJ wrote in very stringent benchmarks for SDF dispatch (the so-called 5 PKO principles), while Komeito successfully pressed for a 3-year freeze on regular peacekeeping activities. When the issue of type of weapons and rules of engagement was revisited for the anti terror legislation in 2001, the New Komeito (as did DPJ) endorsed the measure allowing the SDF to use their weapons to protect themselves, those under their control (e.g. UN officials and refugees), and their storage of weapons and munitions. New Komeito also agreed to unfreeze the PKO functions to include election supervision, supervising disarmament and patrolling, but rejected the inclusion of maintenance of peace and security as a PKO duty. In the deliberation over how Japan could provide assistance to Iraq, the New Komeito took the position that a new law is needed rather than simply basing the dispatch under an amended PKO law. In the end, New Komeito endorsed the LDP’s bill in exchange for a promise to go slow with any the ground deployment (perhaps in the hope of diffusing intense opposition from its main lay base, Souka Gakkai) (“Japan ruling coalition parties...” 12 November 2001). Although there is a strong push from LDP stalwarts to further expand the range of PKO activities that the SDF can undertake (to include core PKO duties such as maintenance or peace and order) or to upgrade the SDF’s rules of engagement to make them at par with UN standards for PKO operations, these initiatives find little resonance within the New Komeito, and therefore unlikely to prosper. The imperative to courting minor coalition partners has considerably prolonged the process of legislation. One example is the emergency measures. Although LDP, NK and Liberal Party have agreed as early as 2001 to include this in their combined legislative agenda, the bill wasn’t advanced for 2 years because of deadlock over issue of firing of warning shots, complaints about vague definition of emergency, among others. (“Defense bills face rough...” 18 April 2002)
Unlike New Komeito which has been building a reputation as a minor coalition partner, the DPJ has been earnestly filling in the opposition status once occupied by SDP. The DPJ rejected the anti-terror bill and the Iraq measure. Having been the author of the 5 PKO principles, it is also not likely to cooperate with the coalition government’s desire to initiate an overhaul of the PKO law. Across all legislation, one key concern for DPJ is prior Diet approval for any SDF overseas dispatch. The DPJ argues that civilian control could be seriously undermined if dispatch proceeds without the Diet, as representatives of the people, consenting to it. The coalition government’s original proposal for the Anti-terrorism Special Measure and the Iraq special measure both required Cabinet approval of the Basic Plan of Dispatch, while the Diet is merely informed of it. The government relented to government post-facto approval within 20 days after dispatch.

After over a decade of PKO experience, the Japanese policy making elites (regardless of party affiliation) has shown little inclination to make more changes that what is necessary for the moment. Although the idea of SDF PKO dispatch as “international contribution” is fast becoming entrenched, they nevertheless remain wary of non-UN sanctioned SDF deployment. One indication of that built-in restraint is that the last two controversial dispatches (to Indian Ocean and Iraq) were based on special measures rather than permanent enabling acts. They had a very limited lifespan (only for 2 years), and any renewal of dispatch beyond this time frame would require another Diet legislation. This means that the likelihood of a similar dispatch happening beyond 2005 would depend on a new political ball game -- i.e. whether LDP will retain its major status in a coalition or would it be supplanted by DPJ, or how long New Komeito can hold on to its perch as a swing party.

LEFT VERSUS RIGHT REDEFINED

During the Cold War, the security debate in Japan is arrayed along two axes: support for SDF and Japan-US bilateral treaty. Article 9 is at the nexus of these polarized positions. The political left was represented by the Japan Socialist Party (JSP) and Japan Communist Party (JCP), which questioned the constitutionality of the SDF and the treaty in line with Article 9’s nonuse of force and no-military provisions. The political left’s support base included labor, students, media and the intelligentsia (e.g. Seikai) whose views were in keeping with the general pacifist norm of the period. To the extreme right are nationalist elements (ubiquitous showing at holiday parades in black buses or vans, at the Yasukuni shrine) who harbor a return to the Tennai (emperor-rule) system, and are opposed to Article 9 because it prostitutes the idea of a “normal” military. At the center were moderate elements within the LDP (called “centrists” by Berger 1998), which tried to reconcile Article 9 with the treaty and the SDF’s presence along the line of right of individual self defense. The centrists, since the time of Prime Minister Yoshida, determined what became the government policy line until the 1990s.

The simple left (anti-SDF/US-Japan treaty, pacifists) vs. right (pro-SDF, but with functional limits, nationalists) distinction among political forces with regards to security issues, has been replaced by a plurality of positions but based on different set of axis points. These are: (1) how Japan should use the SDF to fulfill its international obligation; (2) under which framework (within or outside the US-Japan security alliance) should this international obligation be met. (Hughes, 2004) Article 9 remains at the core of this distinction, but the issue is now whether Article 9 as written or as interpreted enables Japan to have a more active role overseas. Regarding the SDF, liberal elements endeavor for Japan to take on more international responsibility, which is only possible if the limits to military contribution under Article 9 are discarded. Proposals along this line include: (a) recognition of the SDF as a “military”; (2) recognition of Japan’s right to collective self defense and collective security, which then would allow for participation in use of force operations for such purposes. With regards to framework, there are two contrasting positions: (a) endeavor to strengthen Japan’s role within the alliance (moving towards symmetry), by Japan taking more responsibility and enhanced capability to assist the US in regional contingencies; (b) Japan working to strengthen multilateral institutions and arrangements (e.g. the UN).

In many ways, the redrawing of the lines were ushered in by former LDP leader Ichiro Ozawa’s provocative argument in 1992 that Article 9 should be revised to include a new clause recognizing Japan’s right to individual and collective self defense. He argued that through this revision, Japan could contribute to international peace by supplying SDF personnel to a standing UN force. (Itoh: 2000, 315) While Ozawa fell short of revising Article 9 to recognize the SDF as a “military”, former DPJ Chief Yukio Hatoyama in 1999 took a bolder stance by proposing a new clause to that effect (Hatoyama, 1999). However, he also proposed that the new provision should articulate that the SDF is a military for defense, that it will not use force, and that there will be no forced conscription. With regards to the US-Japan treaty, Hatoyama...
proposed that the constitution should acknowledge Japan’s right of collective self-defense, but Japan must defend itself independently and that US forces should not be stationed in Japan. Hatoyama’s position is very similar to what was earlier articulated by former Prime Minister Nakasone who argued for Article 9 revision to acknowledge the SDF’s existence as a “military” and to recognize Japan’s right to collective self-defense. (Itoh: 2000, 317)

In 2000, debate over constitutional revision reached a critical mass. The government formed a Diet commission (in the lower and upper house) to study about constitutional revision. The Commissions’ report, which came out in early 2005 depicted a consensus that the 1947 constitution ought to be revised, but fell short of endorsing the revision of Article 9. Though greatly marginalized, pacifist elements favor the retention of Article 9 as a cornerstone of Japan’s commitment to unarmed neutrality. (Hook and McCormack: 2001, 31) They are mostly concerned about how Asian neighbors, who have long held Article 9 as a symbol of Japan’s promise not to engage in war again, would react if it was amended. Among those who take this position include: Article 9 association, an umbrella network of religious lay groups and peace organizations. On the other side are conservatives, who are willing to retain the nonuse of force clause in Article 9, but are seeking accommodation for Japan’s international responsibility. This conservative current includes Keidanren, Japan’s business federation, which came up with a statement favoring revision of Article 9 to include recognition of: (a) the SDF as a military, with enumerated functions such as to protect sovereignty, and to contribute and cooperate with international community in activities for international peace, (b) Japan’s sovereign right of self defense. (Nippon Keidanren, 2005) The Institute of International Policy Studies, a think thank associated with former Prime Minister Nakasone, similarly proposes recognition of the SDF as a regular military for defense and for contribution to international peace and stability. In addition, it also proposes for a new civilian control clause naming the Prime Minister as commander-in-chief, and Diet approval for use of force operations under the UN and for humanitarian relief. According to the Institute’s proposal, the Diet retains the power to limit and control the exercise of the right of self defense.

The political parties are also eager to contribute to the debate, with a promise of a constitutional proposal later this year for LDP, and early next year for DPJ. The draft outline of the LDP research committee for constitution called for renaming the SDF as “armed forces for self defense” and for introducing the use of right of collective self defense (“Panel eyes new name…” 7 July 2005). New Komeito has stated previously that it will adhere to the interpretation of Article 9 but is amenable to writing new clauses that allows for SDF contribution to international peace. The DPJ meanwhile makes no mention of position on Article 9 in its party manifesto.

THE DEBATE FROM THE GROUND: PUBLIC OPINION ON THE CHANGES OF SDF’S ROLES

Many authors have argued that Japanese unique sense of pacifism is rooted from their experience during World War II. Japan’s strong grassroots movements that denounced the use of weapons of mass destruction and the presence of US troops in Okinawa are manifestations of this pacifist strain. However, it is also different from other types of pacifism (unarmed and nonviolence) in that it accepts a limited role for its de facto armed forces the SDF. Berger (1998) and Keddel (1993, 122), more accurately refer to this aspect of Japanese political culture as anti-militarism, which is manifested in terms of: (1) strong support for Article 9 which opposes the establishment of a regular military and the SDF’s utilization as an instrument for state policy; (2) tolerance of SDF presence for as long it is configured only for minimum self-defense and not dispatched overseas; and (3) SDF performing mainly nonmilitary functions. In many ways, this aversion to military and its association with violence is so embedded in Japan’s psyche, that discussions even intellectual or artistic discourse is sensitive to this taboo. Government officials prior to the 1990s who make public pronouncements for instance, contrary to this implicit dictum, are censured heavily.

Unlike political culture, which tends to be deep-seated and is formed over a long period of time, public opinion is more transient and issue driven. When public opinion is tracked over long periods of time, it can also function as a window to how political culture at the base is shaping up. How has public opinion changed since 1992, and to what extent does this reflect shift in the underlying political culture? This section examines the results of regular public opinion surveys by Japan’s major newspapers (e.g. Yomiuri, Asahi, Mainichi and Nikkei), other news organizations (e.g. Kyodo) and the Prime Minister’s Office on two broad concerns. First, public responses to legislative and other policy initiatives of consequence to the SDF’s role are examined. These include survey results prior to and after the Cambodian, Indian Ocean and Iraq dispatches. Second, survey results clustered according to thematic elements of Japan’s antimilitarist political culture will also be examined. These thematic elements are: (1) position on Article 9;
opinion on the SDF’s acceptable range of duties.

Previous PMO surveys indicate that majority of the Japanese oppose overseas dispatch of SDF, even for cooperation with the UN. (Keddel: 1993, 114) Most Japanese at that time regarded international contribution through nonmilitary means. It must be emphasized that since the 1980s, the Japanese government has been one of the top aid givers (edging out even the US), particularly in Asia. Prior to the outbreak of the Gulf War in 1991, surveys done by Asahi (November, 1990) confirm this Japanese conviction that they would prefer nonmilitary contribution to the war. (Keddel: 1993, 115) A PMO survey in 1989 reveal a similar trend— majority of those polled (46%) were opposed to SDF PKO participation as opposed to 22.4% who approve. By the time the war broke out in 1991, some polls reveal modified public stance on SDF dispatch depending on the purpose. The PMO survey in February 1991 revealed a split on the issue of PKO deployment (45.5% approve versus 37.9% opposed), but a majority supports SDF deployment for disaster relief efforts (54.4% approve versus 30.45 against)). After Japan dispatched the MSDF for post-non conflict minesweeping duties, the public was slowly warming up to the idea of SDF dispatch under the United Nations mandate, but only for logistical support, and as a complement to nonmilitary contribution. (Keddel: 1993, 116)

When the PKO bill was being deliberated, the public was clearly divided over what form of “international contribution” Japan should make. However after the bill was passed and the Cambodia dispatch commenced, those favoring the SDF PKO dispatch began to increase (based on results of Asahi polls on July 1992, September 1992 and May 1993 as cited in Keddel: 1993, 117). As further indicated in the 1994 PMO survey, a growing consensus was evident favoring SDF dispatch overseas for PKO (48.4%) and for disaster relief abroad (61.6%). Under a modified question on important SDF tasks, roughly 10% of the respondents in the 1996 PMO survey choose “international contribution”. Compared to a 1988 Yomiuri poll in which 63% of respondents are against SDF deployment overseas, this number has dwindled to 5% in the Yomiuri 2004 poll. Moreover, polls taken by Yomiuri from 1994, 2001 and 2004 show that a majority of respondents increasingly identify emergency relief and PKO as SDF overseas roles.

The PKO bill and the Cambodia dispatch are very important turning points for the direction of public opinion on the SDF’s acceptable range of duties. From then on, it became accepted that the SDF’s overseas dispatch is an important element of Japan’s “international contribution”. However, the public has also come to associate parameters of such dispatches in terms of purpose (for PKO or international humanitarian aid), and framework (with UN mandate).

This consensus held steadily in subsequent discussions on how Japan could assist the US in its anti-terror effort. It must be emphasized that public empathy for the US was high because of 9/11 and that the subsequent armed campaign in Afghanistan against the Talibans was widely supported by other countries and the UN. Public opinion on the Anti Terrorism Special Measures law in the Kyodo (October 2001) and Asahi (September 2001) reveal contrasting trends. While the Kyodo survey reported a majority (57%) supporting the measure, in the Asahi poll slightly more (46% a) were against than in favor (42%). However, polls taken by Mainichi and Asahi in September 2001 reveal majority favoring SDF dispatch (61% for Asahi and 63% for Mainichi). Parallel surveys by Yomiuri (September 2001) and Nikkei (October 2001) reveal a majority similarly in favor of SDF dispatch for logistical support. The details of the dispatch, including the fact that it is outside the SDF’s traditional Far East bounds, and the controversy over whether to dispatch Aegis-equipped destroyers or not, seemed of little concern to the public.

The 2003 Iraq special measure, however, generated strong opposition. From the time the bill was being deliberated in July 2003 until the dispatch plan was approved in December 2003, public opinion was consistently against the SDF deployment. In the June and July Asahi polls, 46% and 55% respectively opposed SDF deployment in Iraq. A Nikkei survey in August 2003 reveals a parallel strong majority (52%) against the dispatch. The Mainichi polls in July 2003 however reveal that while 38% are against, a substantial proportion (39%) is also undecided on the issue of dispatch. At the onset, the misgivings about the dispatch has been directed at concerns over the dangerous situation on the ground (16% and 25% of those opposed cited this as reason in the Asahi June 2003 and July 2003 polls, respectively) and the illegitimacy of the war (57% and 60% said so in the same polls, respectively). Opposition against the dispatch became even stronger after the plan was revealed. The December 2003 polls of Kyodo, Asahi and Mainichi indicate 33%, 55%, 54% and 52% (respectively) are against the dispatch. The Kyodo and the Asahi poll feature a strong preference towards dispatch only when the ground situation has stabilized (56.3% and 56% respectively). The most frequently cited reason for opposing the dispatch was: the
dangerous situation in Iraq (30.7% in the Kyodo poll, and 22% in Mainichi poll). Many of those polled also cited that the PM’s explanation for the SDF dispatch was unsatisfactory (64% for the Asahi poll, 62% for the Mainichi poll and 63% for the Nikkei poll).

What explains this opposition? The SDF dispatch occurred outside acceptable parameters. The campaign was not backed by the UN. Although the SDF would be performing the same reconstruction tasks as in PKO, their deployment in an area where conflict still rages increases that the SDF will engage in combat (a prospect long avoided by the public). This aversion towards the SDF using violence, even to defend them, is something that the Japanese public appears very sensitive about. A parallel situation in 1992 in Cambodia, when the Khmer Rouge broke the ceasefire agreement and when two Japanese aid workers were killed, generated a similar public concern that the place is not safe enough for troops to be deployed in.

A second area of public opinion trend regards Japan-US relations. According to the PM Office surveys, public support for the treaty in conjunction with SDF presence as the most appropriate way of defending Japan has steadily increased. From a 40.9% in 1969, this figure has increased to 69.2% in 1984 then 62.4% and 68.8% in 1991 and 1994 respectively. Support for the 3 bills in 1999 substantiating Japan’s commitment to the revised guidelines also was high at 65% (according to the Kyodo April 1999 poll). However, a poll taken by Asahi in March 1999 depicted split tendency on the issue (37% in support, versus 43% against). In two polls, among the most cited explanation for supporting the bills was their necessity for Japan’s security (39.4% in the Kyodo poll, and 45% in the Asahi poll). This means that the Japanese public clearly understands the usefulness of the treaty to defending Japan.

In recent years, many newspaper polls have pointed that increasing number of respondents favoring constitutional revision. Compared to the 1986 Asahi poll for instance where proponents for revision was at 29%, by 1997 the Asahi and Jiji polls reveal that pro-revision have risen to over 40%. The Yomiuri yearly polls have registered a majority pro-revision since 2000 (at 60%), while for Asahi the pro-revision majority was breached in 2004 (53%). In subsequent years, those who favor revision have consistently hovered above 50% while those who oppose revision have dwindled between 20%-30%. While majority favor revising the 1947 Constitution, majority want to retain Article 9. The Mainichi 1994, Asahi 1997, Asahi 2001, and Asahi 2004 polls registered 60% to high 70% favoring that Article 9 be kept as it is. However in recent polls (taken in 2005) by Asahi, Jiji and JAPOR, the pro-retention number has gone down to 40%-50%. It is early to tell whether this downward trend of pro-retention will continue, but it appears that from the 1994-2004 at least, support for Article 9 remains strong. Among those who favor revision of Article 9, many have pointed out the need to “recognize the SDF’s existence” (34% in the 2001 Yomiuri poll, 32% in the Mainichi 2002 poll and 48% in the JAPOR 2005 poll) and “recognize international contribution” (52% in the Yomiuri 2004 poll and 31% in the Asahi 2004 poll and 29% in the JAPOR 2005 poll) as types of changes. These changes seek to modify clause 2 of Article 9, and suggest that even among those who are pro-revision would want to retain clause 1 (which renounces war and use of force in settling international disputes).

Despite the Article 9 clause 2’s prohibition for Japan not to have a military, only a small declining minority consider the SDF as unconstitutional. From 28% in the Asahi 1992 poll, this number has gone down further to 13% in 2001 (Asahi) and 7% in 2005 (Asahi). Alongside this firm belief of SDF’s constitutionality, the proportion of people having a positive impression of the SDF has also steadily increased. The PMO polls from 1967, 1975 and 1984, reveal that over 60% to 70% have good/not bad impression with the SDF. From 36% in the Yomiuri 1986 poll, the number increased to 53% in 1994 (Yomiuri) and 67% in 2004 (Yomiuri). In the PMO polls since 1969, the majority (above 50%) consistently and accurately understood that the main purpose for which the SDF was created was for maintenance of national security. Curiously, an increasing number (12.7% in 1969, 13.6% in 1984 and 23.8% in 1994) is also identifying “disaster relief” as an SDF core task. When the PMO surveys added “international contribution” as a category in the 1994 and 1996 surveys, a fewer proportion chose this category (5.7% and 17.3% respectively) than disaster relief (23.8% and 66% respectively). When asked in the 1996 survey about which SDF secondary mission is most important, majority chose disaster relief. Majority of the respondents also chose disaster relief as the most useful role of SDF (consistently above 70% since the 1967 survey to 1994) as well as the area in which the SDF has its most constructive role (91% in the 1996 survey). By contrast, less than 10% of the respondents identified maintenance of national security, the SDF’s core task, as its most useful role. A 2004 Yomiuri poll similarly identifies disaster relief (89%) as the reason behind positive reviews of the SDF, compared to only 29% for efforts in national defense.
These results depict the tenacity of the Japanese public’s anti-militarist political culture. Many still want to maintain Article 9’s war renouncing provision. The Japanese public has grown to accept and understand that the SDF is integral to maintaining national security, but do not invest as much importance to this SDF role as they do with disaster relief. A huge part of the people’s positive reviews of the SDF emanate from their commendable performance in disaster relief operations. While there is an increasing acceptance of “international contribution” as the SDF’s ancillary tasks, support for SDF overseas deployment clearly has serious qualifications in terms of purpose and mandate. SDF PKO participation and in disaster relief abroad (non-use of force operations) and operations with UN mandate enjoy increasing support, but as was the example of the opposition in the Iraq deployment, the Japanese public expressed reservations when confronted with the question of SDF deployment that do not meet these parameters.

CIVIL-MILITARY RELATIONS IN JAPAN: THEN AND NOW

The relations between the Japanese civilian authorities and the SDF defy standard categorization of civilian control in a democratic polity. Civilian control is defined as military subordination to policy decisions by elected civilian rulers. The legal cornerstone of civilian control in Japan is Article 66 in the constitution which posits that the Prime Minister, designated commander-in-chief of the SDF, and the Japan Defense Agency (JDA) director must always be civilians. At the executive branch, the National Defense Council, the Ministerial Council on Comprehensive Security and the National Security Council comprise the locus of cabinet-level decision making. However, within these bodies, the highest ranking SDF officer has no formal membership, but he could be invited to provide testimonies. (Gov: 1993, 59)

During the Cold War, control of the SDF was largely delegated by politicians to bureaucrats. Apart from the JDA that directly supervises the SDF, the MOFA and MITI also exercise bureaucratic oversight. Among these ministries, the JDA’s status is inferior as indicated by its sub-ministerial designation. MOFA sets the agenda on security policy in general while MITI administrative control over weapons and defense technology procurement matters. The JDA lacked institutional autonomy. Its internal bureau, which is in -charge of strategic planning and promotions, was composed mostly of personnel seconded from the MOFA, MITI and the police. (Katzenstein: 1996, 106) Even within the Defense Agency, SDF officers have weak access to their civilian Director. Within the JDA, civilian bureaucrats are also powerful in that they decide what weapons and how much munitions troops carry with them during any mission. Recently, the Defense Agency’s status vis-à-vis MOFA was elevated somewhat with the introduction of 2+2 council, which coordinates matters pertaining to the US-Japan alliance. Thus the US-Japan framework has given both SDF officers and the Defense agency better leverage in decision making than what is domestically feasible.

There are visible changes in the nature of civil-military interface in Japan after 1992. Politicians are taking the lead in security decision making again. The Prime Minister’s role also achieved new heights as coordination of policies and across ministries on security matters became a premium. The addition of a cabinet secretariat with separate expertise on security (distinct from MOFA) point to the growing importance of this policy aspect. (Hughes: 2004, 164; Hosoya: 2004; Kondo: 2004) The Diet, which previously did not play a constructive role in setting security and defense policy, is becoming important. Legislation authorizing deployment for PKO and other operations (in Afghanistan and Iraq) were deliberated and decided through political compromises by the coalition parties and the opposition within the Diet. According to him, the PKO deployments in Cambodia and elsewhere is strengthening of executive and Cabinet hand in security policy making, at the Diet’s expense. Under the new arrangement, the Cabinet can drastically alter the SDF’s missions into gray areas, without referring the matter to the Diet. Within the bureaucracy, the Defense Agency’s status vis-à-vis the other civilian ministries have improved. (Hughes: 2004, 16) Regardless, the MOFA remains the lead ministry for security policy, and will likely steer Japan towards expanded cooperation with US under the alliance framework, rather than through alternative multilateral security frameworks. (Hughes: 2004, 163)

Despite the rapid expansion of its roles and much improved public image, the SDF as an institution still faces serious concerns about its existence. In the past decade, the SDF has been moving into roles that are dissociated from violence, hence away from the traditional notion of what a “professional military establishment” does. (Fruhstuck and Ben Ari, 2002) It tries to connect with society by adopting functions that do not connect to the use of organized force—e.g. disaster relief, public service and peacekeeping. This effort to obfuscate the SDF’s military nature...
is evident in other ways. First, is through the use of doublespeak—among themselves and another for non-SDF in an effort to “civilize” the organization—and in appearance (i.e. not wearing their uniforms off base). In its information and public relations drives, the SDF also projects itself as “helpful and harmless”, thus eliminating its association with violence.

Efforts to provide the legal framework for SDF’s expanded role are also lagging behind. PKO and other humanitarian/disaster relief missions (domestic or overseas) are not considered primary tasks for the SDF. While the government has not been remiss in providing supplemental appropriation, the SDF’s force structure remains not well-suited for these additional missions. For instance, although the SDF has successfully reduced its preparation time for overseas deployment (the Iraq preparation was 6 months, the tsunami relief took 1 month), it still takes a long time to prepare compared to other countries. (Kondo, 2004) At issue is the SDF’s effectiveness in discharging its functions. Moreover, given current security threats (e.g. ballistic missile attack) that require a quicker response time, there is a need to streamline civilian control procedures. Recently, the Diet approved a measure authorizing the JDA director to issue a standing intercept order to the SDF commander in charge of ballistic missile defense in the event of an imminent attack on Japan. (“Lower house Oks bills…” 14 June 2005)

CONCLUSION

Since 1992, Japan has been inexorably taking the well-trodden path to normalization. The past decade saw the overseas deployment of SDF in Asia and beyond, unprecedented since Japan’s disastrous involvement in World War II. Its alliance with the US has reached unprecedented levels of military-to-military integration, which though falling short of the NATO ideal, is drawing very close, particularly in the light of their joint missile defense program. The SDF currently stands as one of the biggest, most modern and formidable armed platforms (in terms of its budget and force structure) in the world.

Yet, Japan’s march to normalization remains hampered by tenacious antimilitarist norms at the elite and mass public levels. Despite the entrenched acceptance of deploying SDF personnel as international contribution, the public and the elite policymakers remain divided over how to reconcile this desire to be a responsible global player, with the country’s historical commitment to pacifism (that is, non-use of force in settling international disputes). At the core of this dilemma is the fear that should Article 9 be amended or abolished, it would unleash dormant nationalist forces that will lead the country to the path of aggression. Optimists who want the Article 9 re-interpreted or amended argue that Japan’s democracy has matured sufficiently to be able to discuss, debate and decide on this fundamental issue, without raising the specter of World War II demons. Another issue is how Japan can continue to subscribe to this antimilitarist norm, given that normalization would and could only proceed under the US-Japan alliance framework. Skeptics worry that the US’s aggressive predilection, in due time Japan would be entangled in use of force operations for which it could not back out. Under an atmosphere of greater public sensitivity towards security matters, and greater willingness by politicians to discuss them, Japan’s search for a global identity would be a long and difficult process ahead.

At a personal level, I am buoyed by the changes in the security decision making pattern in Japan featuring the Prime Minister and Diet politicians taking charge. As an advocate of democracy, I believe that this process injects more accountability as elected politicians, not bureaucrats, are making decisions on security matters. Moreover, that security issues are openly discussed and debated by parties and by the media generates a level of transparency which in the end is healthy in any democracy. Though raucous and messy, security decision-making is at least brought out into the open rather than being secretly negotiated by unaccountable bureaucrats.

I predict that it only a matter of time before a critical mass is reached among the Japanese public and among the policymaking elites in favor of amending Article 9, and endorsing the SDF a legal personality and mandate to undertake expanded overseas missions. Japan’s normalization will proceed, but towards a more active global security role in peacekeeping operations and in international humanitarian relief. The government’s strong commitment to limit SDF deployment in non-use of force missions alone and to carefully draw an imaginary line on the type of assistance it could give the US, will be increasingly put to test. I am very confident of the political maturity of Japanese public and democratic institutions. It will be a hard sell for the most ardent nationalists to bring Japan into the same aggressive path reminiscent of World War II given these strong democratic values and institutions. However, I am wary of how the Japanese government can remain anchored in this non-use of force conviction within the parameters of its bilateral relations with the US. In recent years, the US government under President Bush
has manifested unilateralist tendency, and preference towards forcible resolutions of conflict. As their militaries are getting more and more integrated, it will be increasingly difficult for Japan to dissociate itself from any aggressive US foreign policy agenda. Already in the case of Iraq deployment, the Japanese government has displayed willingness to follow the US lead, with little consideration of the domestic opposition to the very legitimacy of the Iraq war itself. If the Iraq deployment is a port end of things to come, the Japanese SDF will soon find itself engaged in combat.

Endnotes

1In actuality Japan’s defense spending was above 1% of GNP well into the 1960s. The cap was installed by the cabinet in 1976, and subsequently adjusted according to overall spending required under the various midterm defense programs. Beginning 1978, defense spending figures include cost of stationing US forces in Japan, in addition to the SDF’s regular budget. The SDF’s expenditure for overseas missions are also excluded from this figure. Defense spending since the 1970s hovered at less than 1% of GDP. By comparison, the US, UK and France for instance spent well over 2% of GDP for defense in 2001 (Japan Defense Agency 2004).

2According to Masamori (2002, 33), the Cabinet Legislation Bureau’s (CLB) interpretation that collective self-defense is not permitted under Article 9 is incorrect. The CLB defines collective self-defense only in terms of use of force operations. Internationally it is recognized for instance that rear area and logistical support is collective self-defense, but without use of force. See also Gow 1993, 62; Hughes 2004, pp.160-161.

3According to Reinwick (1995, 52), under the 1976 National Defense Program Outline, what constituted “minimum” denial force was given a flexible interpretation depending on the threat scenario. As such the SDF possesses capability to expand under heightened threat or contract when that threat is reduced.

4According to Hook (1996, 79), the restrictions on the SDF was largely due to the political action of the leftist opposition. The ruling LDP for instance was only able to pass the 1954 Basic Defense Law after accommodating the leftists’ demand for a ban on overseas deployment.

5The presence of moderate elements within LDP is evident when successive cabinets accepted self-imposed restrictions against SDF expansion (e.g. defense spending cap, non-nuclear principles, weapons export ban), even in the absence of legislation (Yamaguchi, 2004).

6PKO is not the SDF’s main task. It is assumed that the SDF can undertake PKO when it has resources to spare. There is no specialized PKO unit within the SDF. Instead, PKO contingents are taken from different regional divisions and rotated every 6 months (Kondo, 2004).

7There are two strands of ideas regarding the revised guidelines, and its connection to the Far East clause. One view holds that the guidelines opened the possibility of an expanded geographic scope of US-Japan security cooperation (Hughes: 2004, 178). Another view holds that the government was deliberately vague about the scope of the revised guidelines so as not to alarm China, which may interpret that it is directed at a possible crisis erupting in Taiwan. Soeya (2004), however claims that true concern behind the guidelines was a conflict erupting in the Korean peninsula. Since 1997, the guidelines has never been invoked.

8According to Hook and McCormack (2001) and Maeda (2004), the Japanese government have been illicitly engaging in “legal insurrection” or “constitutional trashing” even before 1992. Without initiating constitutional change, the government deployed the SDF for peacekeeping and humanitarian operations, and committed the SDF to assist US forces in regional operations, by simply altering its interpretation of Article 9’s intent. The government used the pretext of “international and regional contribution” to redirect the original defense only remit of the SDF. Hickey (year?) meanwhile does not see any radical changes from Japan’s defense-only posture (Senshū bōei). He sees the revised guidelines as strengthening the security treaty’s functionality, and thereby Japan’s ability to defend itself. Watanabe (2003) considers these developments also as meeting the needs for national defense envisioned in the 1995 Higuchi report. For Watanabe, these national emergency and surrounding area contingency legislation are imperative, given the changed security environment after the Cold War, in which small scale or regional conflicts are likely.

9The MSDF in actuality mainly does refueling operations for US and Australian forces, and transports logistics (except weapons and munitions) from US bases in Japan to San Diego. The MSDF also transports relief supplies (mostly food, medicine, blankets and tents) to refugee centers in Pakistan. (Japan Defense Agency, 2003)

10This interpretation has generated considerable pain to the government particularly when the line between combat and non-combat zones becomes more fluid. In the case of the 1992 Cambodia deployment, when the Khmer Rouge broke the ceasefire the government contemplated having to move the SDF PKO.
operations elsewhere where Khmer Rouge presence is less pronounced (see Dobson 2003). In Iraq, the government has to downplay news about mortar attacks on the GDSF Samawah base camp, as such again would unleash criticism that the SDF is dispatched in a combat zone.

11 Di Filippo (2002) argues that the 1997 guidelines brings the SDF into greater interoperability with US forces and breaches the limits on collective defense posed by Article 9. Most academics I have interviewed (Tanaka, Kondo, Shiraishi and Soeya) candidly admit that collective self-defense has been long practiced. The problem is the government’s stubborn refusal to reinterpret the constitutionality of collective self-defense.

12 New Komeito agreed as early as 1999 in a 3-party panel with LDP and New Conservative Party to take legislative steps to unfreeze PKO functions, but reneged on that promise because LDP did not support its proposal to return to multi seat constituency.

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FREE TRADE IN ASIAN AGRICULTURE: AN ECONOMIC PERSPECTIVE OF THAILAND

Zamroni

INTRODUCTION

In the last two decades, many developed or developing countries have made regional free trade agreements (FTAs) in order to enhance their trade and economies. These regional trends emerged due to the slowly moving General Agreements on Tariffs and Trade (GATT) - World Trade Organization (WTO). When the WTO was established in 1995, the member countries explicitly acknowledged the need to do more to help developing countries to obtain the benefits of trade in order to achieve sustainable development. But the WTO rounds of negotiations have not accomplished that goal yet, especially in dealing with the agricultural issues; the member countries were stuck even at the Doha round. Agriculture has been controversial and has often been partially integrated into multilateral and/or regional free trade agreements. These were due to the conflicting objectives between developed and developing countries regarding the issue of domestic supports, a relatively high protection, and international competition in the agricultural sector.

This study focused on the Asian free trade in agricultural products, particularly on the economic perspective of Thailand. The agricultural sector has become the main sector in most Asian countries especially related to employment absorption. Thailand, as one of the developing countries in Asia, was chosen as a sample based on the assumption that it has a well-managed and globalized agricultural sector. According to the Food and Agricultural Organization (FAO) in 2002, Thailand (with fewer natural resources than other Asian countries such as India and Indonesia) was the second largest exporter of agricultural products among Asian countries. In addition, Thailand has a more liberalized agricultural sector. Compared to major countries such as the EU, the US and other developed countries, the Thai agricultural sector was relatively less subsidized by the central government (i.e. the Thai government spent only 7.5 percent of total values of gross farm receipts to support its agricultural sector, while the EU was about 80 percent).

The research method used in this study is qualitative analysis. The use of this analysis is presented by scrutinizing data and information from field research. By using the qualitative analysis, we will elaborate the existing condition of agricultural trade in terms of globalization and any factors affecting and how the country behaves in entering and managing free trade in the agricultural sector. The qualitative data will be used to construct the economic perspective of Thailand on how the free trade in agriculture should be and what the reality in the country is.

THE EMERGING FREE TRADE IN ASIAN COUNTRIES

In the last few decades, in order for countries to compete in the global trade, increasingly, they have been forming or strengthening the regional trade agreements. This was driven by the need to both attract investment and promote international trade. Gaining access to overseas markets and thus achieving economies of scale in domestic production were also important driving forces. (Josling, 1993) In addition, it is normally assumed that the benefits from joining outweigh the potential losses from not joining (Page, 2000). In practice, some countries are in more than one membership, so that grouping may overlap. The main objectives in entering into multiple memberships are firstly, to access broader markets in other regions outside the immediate region - especially when there are tendencies for some regional blocs to protect their markets from outsiders and secondly, to get the benefits of the process of globalization. (Bhalla & Bhalla, 1997; Frankel & Wei, 1998; Page, 2000) Some studies conducted by Kawasaki (2003), Urata and Kiyota (2003), Mallikamas (2002) show that the free trade in Asian economies will give benefits to Thailand and other member countries in term of the increase in their GDP.

In the case of Southeast Asia, Association of Southeast Asian Nations (ASEAN) became more active in fostering economic cooperation in the region since the 1980s. In order to tighten the economic cooperation among members, ASEAN formed the ASEAN Free Trade Area (AFTA) in January 1992. The formation of the AFTA was inspired by the current global trends of regionalism and the slow progress in ASEAN regional cooperation especially in the economic area. (Kim, 1994) The elimination of trade barriers among members is expected to promote greater economic efficiency, productivity and competitiveness.
The commitment of ASEAN-AFTA in agricultural trade was started in the Meeting of ASEAN Ministers of Agriculture and Forestry in 1992. The meeting was held to have intense cooperation in agricultural sector not only with the ASEAN-AFTA member countries but also trading partners outside the region. Then, under the Common Effective Preferential Tariff (CEPT) that was set in 1993, ASEAN should become a free trade area (FTA) in 2003 with tariffs on some products ranging between 0 and 5 per cent. Also, under the CEPT, member countries will eliminate all non-tariff barriers and quantitative restrictions (de Simone, 1996). On the CEPT schedules, AFTA members were able to adjust their tariff reduction schedule on their products; also, the member countries could exclude sensitive agricultural products from the tariff reduction (CIE, 2000). In addition, the new coming members have a chance to get more time for application.

Many Asian countries now are the WTO members and active in the global community especially in the free trade agreements with the rest of the world. Thailand and Singapore are in the lead of Asian countries as most attractive nations to form FTAs. Thailand and Singapore have signed the highest number of FTAs compared to other Asian countries (The Nation, 2004a). These two countries have negotiated the bilateral FTAs with their partner countries such as Japan, the US, Australia and New Zealand and some developing countries, and put the agricultural sectors into the agreements. Some Asian countries have improved their markets for international goods by continually reducing import requirements and tariffs. The tariffs barriers and producer subsidies have been lowered under the agreements. The next active Asian countries in forming FTAs are Japan and China-after joining the WTO in 2000. Further, they are committed to open their domestic markets to international competition.

In creating the free trade area consisting of Southeast Asian countries and its neighboring countries either in terms of East Asian Economic Community, East Asian Free Trade Area, or ASEAN+3 or anything else need more efforts to realize it. These, of course, are related to not only the economic interest such as the economic size of respecting countries but also political interests among them that have to be taken into account.

After the 1997 Asian financial crisis and with the failure of the WTO to schedule a new round of talks on tariff reductions, ASEAN and its neighbouring countries is promoting ASEAN+3 regional agreement. The idea of forming the ASEAN+3 was released in 2000. The ASEAN+3 encompass all ASEAN member countries plus Japan, China and South Korea. This regional trade agreement will hopefully benefit the people of respecting member countries in terms of economic welfare and social benefits. By implementing the ASEAN+3, it is believed to manifest integrated East Asian economies, which account of 1/5 of global economic production and home of 1/3 world population. (Soesastro, H., 2003) Further, the emerging of ASEAN+3 could influence the direction of global trading system.

At the ASEAN Summit in November 2002 in Phnom Penh, Cambodia, there was a proposal that ASEAN should move forward and transform itself into an ASEAN Economic Community (AEC) by 2020. Then, the AEC was established at the ASEAN Summit in October 2003, in Bali. The settlement of AEC was inspired by the condition of the increasingly competitive globalized environment, so that ASEAN countries have to work together to integrate their economies tightly in order to create highly competitive ASEAN economy under the free trade to get the economic welfare for the society (Hew, D., 2003 and Soesastro, H., 2003). It is difficult to realize the AEC on time as many differences in either different stages of economic development or other aspects among ASEAN countries.

The formation of ASEAN+3 and the AEC could be seen as efforts to create deepening and widening economic integration. (Soesastro, H., 2003) Implementation of AEC means ASEAN is trying to empower the economic cooperation among the members, so they can move and compete effectively in the wider regional grouping under the ASEAN+3 or any other formation of regional trade arrangements.

In addition to the free trade agreements in Asian countries, there are other kinds of trade agreements in Asian such as Bay of Bengal Initiative for Multi-Sectoral Technical and Economic Cooperation (BIMSTEC), South Asian Association for Regional Co-operation (SAARC), and the Greater Mekong Sub-region (GMS). The BIMSTEC connects South Asian countries and Southeast Asian nations and encompasses seven countries i.e. Bangladesh, Bhutan, India, Myanmar, Nepal, Sri Lanka and Thailand. In this regional agreement the three advanced members such as - India, Sri Lanka and Thailand - are committed to fully liberalize their economies by 2012, while other four members follow by 2017. The agreement includes transport infrastructure, energy, communications, tourism, trade and fisheries. (Ghos, N., 2004) The SAARC was set up in 1985 to promote and improve the standard of living, and to speed up economic growth, trade, social progress and cultural development. SAARC encompasses seven countries: Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan.
and Sri Lanka. Then, the Greater Mekong Sub-region (GMS) that was built in 1992 under the support of Asian Development Bank (ADB) is an economic cooperation among the countries of the Greater Mekong Sub-region (GMS). The GMS members are Thailand, Vietnam, Laos, Cambodia, Burma, and the Yunnan Province of China. This agreement covers the programs in agriculture, investment, natural resources management, environment, and human resource development.

THAI ECONOMY AND TRADE PERFORMANCE

In the globalization era, no country in the world does apply the closed economy. The trading countries open their markets to overseas products and competitors. The differences are in the level of openness and protection policy, where some countries are less protective than others by imposing high tariffs and non-tariffs barriers on the traded goods to protect their sensitive sectors and domestic markets. Since 1990s, the Thai economy has created its economy to not only focus on rural sectors but also on urban sectors such as higher-technology manufacturing and services. Thailand has moved from an import substitution policy to a strategy that more closely based on a global market. Thailand has developed its economy to be competitive in the globalization era by reducing and eliminating trade barriers to get optimal gains from trade.

Thailand has experienced impressively high rates of real GDP growth over most of the last 30 years, averaging nearly 8% a year in the 1960s, 7.9% a year in 1975-79 and a remarkable 9.1% in 1987-95. But, when the economic slowdown began in 1996, the Thai GDP growth fell to 5.9%, and then the GDP contracted by 1.4% in 1997. The economic turmoil continued and pushed the economic growth down to be -10.5% in 1998, the worst recession in Thailand over decades (see Table 1 for details). Thai economy was one of the suffered economies hit by the Asian financial crisis. Then, the regional economic downturn came up and spread over Asian countries from this country. The weaknesses in Thai financial sectors were in charge in spurring the crisis. Over time, Thai economy bounced and recovered from the economic problems after Thai government issued some economic policies and invited international institutions such as International Monetary Fund (IMF) to take apart in rescuing the economy. The Thai economy got well relatively faster than other Southeast Asian economies.

Table 1: Thai Economic Features (in millions USD).

<table>
<thead>
<tr>
<th>Year</th>
<th>Population (millions)</th>
<th>GDP at constant 1998 price</th>
<th>GNP per capita (US$)</th>
<th>Inflation</th>
<th>Export</th>
<th>( % change)</th>
<th>Export</th>
<th>( % change)</th>
<th>( % change)</th>
<th>( % change)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>58.44</td>
<td>97,587.2</td>
<td>2,123.7</td>
<td>3.4</td>
<td>36.6</td>
<td>13.4</td>
<td>45.1</td>
<td>12.3</td>
<td>-8.5</td>
<td>-19.4</td>
</tr>
<tr>
<td>1994</td>
<td>59.24</td>
<td>107,076.5</td>
<td>2,420.1</td>
<td>5.0</td>
<td>44.7</td>
<td>22.1</td>
<td>53.4</td>
<td>18.4</td>
<td>-8.7</td>
<td>-14.7</td>
</tr>
<tr>
<td>1995</td>
<td>59.28</td>
<td>118,047.2</td>
<td>2,781.9</td>
<td>5.8</td>
<td>55.7</td>
<td>24.8</td>
<td>70.4</td>
<td>31.9</td>
<td>0.6</td>
<td>14.7</td>
</tr>
<tr>
<td>1996</td>
<td>59.90</td>
<td>122,941.5</td>
<td>2,965.5</td>
<td>5.9</td>
<td>54.7</td>
<td>-1.9</td>
<td>70.8</td>
<td>0.6</td>
<td>-13.4</td>
<td>7.6</td>
</tr>
<tr>
<td>1997</td>
<td>60.50</td>
<td>97,947.6</td>
<td>2,424.5</td>
<td>5.9</td>
<td>56.7</td>
<td>3.8</td>
<td>61.3</td>
<td>-13.4</td>
<td>-33.8</td>
<td>16.9</td>
</tr>
<tr>
<td>1998</td>
<td>61.20</td>
<td>66,465.7</td>
<td>1,764.1</td>
<td>-1.4</td>
<td>52.9</td>
<td>-6.8</td>
<td>40.7</td>
<td>31.9</td>
<td>3.3</td>
<td>16.9</td>
</tr>
<tr>
<td>1999</td>
<td>61.80</td>
<td>75,898.0</td>
<td>1,928.7</td>
<td>-10.5</td>
<td>56.8</td>
<td>7.4</td>
<td>47.5</td>
<td>31.3</td>
<td>-3.0</td>
<td>2.5</td>
</tr>
<tr>
<td>2000</td>
<td>61.88</td>
<td>74,916.9</td>
<td>1,933.7</td>
<td>4.4</td>
<td>67.9</td>
<td>19.5</td>
<td>62.4</td>
<td>4.6</td>
<td>2.7</td>
<td>2.5</td>
</tr>
<tr>
<td>2001</td>
<td>62.31</td>
<td>69,090.2</td>
<td>1,804.3</td>
<td>4.8</td>
<td>63.1</td>
<td>-7.1</td>
<td>60.6</td>
<td>4.6</td>
<td>17.4</td>
<td></td>
</tr>
<tr>
<td>2002</td>
<td>62.80</td>
<td>75,326.3</td>
<td>1,966.0</td>
<td>5.4</td>
<td>66.1</td>
<td>4.8</td>
<td>63.4</td>
<td>2.7</td>
<td>3.8</td>
<td></td>
</tr>
<tr>
<td>2003</td>
<td>63.08</td>
<td>83,257.7</td>
<td>2,196.5</td>
<td>6.8</td>
<td>78.1</td>
<td>18.2</td>
<td>74.3</td>
<td>14.6</td>
<td>17.4</td>
<td></td>
</tr>
</tbody>
</table>

Source: 1/ From January 1999 onwards, all items are categorized under the 1996 revision of the 10-digit harmonized code.
Thai economy recovered and grew by 4.4% in 1999 and 4.8% in 2000, but slumped again in 2001, in which its growth was 2.1%. This experience was mainly due to the weak global demand for exports. In 2002-2003, Thai real GDP growth rebounded and reached the level of 5.4% in 2002 and further grew by 6.8% in 2003. It was partly driven by the increase in Thai exports and strong domestic consumer demand. In 2002-2003 the export sector expanded by an average of 11.5%. However, in 1998-2002 imports grew by an annual average of 5.6%. Increasing domestic demand, which was showed by rising consumer confidence and higher incomes, partially caused the increasing growth of imports.

The export destinations of Thai products mostly in agricultural and manufactured products were directed particularly to the three regions i.e. North America under North American Free Trade Area (NAFTA), ASEAN and the European Union. These three destinations absorbed Thai products more than 56% in 1993 or worth of USD20,887 millions. The NAFTA absorbed around 23.25% followed by the EU (17.49%) and ASEAN (15.53%) in the same year. Thai exports to NAFTA and the EU were decreasing until a year before the Asian economic crisis in 1997; while the products destined to ASEAN tended to increase smoothly. But, during the crisis, in which most of ASEAN countries were suffered, Thai exports going to this region shrank and reached the lowest level of 15.67%. The recovered markets of ASEAN countries after the crisis showed the positive trends of absorption, in which this region imported around 20.59% of Thai total exports. Exports of Thai products going to the ASEAN countries have been recovered since 1999. Starting from this year onward, stronger regional economic growth and the intensive policy to enhance regional integration increased the ASEAN countries' absorption of Thai products, at the amount of USD6,486 millions or accounted of 20.59% of Thai total exports in 2003.

By studying the bilateral trade between Thailand and its partner countries during the period of 1993-2003, the US was still the largest single market. In 1993, the US absorbed around USD 8,023 millions or accounted of 21.61% of Thai total exports, followed by Japan and Singapore, which accounted for 17.04% (USD6,326 millions) and 12.06% (USD4,478 millions) respectively. In terms of time, their shares to Thai exports were decreasing, the share of these three countries were 16.98% (USD13,596 millions) for the US; 14.20% (USD11,364 millions) for Japan and 7.30% (USD5,843 millions) for Singapore. The decreasing features of those countries were due to the increasing economic ties under ASEAN region. In case of Singapore, this country still played an important role in ASEAN region to absorb Thai products. Other ASEAN countries that have come up to be potential markets of Thai exports are Malaysia, Indonesia, the Philippines and Vietnam. These countries showed the gradually increasing value of imports from Thailand.

On import side, there was a tendency of changing market direction from North American and the EU countries to the neighboring Asian countries. After the economic crisis, Thailand spent their money to import necessary products, either final goods or material goods mostly from Japan, the US, and ASEAN countries. Japan remains Thailand’s biggest trading partner in Asia largely because of its role as the leading import supplier, accounting for nearly one-quarter of merchandise imports.

As a major agricultural exporting country, Thailand is relatively ready among other Asian countries to open its markets in order to get benefits from liberalization in agriculture. The indicators of its readiness can be traced at least from the product competitiveness and the position of Thailand among other exporting countries. Most of the Thai agricultural products could compete in the international market and they are expected to drive Thai exports. In 2005, for example, these products are expected to achieve the government’s export growth target of 20 per cent. (The Nation, 2005a) From the Table 2, we can see that the trade balance of Thai agricultural products (rice, fruit and vegetables, coffee, dairy products, tea and spices) presented the surplus. In this matter, if we look more closely, the trade performance would be different from one agricultural product to another. From the agricultural products of rice, maize, soybean and sugar, Thailand presented the good performance (see Table 3).
In some agricultural products, Thailand has been in the top five exporters in the world. For instance, in sugar export, Thailand was in fifth among world producers, after Brazil, India, China and Mexico. On the export of shrimp and chicken, Thailand was in the top five exporters in the world. Then, this country is the world's largest exporter of rice among other world major exporters such as India, Vietnam and the US. According to the export destinations of some major Thai agricultural products, the three biggest markets of Thai shrimp in 2001 were the US, Japan and Canada. These three countries absorbed this product by 77.24% of Thai total exports. The Thai rice was destined mostly to African countries, Asian countries and Middle East.

In exporting those kinds of agricultural products, Thai exporters still face the difficulties in term of tariff and non-tariff barriers from the partner countries. According to the New Generalized System of Preferences (GSP) in the EU countries, Thailand has not been classified as a developing country. The consequence of this rule is that Thailand will lose its preferential position on tariff, which means higher import taxes will be imposed to Thai agricultural products. In addition, other developed countries such as the US, Australia and Japan have applied other non-tariff barriers such as food safety and sanitary reason. For Thai producers, those requirements could adversely affect product quality, and cost of production would be increase as more processing time, labour and the new technology are required. On these problems, the Thai government must be in the intensive talks with those respecting countries (to make sure that Thai products fulfil the food safety and sanitary requirements) and manage the trade negotiations well before entering the free trade agreements.

### THE BEHAVIOR OF THAILAND IN RESPONDING TO THE EMERGENCE OF FTA

Thailand has been the most attractive nation in Asia to involve in the FTA, among other Asian countries such as Singapore and Malaysia, since this country was suffered from the crisis in 1997. Now, Thailand concerns to increase the competitive advantage of its agricultural products in international market. This effort has been on the way by gradually reducing import tariffs, increasing poverty alleviation, education, health and social welfare in both urban and rural areas. Under the Thaksin government, it is argued that this open country could not wait any longer for the WTO, it should go ahead to gain from FTAs by intensively negotiating with the potential partners. These actions have been believed to broaden the international markets of Thai agricultural products. (*The Nation, 2004b*)

In terms of its concept, FTA could give benefits to participating countries, but it would be different if the participating countries are different in the stage of development. There has been a sense of uncertainty of whether developing countries would stand up to gain

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### Table 2: Thailand Trade Value of Agricultural Products by Groups (Millions of Baht).

<table>
<thead>
<tr>
<th>Year</th>
<th>Exports</th>
<th>Imports</th>
<th>Exchange Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Food</td>
<td>Beverage</td>
<td></td>
</tr>
<tr>
<td>1990</td>
<td>466,311</td>
<td>2,291</td>
<td>25.59</td>
</tr>
<tr>
<td>1991</td>
<td>492,016</td>
<td>4,156</td>
<td>25.52</td>
</tr>
<tr>
<td>1992</td>
<td>438,061</td>
<td>4,156</td>
<td>25.40</td>
</tr>
<tr>
<td>1993</td>
<td>301,576</td>
<td>4,253</td>
<td>25.32</td>
</tr>
<tr>
<td>1994</td>
<td>235,506</td>
<td>4,156</td>
<td>25.15</td>
</tr>
<tr>
<td>1995</td>
<td>268,072</td>
<td>4,377</td>
<td>24.92</td>
</tr>
<tr>
<td>1996</td>
<td>274,340</td>
<td>4,408</td>
<td>24.16</td>
</tr>
<tr>
<td>1997</td>
<td>325,638</td>
<td>4,408</td>
<td>24.16</td>
</tr>
<tr>
<td>1998</td>
<td>393,087</td>
<td>4,408</td>
<td>24.16</td>
</tr>
<tr>
<td>1999</td>
<td>393,087</td>
<td>4,408</td>
<td>24.16</td>
</tr>
<tr>
<td>2000</td>
<td>393,087</td>
<td>4,408</td>
<td>24.16</td>
</tr>
<tr>
<td>2001</td>
<td>433,942</td>
<td>7,592</td>
<td>24.16</td>
</tr>
<tr>
<td>2002</td>
<td>416,500</td>
<td>7,528</td>
<td>24.16</td>
</tr>
<tr>
<td>2003</td>
<td>457,410</td>
<td>8,303</td>
<td>24.16</td>
</tr>
</tbody>
</table>

### Table 3: Selected Thai Agricultural Products (Rice, Maize, Soybean and Sugar).

<table>
<thead>
<tr>
<th>Year</th>
<th>In million metric tons</th>
<th>Rice</th>
<th>Maize</th>
<th>Soybean</th>
<th>Sugar</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Beginning Stocks</td>
<td>3.553</td>
<td>3.447</td>
<td>3.566</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Production (Paddy)</td>
<td>28.523</td>
<td>26.057</td>
<td>26.841</td>
<td>4.462</td>
</tr>
<tr>
<td></td>
<td>Production (milled rice)</td>
<td>17.505</td>
<td>17.198</td>
<td>17.715</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Import</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>0.005</td>
</tr>
<tr>
<td></td>
<td>Export</td>
<td>768</td>
<td>6.955</td>
<td>8</td>
<td>0.275</td>
</tr>
<tr>
<td></td>
<td>Ending Stock</td>
<td>3.447</td>
<td>3.566</td>
<td>3.022</td>
<td></td>
</tr>
</tbody>
</table>

any benefits from going into the FTA with developed countries. If Thailand’s prosperity depends on the global trading system, then FTA should not damage the country’s economy and the Thai government should manage it well.

In Southeast Asia, Thailand has worked closely with the ASEAN members to create the AFTA and now has been proceeding forth with the establishment of the ASEAN Economic Community (AEC). As proposed by Thai Prime Minister Thaksin Shinawatra, the AEC will turn ASEAN, with over 500 million consumers, into a single market and production base by the year 2020. Under the AEC initiative, 11 priority sectors have been identified for comprehensive economic integration. These sectors include wood-based products, automotives, rubber-based products, textiles and apparels, agro-based products, fisheries, electronics, e-ASEAN, healthcare, and air travel and tourism. By intensifying its efforts under ASEAN commitment, Thailand would get larger markets. This is because with only a limited market of 63 million people, Thailand would expand to a market of 500 millions. (Soesastro, H., 2003)

Under the Thaksin government, in order to reduce the export vulnerability, Thailand has announced its intention to pursue bilateral free-trade agreements outside ASEAN. As a way, the intensive talks are being held with many countries from developed to developing countries, such as with Australia, New Zealand, the US, Japan, China, India and a number of countries in the Middle East and South America.

As an ASEAN founding member country, Thailand has connected to other free trade agreements around the globe, as either bilateral or multilateral agreements. As a whole, the picture of the involvement of Thai economy into the world of FTA can be drawn in Figure 1. Thailand has set up trade negotiation, outside ASEAN-AFTA deal, as multilateral agreements under World Trade Organization (WTO), Asia Pacific Economic Cooperation (APEC), BIMSTEC, GMS and AFTA-Closer Economic Relations (CER). In addition, Thailand has also been settled on the bilateral agreements with some trading partners. Thailand should adjust its free-trade negotiation strategy and start focusing on the whole packages instead of pushing for immediate tariff cuts for some selected items before completing the entire agreements. To date, the Thai government has already signed the two early-harvest agreements with China and India even the rest of the FTA discussions with the two countries remain unfinished. (The Nation, 2005b)

**Figure 1: Bilateral FTAs between Thailand and Its Trading Partners.**

*Source: Bangkok Post, Mid-year economic review, 2004b.*
Thailand has been the most intensive developing countries in Asia region to promote its international trade since this country has been involved in FTA agreements with other countries. The opening up of bilateral FTA is directed to liberalize trade in goods between the two countries that would benefit Thailand in terms of increased access in the counterpart’s markets. More details on how this country recently manage and has deals with its trading partners are summarized as follows:

- **China:** Thailand’s FTA with China is special as the trade agreement between Thailand and China has been set up under ASEAN-China relationship and also under Thailand-China agreement. Under the agreement between ASEAN-China, the nations agreed to reduce tariffs of imports on agricultural products. Thailand also signed a closer economic relation agreement with China under the Early Harvest Program (EHP). This program incorporated the tariffs reduction on vegetables and fruit and started in October 2003. The special early harvest scheme has resulted in the lifting of tariffs in both countries (it was about 60 percent approximately for Thailand and from 28.7 to 63.8 percent for China).  
- **Bahrain:** Signed agreement on Closer Economic Partnership (CEP) in 2002. Negotiations over a Thailand-Bahrain free trade agreement would be completed in 2005.  
- **India:** The agreement was signed in October 2003, with full liberalization by 2010. This agreement is under EHP on the specific items and started in September 2004. With India, both countries agreed to reap an early harvest programs by progressively reducing tariff for 84 products covering food, fruit, canned food, plastic pellets, furniture and auto parts. Under EHP, tariffs will be gradually cut over three years-by 50 percent this month, 75 percent next year and until tariffs are eliminated in the third year. The final year of eradicating all tariffs is year of 2010. Service and investment liberalization are subjects to further negotiations.  
- **Peru:** Talks on the CEP agreement was held in 2003 to eradicate tariffs to be zero by 2015.  
- **Australia:** Negotiations was completed and signed in 2004. The FTA with Australia covered all sectors and services such as goods, services, trade, intellectual property and trade facilitation. It mostly covered dairy products. The Thai-Australian FTA is the first agreement Thailand has ever reached with a developed country. The Thai-Australian FTA, would take effect on January 1, 2005.

- **New Zealand:** Joint study completed and other round of deals scheduled in 2004. Then, the CEP agreement was signed in 2005. According to the free trade agreement, New Zealand will eliminate duties on 5,878 Thai products, while Thailand will do the similar way for 2,978 imported products from New Zealand. New Zealand will write off duties on other 697 items by 2010, and on 858 products on the sensitive list including textiles, clothing and shoes by 2015. Thailand will cut import levies on 1,961 remaining products within five years, while duties on 520 products on the sensitive list, such as cow milk and butter, will be abolished by 2015.  
- **Japan:** Latest negotiation round concluded in Tokyo in April 2004. Right now is still in intensive negotiation between the two countries. Thailand’s FTA with Japan is based more on the strategic relations than on economic incentives.  
- **The United States:** Negotiations started in June 2004 and expected to continue in 2005. The FTA covered a range of issues, not only import tariffs which have been impediments to the flow of trade in the past, but also the elimination of non-trade barriers and different sanitary standards. The US tariffs have been generally low at 7 percent, compared to 23 percent on average in Thailand’s.  
- **In addition to these on-going FTA negotiations, Thailand also has plans to set up a free trade agreement with other countries such as Pakistan, South Africa, and MERCOSUR which consist of countries such as Brazil, Argentina, Paraguay, Uruguay, and Chile.**

In dealing with the trading countries, the Thai government, under the CEO-style, has run relatively fast the country to be involved in negotiating and creating bilateral FTAs. Pros and cons come. Farmers, some companies and interest groups want to postpone and reject trade liberalization in order to retain the protection as long as possible; while, the Thai government will not be able to keep imposing subsidies or protecting the industry. In one way, dealing FTA on the fast tracks, will create more markets quickly to absorb domestic production of agriculture; but on the other way, the more unbalance negotiating bilateral trade countries the more risks in benefiting their society.

As an open developing countries, Thailand should be aware on its agricultural sector and indeed, its farmers who are less benefited from trade and commonly poor. In addition, too many FTA agreements between individual Asian countries and developed countries will tend to undermine AFTA goals to realize the free trade
among its 10 members. The individual action would decrease the bargaining power of ASEAN countries under AFTA in dealing with other blocs and countries. To get more suitable free trade, the FTA, at least, should be:

- Regional deals to have more bargains and advantageous.
- Taken gradually to empower the agricultural production sector and farmers.
- Comprehensive not only covers tariffs elimination but also other subjects such as investment, human resources development (HRD), and environment (such as water supply service for farmers).

Before having deal in terms of bilateral free trade agreements with other trading countries, the Thai government has to prepare the pre-conditions in agricultural sector and related factors (as shown in Figure 2). These efforts will hopefully give greater benefits to both agricultural society in particular and consumers in general. The Figure 2, give us more detailed on how the free trade in Thai agricultural sector should be managed firmly.

In order to maximize the potential benefits of existing FTAs and minimize the possible negative impact, the Thai government needs to satisfactorily make the necessary adjustments to its economy and set up the economic actors to be competitive in the emerging free market. The government has to reform and restructure the public sector so they can facilitate the business activities more effectively and efficiently by preserving the lower costs of trade. These conditions must be certainly fixed before entering into the FTA negotiation process and signing it into an account.

The Thai farmers should be prepared and managed properly by empowering them on the good condition through practical training in skill and technology in agricultural production, and the promotion of a modern productive and innovative workforce. The suitable condition such as soft loans for production, reserving good quality of seeds, easy and reachable fertilizers, good irrigation, cultivation and marketing process, and etc., have to be settled properly. The central government has to pay great attention on all of those kinds of circumstances prior to the liberalization process.

Figure 2: Free Trade Process in Thai Agriculture.

* It does not only cover tariffs elimination but also other subjects such as investment, human resources development (HRD), and environment (such as water supply service for farmers).

** The compensation to the losers can be given through the creation of the social safety nets, upgrading the educational systems and facilities and a social and health care system. The strengthening of the small and medium enterprises (SMEs) is also needed to compensate them from the worst-of condition of free trade through practical training, technology transfer, marketing and skill development in order to raise their productivity and their international competitiveness.
In according to the presence of good quality of seeds, the research and development (R&D) has to be prepared. Historically, the Thai farmers had received the good will of these matters from the Thai Royal Kingdom who was sponsored by the King. To date, the Thai government and its institutions have worked hard to always invent and improve the technology in agricultural sector.

In the production process of any goods, as well as agricultural products, the externalities always come up. Farming tends to generate the degradation of soil and land, either from over use of fertilizer or irrigation. In this case, how to conserve the environment to be on the sustainable use for the future is also a critical aspect. The investment is another aspect to be aware, as this policy will keep the agricultural development to always be on the sustainable track. The degradation of soil, for example, needs new investment and technology to always preserve its productivity.

If the pre-condition of Thai agricultural sector has been settled properly, then the next step is the negotiation process on free trade in agriculture. The Thai Government has already built at least 3 bodies to manage the Thai FTA negotiations with trading partners. These three institutions are the Negotiation Committee, the Steering Committee on International Trade Negotiations and the FTA Supporting Committee. These centers are targeted to ensure maximum benefits from the arrangements, by coordinating Thailand’s interests across over all FTAs and their members and across over issues. These bodies would be responsible for bilateral FTA and multilateral agreements such as negotiation under the WTO and ASEAN, and trade-related legal affairs.

**BENEFITS AND CHALLENGES OF FTA TO THAILAND**

With the removal of tariffs and non-tariff measures and thus the creation of more open trading environment, FTAs can greatly expand the international trade and thus growth, and other economic opportunities. Big companies can also expand and diversify their resources and production bases and therefore gain the economies of scale, boost their productivity, and obtain specialization in order to develop their business more. It is not to say that there are no costs associated with freer trade, as presented in Table 4.

By liberalization in trade, only the strong companies that have competitiveness will survive and gain benefits from the liberalization process; while non-competitive firms are likely to be collapsed. In a certain condition, liberalization would consequently bring global poverty and unemployment, so there is a challenge to policy makers and international institution to solve the problems. (Panitchpakdi, S., 2001) Practically, this case also applies to the Thai economy, which has been involved in the liberalization.

Following bilateral trade agreement between China and Thailand, for example, in which tariffs were removed from a significant number of fruit and vegetables between the two countries, this condition has created a flood of cheaper imports of fruit and vegetables into Thailand. In this matter, Thai farmers and others trading players have questioned the sense of agricultural liberalization under bilateral FTAs as they have been displaced and destroyed by such deals. In case of FTA with Australia, for example, highly competitive dairy industry of Australia would make Thai farmers of similar products will likely be losers.

**Employment in Thai Agricultural Sector**

Agricultural sector has played an important role in generating Thai economy. This feature can be seen especially through the absorption of workers (employment). This sector employed more than 42 % of total Thai job seekers in 2002 compared to 56.20% of labor absorption in 1992. Meanwhile, manufacturing sectors provided work around 15.28% in 2002 for workers. These numbers showed relatively small increase in the percentage of absorption as in 1992 these two sectors employed about 12.77% and 11.10% respectively of Thai workers.

Then, how did the agricultural sector pay wages to its employees? If we have a look on the movement of average wages for workers in agricultural sector, the wages increased smoothly from time to time. In 1992, the average was Baht1,466.6; then it became Baht3,315.8 in 1997 or increased by 17.72% annually within five years. In fact, during the economic crisis that burdened Thai economy, the wages of employees in this sector reached the highest level. This phenomenon was not far either from ‘windfall profit’ from the better prices of agricultural products as mostly caused by the depreciation of Baht against US Dollar and other international currencies generally or partly caused by national inflation. This appearance, then, gave benefits to agricultural workers in terms of increasing their salaries. But, the good features did not come along further. In 2000, there was slightly decrease in wages of Thai agricultural workers and it became Baht2,585.6 only.

Different appearances were in manufacturing and service sectors, which mostly refer to the urban sectors. In these two sectors, workers received “guaranteed”
Table 4: Effects of FTA to Thai Agriculture.

<table>
<thead>
<tr>
<th>FTA</th>
<th>Trade Effects</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thailand-China FTA and</td>
<td>Exports of processed rice and rubber to China are likely to increase significantly due to Thailand's lower costs and current high Chinese tariff rates. Import of vegetables and fruit, oil seeds from China will increase since Thailand currently has very high tariff rate and cost disadvantages.</td>
</tr>
<tr>
<td>Thailand-India FTA</td>
<td>Thailand is expected to have low benefits from market access to New Zealand due to its small market size.</td>
</tr>
<tr>
<td>Thailand-New Zealand FTA</td>
<td>Thailand will get benefits from products such as rubber and plastic products, and these will significantly increase due to India's current high tariff rates. Import of salt, tea, pepper and wearing and apparel from India will increase due to Thai high tariff rates.</td>
</tr>
<tr>
<td>Thailand-USA FTA*</td>
<td>Thailand will be winner on the products of rice, shrimp, frozen seafood, rubber, fruit and vegetables, sugar and canned fish. While, the US will get benefits from soybean, corn, potatoes and peanuts.</td>
</tr>
</tbody>
</table>

*TDRI (2003).

Increasing wages from time to time. The interesting paid salaries in other sectors and unsuitable payment in their own jobs pushed the agricultural workers to move to the urban sectors. But, unfortunately, the number of moving agricultural workers could not be absorbed totally to the urban sectors and these, in consequence, brought another economic problem i.e. unemployment in Thai agricultural sector.

Facing the decreasing number of workers, the production of agricultural sectors generally presented the increasing production. From 1991 to 1999, the production of this sector increased significantly. By checking its production indices, the number was 115.0 and then increased to be 143.4 in 1999. In its sub-sector of production, crops, animal products and fish catch showed similar figures. The only sub-production presented decreasing output was forest products, at which in 1991 was at 21.6 and the declined to be 4.1 in 1999 or it shrank by 17.5% within eight years. The significant rise of crops production came mostly from rubber and oil palm; while other sub-products of crops such as paddy, maize and sugar cane did not experience a stable growth annually. Paddy and maize for example just showed slightly increase by 3.42% and 1.57% annually from 1991 to 1999. Their productions were 17,473.2 kilo metric tons and 3,813.3 kilo metric tons in 1991 and then in 1999 were 23,656.7 kilo metric tons and 4,388.9 kilo metric tons respectively. The growth of production in agricultural sector could be interpreted as, roughly, an increase in its productivity. It was because at the respective times, the level of employment was decreasing (there was a labor movement from rural to urban sectors).

Small Farmers in the Free Trade

Farmers are the main players in the agricultural production, but they have been marginalized in term of sharing benefits among other actors such as companies, traders, distributors, exporters and importers. Farming in Asian countries both for livestock and crops have been characterized by small farmers that endowed land which were less than one hectare in size or in some cases, small farmers with poor on land and technology tend to get little portion of the subsidies and other support from the government. The opening up of trade could create more markets and increase the absorption of farmers' productions, but the distribution of profit margins were, in common, unequally distributed to farmers.

Free trade agreements in agricultural products tend to give benefits to big or corporate agribusiness not for overall players including small farmers in rural areas. Most of small farmers around the world, including Thai farmers, are worse off in the existence of free trade. The exceptions of this matter could be the farmers from the US and the EU, in which the farmers have enjoyed subsidies and protection (using non-trade barriers) from their government, so that, their products are able to feed not only the domestic but also international markets.
In case of the losers from FTAs, there was an approved proposal of 10-billion-baht fund from Thai government in order to compensate the farmers from their losses due to the negative impacts of FTAs. The funds were aimed to reform the agricultural sector and strengthen the competitiveness of small Thai farmers by increasing the quantity and quality of their products within the next ten years. The allocation of the compensation was directed to facilitate the local farmers to switch off the uncompetitive crops to be the competitive ones and to be price intervention. But, the effectiveness of this compensation policy remains questionable as this effort did not wipe the farmers’ existing problem out and it looks like to protect exporters rather than local farmers from the FTAs. (Bangkok Post, 2004c)

Other policies were also launched under the Thaksin government such as the 'Thai’s idea of one village one products scheme and the establishment of a small and medium enterprise (SME) Bank and other financial institutions in rural areas, event though these were not a popular policy. But these policies were still positive to empower the local economic activities, even though increasing productivity of the rural sectors would be an efficient effort to lessen unbalanced benefits going to the farmers.

Many farmers especially small farmers in Asian countries has faced the difficulties in the productivity. Like what we have found in Thailand farming (small-rural farming), many farmers have been facing obstacles such as seeds, fertilizer, irrigation, labour and cultivation problem. In addition, they also have conventional problems such as marketing. The direct consequence of the marketing distortion is low prices for their commodities. Under free trade, many small farmers are getting worse off as they do not have enough bargain to the markets or to the governments to negotiate about the matters. The agricultural society, supported by the government, need to put forward a modern productive and innovative labor in agricultural sectors, particularly small farmers so that the rural economic actors and their produced goods will move up to the greater productivity and higher quality. In doing so, we need to concentrate not only on quantity but also quality, produce innovative thinking with more outward-looking and globalized manner and utilize it as global resources.

The government policies of empowering agricultural society should encompass facilitation on easily and reasonably price of inputs, job training and retraining, skill development for variety of producing the products, the upgrading of the educational systems and facilities in the rural areas, and social and health care system as well. In order to make the Thai farmers and the agricultural industry survive in the global market, the Thai government has to be cared on the emerging enforcements of developed countries on non-tariff barriers such as hygienic standards. Indeed, the farmers have to posses the sufficient production technology to produce high quality of farming products that meet the consumers’ requirements from individual markets. These actions will bring the society to be competitive and preserve the sustainability of agricultural development in a whole.

In respect to the agricultural society, the national and local government have to pay great attention to what we call ‘food security’ for not only urban inhabitants but also rural community and sustainability in agricultural sector. In creating the way of food security, the respective players have to concern on the use of natural resources that has to be set on the efficient production (as the natural endowments are scarce). Income distribution and social welfare are other aspects that we have to care about. The government has to set the policy on income distribution and social welfare fairly so that no people are worse off.

CONCLUDING DISCUSSION AND POLICY IMPLICATIONS

The agricultural sector has become the main sector in most Asian countries. Different from those of manufactured products, negotiations under FTA on agricultural products have often been difficult due to the condition in which there is a relatively high protection in agriculture in most of negotiating countries. In addition, agricultural sector consist of many player mostly farmers with different characteristics and bargaining position across countries.

Thailand has relatively well managed agricultural sector and has been the most attractive developing country in Asia to involve in the FTA, without any intention to negate any other attracting countries, such as Singapore, Malaysia, Vietnam, Laos and so on. These actions have been believed to broaden international markets of Thai products including agricultural products. In entering free trade area, the government should have wisdoms not to open market frontally, instead of gradually steps to liberalize its domestic markets. In order to get equally distributed benefits of FTA, it is imperative to create not only a freer but also a fairer trade among partner countries under the agreements.
Restructuring and adjustment processes in Thai agricultural sector, especially for the empowerment of Thai farmers, are of the essence in order to keep pace with the rapid changes of the globalization and trade and to gain more benefits from FTAs for the society. The Thai government needs also to pay greater attention in improving the effectiveness and competitiveness of private businesses in the free trade. In addition, in the efforts to develop its agricultural sector, Thailand has to be aware on the distribution of benefits to each domestic sector involved. The proportional attentions would be creating a better welfare of its society. As one actor, farmer especially the small one has to be intensively empowered by creating their stronger bargains through developing their productivity and increasing their competitiveness in the international markets.

In the process of international trade or even free trade we should think that the benefits of free trade should be rest on the national context or national benefits in total. It means even we win in the free trade it does not completely mean that all people, all producers (including farmers) will be better off, in one case, few of them sometime are worse off. So, in the case of the losers of free trade, the government should give any compensation to the losers, let say small farmers through some lead productive-competitive schemes.

ENDNOTES

1 The number of FTAs worldwide has increased from only 79 in 1995 to 208 in 2004 (The Nation, 2004c).

2 The slow movement and limited success of the multilateral trade negotiations under the GATT-WTO related to the more complicated problems arise in dealing with these different interests from the large number of its members. As a consequence, many countries that are geographically close to each other and have similar international trade policies have tended to arrange regional trade agreements rather than tolerate the lengthy and uncertain multilateral GATT negotiations.

3 Many industrial countries, including OECD countries, have protected their agricultural products from free competition, where about 24 percent of their domestic productions are protected by tariff rate quotas (TRQs). The condition in the developing countries remains similar where they use tariffs to protect the domestic markets. (Beghin, J.C., and Aksoy, A., 2003)

4 With a total population of about 450 million people, agriculture and food are the priority for most ASEAN countries.

5 Field study was accomplished by conducting in-depth interviews with the decision makers (government), industries, trade association, Non-Governmental Organization (NGO), farmers and academic experts in Thailand. This type of data consists of its views of trade, behavior and expectation regarding globalization in agricultural trade. The secondary data are also collected from the publications of government institutions such as from the National Statistics Office of Thailand, Department of Trade Negotiation, Ministry of Commerce and Bank of Thailand.

6 The schedule of tariff reduction of five ASEAN countries were on some agricultural products such as for live animal, vegetable products, fats and oil, prepared foodstuffs, hides and leathers and wood and wood articles. Singapore is the only country that has not imposed tariffs on its trade. Then, from the initial start of tariff reduction in ASEAN countries, the less restrictive country is Malaysia. Malaysia’s tariff reduction starting in 1996 up to 2003 has shown the tariff level that always less than the ASEAN tariff on average. Indonesia and the Philippines have imposed relatively similar tariff levels on their agricultural exports. Meanwhile, Thailand has been in the higher tariff level in the agricultural products.

7 The ASEAN+3 was initiated by the signing of ASEAN-China initiative in 2002; ASEAN-Japan economic partnership in 2003; ASEAN-Korea economic partnership in 2004. These efforts were to implement the comprehensive economic integration among East Asian countries towards the formation of free trade area among them.

8 Apart from the AEC, there are also ASEAN Security Community and ASEAN Social-Cultural Community in order to perform the ASEAN Community.

9 The European Economic Community (EEC) was formed in the 1950s, and then changed to be European Union as a fully integrated common market in 1993.

10 As an example is China’s economy, at which according to the United Nations Conference on Trade and Development (UNCTAD), China is now the largest recipient of foreign direct investment (FDI) flows in the Asia-Pacific region. There is a growing perception that China’s rapidly expanding economy would divert FDI inflows away from ASEAN towards China.

11 This justification matches to the participation of ASEAN in the development of APEC as multilateral grouping.
At these years, the world economic growth decreased from 4.7% in 2000 to be 2.4% in 2001; while the flow of trade shrank sharply from 12.5% in 2000 to be 0.1% in 2001.

GSP is aimed to increase the export value of developing countries, and in order to promote their industrialization and accelerate the rates of economic growth.

These talks should be in line with the real action of Thai government to improve the quality of its products by increasing R&D and technology in agricultural sector.

Thailand has been a WTO member since January 1995. The WTO had repeatedly failed to convince its 140-odd member nations to agree on broad packages that would bring down tariff barriers. (The Nation, 2004b)

Under the ASEAN-China free trade area (FTA) the countries have concluded details on customs procedures and reductions in import tariffs on 5,000 items. Starting on July 1, 2005, import tariffs on a wide range of negotiated goods will be reduced to be in the range of 5% to 20%, and further all tariff elimination by 2010. However, tariffs on the products of the highly sensitive list including farm goods will be reduced gradually. (Phusadee, A., 2005)

This term is most commonly used to criticize the Thai government and it refers to operating management of PM Thaksin in running the country like a private company.

Land, and especially arable land, is scarce in many Asian countries. High population density exacerbates competition for land use arising from urbanization and economic development. Data of The Asian Development Bank showed that one-third of the agricultural land in Asian countries has become degraded over the past 30 years. Some of the major causes regarding the degradation of land were low income society and the uncontrollable exploitation of the forest (Asian agriculture in the 21st century: What does the future hold for Asian farmers. (http://www.fftc.agnet.org/library/article/ac1998a.html1998-06-01).

Many supports are given to the agricultural sectors. Big farmers and agribusiness corporations obtain the large portion of subsidies given by the national government of respective countries, including the advance countries under the OECD. Meanwhile, small farmers with poor on land and technology tend to get little portion of the subsidies. The unequal distribution of supports tends to distort production and trade, so that it is insufficient enough to generate the farmers’ income. (James, B., 2003)

Some advanced countries apply double standard on their trade policy to always protect their farmers, even with their own partners (developed countries). On these matters, in June 2000, a group of 11 developing countries reported to the WTO that the trade liberalization had broken the agricultural principles and weakened the food security. The US sugar industry successfully lobbied Australia to exclude sugar from the agreement under the FTA Agreement between the US and Australia. (http://www.bilaterals.org/rubrique.php3?id_rubrique=32)

This was due to the condition of lack of the knowledge and technology in rural society so they could not take any profits from their business. Money injection to this society without proper guidance will only create mounting debts and further business failures. (Srirpunyawit, S., 2004)

Some actions have been taken by the Thai government such as health care scheme, one million Baht-village and urban revolving fund, debt moratorium to small farmers. (Krongkaew, Medhi, 2002)

This kind of food security policy is as a reflection of the ‘Thai government’ pledge on The World Food Summit (WFS), that was held in Rome in November 1996, to preserve food security for their people no later than 2015. The policy is to ensure that food and agricultural trade and overall trade policies are conducive to foster food security by having good quality and safe food for the society, both customers and producers.
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THE INDOONESIAN RAIL SYSSTEM AND THE PROBLEM OF SAFETY: COMPARISON WITH AND LESSON FROM JAPAN

Indri Hapsari Susilowati

INTRODUCTION

Train is one of the main public transportations that make it easier for people to travel from one place to another in Java. They tend to choose this transportation because it is safe; more relax, faster, and affordable.

Various services and new products provided by PT Kereta Api Indonesia (PT KAI) nowadays have increased positive image among the people, which should be maintained and improved. One way to achieve this is to give more attention to a safe journey. Commuters’ safety and comfort should be put on the top priority.

As with other means of transportation, accidents occur on the railway. However, while the number of train accidents is fewer, the number of victims is greater. Furthermore, the damage caused by a train accident costs a lot more than an accident on the street, for instance. Besides, one train accident usually causes a delay of the train schedule; that is disadvantageous to the commuters. These reasons could be why train accidents always get national attention and apprehension.

The rate of train accidents in Indonesia is fairly high. In 1996, 106 accidents happened, and 196 cases in 1999. (Suara Merdeka: December 27, 2001) In January-August 2001 there were seven dreadful accidents, which took 109 people injured and 65 dead. In 2002, there were 217 accidents; but accidents between train and another train decreased to six accidents. (Kompas: December 20, 2002) About 85% accidents were caused by human error, 7% due to railway condition, 5% by train conditions, and 3% because of environmental or bad climate. (Suara Merdeka: December 27, 2001) Human error can occur while the train driver is doing his job. One of the causes is the ergonomic factor. More ergonomics in the room of the driver cabs will reduce the rate of accident during work.

Research to analyze further the main cause of human error, particularly by the train driver, is still rare in Indonesia. The research will take the Japanese Railway as the bench mark because of its excellent railway system. In addition, the measure of citizen anthropometrics in Japan is similar with Indonesia.

Set of problems

As the chosen public transportation, PT KAI should maintain its positive image by enhancing its services, keeping to the train schedule, and guaranteeing a safe and comfortable condition for the commuters.

It is important for PT KAI to give serious attention on the ergonomics aspect, mainly on the driver’s workstation, since the condition of the train is under the responsibility of the train driver. Therefore, a comfortable and safe work environment is very significant for these workers.

Objectives of the study

- Getting safety risks on the drivers’ workstation of the Indonesia Railway,
- Getting information about safety implementation on the Japanese Railway, and
- Comparing the Indonesia Railway and the Japanese Railway.

Methodology

Worksite Analysis will be carried out by performing direct survey based on walk through checklist. Train engineers will be given questionnaires to recognize symptoms or signs they suffer during working.

Measurement will be accomplished by measuring noise, temperature, illumination, seat design, position, shape, and colors of control and display in the train engineer cabin. Working postures and repetitive motion of the train engineers will also be measured.

Collecting Secondary Data such as medical records, outputs of the previous measurement, and other supported data.

Sample - all classes of inter-province Indonesian trains and the train engineers.

Tools - Camera, video camera, carpenter meter, arc, check list, lux meter, WBGIT, sound level meter, questioner, and check list.
RESULTS

The Indonesia Railway

The workers

The Indonesia Railway is divided into three classes – economy, business, and executive. The train type of economy and business classes are operated by two persons; one is the driver and another is the assistant of the driver. Meanwhile, the executive class is operated by two drivers. In Depo Jatinegara where I took the data, there are a total number of 70 drivers and 50 assistant drivers. To become train drivers, the candidates should undertake education and training for train drivers in Yogyakarta City for 3.5 months. Then, they are required to study in their Depo for a year. After graduating, they cannot be drivers directly but have to be assistant drivers first for minimum of one year.

Figures 1: The percentages of complaints among the workers.

Train drivers are required to undergo a medical check before they begin to work to assure their condition is ready to work. From the questionnaire, the drivers were older than the assistants. They were in their productive age of 27–52 years old and had been working for at least three years until more than 10 years. Most of the workers complained about stiffness, pain and rigid on their legs; especially on the calf, neck, and low back.

The symptoms primarily appear after work and when they wake up in the morning. However, they consider it alright since the symptoms usually disappear after they take some rest. Some respondents overcome the symptoms by drinking medicinal herbs and taking traditional massage. These signs usually occur because of sitting postures and for push the pedal for a long time.

The workers suggested to the management to fix the condition of driver cabs for more safety, comfort, and security. To illustrate, the condition of windows, wipers, and doors are broken and do not work appropriately. The seats are also not in good condition—the width is too narrow.

Picture 1: Condition of the driver’s cab.
The workers do their jobs in sitting position. The results of observation by OWAS Method - straight back and bent forward, both arms are below shoulder level, legs in sitting position, and no load. Generally, the work posture included in action category 1: no corrective measures and category 2: corrective measures in the near future. Otherwise, the driver cab is a narrow room that limits movement. Sometimes, the workers twist their waist and raise one hand. If this happen, the work posture is bad and is included in action category 3: corrective measure as soon as possible.

**Environmental**

The measurement of environmental factors includes temperature, illumination, noise, and vibration. Except for vibration, the other parameters are primary data collected through direct measurement. The driver cab in Indonesia Railway is divided into two types. There are locomotive CC 201 for economy class and locomotive CC 203 for executive and business class.

**Picture 2: Locomotive CC 201.**

Temperature

The temperature at locomotive CC 201 was 28.1-28.9°C, with the average of 28.7°C. While, the data at locomotive CC 203 was 27.0-30.2°C, with the average of 28.6°C.

The reference standard used is NIOSH where working the temperature suggested is 260°C. However, the Indonesian Government Regulation concerning about working environment as stated in Decree of Minister of Health of The Indonesian Republic No: 261/MENKES/SK/11/1998 about Requirements of Working Environment Health, states that the temperature for a industrial health environment is 21-300°C. If the results are compared with NIOSH, both locomotive CC 201 and CC 203 exceed 1-40°C higher from the suggested standard. On the contrary, if the results are compared with Indonesian Regulation, they are still below the standard. This is because Indonesia is a tropical country in which the average temperature is ±30°C in the afternoon. When the measurement was taken during operation, the workers did not seem to be bothered by the temperature as the temperature in the work site was almost similar with the outside temperature. In other words, the workers are used to it.

Illumination

The Decree of Minister of Health of The Indonesian Republic No: 261/MENKES/SK/11/1998 about Requirements of Working Environment Health states that lighting for continuous jobs is 200 lux. The measurement conducted in the morning until afternoon, when the sun shines directly. Because of that, all the results of measurement are over than 200 lux, approximately 700-1900 lux. But if the measurement was conducted at night, the results will be decrease.
Noise

Table 1: Results of noise measurement at the driver cabs.

<table>
<thead>
<tr>
<th>Condition</th>
<th>Locomotive CC 201</th>
<th>Locomotive CC 203</th>
</tr>
</thead>
<tbody>
<tr>
<td>The speed of 60 km</td>
<td>80.6 dBA</td>
<td>74.3 dBA</td>
</tr>
<tr>
<td>The speed of 90 km</td>
<td>83.9 dBA</td>
<td>83.1 dBA</td>
</tr>
<tr>
<td>The speed of 120 km</td>
<td>-</td>
<td>88.1 dBA</td>
</tr>
<tr>
<td>Bell</td>
<td>-</td>
<td>94.2 dBA</td>
</tr>
<tr>
<td>Whistle</td>
<td>109 dBA</td>
<td>89.2 dBA</td>
</tr>
<tr>
<td>Passing through another train</td>
<td>86 dBA</td>
<td>87.5 dBA</td>
</tr>
<tr>
<td>Take brake</td>
<td>88 dBA</td>
<td>84.9 dBA</td>
</tr>
<tr>
<td>Stop</td>
<td>66 dBA</td>
<td>69.4 dBA</td>
</tr>
<tr>
<td>Passing through the cross</td>
<td>89 dBA</td>
<td>86.1 dBA</td>
</tr>
<tr>
<td>Passing through the bridge or the tunnel</td>
<td>92.1 dBA</td>
<td>91.9 dBA</td>
</tr>
</tbody>
</table>

The noise standard for eight working hours in industrial environment is 85 dBA based on the Decree of Minister of Public Health of The Indonesian Republic No: 261/MENKES/SK/11/1998 about Requirements of Working Environment Health.

The results that were over than the reference were when the bell and whistle rang and when passing through crossings, bridge, and tunnel. Locomotive CC 201 never run in the speed of 120 km/h; but when it takes the brake, these were noisier than locomotive CC 203. The above condition happens over a short time and not continuously; thus, that the workers can still tolerate. When the locomotive CC 203 run in the speed of 120 km/h, the noise is 88.1 dBA—a condition that should be anticipated because it could happen over a long time. There is a need for noise absorber because it could impact the hearing loss among the workers.

Vibration

There is no direct measurement but there is secondary data from 2003. It was the measurement of vibration on hand arms, collected from six workers. The result was lower than the reference of Kepmenaker no. 51.MEN/1999.

The Japanese Railway

Cases of accident in Japanese Railway

In Japan there were accident cases too but since 1990 there were only four cases. The first happened on 14 May 1991 between Kibukawa and Shigarakī near Kyoto; a collision of Shigarakī Kogen Railway (SKR) and JR West special train from Osaka. On that day, Shigarakī was crowded with people visiting “The World Ceramic Festival”. At 10:14, a four-car DMU train was about to start from Shigarakī for Kibukawa but the duty station master could not turn the departure signal to green. The control panel showed an approaching train but he could not understand the situation—he knew that there was no approaching train. The next arrival was a JR West special train from Osaka but it should still be in Kibukawa Station. He consulted SKR’s operation manager and a signaling engineer but they could not turn the signal into green either. Finally, the operations manager decided to let the train go by unblocking operation; he got into the cab with an extra driver to act as pilot. The SKR train left Shigarakī 11 minutes late with the signal still showing red in defiance of the duty station master’s opinion.

The JR West special train from Osaka left Kibukawa Station at 10:18. The two trains were scheduled to pass at Onodani, the intermediate signal station. When the JR West train arrived at Onodani at 10:30, the SKR train was not there and the departure signal showed green, allowing the JR West train to proceed. The JR West driver passed Onodani, believing that the SKR train was still at Shigarakī for some reason. As he rounded a sharp curve, he found the SKR train coming head on. The two trains collided at 10:35; 42 people died and more than 600 people were injured. (Suga, 2002)

The second happened on 8 March 2000 when a southbound Hibiya Line eight-car EMU, owned by Teito Rapid Transit Authority (TRTA, a Tokyo metro operator), was approaching Naka Meguro Station at 12 to 13 km/h. The two axles of the front bogie of the last car suddenly were derailed. A trackside lead rail installed for setting off track maintenance vehicles caused the derailed 8th car to slew further right, hitting the 5th and 6th cars of a northbound eight-car EMU (owned by Tobu Railway). That accident caused five passengers...
deaths and 63 others injured. The derailment of the south-bound train occurred at a difficult location on a transition curve after a sharp curve with a radius of 160 m and a steeply rising grade at 35 per mill. The track gauge was 1067 mm and there was no anti derailment guardrail. (Suga, 2002)

The third it happened with the Joetsu Shinkansen Line on October, 23, 2004 in Niigata Prefecture when eight of its cars went off the tracks because of earthquakes. It was the first bullet train to be derailed in the shinkansen’s 40-years history. No one were injured. The shinkansen’s main anti-quake measure is called UrEDA (Urgent Earthquake Detection and Alert System. With seismometers planted every 20 kilometers along shinkansen lines, the high-tech devices immediately detect the fast—reaching weaker primary wave (P-wave) of an earthquake and shut off the train’s power in less than three seconds. The idea is that the Shinkansen will stop or be traveling at a safer, slower speed when the stronger secondary wave (S-wave) arrives and the ground begins to violently shake. But quake experts had warned that the system would be ineffective for tremors occurring close to the earth’s surface. This will be further explained below with the protective device’s section. The Joetsu Shinkansen system detected the P-wave and cut off power. But the S-wave arrived at almost the same time because the focus or underground center of the quake was so shallow and the train was near the epicenter. (The Asahi Shimbun, November 11, 2004)

The last accident happened in Amagasaki, Hyogo prefecture on April, 25, 2005. There were 107 people who died and more than 500 people injured. While the impact of the accident on the company’s earning, JR West, was 1.4 billion to 1.6 billion yen due to a two-month suspension of services on the line, Senior Managing Director of JR West said. The speeding commuter train jumped off the tracks around a major curve and smashed into an apartment building during the morning rush hour. (Kyodo News, June 23, 2005) Analysis of a monitoring device in the fifth carriage proved that the train was traveling at about 62 mph as it entered the curve even though the speed limit was 43 mph. Several seconds later, the driver slammed on the brakes. If brakes are applied when a train is traveling on a curve, it generates a centrifuge force toward the outside of the curve and sharply increases friction between the flanges of the wheels on the outside and the rails, which could cause the wheels to float up. (Science Daily, June 30, 2005)

Japan National Railway

Japan National Railway was privatized and restructured in 1987. Divided into six Japan Railways (JR’s), these are: JR East, JR Central, JR West, JR Hokkaido, JR Shikoku, and JR Kyushu. There are other companies under the Japan National Railway such as Railway Communications Company, Railway Information System Company, and Railway Technical Research Institute.

The Railway Technical Research Institute (RTRI), established in December 1986, inherited the testing and research work of the Japan National Railways in 1987. Prior to that, one of its identities was the Railway Labor Science Research Institute (1963-1987). It is heir to accident research conducted there; but at the present, there are also the Safety Psychology Laboratory and the Ergonomics Laboratory employing approximately 20 staff. (Ugajin, 1999)

I conducted this research at RTRI because all the research regarding Japan Railway was done there. Related to with my interest about human error, there is a Human Science Division in RTRI divided into three laboratories—Ergonomics Laboratory, Psychology and Physiology Laboratory, and Safety Analysis Laboratory. Japan National Railway had developed driver cabin to be ergonomics and comfort in 1970-1980 by Railway Labor Science Institute. Recently, driver cabin was already computerized. It means that Indonesia Railway is late by 25 years from the Japanese Railway.

Recent Research of Human Science on the Railway Systems

There are two goals in the recent research of the Human Science Division at RTRI - to improve safety and to improve comfort. The main topic in the Ergonomic Laboratory is how to develop the facilities for disabled persons and elderly people; in Physiology Laboratory is endurance of work and analysis of tolerance for fatigue of drivers; and the research in the Psychology Laboratory is how to issue driver license test by relating special attitude test, IQ test, and psychological test.

Prevention accidents caused by human errors

The most important challenge in the study of human science aimed at improvement of safety level of railway systems is to prevent accidents caused by human error, especially those caused by the errors of railway employees, such as train drivers.
Maintenance and improvement of reliability of individuals and groups

The first area of study to prevent accidents caused by human error is that of human related studies concerning:

Selection and deployment of persons who are less prone to errors

One practical achievement of railway related research into human science is the operation aptitude test (Psychological aptitude test) implemented for the staff engaged in train operation, such as train drivers, which is required by the Ministry of Land, Infrastructure and Transport.

The Psychological aptitude test consists of four tests: Uchida-Kraepelin Performance Test, Intelligence Tests, Choice Reaction Test, and Attention Distribution Test. The Uchida-Kraepelin Performance Test is about job performance; the Intelligence Test is about reasoning ability; the Choice Reaction Test is about reaction to speed and accuracy; and the Attention Distribution Test is about attention span.

Training staffs who have the ability and attitude needed to avoid errors

The rapid aging of the society and the fall in the size of the younger population will make it necessary to positively use elderly and female employees. The number of older employees will increase in the future; thus it is necessary to focus on physical fitness as a required factor for drivers and other workers who work irregular hours so that they could maintain a high safety level.

The Index of Physical Fitness (IPC) is proposed as one of strong indexes for control of health and physical conditions for accident prevention. The decline of arousal level from midnight to early morning of high score IPC subjects is smaller than low score IPC subjects. (Satou et al., 2002) The targets of that training are to identify the requirements and minimum level of physical and mental abilities, health and physical conditions needed for the safe performance of tasks. It is essential to determine how to assess a person’s ability to continue work and what to do in terms of work conditions and environment.

Maintenance and administration of staff

Human Science conducted an opinion poll among railway employees to identify their safety awareness. Individual perceptions of safety are affected by the organization socio-psychological aspects, such as the attitude and policy toward safety and communication methods within the organization.

They also developed a method of assessing the safety awareness level of an organization as objectively and quantitatively as possible by using the approach for hierarchical decision-making process (AHP).

Assessment and improvement of work environment

The second key to the prevention of human error induced accidents is the study to assess and improve the actual work environment and conditions that contribute to error reduction. Lately, the numbers of studies have been done to assess and improve the work environment where train speeds are higher, traffic is denser and one-man operation is introduced. It was found that one-man drivers suffer from substantial mental stress in the event of problems or accidents and that this effect persists.

As indexes to show the adequacy of work conditions and environment, Human Science develops tools to estimate the workload. There are physiological indexes such as heart beat and the flickering and psychological indexes using recognized symptoms test. One of the results on such studies is a prototype “driver’s workload questionnaire” that consist of six sets of criteria to easily and accurately measure and judge the effect of long working hours within the actual situations.

Accident analysis and safety management

Human Science collected data with the use of human error-induced accident investigation card, which consisted of a checklist of 65 items. Using this data, they built a human error-induced accident database, which is useful, both for the interpretation of individual accidents and for statistic analysis. They are planning to develop a system that performs rapid and detailed cause analysis of an accident and suggests proper measures to be taken.

Measures to prevent accidents at crossing

Although a number of accidents at crossings is decreasing, preventive measures for this kind of accident is one of the most critical challenges in the field of human science because of the still quite high accident count, as well as the seriousness of the result. Recent work includes the designing of a new model of crossing signs with improved visibility and examination and proposal of visibility measuring methodology that can be applied.
Measures to minimize causalities in the event of an accident

Human Science is conducting a research not only focusing on the workers but also on the passengers. To minimize causalities in the event of an accident, Human Science have been accumulating data by listening to passengers who had experience an accident, performing experiments on the behavior of standing humans at the time of a low-speed collision, and collision tests using dummies with a newly develop collision experiments devices. Using this data, they have revised the simulation system that usually used in the automobile industry.

This system has been used to predict the movement and injuries of passengers under several simple conditions, such as standing, sitting on a cross seat, or sitting on a long seat. They are trying to identify the points at which the safety level of cabin equipment could be upgraded or to measures quantitatively the effectiveness of safety posture.

The accidents of long seat type commuter trains clarified the feature of passenger injuries at accidents. The chest injuries are outstanding with seated passengers (48%) and injuries on the head are with standing passengers (20%). About 64% of the injuries of seated passengers are caused by the hand rails and 80% of those to standing passengers are by the floor, columns, and other passengers. (Omino, 2003)

Improvement of riding comfort and railway facilities

The main areas of recent research into the improvement of railway riding comfort focus on in cabin comfort such as jolts or vibration reduction. On the other hand, with the imminent graying of the society, research into making railway facilities and equipment safe and easy to use for the elderly and the handicapped is starting anew.

Due to the increased speed of trains, attention must be paid to the comfort level, as well as to the safety level. They decided three research targets for the immediate future. These are: (1) quantitatively measuring the effect of multiple vibration characteristics, (2) establishing a method for assessing the comfort level so that it can be used to determine the optimal pendulum control pattern of pendulum trains, and (3) establishing a method for assessing the comfort level, which considers the time frequency of exposure to vibration.

Trains have been regarded as one of the modes of transportation that are least likely to cause motion sickness. However, after the introduction of tilting cars for speed up trains on conventional lines, motion sickness has become more common. They conducted research with the purpose is to identify the stimuli causing motion sickness, create a create guideline for assessment using physical measurements and reflect them in the control methods.

In a broader sense, the on-board comfort level determined not only vibration in the car but also by the seats, noise, or visual factor such as design and lighting. The latter refers to the uncomfortable phenomenon in which passengers experience ear pain when a train goes through a tunnel. Trains on shinkansen lines are airtight and air conditioned so that there is no pressure change in the cabin. But in trains on conventional lines, more passengers are experiencing this phenomenon with the increased speed.

Beside that, Human Science tries to improve of railway facilities for the elderly and the disabled person. They develop a warning block for visual disabled persons and a guidance system for the sight-impaired passenger. (Shinomiya, 2002)

Signal Aspect and Signal Legibility

In Indonesia Railway, the signal should be visible, at least recognizable from the distance of 600 meters and fitness from the train driver. In Indonesia Railway, the signal only consisting three colors-red, yellow, and green. While in Japanese Railway, the signal consisting at least five colors, these are:

<table>
<thead>
<tr>
<th>Name</th>
<th>Aspect</th>
<th>Directed speed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proceed signal</td>
<td>Green (G)</td>
<td>130 km/h</td>
</tr>
<tr>
<td>Reduced speed signal</td>
<td>Yellow and Green (YG)</td>
<td>75 km/h</td>
</tr>
<tr>
<td>Caution signal</td>
<td>Yellow (Y)</td>
<td>45 km/h</td>
</tr>
<tr>
<td>Restricted speed signal</td>
<td>Two Yellow (YY)</td>
<td>25 km/h</td>
</tr>
<tr>
<td>Stop signal</td>
<td>Red (R)</td>
<td>0 km/h</td>
</tr>
</tbody>
</table>

The maximal speed for local trains is 130 km/h because there are still many crossing. The distance between one signal to the next is 600 meters. It means that all trains will start to pull the brake at 600 meters before stopping. The new aspect is the signal aspect with two green lights (speed-up signal or GG) located on the higher level side of proceed signal. This is a clear signal to allow the train which can be operated at 130 km/h or higher to proceed at the allowable maximum speed. In this case, the G signal functions as a restricted proceed signal.
signal to allow the train to proceed at 130 km/h or less. (Shiroto, 1999)

**Protective Device**

In Japan Railway, there are some protective devices which is not yet developed in Indonesia Railway; these are:
- Block System
- Train Control Systems
- Train Traffic Control Systems
- Wireless Communications Devices
- Earthquake detection and alarm system (UREDAS)

An automatic block system uses the track circuit to automatically detect train in blocks and to control the signals for each block. Block is from one signal to another signal. All double tracked sections in Japan use this system. In addition to the automatic block system, a number of other block systems are used on single tracks. A track circuit system or an electronic block system is used; both are semi automatic block system. The track circuit system controls train movement in the blocks between stations and involves interlocking signal levers at the two station that a train traveling between it. The train’s departure and arrival are detected by the track circuits at the station entrance and exit. In the electronic block system, each train has a radio communications device that transmits the train’s ID.

As an effective countermeasure against collisions, most of modern railway systems employ a static block system, in which signals prevent more than one train from entering any particular section of track. The new satellite train control system adopts a moving block approach which allows much closer distances between trains without compromising safety. Data regarding the position, speed, and other details of moving trains are transmitted by satellite to an earth station, which then distributes relevant data via the satellite to each train. (Haga, 1992)

The driver must always obey the signal, but the possibility of human error can cause serious accidents. Two rail accident with serious loss of life in the early 1960 resulted in the installation of the so-called Automatic Train Stop (ATS) system throughout Japan. In the ATS system, an alarm sounds in the cab when the train approaches a stop signal, warning the driver to stop. If he fails to apply the brakes, the ATS stops the train automatically. The ATS system uses ground coils installed on the track some distance before signals. If a train passes a coil when the signal aspect is stop, an alarm is sent immediately to the driver, regardless of the train speed. If the driver does not stop within five seconds after the alarm is received, the emergency brakes are applied automatically to stop the train.

Automatic Train Control (ATC) system was developed for high speed trains like the *shinkansen*, which travel so fast that the driver has almost no time to acknowledge track side signal. ATC system applies the brakes automatically when the train speed exceeds the speed limit and will be released as soon as the train slows below the speed limit. However, the ATC system has three disadvantages:

- The headway cannot reduced due to the idle running time between releasing the brakes at one speed limit and applying the brakes at the next slower speed limit,
- The brakes are applied when the train achieves maximum speed, meaning reduced ride comfort, and
- If the operator wants to run faster train on the line, all the related relevant wayside and on board equipment must be changed first.

The digital ATC system uses the track circuits to detect the presence of a train in the section and then transmits digital data from wayside equipment to the train on the track circuit numbers, the number of clear sections (track circuits) to the next train ahead, and the platform that the train will arrive. The digital ATC system has a number of advantages:

- Use of one-step brake control permits high density operations because there is no idle running time due to operation delay between brake releases at the intermediate speed limit stage;
- Trains can run at the optimum speed with no need to start early deceleration because braking pattern can be created for any type of rolling stock based on data from wayside equipment indicating the distance to the next train a head. This makes mixed operation of express, local, and freight trains on the same track possible at the optimum speed; and
- There is no need to change the wayside ATC equipment when running faster train in the future.

Computer and Radio Aided Train (CARAT) is being developed to reduce the equipment amount and permit on-board detection of train locations without using track circuits. This system will control train traffic by transmitting information between the ground and
trains. CARAT will also be able to obtain accurate information on train locations, and transmission of information from the trains to the wayside equipment will make it possible to create moving blocks.

Advanced Train Administration and Communications System (ATACS) uses radio telecommunications, to verify that the system is safe for track maintenance personnel.

Train Traffic Control requires full and continuous knowledge of the train operations. In a conventional traffic control system, station use telephone communications to establish a route, but this process is too slow and inefficient for modern rail traffic volumes. Centralized Traffic Control (CTC) provides the traffic control centre with information on the situation of all track sections and permits the centre to control train routes directly. The heart of the centre is a number of centralized display and control panels, connected to stations and train by various types of equipments: radio equipment, command telephones, train schedule recorders, train number display unit, etc. This already computerized using Programmed Route Control (PRC) system.

The Shinkansen Computer aided Traffic Control System (COMTRAC) has a number of advanced function, including route control, traffic coordination, rolling stock management, and passenger information service. JR East improved the COMTRAC system in 1998 when it opened the Hokuriku Shinkansen. This system is called Computerized Safety Maintenance and Operation Systems for Shinkansen (COSMOS) and integrates existing COMTRAC function with traffic planning, traffic administration, maintenance equipment control, and rolling stock control.

The Autonomous decentralized Transport Operation System (ATOS), a new and very powerful traffic control system is being implemented for the Tokyo region to control 17 track section, 390 stations, and 6200 daily train operations. The system first entered service in 1996 on JR East’s Chuo Line. ATOS and COSMOS are very similar; ATOS began first, but efforts were focused on COSMOS as the shinkansen control system.

Before the introduction of train radio, a crew member would have to use a trackside railway telephone to call the control centre if an accident occurred outside a station. Today, the train crew can communicate immediately with the control centre using the train radio. There are narrow-gauge train radio communications and shinkansen radio communications. Railways use duplex, semi-duplex, and simplex radio telecommunications for non-shinkansen line. Duplex is used on section with heavy traffic, semi-duplex is used on high-priority sections with less dense traffic, and simplex is used on other track sections. Shinkansen radio communications supported by leaky coaxial (LCX) cables were laid first along the full length of both the Tohoku Shinkansen and Joetsu Shinkansen to transmit data and messages to and from command and track telephones, and on-board public telephone. The supported LCX cable is run along the noise control barrier beside the track, with suitable size slots cut into the cable to allow the signal to leak out. (Takashige, 2005)

The RTRI has developed an urgent earthquake detection and alarm system (UREDAS) mainly for shinkansen and put it into practical use. It was a new method to predict seismic source parameters. This method operated based on the P-wave by utilizing the latest knowledge in seismology and other scientific field. UREDAS also can estimate the magnitude and the distance to the epicenter from the maximum amplitude and the amplitude increasing rate of the initial P-wave. RTRI has developed a seismograph for the new system by applying the new method to detect seismic source parameters. A built-in PC makes the seismograph compact, light weight and enables parallel processing with remote operation in a real time. This makes it possible to use the seismograph at observations point in wayside substations. The Japan Meteorological Agency (JMA) has a plan to measure the seismic waves near the epicenter at 180 observation points across the country and distributed the information on the epicenter, magnitude, main shock arrival time and predicted seismic intensity, which is called now-cast earthquake information, before the main shock arrives. The now-cast information will be distributed when the P-wave has arrived at the observation point nearest the epicenter and repeatedly thereafter at certain time intervals. (Ashiya, 2002)

Magnetically-levitated transport system (Maglev, linear motor cars)

The superconducting magneto-levitated transport system (Maglev, linear motor cars) has come into the limelight as a next generation high speed and low noise transport system. Based on the results of research and development on the Miyazaki Maglev Test Track, the system is now subject to vehicle running tests on the Yamansashi Maglev Test Line. The system has been evaluated as “technologically feasible” by the committee for the evaluation of practical technologies of Maglev, Ministry of Transport, and is now in long term durability performance verification tests.
The results of Yamanashi Maglev Test Line are:
• Dec, 1997: Recorded the world’s highest unmanned running speed (550 km/h);
• April, 1999: Recorded the world’s highest manned running speed (552 km/h);
• Dec, 2003: New World Record speed of 581 km/h for a manned train; and
• Implemented tests of two trains passing each other at a relative speed of 1.003 km/h, each train composed of three cars.

DISCUSSION

Comparison between the Indonesia Railway and the Japanese Railway

Based on the theory, there are three factors that cause an accident: unsafe condition, unsafe act, and unpredictable cause (as example disaster, earthquake, flood, etc). The biggest proportion comes from unsafe act (85%), after that unsafe condition (13%), and then unpredictable cause. The prevention program has hierarchy of controls, there are engineering control, administrative control, and personal control.

The engineering control is a control that is applied to the problem resource, for examples are enclosure, substitution, etc. Administrative control is a control that is applied when controlling in engineering is insufficient. It would be to manage time and to make farther distance between the worker and the source of hazard. Personal control is the last control when the previous control has been ineffective. This control usually gives Personal Protective Equipment (PPE), training, or education to increase the awareness of occupational health and safety among the workers.

Some basics differentiation between Indonesia Railway and Japanese Railway are:
• Unsafe condition is still the main reason in railways accident in Indonesia, therefore preventive action is still focused on improvement of equipments and facilities. Meanwhile, Japan Railway is no longer facing unsafe condition problem. The problem has been left for 25 years. Many research and technology development have been done to solve these problems in Japan. Nowadays, Japanese scientists are researching about unsafe act done by driver and eliminating the risk comes from unpredictable condition.
• Another differentiation is that all Japanese Railway have double track while Indonesia Railway does not have completely.
• Japanese Railways purvey their train with protective safety devices while Indonesia Railway does not.
• Japanese Railways have electric train with engine in every car while Indonesia Railway still are using diesel locomotive, especially for inter-city. Electric train is only used in the inside city area with the engine only available on the front car.

For what we have learned from Japanese Railway, certainly there are some good inputs for Indonesia Railway. If we want to make a bench mark with Japanese Railway as a whole, it is still impossible because we still have a lot of things behind the Japanese Railway. One of them is the Indonesian government policy. Indonesian government policy does not treat railway as a public transportation. On the contrary, Indonesian government prefers to build highway but the quantity and the quality of cars that operated are not controlled. Besides that, consumptive behavior of Indonesian people increases the number of cars on the street year by year. This situation is worse with no restriction for old car to operate.

However, there are some results that we could take as a reasonable implementation in the near future. First, facility improvement for the driver cabs. Many equipments and tools do not work properly. Second is the improvement of the signal facility. There are some signals that do not function anymore, especially the yellow signal. Considering the high number of accidents, protective devices need to be applied in Indonesia Railway. The kind of protective devices, which could be applied immediately, are ATS and ATC on each block. Furthermore, it is important to develop Centralized Traffic Control (CTC).

CTC provides the traffic control centre with information on the situation of all track sections and permit the centre to control train routes directly. The heart of the centre is a number of centralized display and control panels, connected to stations and train by various types of equipments: radio equipment, command telephones, train schedule recorders, train number display unit, etc. This equipment is use for immediate communication between train and station to get or give information about train condition and passed track.

It is also important to develop a research center about train similar to RTRI in Japan. RTRI in Japanese Railway becomes truly effective since many things could be done and invented to reach high performance in safety in the Japanese Railway.

Previously, the organization of Indonesian Railway was under The Directorate General of Land Transportation.
But since July 2005, Ministry of Transportation has developed The Directorate General of Train which consists of three directorates: Directorate of Traffic, Directorate Technique of Facilities, and Directorate of Safety. Unfortunately, the job descriptions for each directorate are not presented. These are still under development.

The management system in The Japan Railway is so strict. For example, if the drivers are delayed even by only one minute or miss the sign for the door of cars, there is punishment or penalties such as: scores, salary cut, or attend training again.

There was a case that took place a few months ago about a family with a 4-year son and a little baby; the father is a train driver. One day, the wife and the children planned to go by train; unpredictably, the train was driven by the father of the family. The 4-year son pursued to go into the driver’s cab; the mother warned the son but she cannot hold it out anymore when the son hit the door frequently and cried hard. Even though the rules do not allow this, the father gave up and gave permission to his son to come into his cabin to accompany him for just three minutes until the next station. The train management knew that the father broke the rule, so the father was punished by firing him from the job with the reason of allowing somebody - even a child - to go inside the driver’s cab. The management stated this would have brought danger not only for the child but also for the other passengers.

The rule state that nobody is allowed inside the driver’s cab except the driver and the co-driver. The driver’s cab is a narrow room, if there is anybody else except the driver, it could disturb the concentration and movements of the driver. Though driving the train is not difficult, sometime it could make the driver bored with the monotonous operating procedures; but the driver still has to strive for full concentration.

In my opinion, system safety management has to be applied strictly and that safety should not be compromised. Thus, the Japan Railway applied the safety management system strongly.

However, the Japan Railway has to revise the application of safety management by also understanding the worker for safety management. If the workers know deeply about the importance of safety, they will agree with the application of safety management system tightly. Do not let the worker think that the safety system just give them another responsibility, or just another rule that can be broken. We have to keep the psychology of the worker to not be pressured by the system in order to avoid fault and accident.

As for the Indonesian Railway, the situation is upside down if compared with the Japan Railway. There is no safety management system applied. Safety only means replacement of broken supplies and maintenance. A late train or somebody going inside the driver’s cab is considered alright and there is no action to improve it.

Actually, there is a rule to not allow somebody except the driver to go inside the driver’s cab; but the drivers break it for a tip and extra money from the passenger who go inside their cabin. The Indonesia Railway has to complete safety management system to avoid accidents. They should improve the basic rule in order to provide safety for the passengers and workers and to make it the first priority right now.

The Indonesia Railway should increase the incentive and well-being among the drivers. This is a major issue in Indonesia Railway. The driver will work with high motivation if they feel secure not only about the condition in driver cabs but also about their income.

Even though the Japanese Railway has been facilitated by high standard of safety, this does not mean zero accident could happen. The awareness of drivers has been weakened by high standard of protective devices. They think that if they do something wrong, the protective devices will take control. That is the reason why nowadays the Japanese Railway make a good selection system to choose the driver and has a minimum standard of requirement for both physically and mentally to become a train driver. It is also needed to build a system that could analyze both conditions physical and mental of the drivers in order to keep their readiness and concentration.

In addition, the Japanese Railway has to control and maintain the protective devices, signal, and other facilities, since applying sophisticated protective devices will not use properly if there is lack of maintenance. Good and routine maintenance are the key to secure the function of every protective device and other facilities.

CONCLUSION

1. Safety risk on driver workstation of the Indonesian Railway is about unsafe condition. Some of equipments and tools do not work properly.

2. The Japanese Railway had developed driver cabin to be safe, ergonomics and comfort already done in 1970-
1980. Recently, research focus on endurance of work for driver related safety for analysis tolerance of fatigue and how to develop the facilities for disability person and elderly people. They also make a good selection system to choose the driver and has a minimum standard of requirement for both physically and mentally to become a train driver.

3. The Indonesian Railway is left behind for 25 years by the Japanese Railway, especially in relation with ergonomics improvement in the driver cabs.

4. The new directorate general responsible for trains is looking forward to capturing good implementation of the Indonesian Railway.

5. The safety management system in the Japan Railway is so strict. On the other hand, the Indonesian Railway has no safety management system.

REFERENCES


LOCAL POLITICS AND DEVELOPMENT IN THE PHILIPPINES: CASE STUDIES ON LOCAL GOVERNMENT-LED EXPORT PROCESSING ZONE PROJECTS

Miho Sakuma

OBJECTIVES OF THE STUDY

This study is an analysis of the relationship between Philippine local politics and development. Local politics has been one of the popular research topics in Philippine politics mainly because of the relatively active political dynamism brought about by the regular conduct of local elections.

The elusive economic development that the Philippines has always aspired for is often blamed on “too much politics”. The local economy has often been discussed in association with the rise and fall of political families/leaders. Some studies have emphasized the predatory character of these political families/leaders. However, after the Aquino administration introduced a set of decentralization laws, the emergence of creativity and innovation at the local level has been observed. Recently, pockets of successes in the local/micro level have been seen and numerous case studies have reported innovative but mostly short-term development projects of local governments. Despite the richness of empirical data available; however, systematic comparative studies are few and most of the researches focus only on successful cases.

The author chose local government-led export processing zone projects as case studies in this paper. It is because the author thinks that those projects show the potential and the weakness of the Philippine local government in the field of local development under the current formal rules. The projects demand local governments longer-term planning and funding, and human resources. In order to materialize the projects, local governments have to maximize their administrational powers and political skills.

This paper has two objectives. Firstly, this paper aims to propose a framework that can accommodate the new trends of Philippine local politics and development. Secondly, the study tries to show that there are local governments that have taken efforts to implement long-term development projects, and to analyze what makes failures and successes of these projects through case studies.

FRAMEWORK OF LOCAL PHILIPPINE POLITICS

Patron-Client Relations

Before the Second World War, the Philippines' major industry was agriculture and the local elite consisted of prominent land-owning families who maintained a patron-client relationship with their tenants and continued to be the link between the local level and the national power structure. Landé (1965) characterized Philippine local politics as a typical long-term patron-client relation that emphasizes reciprocity and social structures such as family, kinship, and landlord-tenant relations defining political attitudes and behavior. Prominent landlords had composed loose political factions rather than political parties. At every national election, national candidates wooed local politicians for political support. A local political leader could get resources and favors from national politicians in exchange for his command of local votes. In addition to material favors, local politicians also enjoy relative independence from central control regarding local matters. Wolters (1984, 187) described a typical local election before the Second World War thus: Landlords “had financed their own election campaigns, the costs of which had not been very high at that time. Since the electorate had still been limited to members of prominent families and wealthy farmers, landlords could be assured of being elected mayor or governor simply on the basis of patronage, reputation and support from relatives.”

Political Machine

After the war, the Philippines went through socio-economic changes with industrialization, commercialization and increasing social mobility. Its population also increased rapidly. Long-term reciprocal personal ties became less important as the electorate expanded with the introduction of universal suffrage. The patron-client framework was in a sense challenged from within. Machado (1974), Kerkvliet (1974), Wolters (1984) inherited the concepts of clientelism and personalism from the patron-client framework to explain Philippine local politics. However, they emphasized the transformation of the nature of reciprocal ties from long-term...
comprehensive ones to short-term political ones.

Machado stressed, "the most evident change is that factions are losing their extra-political character and are being transformed into quite specialized political organizations. This reflects a change in the central element of the faction from an extended family or alliance of families into an electoral machine, composed of an individual leader and his followers, that has been built for specifically political purposes." (Machado: 1971, 1183) Wolters also pointed out that "a new type of politicians emerged, some of whom were drawn from the old prominent landowning families (but with other interests), while others had less distinguished origins and non-agricultural economic interests. These businessmen/politicians were dependent on funds from political sponsors or from the state treasury for financing their campaigns. They used their political positions to advance their own commercial interests and those of their allies (by obtaining licenses, building contracts, credit or preventing audits, etc.)." (Wolters: 1984, 188)

**Patrimonialism**

After the fall of the Marcos administration, scholars paid attention to the existence of long surviving local political clans. This approach is still based on the patron-client framework but its emphasis is on the Philippine elite families’ way of accumulating, maintaining and passing on to the next generation their private wealth and political positions (their patrimony) through rent-seeking activities, coercion, and violence. The representative work of this framework was McCoy (1994) whose familial approach hypotheses are: “(a) that family-based oligarchies are, to state the obvious, a significant factor in Philippine history; (b) that relations among these elite ‘families’ have a discernible influence on the course of Philippine politics; (c) that elite families, organized on complex patterns of bilateral kinship, bring a contradictory mix of unified kinship networks and a fissiparous, even volatile, factionalism into the political arena; and (d) that the interaction between powerful rent-seeking families and a correspondingly weak Philippine state has been synergistic”. (McCoy: 1994, 19) Such characterization is also consistent with Migdal’s earlier thesis that the Philippines is a weak state within strong social organizations, warlords, and political dynasties. (Migdal, 1988)

**Bossism**

Sidel’s bossism approach shared with the patrimonialism approach the emphasis on violence, fraud, and vote-buying aspects of local bosses. Sidel used the term “bosses” to refer to predatory power brokers who achieve monopolistic control over both coercive and economic resources within a given territorial jurisdictions or bailiwicks. Bossism, in turn, refers to the interlocking, multi-tiered directorate of bosses who use their control over the state apparatus to exploit the archipelago’s human and natural resources. (Sidel: 1999, 19) His understanding of Migdal’s thesis differed from McCoy’s. While quoting Evans (1989), Sidel argued that “the Philippine state appears relatively weak in its failing as a ‘developmental state’, it has also been shown to be somewhat stronger in its capacity as a ‘predatory state’, for "those who control the state apparatus seem to plunder without any more regard for the welfare of the citizenry than a predator has for the welfare of its prey". (Sidel: 1999, 146) In his case studies, Sidel described the rise and fall of short-lived politicians without their own economic basis but backed by higher-level politicians in Cavite and the surviving political clans that successfully established local economic bases through their political positions in Cebu.

**NEW TRENDS IN LOCAL POLITICS AND THE LIMITS OF THEORY**

The 1987 constitution and the Local Government Code (LGC) of 1991 have given more autonomy to local government units. The Code devolved functions of the central government in social services such as health, social welfare, agriculture, tourism, environment, and public works. It also broadened the local governments’ fiscal space by increasing their taxation powers, and making it easier to access commercial bank, Official Development Assistance (ODA), and Built-Operate-Transfer (BOT) schemes.

Significant changes in relation to local politics and development would be: introduction of term limits of local electorates (three years per term, three consecutive terms only); broadened administrative authorities of local chief executives with consent of the local councils i.e. appointive power, reorganization of local government structure; separation of executive and legislative (the local chief executive used to be also the chairperson of the local council); and reduced national agencies’ restrictive authorities on local budget and development planning. The LGC also guaranteed direct participation of people in local politics; especially People’s Organizations (POs), NGOs, and private sectors have been given seats in various local committees such as the local development committee and the local health committee.
Against the above backdrop many progressive changes have emerged. Most Philippine local politicians still muster traditional political power in their bailiwicks, and this power persists through local development planning and implementation. However, there are quite a few politicians and localities that have graduated from the traditional modes of resource allocation and access.

So-called new political leaders, associated with words such as “development-oriented”, “good governance”, “big achievements”, and “non-trapo (for non-traditional politician)” have won elective positions. Many of these new leaders are known to collaborate with non-governmental organizations, and have management skills acquired from their experiences in the business sector.

The emergence of this type of local politicians cannot be explained by any of the previous frameworks. One of these new leaders’ important features is their developmental tendency. The words associated with these politicians, such as “development-oriented”, “good governance”, “big achievements”, and “non-trapo” clearly show that these politicians are producing something related to “collective benefits” consumable for everyone, not just providing personal benefits for specific persons.

Another point the previous frameworks cannot explain is the legal/formal usage of coercive power by new leaders. The previous approaches gave importance on special favors given by higher-level politicians to local leaders such as helping them (local politicians) evade lawsuits and sanctions when the latter committed illegal activities. Local politicians protect illegal vendors on streets and squatters in private or public properties; these are considered favors from local leaders to constituents to maintain political support. But the new, developmental politicians are not known to exercise coercive powers in illegal or informal ways as often as bosses and political families. They are rather disposed to using their powers to implement the laws. Their example goes on to show that coercive power can be exercised in legal/formal ways as sanctions. In short, a politician’s legal/illega,l activities are not only the result of favors but also a question of the extent the executive and judicial systems work.

The patron-client framework emphasized the importance of informal rules, and do not pay much attention to formal rules. Intentionally or unintentionally it considered formal rules as something given and unchangeable. The framework supposed as given the existence of landowning local politicians with private wealth independent of the state apparatus. But in fact, landlords accumulated land through their political positions or political favors. The framework also had difficulty dealing with time factors such as socio-economic and institutional changes. It fails to explain the existence of coercion and the emergence of professional politicians.

The political machine framework emphasized personal benefits rather than collective goods and paid more attention to socio-economic changes rather than formal rules and the national apparatus. It could not explain the existence of coercion and how the new type of politicians with non-agricultural interests maintained the newly created political machines after elections.

Patrimonialism and bossism emphasized coercion and monopoly of local economy by political families and bosses rather than reciprocal relationships between elites and constituents. When these approaches use the phrase “national apparatus”, it does not connote its formal and legal usage but rather centers on the informal and illegal means to accumulate private wealth and win elections. Neither of the two approaches explains why constituents endure predatory and violent governance by political families/bosses for a long period and why, on the other hand, people could overthrow many of them including President Marcos.

As far as case studies are concerned, recent representative works such as McCoy (1994), Lacaba (1995), Coronel (1996), Sidel (1999) have described in detail the predatory nature of both short-lived and long surviving political families/bosses in the Philippines. Regarding innovative local governments and local politicians, numerous case studies have been done on relatively short-term projects by local governments. Representative works are those of Tumbaga (1997, 1998), Legaspi (2001), Galing Pook Foundation (2001), Brillantes (2003). From the viewpoint of managing urbanization and industrialization, Tumbaga and Sabado (2003) and Manasan (2002) are very suggestive and comprehensive, but more focused on economic aspects than political analysis.

There are very few case studies on developmental local government for relatively long time span and with emphasis on the political power process. Kawanaka (1998, 2003) discuss Naga City Mayor Robredo’s good governance in terms of innovative management of the political machine and maximum usage of formal rules/national resources, which, he said, is the key to the mayor’s maintenance of political power. His detailed case study is persuasive in many ways, but since it focuses only on Naga City, it cannot show whether the approach is applicable to the other local powers.

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
FRAMEWORK OF THE STUDY

The author shares Sidels’ view of the Philippines as a strong predatory state. However, this does not necessarily mean that all those who control the state apparatus, which includes local governments, plunder without regard for the welfare of the citizenry. The Philippines has around 1,700 local governments altogether. The fact is that local politics in the Philippines is very diverse and local politicians apply a mixture of formal and informal resources (long-term and short-term personal ties, election fraud, coercion, professional and personal background, etc.) to gain political support. Needless to say, not all of these local politicians use their predatory powers.

Within a governing institution, there is always a tension whether it tends to plunder citizen’s wealth or to foster economy by promoting transactions. This dilemma suggests that there are two extreme poles within those a political institution could exist as an economic system: predatory and developmental. Weingast (1995, 1) observes that a “government strong enough to protect property rights and enforce contracts is also strong enough to confiscate the wealth of its citizens.”

According to Evans (1995, 44), predatory states, on one hand, are the ones that “extract large amounts of otherwise investable surplus while providing so little in the way of “collective goods” in return that they impede economic transformation.” Developmental states, on the other hand, are the ones that “foster long-term entrepreneurial perspectives among private elites by increasing incentives to engage in transformative investments and lowering risks. These states may not be immune to using social surplus for the ends of incumbents and their friends rather than those of the citizenry as a whole, but, on balance, the consequences of their actions promote rather than impede economic transformation.”

This study adapts Evans’s predatory/developmental definitions for local politicians and local governments in the Philippines. Although the national government makes formal rules and implements them, a local government also passes and implements annual budgets, local ordinances and resolutions and makes decisions on local matters. It is also responsible to formulate and implement a local development plan. Predatory local politicians/governments may extract investable surplus in forms of corruptions or misuse while providing so little in the way of “collective goods” in return that they impede economic transformation, while developmental local politicians/governments try to foster long-term entrepreneurial perspectives in local communities by increasing incentives to engage in transformative investments and lowering risks. Many local governments/politicians could be located somewhere in-between. These developmental local politicians/governments may not be immune to using social surplus for the ends of incumbents and their friends rather than those of the citizenry as a whole, but on balance the consequences of their actions promote rather than impede economic transformation.

The hypotheses of the present research are that there are variations of local governments/politicians from predatory to developmental to in-between in the Philippines (see Appendix, Figure 1 and 2), and that the nature of reciprocal relationships between political leaders and residents depends on to what extent implementation mechanism works. The time factor is considered. One local government or local politician could move from one category to another in the time being.

The study focuses on the importance of institutions such as formal rules (laws, ordinances), informal rules (patron-cliental ties, kinship, local customs, etc) and implementation mechanism of those rules (meaning the extent to which those formal and informal rules are strictly implemented) in order to ensure long-term economic performance of a local government. Within a certain time frame, these formal/informal rules and implementation mechanisms would change as well as socio-economic environment.

At the same time this study focuses on the role of the local chief executives. They are formally authorized to shape development plans and implement projects as well as perform other administrative tasks under the laws. They also have extensive appointive power. Their decisions on local matters are very influential. Their formal authorities in the area of local development (e.g. signing contracts and loans) are significant among other local players. The character of a local government normally reflects the preferences of the chief executive. Whether a chief executive possess as the ability to maintain political supports from the local councils, local officials, and constituents, and to fully utilize existing external ties or to create new ones is crucial for the results of local programs and projects.

METHODOLOGY OF CASE STUDIES

This research focuses on long-term local economic development projects with emphasis on the political aspects.
The Local Government Code (LGC) of 1991 has given new incentives to local politicians to plan and implement various kinds of development projects in their jurisdictions. Before the enactment of the LGC, local development projects only meant construction of local roads and public utilities. It was only recently that relatively large-scale and long-term development projects became possible for local government units (LGUs) to implement. The nature of development is also shifting from hard infrastructure to job and/or income generating projects. The fruits of the new type of development projects could benefit not only the local politicians (e.g. from contract commissions), but also the residents of the LGUs. The success of development projects could also be a showcase of the local politicians’ management skills, as well as a positive complement for their political ambitions.

With the enactment of the Special Ecozone Act in 1999, LGUs have been authorized to establish the export processing zones. Such projects are normally planned and implemented by the national government in other ASEAN countries. In this sense, the Philippine local governments have more authority in development planning than their ASEAN counterparts.

A locally initiated export processing zone is not only a unique experiment in development planning in the region but is also a good example from which shorter term and less expensive development projects can extract instructive or useful lessons. Since an export processing zone project needs time and resources, it demands local government longer-term planning and funding, creative use of formal and informal rules, and maximum political skills of the chief executive. The project needs a comprehensive development approach as well, since it needs not only on- and off-site infrastructure and industrial development but also increase of agricultural products for agro-industrial Ecozones and so on. Moreover, if a political leader who initiated the project wants to taste the fruits of his work, he needs to maintain specific political positions or at least to make sure that his political allies maintain them. If not, he only spends time and resources, but cannot gain much benefit from the project.

To determine the targets of local governments, the author followed an Ecozone list made by the Philippine Economic Zone Authority (PEZA) in 1999. According to the list, there have been 11 LGUs registered with the Philippine Economic Zone Authority as proponents of export processing zones in their localities. The number has not been changed until 2004. One LGU (Agusan del Norte) has two projects in Nasipit and Tanay; therefore 12 cases were the subjects of my fieldwork.

The research approach was as follows:
1. To conduct interviews with key actors of the projects namely: local chief executives, local legislators, local officials, barangay captains, regional/provincial city/municipal representatives of national agencies, local residents, and local NGOs; and
2. To collect data, written papers and newspaper articles related to the projects.

The analysis will be carried out as follows:
1. To categorize cases in terms of their beginnings, features of the development site, type of the implementing body, and marketing styles; and
2. To classify the cases according to their stage of development (i.e. PEZA approval, presidential endorsement, site construction, start of operation) and identify the decisive factors that define the stage of development. General possible factors are geographical factors (rural or urban, distance from Manila), economic factors (size of income, infrastructures), and political factors (leadership, political will, political stability).

The analysis of the political dynamics in relation to the implementation of projects is a fruitful exercise to understand the development process. It is hypothesized that (a) political factors are playing the most decisive role among others; (b) the confluence of the new rules and actors amidst the old patron-client relations defines the nature of the pace/stage of project implementation; (c) successful local governments are able to make innovative arrangements for securing funds and maintaining implementing bodies in order to continue the project and hurdle the constitutional term limits for local politicians.

BACKGROUND OF EXPORT PROCESSING ZONE IN THE PHILIPPINES

Early efforts at export promotion similar to the East and Southeast Asian counterparts were employed during Marcos administration. The Incentives Act of 1967 (RA5186), the Export Incentives Act of 1970 (RA6135), and the Foreign Business Relations Act of 1970 (RA5455) were legislated.

Four national government-owned economic export processing zones were established during the Marcos administration. The history of Philippine Ecozones shows deep involvement of the president himself in the selection of the locations and planning and funding of Ecozone constructions. In two out of four cases, local
politicians made the first moves, and multinational manufacturing companies initiated the other two cases.

In 1969 President Marcos established the Foreign Trade Zone Authority (FTZA) and the Philippine’s first Export Processing Zone (EPZ) in the town of Mariveles, Bataan through RA5490, which was actually a pet project of then Bataan Representative Pablo Roman. Since the first EPZ was located on mountainous Bataan peninsula across the Manila bay, experts and academes criticized that the cost-benefit analysis gave way to a political calculation. It was known that President Marcos who ran for a second presidential term exchanged political favors for political support, meaning vote, solicited by Representative Roman.

Although the law passed, the Bataan EPZ had not been actually constructed until President Marcos declared martial law in 1972 as it lacked fund. Marcos issued the Presidential Decree No. 66. It first changed the name of FTZA into Economic Processing Zone Authority (EPZA) and made it into a corporation, and allocated 200 million pesos fund (it was later increased to 1 billion pesos), then gave EPZA police authority to forcefully relocate the people who were living in the proposed development area. In 1975 the EPZA was awarded more than 5.8 billion Japanese yen loan by the Overseas Economic Cooperation Fund (OECF; now Japan Bank of International Cooperation: JBIC) and developed nearly 1600 Ha site expansion. The Bataan EPZ started operating in 1973 and there were 60 companies operating by 2003.

The second EPZ project was planned by Cebu based manufacturers headed by Timex Philippine, and was endorsed by the Lapulapu city authority. President Marcos approved it in 1975. The Mactan EPZ was established in Mactan, Cebu and started operation in 1978. The 425 Ha Zone was fully occupied by 112 companies by 2003.

The third national EPZ was planned in Baguio City. Texas Instruments, a leading semiconductor manufacturing company, persuaded President Marcos with weather data in Baguio that its climate was advantageous for semiconductor manufacturing. The EPZ started operating in 1979. 12 companies were operating in its 114 Ha lots in 2003.

The forth EPZ was established in Rosario, Cavite in January 1986, only one month before the fall of President Marcos. The plan was started in 1979 when Cavite Governor Juanito Remulla saw the advantage of the province that was located just south of Metro Manila. Governor Remulla got support from then Prime Minister Cesar Virata, who was also from Cavite, and made a blueprint of the Ecozone. The following year, Remulla passed a provincial resolution that designated almost all lands along the national highway in Carmona and Ternate as Part of the Ecozone. Then the president approved the plan. Governor Remulla made personal efforts to maintain peaceful investor-labor relation by controlling labor associations and to silence anti-development farmers’ organizations sometimes with coercive methods. Concerned NGOs and journalists criticized his authoritarian way of development. There was also a rumor that the governor was taking commissions from factories as a peace-maintaining fee.

In 1991 the OECD gave a 4 billion yen loan for completing the site development. The Japanese government also extended its assistance to expand and improve the Batangas port facilities for the convenience of exporters in southern Tagalog region including Cavite. The Cavite EPZ was accommodating the biggest number of locators, 268, among four national-owned EPZs in 2003.

By 1987, in addition to the four national EPZs, three private-owned special economic zones were operational.

The international community warmly welcomed the installation of the Aquino government and poured in not only ODA but also funds from private donor agencies and private sectors. To improve the economic climate, President Aquino quickly passed laws to encourage foreign investment and exporters such as the Omnibus Investments Code (Executive Order 226), the Build-Operate-Transfer law (RA7718), and the Foreign Investments Act (RA7042). With these efforts, foreign investments were coming into Manila and its vicinity, but did not spread to the other rural areas.

In February 1988, in order to accelerate countryside development, President Aquino approved the “Regional Industrial Centers” policy proposed by the Department of Trade and Industry (DTI). The policy was given high priority and was included in the Medium Term Development Plan of the Philippines. The DTI selected regional centers based on several conditions such as access to airports, ports, and highways, availability of electricity and water facilities, availability of affordable land, possibility of extension and development costs.

Identified centers were Region 1: San Fernando, La Union; Cordillera Administrative Region, Baguio Export Processing Zone; Region 2: Cauayan, Isabela;
Region 3: Bataan Export Processing Zone; Region 4: Cavite Export Processing Zone and Batangas City; Region 5: Legazpi City; Region 6: Pavia, Iloilo; Region 7: Mactan Export Processing Zone; Region 8: Tacloban City; Region 9: Zanboanga City; Region 10: PHIVIDEC Industrial Estate; Region 11: Davao City and General Santos City; Region 12: Iligan City; Region 13: Nasipit, Agusan del Norte; Muslim Mindanao Autonomous Region: Parang, Maguindanao.

These centers were expected to be regional industrial and agricultural cores. The central government promised actively constructing off-site infrastructure facilities.

However, the regional industrial center projects were hampered by land conversion problems. In many areas, the projects sites’ land classification should be changed from agricultural to industrial/multiple use. The Department of Agricultural Land Reforms (DAR) wanted to push the land reform policy forward; the Department of Agriculture (DA) was concerned more with food production and food security; and the DTI examined the land use plans from the viewpoint of industrial development. As the interests of the agencies crashed, adjustment and coordination of the land use planning did not go well. Confrontation of the views of concerned agencies led to the stagnation of the development projects in Pavia and Legaspi City, and caused serious problems in the establishment of the PHIVIDEC Industrial Estate, the First Cavite Industrial Estate and other sites.

During the Aquino presidency, the Philippines was struck by natural disasters and coup attempts and it seemed to be left behind among the neighboring countries that were rapidly developing their economies through inviting foreign investments. It could not afford to spend national funds on Export Processing Zone development and tried to encourage private sector’s active involvement. There were only four national and three private Ecozones operating by the end of the period.

When the Ramos administration was installed, the Philippine economic weather suddenly changed as the peace and order situation improved. The electricity crisis was solved. There was an unprecedented investment boom. The administration maintained the Aquino government’s commitment to export-led growth and moved to extend the incentives offered to foreign investors and exporters. Since the Regional Industrial Center development project was not going well, the administration and the DTI looked for a breakthrough. The Special Economic Zone Act of 1995 was discussed in this context and legislators added local government units as proponents of Ecozones, which used to be limited to the national government and private sector.

As we see in the summary of case studies, the DTI recommended many LGUs selected as RIC to develop Ecozones.

**DEVELOPMENT PROCEDURE UNDER THE SPECIAL ECONOMIC ZONE OF 1995**

Special Economic Zones, herein referred to as the Ecozones, are selected areas that are highly developed or that have the potential to be developed into agro-industrial, industrial, tourist/recreational, commercial, banking, investment and financial centers. An Ecozone may contain any or all of the following: industrial estates (IEs), export processing zones (EPZa), free trade zones, and tourist/recreational centers.6

The Act enumerates 37 in priority areas in the Philippines and, in addition to the said areas, it says that other areas may be established as Ecozones based on certain conditions.7 Ecozones shall be developed in those areas through: private initiative; local government initiative with the assistance of the national government; and national government initiative.

Locators/developers and investors of Ecozones may avail of various kinds of incentives including tax holidays and exemptions, government provision of infrastructure, and residence status for foreign nationals (see Appendix).

First, proponents have to get PEZA Board Pre-qualification Clearance. Necessary documents require to submit are: notarized application; project description/feasibility study; vicinity map; proof of land ownership or any perfected contract/document confirming the applicant’s authority/clearance to use the land; endorsement of the local council for the development; certification from the DA that the area is not or has ceased to be economically feasible and sound for agricultural purposes; DAR Convention Clearance or Exemption Certificate or Housing and Land Use Regulatory Board (HLURB) Zoning Certification; and other documents requested by the PEZA.

Second, proponents have to secure a Presidential Proclamation that gives a go-signal for the establishment of the Ecozone. Necessary documents to submit for PEZA’s endorsement are: proof of land ownership and/or long-term lease agreement; verified survey returns and technical description of the land area; certification from the National Water Resources Board; Environmental
Compliance Certificate issued by the Department of Environment and Natural Resources (DENR); and so on.

Prior to the actual site development of an economic zone, proponents have to submit: detailed engineering/development plans of the economic zone and other requirements as may be prescribed by the PEZA Board.

As of May 2004, four (4) national Ecozones and sixty-one (61) Ecozones established by private or public corporations were operating. There were also forty-one (41) Ecozone projects issued with presidential proclamation (but not yet operating) and eighty-three (83) Ecozone projects with PEZA approval were under preparation.

**SUMMARY OF CASE STUDIES** (see Appendix also)

Since 1995, 11 LGUs have been registered with the Philippine Economic Zone Authority as proponents of export processing zones in their localities (one of them, Agusan del Norte, has two projects in its jurisdiction, therefore 12 projects altogether). Although none of them has been operating yet, five of them were given presidential proclamations, which allow starting the on-site development.

These 12 cases were pre-selected local governments. They went through the screening process of the PEZA Board and were approved as proponents of proposed Ecozone projects. While doing the fieldwork, I heard and encountered many local government units, which wanted to invite factories to their vicinity, if not many, at least one. The Philippines does not offer much incentive for investors who intend to invest in rural areas. But no special incentives are given; investments will not go to the countryside. This is the reason why local governments want to acquire PEZA board approval as proponents of the Ecozones. The incentives given to export processing zones serve their purpose to attract investments.

Without enough funds, local governments are not thinking to be developers of the Ecozones by themselves. In many cases, all LGUs can offer to potential investors is PEZA incentives, local modest infrastructures and development sites where LGUs hold ownerships or special patents. Their main strategy for attracting investors is to offer cheap rents, assistance for express business registrations, and cooperation for harmonious local labor relations. In fact, they (except Cebu city) don’t intend to establish any international standard Ecozones. If they could, it would be nice, but the bottom line is that one new factory established by a local firm would be a good start. A few LGU intend to venture into business partnership with private developers. The others just want to provide direct/indirect job opportunities for their constituents and to increase business tax and rents income in the long run.

**Origins of the Projects**

Although the projects were implemented by local responsibilities, many of the cases have their origin in national industrial policies. The projects of Pavia and Tacloban City originated in the Regional Industrial Center Project. They were selected as regional growth centers in their respective region in as early as 1988. The national government made a significant amount of investment on off-site infrastructure development such as road constructions and port/airport extensions. Palayan City was selected as one of the eight pilot cases of DTI’s provincial industrial center project in 1997. The project of Rizal province commenced when the DTI facilitated Singaporean Official Development Assistance for the planning of provincial industrial development in 1988. Interestingly, except Palayan City, any one of the cases is currently ongoing as we will see below.

In the cases of Leganes, Nasipit, and Legaspi City, Ecozone projects were initiated by local leaders who were stimulated by the failures of regional industrial center projects in their vicinities. Cebu City, Puerto Princesa City, and Jose Panganiban started formulating their Ecozone development solely by through local initiatives.

Tubay’s case was exceptional among them. Initial initiative came from not a local government but a private local agro-industrial company, whose land was covered by land reform program. The company, JC Agri Development, Inc. (JCADI), intended to protect a part of the land from the Land Reform Program by establishing an export-processing zone. The company manager sought assistance from the DTI provincial office for settling the land problem with tenants and conversion of land classification. The project was included in the provincial long-term development plan later.

**Features of Development Site**

Palayan City, Rizal Province, and Puerto Princesa City decided to utilize their own property effectively. The common features of their development sites are that they formerly belonged to national government, but their
ownership was transferred to the local governments for more productive land use. Rizal Province’s development site was originally intended for food production for Metro Manila and is located in mountainous terrain and having relative difficulty installing basic infrastructure such as electricity and communication lines.

Legazpi City and Tacloban City opted to purchase parcels of lands based on the recommendations of their respective taskforces. About ten years ago, land prices in their cities were relatively low and those cities were able to identify possible development sites in strategic locations with affordable rates. They needed to convert land classification from agricultural to industrial; however, conversion was relatively easy since those lands already lost its value as agricultural land and that was the primary reason why the land was cheap. There were only a few residents on and near the sites. Private companies were willing to extend electricity and communication lines upon the go signal of the chief executives.

In Pavia, Guimaras, and Tubay, the identified development sites were owned by private persons or by agencies. In Pavia’s case, the site belonged to farmers and caretakers. Land prices in Pavia rapidly increased after President Aquino visited the site for a land breaking ceremony of the Regional Industrial Center in 1989. Benpres Co., mother company of the Lopez group of companies, owned the Guimaras site. The initiator of the project, then Guimaras Governor Lopez was married to a member of the Lopezes. Tubay’s project site was owned by JCADI, the initiator of the project.

Jose Panganiban opted to utilize an abandoned industrial land formerly reclaimed by a mining company and whose ownership was transferred to the national government. Cebu City, Leganes, and Nasipit planned to reclaim a part of their coastline; however, only Cebu City was able to fulfill the reclamation project. Cebu was able to secure ODA fund, but now it is suffering from its responsibility to pay the loan back while it cannot secure special patents of the reclaimed area because of a pending dispute with its neighboring Talisay City.³ Leganes is still looking for an investor to reclaim land. Nasipit was only able to reclaim less than five hectares out of intended thirty has. Nasipit has had financial problems to complete the reclamation of the site since it mainly depends on congressmen’s irregular and unreliable pork barrel funds. There were several other options such as the BOT scheme, bank loan, and do-it-local government-itself; however, the local administration failed to close any deal.

**Project Management Styles**

Pavia, Tacloban City, Palayan City, Agusan del Norte Province (for Nasipit and Tubay) created taskforces composed of representatives of local government, line agencies and private sectors. Taskforces of Pavia and Tacloban were created by order of Presidents Aquino and Ramos to implement the Regional Industrial Center Program and ceased their activities when the Estrada administration was installed and shifted its focus from industrial to agricultural development in 1998. Palayan city’s taskforce was organized by the city mayor’s initiative; however, the number of taskforce members increased since the former mayor try to accommodate as many groups as possible and that made it hard to get a quorum to meetings. In the case of Agusan del Norte, newly elected Governor Angelica Amante decided to review the provincial economic growth strategy due to the decline of its major industry, logging. Ecozone projects of Nasipit and Tubay were included in the provincial long-term development plan and the governor created a taskforce and designated the provincial DTI director as chairman. The taskforce was tasked to complete all necessary paperwork such as securing land ownership certifications and land classification conversions, which are the main obstacles for both cases. The Agusan taskforce is still actively operating.

Cebu City put up a project management board headed by the mayor in order to make collective decisions on the project. Project management office (PMO) was also created for day-to-day supervision of the project implementation. The City mayors appointed directors of the PMO with engineering backgrounds.

The rest opted to manage the preparation of projects by the office of the local chief executive and the office of local planning and development with leadership of local chief executives.

**Marketing Styles**

Cebu City has its own investment promotion arm, Cebu Investment Promotion Center, which was established in 1994 and has been funded by Cebu City and local private companies. The director of the center is a former NEDA official who has extensive marketing experiences in private companies as well. He is also a close ally of Mayor Osmeña.

Agusan del Norte taskforce created an investment promotion division in the office of provincial planning and development, but there is no exclusive staff yet.
Tubay’s JCADI has its own business connections. The provincial DTI is also serving as investment promoting agency for the project. The province’s marketing strategy is maximum usage of existing local and international business connections.

The rest do not have any special marketing device. They have been looking for promising investors through political leaders and staffs of local planning and development offices. For example, when a chief executive has an opportunity to join overseas and local study tours, he brings the Ecozone feasibility study and pamphlets to show.

Since 11 LGUs were registered at PEZA, they have been invited by PEZA or DTI anytime when investment promotion activities were held by national agencies.

Present Development Status, Problems, and Innovative Arrangements

At the time of fieldwork in September-November 2004, development statuses of the cases were as follows. In the classifications, ‘on-going’ means the project status is active with human/budgetary resources; ‘suspended’ means the project status is passive without human/budgetary resources (see Appendix Table 1 and 2).

(1) On-going (in progress) with Presidential proclamation: Jose Panganiban, Agusan del Norte (Tubay, Nasipit)
(2) On-going (in progress) with PEZA Board Clearance: Cebu City (currently applying for Presidential proclamation)
(3) On-going (stagnant) with PEZA Board Clearance: Leganes, Pavia, Palayan City (currently applying for Presidential proclamation)
(4) Suspended with Presidential proclamation: Legazpi City, Tacloban City
(5) Suspended with PEZA Board Clearance: Rizal Province, Puerto Princesa City, Guimaras Province

Generally speaking, the possible factors that could influence the result of big, long-term local project like export processing zones would be geographical factors (rural or urban, distance from Manila), economic factors (size of LGU income, infrastructures), and political factors (leadership, political will, political stability).

When we picture the successful big projects by local governments, the factors we can easily think of are highly urbanized LGUs with large population and income (see Appendix Table 3), advanced infrastructures. But, in this research, this profile is only applicable for Cebu City. The size of local governments and geographical conditions do not seem to be the decisive factors of continuity and progress in the development projects. For example, Jose Panganiban and Agusan del Norte (Tubay and Nasipit), where projects are still on-going and have already gotten presidential proclamations, are relatively small in population and income size, far from big cities, and with modest infrastructures. On the other hand, Rizal Province is located just beside Metro Manila, however, its project has been stagnant since the province chose its project site in a mountainous area and could not attract developers/investors who expected flat land with infrastructures in the vicinity of Metro Manila. Since basic infrastructures and accessibility are conditions for PEZA Board clearance, all 12 cases are supposed to meet at least a PEZA standard.

After making several matrix of possible causes and project status, the author reached the conclusion that the more likely decisive factors are political such as the administration’s political will to continue and give high priority on the project, and the political stability, meaning succession of administrations by the chief executive who initiated the project or his political allies. Table 1 shows the administrative continuity and the extent to which present administration wants to continue the project. Categorization of strong, medium, and weak was based on the interviews that the author made with each chief executive and with staffs of the local planning and development department. Table 2 shows the present status of the projects. There is a clear correlation between Table 1 and Table 2.

On one hand, Legazpi City and Tacloban City have gotten presidential proclamations and even purchased the project sites with cities’ budget, however, their projects are not in progress any more since the present local administrations do not have positive political wills to continue their political opponents’ projects because of political conflicts with former administrations (see Appendix Table 4). The mayors of these cities have had different development interests and pet projects. Pavia, which was selected as a regional industrial center as well as Tacloban City, has been hindered by land-related problems and the former mayor stopped working on the project actively. Pavia’s task force has long ceased its meetings. Leganes has not lost its hope yet; however, it solely depends on the former mayor, who initiated the project, for marketing efforts. Palayan City experienced the change of administrations in 2004 and the newly elected mayor has not decided his attitude on the project, which was started by his opponent. Guimaras Province has completely suspended the project since former Governor Lopez left the island politics and her
opponent took over. Despite the absence of the political succession problem in Rizal Province and Puerto Princesa City, the chief executives there seem to lose their interest in the projects because of their difficulties in looking for investors.

On the other hand, despite having more problems with securing certificates and funding, there are several local governments keeping their projects going. Jose Panaganaban has marketing problems. Tubay has just settled almost a ten year-tedious-paperwork and is trying to set up development authority. Nasipit has had financial problems to complete the reclamation of the site since it mainly depends on congressmen’s irregular and unreliable pork barrel funds. Cebu was able to secure 12.3 billion yen loan, but now it is suffering from its responsibility to pay the loan back while it cannot secure special patents of the reclaimed area because of pending dispute with its neighboring Talisay City. Those four projects have had problems, but still they maintain their strong political will to continue. A possible common denominator of the ongoing cases is economic threats, which will be getting worse if they do not continue the projects and get positive results from them. This fact seems to unite local politicians. In the cases of Jose Panganiban and Agusan del Norte Province, the main reason they cope with the Ecozone projects was the decline of their former major industries: mining in the former, logging in the latter. In the case of Cebu, if it cannot earn enough from the project, the city will be trapped in a severe financial problem. The author observed that the chief executives tried to make the development project the main issue and to stress the possibility of job opportunities during election campaigns in all these local governments. Many constituents have been asking for the status of the projects to the local governments.

Regarding creative and innovative arrangements, we have many things to learn from Cebu City and Agusan del Norte. Let’s discuss about project management styles first. Cebu’s case shows a combination of mayor’s strong leadership and organizational stability, while Agusan’s case indicates that activities of taskforce are more visible and day-to-day intervention or leadership of the governor seems minimal. This may be mostly caused by their project status. Daily decision-making and project management were necessary in Cebu City because of the ongoing reclamation project. Meanwhile, the Agusan projects needed more paperwork rather than instant political decisions. General political supports for the project, provision of necessary administrative cost, and occasional political advice have been just enough in Agusan. Striking differences in results between Pavia and Tubay would be noteworthy. Both had the same problems caused by Comprehensive Land Reform Program and land classifications; however, after ten years passed, their project status differs in many ways. While Pavia did nothing except complain about land speculators and the difficulty of securing land related certificates, Agusan’s collective efforts progressed through the tiresome paper process one by one. Agusan’s two projects can start construction of on-site development as soon as developers/locators are found, while Pavia has yet to start from step one even if a promising investor drops by the municipal hall today.

The marketing styles of Cebu and Agusan del Norte are also suggestive for other LGUs. Cebu has its own investment arm, but this arrangement might not be a good example for small LGUs since it costs a lot to maintain. Resourceful Cebu tapped on experienced marketing experts and made political appointments. Agusan’s marketing strategy to maximize existing local/ international business connections may be applicable to small LGUs. There are export-oriented agro-industries in Mindanao. JCADI in Tubay and Agusan Province are trying to work out an organizational framework for the Ecozone development and operation. The province itself is considering investing in the project and being a part of management board. Several possible locators/ investors formally inquired about the Ecozone through JCADI’s mother company in Davao. The taskforce, including the DA and the provincial office of agriculture as members, selected several target agricultural products such as abaca based on marketing research and has been encouraging farmers to plant those well in advance of the agro-industrial export processing zone becoming operational.

Nasipit seems to lack dynamic political decisions on securing funds for its reclamation project. Nasipit depend on congressmen’s irregular pork barrels. There were several other options proposed by the taskforce, but the Nasipit government did not want to take financial risks nor conduct reclamation works by itself. It could not reach an agreement with a private company that offered using BOT scheme, either. Leganes shares the problems of Pavia and Nasipit. Leganes lacks organizational arrangement despite its limited financial and human resources. Leganes solely depends on personal efforts of former Mayor Josil Jaen with an appointment as the project administrator.

Jose Panganiban selected a less problematic development site and has been doing well without special organizational and marketing arrangement. This became possible so that the Padillas and their allies have been occupying
the majority political positions in the Municipality since 1992. But there is always the possibility that political changes might cause discontinuation of the project. Jose Panganiban has difficulty looking for investors and improving access roads going to the site from the main highway. Because the Padillas have lost the provincial governorship and the opposition won the position since 2001, Jose Panganiban has been out of priority areas in the provincial development projects.

CONCLUSIONS

Long-term Development Project by Local Governments

The case studies clearly show that there are several local government units that planned and have been implementing long-term development projects more or less ten years consecutively. Although the case studies suggest developmental tendency of local governments of Cebu City, Agusan del Norte Province and Jose Panganiban, this does not mean those LGUs are developmental on the whole. Those who control the local governments may extract investable surplus in forms of corruption or misuse. In fact, the present and former mayors of Cebu City were allegedly involved in several corruption scandals, which were revealed while they were fighting over certain political issues. However, it is certain that those LGUs are trying to foster long-term entrepreneurial perspectives in their localities by increasing incentives and improving off-site infrastructures that can be used by everyone. When they are able to establish export-processing zones and start operating, they will produce “collective goods” for their constituents in forms of jobs and business opportunities. The projects will have a significant impact on their local economies.

Regarding the hypothesis whether there are variations of local governments from predatory to developmental to in-between in the Philippines, we cannot make any definite conclusion from this research only. However, combined with the results from previous case studies, the framework of this study seems to have certain advantages than the previous frameworks since it can show both predatory and developmental local politicians/governments in a model (see Figure 3). The framework of this study can also show the changes of local politicians’/governments’ types in certain time frame. Let me take up two examples. In this study, the Cebu city government after 1990s can be considered as developmental local government; however, the same city government in 1960s was described as predatory one in a previous study. An academic team from Local Government Center, University of the Philippines (1967) studied on the Cebu city government in 1966 and made a detailed report on its organization and management, personnel administration, and fiscal administration. According to the report, the city government of Cebu in 1960s showed the features of a predatory local government. Findings of the report points out that “the city government suffers from over staffing of non-qualified, non-technical personnel” (Local Government Center: 1967, 38) and it also says that “[w]hile big surpluses were realized during the period under study which indicate financial stability, vital areas like economic development and social improvement have remained neglected. Expenditures, in fact, have been concentrated on the costs of operating and maintaining the governmental machinery”. (Local Government Center: 1967, 21) On the other hand, in the case study of Severno (1996) on Agusan del Norte, Edelmiro Amante, the father of the present Agusan del Norte Governor and the present congresswoman from the province, was described as predatory politician. Senior Amante, a former timber company lawyer and Marcos ally, was awarded a timber concession by then President Marcos and also known for his violent followers. However, when his daughter was elected as governor in 1995, the lady Amante reviewed the provincial economic plan and included Ecozone projects of Nasipit and Tubay in the provincial long-term development plan. The governor created a taskforce and designated the provincial DTI director as chairman. Her brother, the present governor has committed to continue the projects. The decline of logging in the province might force the young Amantes to pursue long-term development. Applying the framework, it can be stated that a political clan with predatory tendency may shift to developmental tendencies over time as a result of changing circumstances (see Figures 4 and 5).

As expected, the role of the local chief executive is significant in the whole process of project development and implementation. This is especially so if a chief executive who initiated the project possesses the ability to maintain political supports crucial to the continuation of the project. The ability of a chief executive to maximize formal/informal rules, to create an organizational framework, and to institutionalize expenses of the project costs is also very important. His ability to utilize existing external ties and explore new external connections is crucial as well in terms of looking for possible investors and resources.

Assessment of Implementation Mechanism

After the Aquino administration, the national government
established a screening process for applicants for the PEZA approval. Although it seems that using political and/or special personal connections is still effective when local governments seek financial assistance from national politicians and ask for quick processing of papers, even if an applicant is supporting the opposite political parties and politicians, e.g. Jose Panganiban, as long as it submits necessary papers and satisfy all conditions, government agencies normally issue approvals although it takes time in many cases.

Needless to say, financial/political/social/environmental risks of the development projects are all responsibilities of the local governments now. Cebu might use all possible connections to be awarded the ODA loan; however, if the city administration cannot manage the project properly, it may lead to bankruptcy of the city and the responsible politicians may lose their political mandate.

Recently, assessment of the development projects seems to be getting stricter on relocations and environmental protection. In Cebu, where engineers did the feasibility study in 1993, the delayed start of the reclamation project and the lack of city’s concerns for residents near the site led to massive protests from residents and concerned NGOs. In the case of Tubay, the proponent private company had to conduct a comprehensive feasibility study including sociological survey for obtaining environmental Compliance Certificate from the DENR in 2002.

Therefore, as far as local governments are concerned, we can say that the rules and regulations on Economic Zone development and its implementation have been more formalized than before, and using special relation with the President cannot alone achieve the projects any more. From the above assessment, we may say that present Philippine’s implementation mechanism of formal/informal rules is relatively better than the Marcos era in terms of frequent exercise of violence. However, the implementation of formal rules is not perceived as improved due to the red tape involved. In this circumstance, reciprocal relationships between political leaders and residents in general can be a mixture of traditional and modern norms and vary from locality to locality. Whether a locality is located in rural or urban areas, whether a politician is a member of a prominent political clan or not, are not necessarily decisive factors anymore to materialize innovative development projects, although being a member of established political clan is surely a big advantage in terms of connections.

It seems that which is more appealing to the constituent, being a developmental politician who can provide collective benefits or being a generous patron who delivers personal benefits in a certain locality is now a question. How long a constituent allows a predatory politician to stay in a political position is a question. The role of civil society and NGOs is important; however, they are neither so visible nor active yet in the process of long-term local development planning and implementation. The author thinks that it may be because representatives from the non-government sector in the local development council are mostly from business sector, and most of my target local development projects are still in the preparation stage. Local people have heard about the projects and support it as long as they can expect job opportunities and don’t see actual problems. The only exception is Cebu City. In this case, the city was able to loan from JBIC and started on-site development, therefore people living in the vicinity of the project site experienced inconveniences and local POs and NGOs became active in anti-development demonstrations. JBIC conducted a study on social aspects and, based on the study results, requested the city government to address the people’s needs.

To ensure constituents’ decision, what the national government and local/foreign NGOs should/can do is to implement formal rules as strictly as possible. Conducting fair elections and reflecting constituent’s judgment on local politicians and local projects are necessary for transforming toward a more developmental society.

ENDNOTES

1ECOZONE or “Special Economic Zone” shall refer to selected areas with highly developed or which have the potential to be developed into agro-industrial, industrial, tourist, recreational, commercial, banking, investment and financial centers whose metes and bounds are fixed or delimited by Presidential Proclamations. An ECOZONE may contain any or all of the following: industrial estates, export processing zones, free trade zones and tourist/recreational centers. (Part1, Section1.f, Rules and Regulations to Implement RA 7916).

2Barangay is a smallest administrative component in the Philippine. All municipalities and cities are composed of barangays.

details.


Region 13 was created in 1995.

Chapter 1, Section 4. (a), The Special Economic Zone Act of 1995 (RA7916).

The identification as a regional growth center in the Medium-Term Philippine Development Plan or by the Regional Development Council; the existence of required infrastructure; the availability of water source and electric power supply; the extent of vacant lands available for future expansion; availability of labor force; holding advantage over the existing economic zones; strategic location; easy control establishment to curtail smuggling activities. (Chapter 1, Section 5., The Special Economic Zone Act of 1995 (RA7916)).

In September 2005, the Cebu City finally got the special patent for the reclamation. The City applied for special patent covering 15 parcels of land at the 295 Has, however was granted only 7 lots so far since there are pending ownership disputes over 3 lots and some parts of the reclamation area are not yet filled.

REFERENCES


Landé, Carl H. 1965. Leaders, factions, and parties: The Structure of Philippine Politics. New Haven, Conn.: Southeast Asia studies, Yale University.


Appendix

Figure 1: Project Sites.

Figure 2: Types of Local Governments.

Figure 3: Types of Local Politicians.

Figure 4: Local Politicians: Developmental-Predatory.

Figure 5: Cebu City Government: From Predatory to Developmental.

Figure 6: The Amantes.

Table 1: Administrative Continuity and Political Will.

Table 2: Development Status and Continuity (2004).
Table 3: Profiles of Local Governments.

<table>
<thead>
<tr>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Palayan, Nueva Ecija</td>
<td>4th class Component City</td>
<td>P125,167.8 (IRA P112,754.7)</td>
<td>32,002</td>
<td>17,229Ha</td>
</tr>
<tr>
<td>Rizal</td>
<td>1st class Province</td>
<td>P874,557.9 (IRA P594,848.9)</td>
<td>1,707,218</td>
<td>130,383Ha</td>
</tr>
<tr>
<td>(Tanay, Rizal)</td>
<td>1st class Municipality.</td>
<td>P82,606.5 (IRA P52,380.3)</td>
<td>78,223</td>
<td>23,340Ha</td>
</tr>
<tr>
<td>Puerto Princesa, Palawan</td>
<td>1st class Component City</td>
<td>P838,769.3 (IRA P744,329.1)</td>
<td>161,912</td>
<td>253,982Ha</td>
</tr>
<tr>
<td>Jose Panganiban, Camarines Norte</td>
<td>3rd class Municipality</td>
<td>P46,223.3 (IRA P39,063.8)</td>
<td>46,064</td>
<td>21,440Ha</td>
</tr>
<tr>
<td>Legazpi, Albay</td>
<td>1st class Component City</td>
<td>P301,426.1 (IRA P210,422.5)</td>
<td>157,010</td>
<td>20,220Ha</td>
</tr>
<tr>
<td>Tacloban, Leyte</td>
<td>1st class Component City</td>
<td>P409,404.7 (IRA P242,899.4)</td>
<td>178,639</td>
<td>10,090Ha</td>
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<tr>
<td>Leganes, Iloilo</td>
<td>4th class Municipality</td>
<td>P29,116.8 (IRA P22,692.8)</td>
<td>23,475</td>
<td>3,218Ha</td>
</tr>
<tr>
<td>Pavia, Iloilo</td>
<td>4th class Municipality</td>
<td>P47,063.2 (IRA P26,249.6)</td>
<td>32,824</td>
<td>3,500Ha</td>
</tr>
<tr>
<td>Guimaras</td>
<td>4th class Province</td>
<td>P168,006.7 (IRA P155,031.4)</td>
<td>141,450</td>
<td>60,457Ha</td>
</tr>
<tr>
<td>(Buenavista, Guimaras)</td>
<td>4th class Mun.</td>
<td>P40,842.4 (IRA P35,051.4)</td>
<td>41,717</td>
<td>12,826Ha</td>
</tr>
<tr>
<td>Cebu, Cebu</td>
<td>Highly Urbanized Independent City</td>
<td>P1,689,985.3 (IRA P615,938.4)</td>
<td>718,821</td>
<td>31,500Ha</td>
</tr>
<tr>
<td>Agusan del Norte</td>
<td>2nd class Province</td>
<td>P302,360.9 (IRA P269,745.6)</td>
<td>285,570</td>
<td>250,391Ha</td>
</tr>
<tr>
<td>(Nasipit, Agusan del Norte)</td>
<td>3rd class Municipality</td>
<td>P40,484.6 (IRA P31,543.8)</td>
<td>35,817</td>
<td>10,530Ha</td>
</tr>
<tr>
<td>(Tubay, Agusan del Norte)</td>
<td>5th class Municipality</td>
<td>P24,947.9 (IRA P23,709.0)</td>
<td>17,668</td>
<td>14,448Ha</td>
</tr>
</tbody>
</table>

*Source: Income and IRA; Commission on Audit, Population; 2000 Census, Land Area; Local Governments.*
Table 4: Changes of Local Chief Executives.

<table>
<thead>
<tr>
<th>Year</th>
<th>Palayan, Nueva Ecija</th>
<th>Rizal</th>
<th>Puerto Princesa, Palawan</th>
<th>Jose Panganiban, Camarines Norte</th>
<th>Legazpi, Albay</th>
<th>Tacloban, Leyte</th>
<th>Leganes, Iloilo</th>
<th>Pavia, Iloilo</th>
<th>Guimaras</th>
<th>Cebu, Cebu</th>
<th>Agusan del Norte</th>
<th>(Nasipit, Agusan del Norte)</th>
<th>(Tubay, Agusan del Norte)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>P.Fajardo</td>
<td>C. Ynares</td>
<td>Hagedorn</td>
<td>Ronnie Padilla</td>
<td>Roces</td>
<td>Mate</td>
<td>Josil Jaen</td>
<td>Felix Gorriceta</td>
<td>Cong.C.Nava</td>
<td>Osmena</td>
<td>A.Amante</td>
<td>Carmona</td>
<td>F.Garcia</td>
</tr>
<tr>
<td>1995</td>
<td>L.Fajardo</td>
<td>C. Ynares</td>
<td>Hagedorn</td>
<td>Rojer Padilla</td>
<td>Roces</td>
<td>Mate</td>
<td>Josil Jaen</td>
<td>Ervin Gerochi</td>
<td>Cong.Lopez</td>
<td>Garcia</td>
<td>A.Amante</td>
<td>Corvera</td>
<td>F.Garcia</td>
</tr>
<tr>
<td>1998</td>
<td>L.Fajardo</td>
<td>C. Ynares</td>
<td>Hagedorn</td>
<td>Rojer Padilla</td>
<td>Roces</td>
<td>Mate</td>
<td>Adolfo Jaen</td>
<td>Ervin Gerochi</td>
<td>Cong.Lopez</td>
<td>Garcia</td>
<td>A.Amante</td>
<td>Corvera</td>
<td>F.Garcia</td>
</tr>
<tr>
<td>2004</td>
<td>M.Fajardo</td>
<td>C. Ynares</td>
<td>Hagedorn</td>
<td>Lim</td>
<td>Roal</td>
<td>Mate</td>
<td>Adolfo Jaen</td>
<td>Arcadio Gorriceta</td>
<td>Gov.R.Nava</td>
<td>Gov.R.Nava</td>
<td>A.Amante</td>
<td>Arcadio Gorriceta</td>
<td>F.Garcia</td>
</tr>
</tbody>
</table>

*Underlined are the Chief Executives who are political opponents of the previous administrations or passive on the projects.

Table 5: PEZA Incentives.

Incentives for Economic Zone Export, Tourism and IT Enterprises
- Income Tax Holiday (ITH) or Exemption from Corporate Income Tax for four years, extendable to a maximum of eight years;
- After the ITH period, a special 5% Tax on Gross Income, in lieu of all national and local taxes;
- Exemption from duties and taxes on imported capital equipment, spare parts, supplies, and raw materials. Also breeding stocks and/or genetic materials or the equivalent tax credit on these items, when sourced locally;
- Domestic sales allowance equivalent to 30% of total sales;
- Exemption from export taxes, wharfage dues, imposts and fees;
- Permanent resident status for foreign investors and immediate family members;
- Employment of foreign nationals;
- Other incentives under Executive Order 226 (Omnibus Investment Code of 1987), as may be determined by the PEZA Board

Incentives for Economic Zone Developers
- Income Tax Holiday;
- Incentives under the Build-Operate-Transfer Law, which includes government support for accessing Official Development Assistance and other sources of financing;
- Provision of vital off-site infrastructures;
- Special 5% Gross Income Tax, in lieu of all national and local taxes;
- Permanent resident status for foreign investors and immediate family members;
- Employment of foreign nationals;
- Assistance in the promotion of economic zones to local and foreign locator enterprises;
- Other incentives under Executive Order 226 (Omnibus Investment Code of 1987), as may be determined by the PEZA Board
Table 6: Summary of Case Studies.

<table>
<thead>
<tr>
<th>Location</th>
<th><strong>BEGINNING OF THE PROJECT</strong></th>
<th><strong>PROJECT MANAGEMENT STYLE</strong></th>
<th><strong>FEATURES OF THE DEVELOPMENT SITE</strong></th>
<th><strong>ACQUIRED APPROVALS</strong></th>
<th><strong>PRESENT DEVELOPMENT STATUS DEC.2004</strong></th>
<th><strong>PRESENT MAJOR PROBLEMS</strong></th>
</tr>
</thead>
</table>
| Palayan City              | Selected as Provincial Industrial Center by DTI (1997) | Taskforce composed of representatives from local government (LGU), line agencies, private sector, congressman | *Owned by the City  
*Lack of basic infrastructure | *PEZA Board Approval (Oct 1997)  
*Currently applying for Presidential Proclamation | On-Going, but currently being reviewed by the new mayor | *Change of administrations  
*Competition with existing neighboring Ecozones in Subic, Clark, Pampanga |
| Rizal Province            | Singaporean ODA for Industrial Development Planning facilitated by DTI (1988) | Office of the Provincial Administrator + Provincial Planning and Development Office | *Owned by the Province  
*Moutnous  
*Lack of basic infrastructure | PEZA Board Approval (Oct 1996) | Suspended since 1998 | *High development cost because of the terrain  
*Lack of necessary certificates  
*Weak political will |
| Puerto Princesa City      | Initiative of Mayor Hagedorn (1995) | Office of the Mayor + City Planning and Development Office | *Owned by the City  
*Lack of basic infrastructure | PEZA Board Approval (1997) | Suspended since 1998 | *No interest shown by investors since 1995  
*Lack of necessary certificates |
| Jose Panganiban, Camarines Norte | *Initiative of Mayor Padilla (1995)  
*Opening of new highway that bypass the Municipality  
*Decline of the major industry (mining) | Office of the Mayor + Municipal Planning and Development Office | *Reclaimed land(currently applying for special patent)  
*Basic infrastructure left by former mining company (rehabilitation needed) | *PEZA Board Approval (Jun 1999)  
*Presidential Proclamation (Dec 2003) | On-Going | *Marketing  
*no fund for infra rehabilitation |
| Legazpi City              | *Initiative of Mayor Roces motivated by failure of Regional Industrial Center in the City (1995) | Taskforce composed of representatives from LGU, line agencies, private sector | *Owned by the City  
*Lack of basic infrastructure | *PEZA Board Approval (May 1996)  
*Weak political will |
| Tacloban City             | Selected as Regional Industrial Center (1989) | Taskforce composed of representatives from LGU, line agencies, private sector | *Owned by the City  
*Lack of basic infrastructure | *PEZA Board Approval (Aug 1996)  
*Project to reclaim a part of municipal coastline | *Classified as agricultural + being cultivated as rice field (owned by many land owners)  
*Lack of Infrastructure | PEZA Board Approval (May 1997) | On-Going, but stagnating since 1998 | *Depending solely on Josil Jaen for investment promotion  
*Lack of necessary certificates |
| Pavia, Iloilo             | Selected as Regional Industrial Center (1989) | Taskforce composed of representatives from LGU, line agencies, private sector | *Classified as agricultural + being cultivated as rice field (owned by many land owners)  
*Lack of Infrastructure | PEZA Board Approval (May 1997) | On-Going, but stagnating since 1998 | *Unresolved problems on development site (land classification, ownership)  
*Currently being reviewed by the new mayor |
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Cebu City</td>
<td>Initiative of Mayor Osmeña (1988)</td>
<td>Office of the Mayor + Project Management Office</td>
<td>*300 Ha Reclaimed land (currently applying for special patent) *Basic infrastructure installed</td>
<td>*PEZA Board Approval *Currently applying for Presidential Proclamation</td>
<td>On-Going</td>
<td>*Pending lawsuit over special patent on reclaimed land *Dept payment</td>
</tr>
<tr>
<td>Agusan del Norte</td>
<td>*Revision of Provincial Development Plan Initiated by Governor Amante (1995) *Decline of major industry (logging)</td>
<td>Taskforce composed of representatives from LGU, line agencies, private sector</td>
<td></td>
<td></td>
<td>On-Going</td>
<td></td>
</tr>
<tr>
<td>Tubay, Agusan del Norte</td>
<td>Initiative of JC Agro-Development Corporation (JCADI) to be exempted a part of its land from the Land Reform Program</td>
<td>JCADI+ Provincial Government (implementation)</td>
<td>Owned by JCADI (currently changing classification from agricultural to multi-purpose)</td>
<td>*PEZA Board Approval (Aug 1996) *Presidential Proclamation (Jun 1998)</td>
<td>On-Going</td>
<td>*Looking for Investors *Setting up Ecozone administration (planning to put up an venture business between Provincial government and JCADI)</td>
</tr>
</tbody>
</table>
GENE REVOLUTION AND ITS IMPACT ON FARMERS A COMPARATIVE STUDY BETWEEN INDONESIA AND THE PHILIPPINES

Pennapa Hongthong

IN THE NAME OF SEED

Indonesia: Tangible evidence in monopolizing farmers’ life of transnational agro-business

Early September 2004, South Sulawesi province of Indonesia is burnt with strong sunshine as usual. Para rubber plantation stand on the nearby hill waves its leaves when touched by strong wind of summer.

“A part of land plot over there once belonged to me. A few years ago it was planted with Bt cottons,” says Hasdi Assidiq, a cotton farmer from Bulukumba district while pointing to the large rubber plantation in front of him.

A few years ago of Hasdi, means the 2001, one year after the Indonesian government allowed Monsanto to commercialize its Bt cotton, a genetically modified cotton variety, in South Sulawesi province. According to the promises of Monsanto, seed and agro-chemical corporation from the United States’ St. Louis, Bt cotton is able to resist to ballworm which is a major threat to cotton fields and farmers. If farmers plant Bt cotton, according to the company’s promise, there is no need for them to spray pesticides is in the cotton field.

In 2001, sales representatives of Branita Sandhini, subsidiary of Indonesian Monsanto, approached villagers in Bulukumba district to introduce a new variety of cotton together with an offer of credit scheme for those who wanted to experience the new cotton variety. Hasdi did not pay attention to the beautiful promises of the Bt cotton as claimed by the sales representatives. A long time experiences in dealing with agro-business brought him an enough perspective not to believe seed companies. However, he agreed to accept credit scheme to grow Bt cotton as offered by the company.

UNFAIR CONTRACT AND MARKET MONOPOLY

To get credit scheme offered by Monsanto, Hasdi had to group up with other 49 farmers since the company did not allow an individual to get its credit. The credit is not provided to farmers in terms of cash, but raw materials for planting the “pest resistant cotton”, including five kg of the cotton seeds, fertilizers, pesticides and herbicides. However, only Polaris pesticide and Roundup herbicide which are products of Monsanto were in the package. Whether or not the farmers want them, they had to take and pay for it (detail of material in credit scheme as presented in table 1).

Table 1: Input package for growing Bt cotton in one hectare, provided by Monsanto to farmers in South Sulawesi province.

<table>
<thead>
<tr>
<th>Input</th>
<th>Required amount (per hectare)</th>
<th>Price per Unit (Rp)</th>
<th>Total Price (Rp)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bt cotton seed</td>
<td>5 Kg</td>
<td>40,000</td>
<td>200,000</td>
</tr>
<tr>
<td>Fertiliser</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Urea</td>
<td>150 Kg</td>
<td>1,300</td>
<td>195,000</td>
</tr>
<tr>
<td>Za</td>
<td>50 Kg</td>
<td>1,250</td>
<td>62,000</td>
</tr>
<tr>
<td>SP 36</td>
<td>100 Kg</td>
<td>1,800</td>
<td>180,000</td>
</tr>
<tr>
<td>KCl</td>
<td>50 Kg</td>
<td>2,000</td>
<td>100,000</td>
</tr>
<tr>
<td>Total Fertiliser</td>
<td>-</td>
<td>-</td>
<td>537,500</td>
</tr>
<tr>
<td>Pesticide</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Polaris</td>
<td>5 Litres</td>
<td>27,500</td>
<td>137,500</td>
</tr>
<tr>
<td>- Round Up</td>
<td>1 Kg</td>
<td>90,000</td>
<td>90,000</td>
</tr>
<tr>
<td>- Insecticide</td>
<td>0.5 Kg</td>
<td>190,000</td>
<td>95,000</td>
</tr>
<tr>
<td>Total Pesticide</td>
<td>-</td>
<td>-</td>
<td>322,500</td>
</tr>
<tr>
<td>Total Prices</td>
<td>-</td>
<td>-</td>
<td>1,060,000</td>
</tr>
</tbody>
</table>

Source: Announcement of South Sulawesi Governor.
Remark: Only for 2001 planting season.

“We knew at first that the contract is unfair since it allowed the company to adjust the price alone and it legally bound us with the company. But, we didn’t have an alternative. At least it provided us seeds and input in advance, no need to pay in cash, so we joined the contract,” says Hasdi.

The contract was considered “unfair” because it contained four conditions: the licensed seeds could only be used for one planting season, all risks of harvest failure by planting the Bt cotton had to be shouldered by the farmers in order to pay back the credit, the harvested cotton must only be sold to Branita Sandhini, and the farmers who abandon their farms should handover the cotton field for the management of his farmers group.1

Under the contract, the company could control the price both selling price or raw materials to farmers and buying price of harvested cotton from farmers. In 2001,
the Bt cotton seeds arrived farmers’ hand for Rp40,000/kg, 8 times higher than the price of local cotton variety they have grown which costs only Rp5,000/kg. The price of the Bt seed then doubled in the next year to Rp80,000/kg without prior notice to the government. There was a signal that the company planned to increase the price to Rp100,000/kg in the third year of its GM business. Meanwhile the buying price, the company in 2001 gave farmers Rp2,500 for one kg of Bt cotton, then decreased to Rp2,100/kg in the next year.

GM crops have arrived Indonesia for commercial purposes when the country was in its reformation era after the end of Soeharto regime in 1998 when many sectors, including agriculture, were being liberalized.

Same as many other countries in the region, Indonesia was hit by economic crisis in 1997. The Soeharto government sought assistance from the International Monetary Fund (IMF) which came together with many conditions including the banning of the government’s subsidy on agricultural input, according to Lutfiyah Hanim, a staff of the Institute for Global Justice (IGJ). The result is the increasing price of seeds, herbicides, pesticides and chemical fertilizers. The price then was beyond affordability of small-scale farmers. At the same time the investment credit provided to the agricultural sector from the government was decreasing. For the fiscal year 1997/1998, investment credit allocated to agriculture was only 17 per cent of the total credit, compared to the credit available for the fiscal year 1969/1970 which was 35 per cent.

The lack of infrastructure and the limited access to capital investment became the driving force for small-scale farmers in South Sulawesi province to accept the “unfair contract” in which the company provided all input in a form of credited package to the farmers that the farmers had to pay back after the harvest.

According to the Centre for Research and Development of People Economic, the Bt cotton was planted in 2001 on 4,362.20 hectares in seven districts (Bantaeng, Bulukumba, Bone, Soppeng, Wajo, Gowa, and Takalar) of South Sulawesi province. The area encompassed 106 villages involving 6,638 farmers under the 207 farmer groups.

In its research paper on socio-economic assessment of Bt cotton planting in South Sulawesi, 2002, the Centre for Research and Development of People Economic concluded that “the provided production factor packages apparently have higher attraction compared to the net income generated from the farm itself”. The paper also stated that availability of the input package is viewed by farmers as “a means to gain access to capital”.

The conclusion of the paper demonstrated that the farmers were forced by socio-economic condition to welcome the Bt cotton which came to them with “unfair contract”.

THE PROMISES ARE BLOWING IN THE WIND

The Decree 107/2001 issued by the Ministry of Agriculture on February 13, 2001 to allow Monsanto to commercialize its Bt cotton, sparked hope to South Sulawesi cotton farmers who have been driven to the situation of no choice. The first lot of Bt cotton seeds were imported from South Africa by PT Monagro Kimia, Monsanto Indonesia, and distributed to farmers with many promises.

“High yielding” and “pest resistant” were the two big promises farmers have heard from the company representatives as well as from the Ministry of Agriculture. There is a report says that Monsanto also lured farmers to accept its new application of genetic engineering technology by promising the farmers that after growing Bt cotton for three to four seasons they would have enough money to go to Mecca for the Haj pilgrimage. Although denying the “accusation”, Edwin Saragih, leader of Monagro Kimia’s Government and Public Affairs, said the company just did tell the farmers that “they could expect high yielding and reduction of the use of pesticides”.

Most of farmers who planted Bt cotton did not know much about the seeds they grew. About 20 farmers interviewed for this paper, only one knew about plant genetic engineering. The others said they only knew Bt cotton as a new variety which is “high yielding” as the company’s people and agricultural officials in the province informed them.
During the introduction of the Bt cotton, the company promised that the cotton would yield about 3-4 tons per hectare. However, the data of the government Monitoring and Controlling Bt Cotton team showed that in 2001 only 4.01 per cent of Bt cotton farmers could harvest more than three tons of cotton one hectare, while 37.09 per cent of the total farmers grown Bt cotton variety could harvest lower than one ton per hectare. Moreover, the cotton fields were also destroyed by insects.

The result was 76 per cent of contracted farmers could not pay back to the company for the credit scheme of the year 2001. The Branita Sandhina in late 2002 stopped supplying Bt seeds to its growers. The then Agricultural Minister Bungaran Saragih explained the reason the company suspended supplies because it had “suffered losses”.

Besides, the Bt cotton was not high yielding and resistant to ballworm as was promised, the cotton also introduced new species of pests to Indonesia. According to Untung Surapati, entomologist from University of Hasanuddin, new species of cotton pests such as Amorphoidea was first found in the province not so long after Bt cotton are planted. It was the first time the insect appeared in Indonesia, he said.

CORRUPTION BEHIND THE SCENE

The tough conditions small-scale farmers of Indonesia have faced could be a very perfect factor for the company to indirectly force farmers to accept its “unfair contract” and welcome the Bt cotton. However, the permission of the Agricultural Ministry on February 13, 2001 did not provide a smooth way to GM business. The permission was only for the year 2001. If other seeds company or even Monsanto wanted to sell another GM crops seeds, they had to ask for a permission. And if Monsanto wanted to continue its business in the next year, a new application had to be submitted for a consideration by the Ministry of Agriculture.

“It is not good in terms of business. It made Indonesia to be a country that is not attractive in investing GM business since we don’t know whether or not the government will allow us to run the business in the next year”, said Edwin Saragih of Monsanto Indonesia.

He admitted that in 2002, the company asked the government for the commercialization of Bt cotton for multiple years, but the proposal was turned down by the government.

On the same year the Monagro Kimia was reported as authorized, an “improper” US$50,000 payment to government officials took place. The alleged payment was investigated by the US Department of Justice and the Indonesia’s Corruption Eradication Commission. January 7, 2005 the scandal hit the world news headlines and Indonesian media that the seed and chemical transnational corporation agreed to pay US$1.5 million fine as a “responsibility” for the bribe conducted by its people. The US$ one million would be paid as a monetary penalty to the US Department of Justice and the other US$500,000 to the US Securities and Exchanges Commission to settle the bribe charge and other related violations. US Assistant Attorney-General Christopher Wray concluded that the bribe was made by a Monsanto employee with an aim to facilitate the cultivation of genetically modified crops in Indonesia. The bribe was recorded in the company’s book as “consultant fees”.

Even providing an “improper” payment to the government, the company still failed to make a fortune with its GM business. In late 2002, Monsanto decided to stop supplying its BT cotton seeds before closing the Branita Sandhini, its subsidiary set up for running Bt cotton, in the year later.

The Philippines: A demonstration of market control as a consequence of a classical conspiracy theory

While Indonesia is the first country in Southeast Asia to plant GM crops for commercial purposes, the Philippines is coming up as the first country in the region for planting edible GM crops.

The Philippines Department of Agriculture on December 4, 2002, approved corn varieties inserted with MON810 transformation event (gene) to be commercialized for direct use for food, feed and propagation. MON810 is a sort of Bt gene. Unlike Indonesia, the permission for the Philippines government on GM crop is gene-based meaning that all corn varieties contain gene MON810 could be commercialized under one permission. As a result there are seeds of five corn varieties with MON810 gene are available in the market. The five varieties are 30Y50, 30Y49, 30Y73, and 30Y84 which are products of Pioneer Hybrid and DK818YG of Monsanto.

Bt corn was introduced to the market as an “alternative”
corn variety that can resist corn borer that normally has infestation during rainy season, June-October. Bt corn is a variety of corn for animal feed.

On February 8, 2005, the corn NK 603 gene, also a property of Monsanto, was approved by the Department of Agriculture for promotion. The NK 603 gene makes a corn variety to tolerate to Glyphosate, an active ingredient of Roundup herbicide, the world most popular herbicide produced by Monsanto. The corn inserted with NK 603 gene is called RR or “Roundup Ready corn”.

Although the Ministry of Agriculture did not limit geographical area that could plant Bt corn, the corn was only planted for commercial purpose in certain areas. Southern Mindanao such as the provinces of South Cotabato, North Cotabato, Sultan Kudarat, and Central Luzon’s Isabella.

The total cultivated area of Bt corn field is unclear. The Ministry of Agriculture said it did not have any system to monitor Bt corn cultivated area. There are at least three figures of the total cultivated area of Bt corn in 2003—an economist from University of the Philippines, Los Banos, said 10,769 hectare, while Council of Biotechnology Information said it is 49,000 acre or about 19,992 ha, and a local online newspaper said it is 24,000 ha. The irony is all three groups said the figure they referred to received from ISAAA, a non-governmental organization set up and financed by seeds and agrichemical transnational corporations.

RIGHT TO CHOOSE BUT NO CHOICE

Unlike Indonesia, Bt corn reached Filipino farmers without any contract. The seeds became just available through the market system. It is possible that Filipino farmers are not desperate as Indonesians are. In every district, there is an agricultural co-operative to provide soft loan for farmers who run out of capital for farming. For the government and seed companies, Bt corn is just an “alternative” for farmers.

The price of Bt corn seeds is double the price of non-Bt corn hybrid seeds. It varies between Php4,200 and Php4,500 depending on the payment method of farmers—cash or credit—while an average price of non-Bt hybrid corn is around Php2,100. (See table 2 for detail) “If you are a farmer, you are a businessman. You buy a seed which you can afford. Some varieties in the market are available for a long term and they are cheap….You have to make a decision, if you want to plant a protected variety it is expensive but you can make more profit,” said Choy Mamall, of Bureau of Plant Industry, The Ministry of Agriculture.

<table>
<thead>
<tr>
<th>Type of seed</th>
<th>30-day credit period</th>
<th>120-day credit period</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year 2004</td>
<td>Year 2005</td>
</tr>
<tr>
<td>30Y50</td>
<td>Php4,400</td>
<td>Php4,600</td>
</tr>
<tr>
<td>30Y69</td>
<td>Php4,200</td>
<td>Php4,200</td>
</tr>
<tr>
<td>30M50</td>
<td>Php4,400</td>
<td>Php4,600</td>
</tr>
<tr>
<td>30Y73</td>
<td>Php4,200</td>
<td>Php4,600</td>
</tr>
<tr>
<td>3013</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>DK818YG</td>
<td>Php4,500</td>
<td>Php5,000</td>
</tr>
<tr>
<td>DK818</td>
<td>Php2,100</td>
<td>Php2,100</td>
</tr>
</tbody>
</table>

- □ Bt varieties  - □ Non Bt hybrid varieties

The non-Bt variety is a parent material of the Bt variety shown on the above line.

Source: Interview with a seed supplier in Santo Nino, South Cotabato.

Although Mamaril insisted that farmers have rights to choose the seed variety they prefer, there is a sign implies that all non Bt-corn hybrid seeds will be pulled out of the market and replaced by Bt or other varieties of GM corn very soon. Bebot Panaranda, seeds and agricultural input supplier in Santo Nino, South Cotabato, discloses that in 2004, Pioneer Hi-Bred decreased its supply for ordinary hybrid seeds by 20 per cent and replaced by its Bt corn seeds. For Bebot, the tactic is not a new strategy, once it was used to introduce high yield varieties to the farmers during the Green Revolution.

“I believe within 25 years from now, only GM seeds will be available in the market, no more non-Bt [hybrid] seeds,” said Bebot.

Besides the direct control of the market, seeds companies also received support from the government in promoting Bt corn. The Ministry of Agricultural has a project called “GMA Corn Care” which aims to promote hybrid corn varieties, which have higher yielding when compared to traditional varieties. The “GMA Corn Care” program provides loan with low interest to farmers who plant hybrid corn varieties. Since Bt corn is a variety of hybrid corn, those who grow Bt Corn become eligible to get the loan under the “GMA Corn Care” program.

The Ministry of Agriculture launched another intensive program for Bt corn growers. The program called “Grain Highway” received financial support from Quedancor, a
state arm to provide low-interest loan to farmers. Among five objectives of the “Grain Highway”, one says Bt corn will be used to increase the length of period of planting windows for corn production; thereby promoting corn supply to the market for the whole years. Because of the infestation of corn borers, Many Filipino corn farmers stop growing corn during rainy season.

The “Grain Highway” gives an incentive to farmers who join the program by providing them production financing of maximum Php15,000/ha, post harvest facility financing with a maximum term of seven years repayment, and working capital credit.

Although the program wanted to promote Bt corn, in its first annual report there is no information about the Bt corn.

The incentive program of the government and the marketing strategy of seeds companies, once come together, could be a driving force for farmers to “choose” to plant Bt corn since their choice becomes smaller.

THE REDUCTION OF PESTICIDE CONSUMPTION: A FOLK TALE FROM SEEDS COMPANIES

One of the several promises of Bt corn is to reduce the use of pesticides since Bt corn contains genes of bacteria that could release its toxic to kill corn borer once it attacks the corn. However, corn borer is not the only pest that has threatened Filipino corn farmers.

Charito Medina, an entomologist from UP Open University of Philippines, said corn has about 10 pests, Asian corn borer is just one of them. The infestation of the about 10 pests is not on the same year. During the past three years, said Dr. Medina, grass hopper has been a big problem not the corn borer.

“It might be true that there is no need for farmers to spray pesticides for corn borer. But, how about other pests? Insecticide is still sprayed over the Bt corn to protect the corn field from other pests,” he says.

A report of GMA Corn Program said grass hopper is a major threat to corn farmers in the last three years.

Medina was also supported by many farmers including Bebot, a seed supplier from Santo Nino, who tested the Bt corn on one hectare of his farm land in South Cotabato province in 2004.

“It does resist to corn borer. I proved it myself. However, it can not resist other pests including grass hoppers that I still have to apply chemical to prevent the attack of other pests. The yielding also depends on how much you use fertilizers. The only good thing of Bt corn is that it can resist to corn borer,” he says during the interview at his shop. Although the seed resists to corn borer, as claimed by the company, Salvacion Fabulare, a treasurer of Landan co-operative which once provided Bt corn seeds to its member farmers, noticed that the pesticides farmers used in their Bt corn field are not different from those they applied for non-Bt corn field. The production cost of Bt corn is a little higher than non Bt, particularly local corn seed varieties which some farmers are still planting. According to Salvacion, pesticides used to eradicate corn borers is the same pesticides farmers used to control other species of pests.

Table 3 shows details of the production cost of three varieties of corn. The table, analysed by Salvacion from the record of the co-op shows that the expense farmers paid for pesticides for Bt corn is the exactly same amount they spent for non-Bt corn field.
Table 3: Production cost and detail of the expense for one hectare of corn: comparative among Bt, non Bt hybrid, and local seed varieties.

<table>
<thead>
<tr>
<th>Input</th>
<th>Type of Seeds</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Bt corn</td>
<td>Non Bt hybrid</td>
<td>Local seeds</td>
<td></td>
</tr>
<tr>
<td>Seeds</td>
<td>18 Kg</td>
<td>18 Kg</td>
<td>2,200</td>
<td>No cost/ Sharing</td>
</tr>
<tr>
<td>Herbicide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Herbadox (Pioneer)</td>
<td>1,040</td>
<td>1,040</td>
<td>1,040</td>
<td></td>
</tr>
<tr>
<td>Power (glyphosate of Monsanto) ½ litre</td>
<td>260</td>
<td>260</td>
<td>260</td>
<td></td>
</tr>
<tr>
<td>Pesticide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Larvin Bayer) to mix with seeds before being planted ½ bottle</td>
<td>260</td>
<td>260</td>
<td>260</td>
<td></td>
</tr>
<tr>
<td>Karate (Bayer) ½ litre</td>
<td>250</td>
<td>250</td>
<td>250</td>
<td></td>
</tr>
<tr>
<td>Lorsban 1 litre</td>
<td>420</td>
<td>420</td>
<td>420</td>
<td></td>
</tr>
<tr>
<td>Fungicide</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manzate 1 litre/</td>
<td>340</td>
<td>340</td>
<td>340</td>
<td></td>
</tr>
<tr>
<td>Fertiliser</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Completed formula (14-14-14) 4 bags/</td>
<td>2,880</td>
<td>2,880</td>
<td>1,440</td>
<td></td>
</tr>
<tr>
<td>Urea 4 bags/</td>
<td>3,400</td>
<td>3,400</td>
<td>2,550</td>
<td></td>
</tr>
<tr>
<td>Labour (for the whole cropping season)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weeding</td>
<td>700-1,000</td>
<td>700-1,000</td>
<td>700-1,000</td>
<td></td>
</tr>
<tr>
<td>Harvesting (P10/sack) 100 sacks</td>
<td>1,000</td>
<td>1,000</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Taking corn grain out of its ear (P18/sack) 100 sacks</td>
<td>1,800</td>
<td>1,800</td>
<td>1,800</td>
<td></td>
</tr>
<tr>
<td>Transportation (P20/sack) 35 sacks</td>
<td>700</td>
<td>700</td>
<td>700</td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>Php17,550</td>
<td>Php15,550</td>
<td>Php11,060</td>
<td></td>
</tr>
</tbody>
</table>

Source: Landan Co-operative which supplied agricultural input for its members.
Remark: Assumption that the yield is 100 sacks of corn ears which could be transformed to 35 sacks of kernels. Land lease cost and land preparation cost are not included.

The Landan co-op stopped supplying Bt corn seeds to its farmers after the first harvesting. More correctly, none of Landan co-op ordered Bt corn seeds for the second time. According to Salvacion, the yielding of Bt corn is about 80-100 sacks, a little higher than non-Bt corn.

“I don’t think it is worth growing Bt corn because of the high price of the seeds.” Jose M. Yorobe, an agricultural economist of University of the Philippines-Los Baños, who conducts a socio-economic impact assessment of Bt corn after one year of planning in the Philippines, admitted that Bt corn will not be different from other ordinary hybrid corns if there is no infestation of corn borer. However, Yorobe has a reason to encourage farmers to plant Bt corn.

“The problem is how you know whether they will have an infestation or not. Now using Bt corn is an insurance. You are just taking insurance that my corn will not be infected by corn borer. You pay for that insurance and the payment is Php2,000,” he refers to the different price between Bt and non-Bt corn.

Farmers shoulder the loss

Jimmy Hunas, Irrigation official:
Jimmy just harvested DK818YG corn of Monsanto few days before my arrival at his house in Santo Nino, South Cotabato. Heaving a deep sigh was his response to my question about the yielding. He could only harvest 80 sacks (one back is about 26-30 kg) or about 2-2.4 tons, of corn ears which brought him only Php13,500 while he spent about Php13,700 for production cost.

Same like other corn farmers, Jimmy had problem with pest infestations. As an irrigation official, under the Department of Agriculture, Jimmy had heard about good tale of Bt corn. The tale of corn is also in focus of corn farmers in his community in Barangay Panay. October 2004, Jimmy, 46, decided to spend Php3,900 in cash for Monsanto Bt corn seed. It was the most expensive seed he ever bought. “When I bought it, the supplier said no need to spray pesticide because it was inserted in the seeds already. But I did apply herbicide: atrazine and malatayon, and fungicide.”
Session IV

The reason he chose Bt corn seed of Monsanto are not the Pioneer, was because he was familiar with the company’s conventional hybrid corn DK818 (DK stands for Dekalb, a generation of corn seeds developed by CP which was merged with Monsanto). According to Jimmy, he spent only about Php9,800 as a production cost for one crop on conventional hybrid corn and he could generate about Php32,000 gross income from that. Being a farmer in the midst of Green Revolution, Jimmy did not know any other varieties except the ones available in the market. Besides the infestation, low yielding, a new problem came to him together with the Bt corn was a health problem. During the planting season, he had headaches and could not take a breath properly.

Although he is a DA official, he still does not understand why the DA approved and encourages farmers to use this kind of seeds.

“I do not recommend any farmer to plant it,” he said while looking at the leftover of Bt corn seeds he kept as a “souvenir" for his painful memory.

Gerardo Mendal, South Cotabato:
A 56-year-old corn farmer from Landan, in South Cotabato province, first heard about Bt corn in May 2003. At that time, Monsanto invited 10 members of Landan Co-operative which he has a membership for a field trip of its Bt corn in Marbel, a town in the province. Gerado was one of the field trip team.

There, he saw two plots of corn field, one was planted with Bt corn another one was planted with conventional hybrid-corn, which he referred to as Cargill, the name of seed company which was already bought by Monsanto.

“We noticed that Cargill field was not so good, the corn did not look so healthy unlike Bt corn with were standing in the next field.”

A pack of one kilogram of Bt corn seeds, which Monsanto claimed it will not be attacked by corn borer, was awarded to a farmer who had a luck from the draw lots. For the others who did not have any luck including Gerardo, they decided to order the seeds from the co-op which wanted its members to experience new seeds which seemed to have better quality.

A month later, two bags of DK818YG seeds, each contained 16 kg of seeds, were handed to Gerado at the price of Php4,200 per bag. Together with the seeds, he bought fertilizers, herbicides and fungicides.

Being a corn farmer through his life, Gerado realized that the Bt corn seed price was truly expensive. However, he had his own reason and good will to spend the big money. Once he spent his time at Pioneer Hi-Bred as a hybrid seed farm producer. Gerado was certain that he had enough skill in breeding hybrid seed variety. For him, Bt corn seed was a challenge to test his crop breeding skill.

“I want to breed Bt corn seed, if it is good variety.”

However, Gerado has not yet known whether the biotech variety can be bred by his own hands, because he decided not to breed it. The Bt corn variety turn out to be not attractive for him to do that.

“It is proved that it is not a good variety,” he said.

He referred to the first and only harvest of Bt corn as a “failure" since he could only harvest 86 sacks of Bt corn ears. An average yielding of ordinary hybrid of “Pioneer” which he usually grows can harvest about 120 sacks. After calculating cost and gain, he found that he lost Php3,000 for growing Bt corn per hectare.

Mystery Illness
Kalyong, a small village in remote area of South Cotabato, hit the headline of Philippines newspaper in 2003 because the unknown illness spread among the villagers. It was reported that 51 villagers had been suffering from headaches, dizziness, vomitting, skin irritation and diarrheas. The mysterious death of seven horses, two buffaloes and tens of chicken were also put in focus.

The village experienced the mysterious phenomenon just less than two months after the five hectares of land plots in the village were planted with Bt corn, a genetically modified corn variety that contained a gene of Bt bacteria to make it resistant to corn borer.

The case of Kalyong village was the very first case in the world which reported about illness of people who stay close to GM crop fields. However, until now there is no proper scientific test, both at national and international level, to study about the linkage between the GM crop and the illnes of the people.

So far, only preliminary findings of one Norwegian scientist has been presented. In 2003, blood sample of the villagers then were collected and sent for laboratory test in Norway by local non-governmental organizations.
The lab test came out with preliminary result showing 34 blood samples contained Bt toxin from the bacteria. However, after presenting his preliminary lab result to an international meeting on bio-safety in Kuala Lumpur early last year, Dr. Terji Traavik, a Norwegian scientist at the University of Tromso who conducted the test was stormed by scientists who attended the meeting reasoned that it was too early to conclude that the illness was caused by Bt corn. Traavik believed that there was a possibility that pollen of Bt corn flowers was the cause of the contamination of Bt toxin in villagers’ blood. The hypothesis of Traavik has not yet been proved until now.

Pablo Sinon, 52, one of the villagers whose blood samples found to be contaminated with Bt toxin, said the symptoms still occur to him regularly. The blood test result of Travick convinced him to be certain that the illness was caused by the Bt toxin in the corn.

**Intellectual Property Rights: A perfect tool of seeds companies to control farmers**

As member parties of World Trade Organization (WTO), Indonesia and the Philippines have created their Plant Varieties Protection (PVP) Act and amended Patent Act as required by WTO.

The PVP Act of the both countries provides exclusive rights to plant breeders—25 years for trees and vines and 20 years for other plants including crops, which have similar definition as a person who breeds, discovers or develops new varieties. The varieties that would be protected under the PVP system of the both countries must be new, distinct, uniform, and stable. It is quite clear that PVP Act only wants to protect and secure the exclusive rights of modern plant breeders since farmers’ rights are excluded from the PVP Act of the two archipelago countries.

“Farmers’ rights are in different act. Farmers’ rights should be stipulated in a different law. It should be a different matter from plant breeder’s rights. Farmers can be plant breeders. I am a plant breeder, I have to make sure that I come up with a new variety which is distinct, uniform and stable then it will be qualified to be protected. I can apply for protection. This is a rights for a plant breeder,” said Dr. Mamari, of the Philippines’ Plant Industry Division. However, there is no legislative law in the Philippines that guarantees the rights of farmers. Although the relevant laws of the two countries have an exception for a third party to utilize protected varieties, the exception aims to protect the market of protected varieties and the interest of the PVP rights holder rather than to support small-scale farmers. The Act allows small-scale farmers to use the seeds of protected varieties only for their own consumption, not for commercialization.

However, according to Dr. Mamari, since the Philippines PVP Act was approved by the government of President Gloria Macapagal Arroyo on June 7, 2002, no seed firms apply for PVP right protections for their GM seeds.

For the people who have long experience in fighting for farmers’ rights as Riza V. Tjahjadi of PAN Indonesia, it seemed that the PVP Act was drawn up and promulgated only to protect GM seeds and the rights of transnational seed companies.

Meanwhile Indonesia has its own Patent Act since 1989. However, the Act was not in accordance with IPR protection system of the TRIPs since it does not provide protection to life forms and genetic resources which once were recognized by the Indonesian government as “common property”.16

In 1997, the Indonesian government revised the Patent Act reflecting the principle of TRIPs. The new version (Law No. 13/1997) removed the provision in article 7(2) of the 1989 version which stated that patents can not be given for new plant or animal varieties or processes for the production of plants and animals including the products thereof.

The Act, in 2000, was again revised to make it perfectly compatible to the TRIPs. Article 7 of the latest version of the Indonesian Patent Act (No. 14/2000), which came into enforcement in the year 2000, states that patents may be given for any life forms except microorganisms and essentially biological process for the production of plants and animals except non-biological process and micro-biological (which means genetic engineering: Renee of GRAIN) process.

According to Riza of PAN Indonesia, the new version of Patent Act could be used as a perfect tool by transnational seed companies to control their monopoly on GM seeds and prevent farmers from collecting the seeds for next harvesting season. “Indonesian farmers could have the same fate with the Canadian farmer Percy Schmeiser,” said Riza.

Schmeiser had faced with legal suit filed against him by Monsanto after being found RR Canola grown on his land. The company claimed that Schmeiser infringed its right over RR Canola because he did not buy the seed
of RRCanola but he grew that plant without paying the fee to the company. Although he argued that he did not plant the RR Canola, since his plot of land was contaminated with the RR Canola, the Supreme Court of Canada last year ruled that Schmeiser had infringed the patent of the company over RR Canola and ordered him to pay licensing fee to Monsanto US$15 per acre that cost him US$15,450 for his 1,030 acre of land. Moreover, as he lost the case, Schmeiser had to shoulder the Monsanto court cost which was about US$153,000.

Some might argue that even before the era of GMOs, farmers couldn’t save the seeds for second harvesting season because the quality of hybrid seeds (the products of the Green Revolution) would automatically drop due to technical reasons. Lutfiyah Hanim of Insitute for Global Justice (IGJ), a local NGO works on the fields related to WTO and its agreements, TRIPs and Agreement on Agriculture are in particular, has her argument.

“[With the Green Revolution] at least farmers had rights to collect the seeds. As for the GM revolution, even the right to save the seeds, the basic activity of farming that farmers throughout the world have done for centuries, is being deprived,” she says.

According to Hanim, since the gate of Indonesian agricultural sector opened for liberalization, many communities of small-scale farmers in the central Java tried to survive from the sky-high price of all inputs, including seeds, fertilizers and pesticides, by switching to organic farming.

“They developed new varieties by using the hybrid seeds until they succeeded in developing new varieties that could perform well without using chemicals. For GM seeds, they can not do this and new varieties can not be produced by hands of farmers.”

CONCLUSION

Lessons from farmers in Indonesia and the Philippines give a clear perspective that GM crops are not produced for the sake of the farmers, but for the seeds and agrichemical companies. GM seed is no longer a seed that once was the life of farmers. GM seed is not only a seed, but a commodity and a legal tool for seed corporations to control the world.

Seed companies just used their GM seed to turn farmers to be their farm laborer. To grow GM crops, farmers lose their rights to select seed type and chemical they want to use in their farm, they can not determine the quantity of seeds they want to grow in their farm. Farmers have to follow the regulation and the contract of the seed companies. Seeds companies use seeds to control farmers, this means they can control farming sector. To control farming sector means to control the food of the world which eventually means to control the world.

Although farmer produced thousands of plant varieties some of which are parent materials of GM crops, they can not collect the seeds if they are the GM crop and from the second harvesting because of the IPR system that attached in every single seed of GM crops. Profit and benefit generated from GM seeds belong to the companies, but risk and loss belong to the farmers.

The lessons of both countries are a warning to farmers in other countries not to believe in economic figure created by seed companies. Since GM seeds are not ordinary seeds, to see the exact and long-term impacts of scientific seeds—political, social, and legal aspect—have to be considered in analysis process of the issue.

Although in the Philippines, situation is not clear yet, signs depict the picture of monopoly by using marketing system to favor GM seeds whose price is very high. Moreover, with the IPR regime being already rooted in both countries, rights of plant breeders, mostly the companies themselves, are already protected while rights of farmers are neglected.

Farmers and government in all developing countries have to go beyond the illusion of economic figure which is claimed as a beautiful output of planting GM crops.

APPENDIX

GMO—Genetically Modified Organism, created by scientists by inserting a gene extracted from one species into another species to create specific character of living form that nature can not create for the world.

For agricultural sector, scientists created three major types of GM crops, which sometimes are referred as “transgenic” or GE- genetically engineered crops, for farmers across the world.

The first one is so-called herbicide-tolerant crops that are designed to tolerate certain herbicide. This GM crops are usually known by the herbicide that the crops are engineered to resist. For instance, Roundup Ready crops of Monsanto which are designed to survive Roundup chemical herbicide of the Monsanto itself.
Crop contains Roundup Ready trait which is often referred to as RR crops, such as RR corn and RR soybean. An approximately more than 70 per cent of GM crops planted in the world belongs to this group.

The second type is the GM crops that are designed to be insect resistant. The core of this type is Bt crops, that contain a gene of soil bacterial Bracillus thuringiensis to make it resists to pest such as bollworm, pink bollworm, tobacco budworm and stem borer. The crops with Bt gene that are already planted and marketed in many countries include cotton, corn and potato. There are more varieties under the development process, including rice, tomatoes, squash and apples. This group of GM crop comes to the world with promise from seed and biotechnological corporations that it would reduce the consumption of pesticide.

And the last one is GM crops created by biotechnologists to resist to microorganisms that cause disease to crop such as virus-resistant crops, whose DNA contains a piece of virus in a genetically engineered form. The piece of virus plays the same role as vaccine, to prevent the crops from being susceptible to virus. GM papaya is the most well known in this group.

IPR—Intellectual Property Right, a concept of law to protect rights and benefit of inventors. The IPR has existed in global system since decades ago, however, it has never been applied to plants, animals and organisms since those living forms can not be created by the people. No one can own it. Centuries ago, seeds, plant varieties and animal species are recognized as “common heritage” of mankind, but the IPR changed this concept. Under the IPR, individual could own plant varieties so that farmers can no longer save the seeds they have planted for second generation.

The basic order was changed since 1961 when the International Convention for Protection New Plant Varieties, widely known as UPOV 1961, was adopted to protect the rights over plant varieties in territory of a state. The issue goes beck in 1991 when UPOV was upgraded to recognize exclusive rights of plant breeders who develop “new” plant varieties. In the same year of the adoption of the new version of UPOV, the UN Food and Agricultural Organization (FAO) agreed to change the principle of International Undertaking on Plant Genetic Resource (IUPGR), not binding instrument, from the basic concept that plant genetic resource is a heritage of mankind to recognize state sovereignty over its plant genetic resources. One reason that the FAO Commission on Genetic Resources for Food and Agriculture endorsed its proposal is for balancing rights of breeders and farmers, which are mentioned in IUPGR as formal innovators and informal innovators respectively.¹⁸

Then in 1993, the world welcomed a new convention titled Convention on Biological Diversity (CBD) which adopted the same principle of the IUPGR. Then in 1995 the World Trade Organization (WTO) issued its agreement on IPRs the Trade Related Aspects of Intellectual Property Rights (TRIPs) which makes its member parties to obligate in issuing domestic to provide IPR protection for plants breeder and new plant varieties.

However, only the rights of modern inventors and plant breeders are protected under the concept of IPRs, while the rights of farmers, who have created the very raw material of GM seeds, are singled out. GM crops, novel plant varieties, are introduced to the world during the IPR era that every single seed of it is under IPR protected. This means farmers do not have any rights over the crops they are growing although the very ancestor of that crop was produced by the farmer’s forefathers. The IPRs, which has patents at their core, used to reward inventors with a period of exclusive rights over their invention to prevent others from taking unfair commercial advantage of it. The development of GM seeds depends largely on the judicial protection system of IPRs. Delta & Pine Land Company on March 1998, two months before it was merged with Monsanto, announced that together with the US Department of Agriculture (USDA), it had received a US patent on a new genetic technology designed to prevent “unauthorized seed-saving” by farmers. The technology later referred to as “Terminator”¹⁹ which has scientific name as GURT—Genetic Use Restriction Technology.

USDA molecular biologist Melvin J. Oliver, the primary inventor of the technology, has his own reason to prohibit farmers from saving seeds.

“Our mission is to protect US agriculture and to make us competitive in the face of foreign competition. Without this, there is no way of protecting the patented seed technology”.²⁰

In their book Brave New Seed, De La Perriere and Seuret (2000) quoted a warning of Monsanto, St. Louis-based seed and biotechnology company, published in American newspapers on June 1998 that:

“When a farmer stores and sows biotech seeds (genetically modified seeds) patented by Monsanto, he
should understand that he is in the wrong. This holds true even if he has not signed any contract at the time of procuring seeds (that is, if he recycles or if he buys seeds illegally from a neighbour). He is pirating… Moreover, this pirating of seeds could cost the farmers hundreds of dollars per acre by way of damage, interest and legal costs, apart from having to undergo the inspection of his field and records over many years.”

Data from US Patent and Trademark Office (US-PTO)\(^2\) shows that among the 4,331 patents on invention in biotechnology and other processes used in food and agriculture issued for US companies (excluding subsidiaries) during 1976-2000, 1,568 patents are related to plant technology.

To completely reap benefit from the strong IPRs, agro-chemical companies have done its best to acquire seed companies. Thus, it is not surprising that few giant corporations, which once famous with its agro-chemical, control almost 100 per cent of the world’s GM seed market. The few giants are DuPont/Pioneer (USA), Monsanto (USA), Syngenta (a merger between AstraZeneca and Novartis which is also a merger between Ciba Geigy and Sandoz), Dow Chemical (USA), and Aventis (a merger between Germany’s Hoechst, France’s Rhône-Poulenc and AgrEvo, a joint subsidiary of Hoechst and Schering).\(^3\)

The result of the merging is the concentration of patents on agricultural biotechnology. Data from US-PTO, analysed by Economic Research Service of the US Department of Agriculture, suggested that overall concentration of ownership of agricultural biotechnology patents has increased since 1995 after accounting for merger acquisition with in the industry making process of IPR system in the both countries.

Since the world today is ruled by the World Trade Organization (WTO), which is a battle field between developed and developing countries, the rule of WTO is the rule of the world. Developed countries, which support IPRs, won the battle by making the WTO to adopt the Agreement on Trade Related Aspects of Intellectual Property Rights (TRIPs) during the Uruguay Round in 1995.

TRIPs, which its first line states that it desires to “reduce distortions and impediments of international trade”,\(^4\) requires WTO member parties to provide protection system for IPRs. One of the most provocative points of TRIPs is that it requires member parties to legislate for the protection of new plant varieties and a mandatory patent protection of microorganism, non-biological and microbiological process.\(^5\)

To achieve this, TRIPs provides WTO member parties two choices of IPR protection systems: patents or sui generis (Article 27). The latter, by theory, is a more flexible IPR system which allows members to design their own system to protect IPR while exclude from patentability. (Article 27.3(b))

However, by doing, any developing countries desired to design the sui generis to protect the rights of their rural communities and local plant varieties have to think twice. They might have to take into account the weight of American trade hegemony. Both Indonesia and the Philippines had faced with this threat.

As member parties of the World Trade Organization, Indonesia and the Philippines have obligation to issue new laws and revised its existing laws related to IPR to make them harmonize with the provision of TRIPs.

The two countries have created their Plant Variety Protection Act (PVP Act), which is a reflection of UPOV 1991 which aims to protect rights of plant breeders rather than farmers, and amended the old version of each own Patent Act. Both PVP and the Patent Act have crucial roles in contributing adverse impacts on GMOs to the Indonesian and Filipinos farmers, particularly in terms of socio-economics.

As aforementioned, in the making process of the IPR system the two countries have to be careful that their IPR system will not lead to unnecessary war on trade with trade hegemonies, the US is in particular. Although having a strong trade power in hand, the US uses another tactics to double secure that IPR system of the both countries will be delivered in the form it prefers.

In 1997, the US and the government of the Philippines—which once was colonized by the US for years—jointly established a project called AGILE—Accelerating Growth, Investment and Liberalization with Equity—which is hundred per cent funded by the US Agency for International Development (USAID).

According to the website of the US Embassy in Manila, AGILE was developed to “provide support to accelerate economic policy reforms, generate growth, help create jobs, and reduce poverty”.\(^6\)

However, According to Southeast Asia Regional Initiatives for Community Empowerment (SEARICE), a Manila-based NGO aims to empower farmers and indigenous community through agricultural research,
AGILE together with the Development Alternative Inc. (DAI), an American consulting body which is also financed by USAID, provided technical assistance to the Philippines Department of Agriculture to draft the PVP bill, which became an act on June 2002. The Philippines PVP Act provides exclusive rights for modern plant breeders which is a tool to guarantee the wealth of transnational agribusiness firms.

Meanwhile Indonesia, there is a report saying that an American expert was brought in to advise the government on the development of the PVP Act. Besides the US, Indonesia was also pressured by other developed countries such as Australia and Japan who supported the principles of plant breeders’ rights and patent on life form. The “capacity building” of government officers in understanding the IPR was supported by Australian government throughout the year 1997. The Australian Patent Office together with the Japan Patent Office and the US Patent and Trademark Office as well as the World Intellectual Property Organization (WIPO) were also joined together in helping in dissemination information on IPR laws to Indonesia public in 2000.

ENDNOTES

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2The report on the meeting on Bt cotton planting plan for the year 2002, taken place at the Estate Department of South Sulawesi, Makassar, January 25, 2002.
3Interviewed by the author on October 7, 2004, Jakarta.
4A local NGO works on the fields related to WTO and its agreements, TRIPs and Agreement on Agriculture are in particular.
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8Interviewed by the author on August 18, 2004, Jakarta.
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12BBC news, January 7, 2005.
13RR corn has been available in the market during the writer was there, that this paper only focus on Bt corn.
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15An online university which is part of the University of Philippines.
17By technical, hybrid seed will be turned to its original every five to 10 years, says Bebot Penaranda, seed and agrochemical supplier in Santo Nino, Philippines’ Mindanao. This means farmers can replant the seeds after times pass and this is the reason why seed companies have to introduce new varieties of hybrid frequently.
18Agricultural Trade Fact Sheet of FAO, available on FAO website: www.fao.org
19Though in October 1999, Monsanto addressed to public via an open letter to Rockefeller that it will not commercialise the technology, there was a signal in 2003 that the company might break its own words. The International Feed Federation distributed its position paper on Terminator to the meeting of an Expert Panel on the Impact of GURTs on Smallholder Farmers, Indigenous People and Local Communities, Feb 19-21, 2003, defending the potential benefit of using the Terminator technology for small-scale farmers.
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EMPOWERING THE URBAN POOR THROUGH IT TRAINING: PROJECT FOR THE URBAN POOR IN MANILA

Akira Sato

INTRODUCTION

I started my career in human resource (HR) and job training in 1997 working for one of the biggest HR service company in Japan. My assignment was to produce jobs on and vocational training schools for the information industry. The main clients were business companies recruiting for new employees and vocational training schools, including universities. Such information was under the regional economy; with the business department consisting of sub-divisions by area—such as 10-15 regions in Japan. I experienced that proper vocational trainings adjust the gap between demand and supply in the regional labor market; and that appropriate trainings have good effects on the regional economy.

For example, in the late 1990s, IT engineers with programming skills as Java, Enterprise Resource Planning (ERP) software and database were less supplied in the Japanese labor market. Java is one of the major programming languages suitable for the Internet-related application and system. ERP is cross-division financial management system to cover a whole company. ERP package software like R/3 (SAP), PeopleSoft (PeopleSoft) and BAAN (Baan) was started to open up Japanese enterprise market in the late 1990’s.Foreign database system software like Oracle (Oracle) also increased its share of the Japanese market. I mainly worked in Nagoya area at that time and had many clients—universities and private IT schools—which provided IT–related job training services. Traditionally, Nagoya area’s main industry is automobile; the TOYOTA central office is located there. Those automobile-related companies were exposed to global competition and started to introduce IT system into their manufacturing processes to reduce cost. However, there was not enough labor supply of IT engineers in Nagoya because IT training courses of Java and Oracle were uncommon and expensive around that time. Under such HR market condition, my clients and I experienced that big business made disequilibrium of regional labor market better. We opened new IT training courses and bred many unemployed people into new IT engineers. Those courses apparently changed the HR markets in Nagoya.

I also experienced that some vocational training schools tend to provide courses without fully surveying the labor demand. Unplanned courses not only waste time and budgets for school staff and students but also results to high unemployment rate of graduates. This regrettable tendency was especially true for training projects supported by NGOs and governments.

For example, I joined one computer training project provided by a Japanese NGO for Afghan refugees in Iran in 2003. The project had started before I was asked to research the labor market in Afghanistan. After the research, it turned out that most part of Afghanistan was not electrified and that there was not enough labor demand for computer workers besides the capital city, Kabul. Many of the graduates were from other rural areas. Although it was apparent that IT revolution would come after the whole Afghanistan is electrified in the future, our graduates have to return to their home as soon as possible because of the change of immigration policies of the Iranian government. This is a typical case of mismanagement of job training projects. I believe that vocational trainings themselves are still effective against poverty though we need better-organized methods of vocational trainings management especially those projects supported by NGOs and governments because of their importance.

Vocational training often takes a long time until it starts showing effects on the regional economy. Projects conducted by NGOs generally face the difficulty of financial sustainability. This tendency is especially typical of Japanese NGO activities; the biggest reason is the non-existence of tax payment system support. The Japanese do not have big motivations to make a tax-deductible contribution to NGOs. The Japanese NGO officers are also not apt to profit-making businesses; but have chronic difficulties in project financing. As a result, many good NGO projects fade out. I would like to demonstrate how to manage profitability in these NGO projects. It is a real challenge in Japan because common people and NGO officers do not understand that profitability are seriously needed in NGO in this country.

Japanese private job training schools often tie up with HR companies and have business partnership programs with graduates. For example, schools generally introduce
manpower supply to companies or placement to their students. This kind of service is one of the strategic points to survive the market competition. These ideas are also applicable to NGO projects even when labor laws related to HR company services are varied in each country. It means that we are able to adopt a common HR and school business model into NGO activities.

The goal of my project is not only to start my own vocational training but also to establish a new Japanese NGO management of vocational training programs as anti-poverty projects. My research in the Philippines was a trial research. The country raises an exemplary case on employment in the context of globalization. It is one of the biggest sources of emigration workers in the world; while it suffers from brain drain problems. Foreign Direct Investment (FDI) in this country is recently increasing again and also has both positive and negative effects on domestic employment situation. The tendencies are getting conspicuous through the Free Trade Agreement (FTA), especially between Japan and the Philippines.

Section 1 of this report is the survey of labor demand for Philippine workers in view of globalization; where I explain why Information Technology (IT) skill training was my target area. Section 2 is the general condition of the Philippines IT industry while section 3 refers to IT skill trainings in the Philippines. Section 4 and 5 refer to my detailed plan of IT skill training for the poor - section 4 refers to the idea of sustainable management and section 5 covers the 2005 activity progress. Lastly, section 6 outlines the future plan. I have many projects that are closely related to each other - I participate in NGO, business, and governmental projects regarding IT training in Manila – but I mainly refer to NGO activity for this report. Each project is strongly supported by people whom I met during API Fellowship stay in Manila. The quest for ideal vocational trainings will continue after 2005. I am sure that the people I met during my API Fellowship term will be good partners from hereon.

EMPLOYMENT AND GLOBALIZATION IN THE PHILIPPINES

According to an ILO study,¹ the average rate of total immigrant population in the world population is almost two percent in the last 20 years; while that of the Philippines is about 10%.² This is because of the difference of wages between the Philippines and other industrialized countries. For nurses, their average monthly income is about US$100-200 in their home country whereas it is about US$3,000 in Western countries.³ The ILO study also points that immigration inflows to industrialized countries are usually from surrounding countries. However, Overseas Filipino Workers (OFWs) are scattered around the world such as the Middle East, East Asia, European Union, and the USA.

In each country, the labor demand for OFWs varies and changes rapidly. For example, the U.S. immigration policy was opened to Filipino nurses for a few years but was suddenly changed in 2004. Many OFWs in the U.S. were arrested and repatriated because of visa expiration. The application process for OFWs working visa was also closed. This drastic change in the immigration policy for OFWs seemed to be a result of the Philippines diplomatic policy regarding Iraq. In 2004, the Philippines cancelled its commitment to Iraq’s security force after the abduction case of a Filipino worker. USA reacted with a scaled down labor demand for Filipino medical workers. As well, the USA Congress also made an accusation against Japan and the Philippines on human trafficking with regard Filipino entertainers. After this accusation, the Japanese immigration policy for Filipino entertainers became strict. Even with the trivial cases cited above, we roughly classify international labor demands for OFWs into groups as:

Table 1: The Major Destinations of OFWs by Occupations.

<table>
<thead>
<tr>
<th>Occupation</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Domestic Worker</td>
<td>Canada, Italy, Singapore, Taiwan, and Middle Eastern countries</td>
</tr>
<tr>
<td>Nurse and Caregiver</td>
<td>Taiwan, Canada, UK, and the USA</td>
</tr>
<tr>
<td>Entertainer</td>
<td>Japan and South Korea</td>
</tr>
<tr>
<td>Construction Worker</td>
<td>South Korea, Hong Kong, and Middle Eastern countries</td>
</tr>
<tr>
<td>Fisherman</td>
<td>Taiwan</td>
</tr>
<tr>
<td>Engineer</td>
<td>Middle Eastern countries</td>
</tr>
</tbody>
</table>

Source: The Official Website of POEA.⁴

When we analyze the relationship between globalization and domestic labor market in the Philippines, we should investigate the effect of FDI, too. Most FDI to the Philippines are in manufacturing and gas industries. Consequently, new employments brought by FDI are related mainly to factory workers and plant engineers.⁵ This kind of labor demand of foreign companies for Filipino workers is vulnerable in the last 30 years. There are some reasons of this matter. First, the relative wage superiority of workers was lost due to the strong labor union movements that resulted to FDIs backing out in 1980s. Second, the unstable political situation
The Philippine economy is supported by manufacturing industry. SITUATION OF THE PHILIPPINES IT

...domestic employment by FDI. Not only cause brain drain problems but also increase have also started offshore-related FDI. The low wages attracts FDI “offshore programming business” from Europe and the United States; Japanese IT companies for IT workers. The abundant supply of IT workers named by that firm are programmed in Manila even when programming department of Accenture moved to the Philippines medical industry. For instance, especially in rural areas, low wages cause emigration of nurses; even doctors obtain nurse licenses to work overseas.

I selected two potential fields—nursing and IT engineering. The FTA between Japan and the Philippines in 2004 showed that the immigration gate for Philippine medical workers will gradually open. Nursing schools in the Philippines need to adapt to Japanese medical regulations but the Japanese government has not yet announced the immigration policy for medical workers. In July 2005, the FTA between these two countries was roughly arranged but the detailed conditions of immigrant nurses were not stated. Serious brain drain problems were already pointed out in the Philippines medical industry. For instance, especially in rural areas, low wages cause emigration of nurses; even doctors obtain nurse licenses to work overseas.

I focused on IT industry that is not yet experiencing a serious brain drain. There are many computer science students in the Philippines with relatively high wages for IT workers. The abundant supply of IT workers attracts FDI “offshore programming business” from Europe and the United States; Japanese IT companies have also started offshore-related FDI. The low wages not only cause brain drain problems but also increase domestic employment by FDI.

SITUATION OF THE PHILIPPINES IT INDUSTRY

The Philippine economy is supported by manufacturing for export. According to official statistics, the share of export amount to 44.5% of GDP and electronic products represent 66.7% of the total export. Almost all of these electronic products are related to manufacturing assembly process. Foreign companies invested into some operations in manufacturing in this country because of the lower wage level. Specifically in the Philippines, hardware manufacturing is the dominant industry but software i.e. IT industry is not. As ASEAN countries and China entered into bitter competition in the manufacturing industries in recent years, strengthening the software and designing industries is an urgent issue for the Philippines government.

It is apparent that IT industry has started to take off. According to the Department of Trade and Industry, the number of IT companies has doubled from 1,739 in 1999 to 3,563 in 2002. In micro level, some foreign IT companies i.e. Microsoft, e-Bay, Amazon, Oracle, Accenture and so on have started FDI of software services in the Philippines.

Most large-scale investment is still related to call-centers and Business Processing Operation (BPO). The employment scale of telephone operator services for western countries doubled in 2004—an estimated employment of 40,000-50,000 workers. In comparison with India, another worldwide call-center country, the Philippines has better American-English speakers.

Foreign companies started to employ Filipinos as IT engineers. For special example, the world-wide main programming department of Accenture moved to the Philippines. IT projects of Japanese companies consulted by that firm are programmed in Manila even when Accenture has branches in Japan. Japanese companies have also started FDI. Big companies like Fujitsu and Canon hire more than 200 Filipino workers; small companies hire dozens of engineers. Both big and small companies steadily increase their local employment. It is worth mentioning that Filipino and Japanese software companies associations signed for partnership to establish offshore programming business in October 2004. Trial projects began between member companies in the summer of 2005.

Though it is important to correct macro labor information of IT industry, it is obvious that domestic labor demand for IT engineers will grow in the Philippines. I also point out that many Japanese IT companies have started to hire programming specialists; thus we choose programming as our main target for job training.
IT SKILLS TRAINING IN THE PHILIPPINES

The labor demand for IT engineers is growing in this country. Many Japanese company directors face difficulties in hiring domestic engineers; even when about 30,000 Filipino students graduate from IT engineering courses every year.11 There are many ways to learn IT skills in the Philippines. In addition to about 30 college courses, hundreds of trainings and degree programs are available in private institutions. Many official committees are willing to expand IT trainings. Unfortunately, the quality of these courses is relatively low.

There is one symbolic episode of JITSE Philippines Foundation Inc. This foundation provides Japanese IT skill certification test, the most basic technical test in Japan, in English since 2002. Regrettably, even some professors of the best universities in the country did not pass the examination; this point to a serious absence of practical IT education in the Philippines. Japanese IT companies usually need to re-educate new Filipino graduates. Although financial problems are often blamed in IT education management, the real problems seem to lie in the qualities of teachers and curriculum.

We see an acute gap between demand and supply in the micro labor market regarding IT engineers. This gap is our niche. What will happen if we can provide better IT trainings for poor young Filipinos?

COORDINATION OF IT SKILLS TRAINING FOR THE POOR

While many NGOs are doing micro-finance projects in poor areas of Metro Manila, it is odd that there is no IT training project as income-raising activity. In many cases, income levels minimally and that the income level of clients remains under the poverty line. We should take it into consideration that formal jobs are needed instead of informal jobs like small shop owners or bus drivers. NGO directors whom I interviewed told me that the biggest reason why they did not provide computer trainings was their financial problems. They did not seem to think of such trainings. They thought that IT trainings were too difficult for poor young people to understand; with most of poor people in Manila not having enough education. However, many people in Japan became IT engineers without computer science degrees in 1990s. Some Japanese companies showed willingness to hire skilled young Filipinos regardless of their social status. In this country, there are many young poor people who have baccalaureate degrees—some state universities provide higher educational services with lower tuition for the poor.

I got offers for partnerships (see table below) on training curriculum, teachers, textbooks, training facilities and local staff—some were offered for free—during my stay in Metro Manila in 2004. There were other offers not listed below but I decided not to further partnerships with them because of some matters. Some institutions have problems of limited facilities and others concentrated their resources to restricted client groups only i.e. women and the disabled. To support these client groups, we need valuable aid more than the ordinary cases. My capacity and research period was limited.

DETAILED PROCEEDINGS IN 2005

I established my NGO foundation, Employment Development Support Association (EDSA) that will provide scholarships and loan programs for poor young people. We will provide the best job training opportunities for selected young students with tuition as a long-term loan. After recruitment, they will pay back the education costs for the financial sustainability of the foundation. We do not own real estates or hire school staff. In my experience in Japan, the demand trend for IT engineers changes within two years. By being flexible in our training program, we can adjust to the job requirements accordingly. We will concentrate our resources as follows:

This NGO activity is simple and financially efficient. This kind of scholarship support is not mainstream in IT education support by Japanese Official Development Assistance (ODA) projects and NGO support. The reasons are: first, as often reported, Japanese ODA projects are mainly on construction support because infrastructure support was needed after the Second World War in Southeast Asia. ODA construction projects also became political interest for politicians and companies. Even when the Japanese government’s financial crisis changed the ODA project character “from hard to soft” and has diminished in later years, the Ministry of Foreign Affairs (MOFA) intends to keep the financial volume of ODA. They still tend to make much of school construction projects. Second, Japanese NGOs have constant financial problems and tend not to provide IT trainings because of costs. Japanese NGOs also have common self-righteousness character and do not attempt to join their resources.

I am challenged to open partnerships with good institutes and organizations in Manila. I joined the Japan International Cooperation Agency (JICA) project in Manila last year as a project consultant.
Table 2: List of Partners.

<table>
<thead>
<tr>
<th>Organization/ Company</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philippine National IT Standards Foundation Incorporated (PhilNITS, formerly known as JITSE Philippines Foundation Inc.)</td>
<td>JITSE changed its name to PhilNITS in Dec 2004. It is an IT skill training and certification organization supported by Japanese and the Philippines governments. Japanese companies in the Philippines regard the holders of PhilNITS certification as reliable IT engineers. The Japanese immigration policy provides easier procedure of getting a working visa for elders. We can adopt the curriculum of PhilNITS certification and also may order them textbooks and lectures for our classes. (<a href="http://www.jitse.org/">http://www.jitse.org/</a>)</td>
</tr>
<tr>
<td>Polytechnic University of the Philippines (PUP)</td>
<td>PUP is a state university that provides higher education to the masses. Some of students are from poor areas because of low tuitions. PUP has new IT institute and some professors including participants in API requested me to provide IT training support for poor students. (<a href="http://www.pup.edu.ph/">http://www.pup.edu.ph/</a>)</td>
</tr>
<tr>
<td>Don Bosco Tondo</td>
<td>Don Bosco is one of the best vocational training groups for the poor in the Philippines. It has a big vocational training school and a church in Tondo, formerly known as Smoky Mountain. They offered me to use the PC training rooms for my project. (<a href="http://www.donbosco.net/">http://www.donbosco.net/</a>)</td>
</tr>
<tr>
<td>Don Bosco Pugad</td>
<td>Don Bosco group has an institute for street children in Pugad. It also has a PC training room and a Japanese language class. The latter is donated by one Japanese IT company, Software Partnership International Japan (SPIJ). Together with this IT company, Don Bosco Pugad has another plan to open IT class for ex-street boys. They offered me to join those two projects. (<a href="http://www.donbosco.net/">http://www.donbosco.net/</a>)</td>
</tr>
</tbody>
</table>

Table 3: Main Functions of New NGO.

<table>
<thead>
<tr>
<th>Function</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fundraising</td>
<td>Fundraising for a whole system; getting financial supports from mainly Japanese funding bodies and corporations.</td>
</tr>
<tr>
<td>Labor Market Analysis</td>
<td>Analyzing labor demands for Filipino workers in the Philippines, Japan, and other countries; planning suitable vocational trainings.</td>
</tr>
<tr>
<td>Coordinating Schools</td>
<td>Searching and coordinating suitable training schools for demands of labor market; supporting to open new classes.</td>
</tr>
<tr>
<td>Supporting School Management</td>
<td>Supporting student screening, PR, financial management, and other administrative matters.</td>
</tr>
<tr>
<td>Job-Hunting Support</td>
<td>Supporting Job-hunting of graduates not only in the Philippines but also in Japan; helping graduates life in Japan.</td>
</tr>
<tr>
<td>Scholarship Management</td>
<td>Selecting students; administrating scholarship and loan programs.</td>
</tr>
</tbody>
</table>

JICA supports the Technology Education and Skills Development Authority (TESDA) of the Philippines and intended to open new ITC classes for poor young ladies though the TESDA Women Center project. EDSA can not provide gender-related services because we are not gender specialists. In cooperation with the JICA gender specialists, we can provide our resources to their gender support. TESDA Women Center also accepted our offer to support our study tour project by providing a workshop to Japanese students.

I got a good partnership with one Japanese IT company, Software Partnership International Japan (SPIJ) SPIJ is an offshore programming venture company and is a contributor to the agreements between Filipino and Japanese software companies associations in 2004. The uniqueness of this company is that it supports education programs for street children at Don Bosco Pugad. SPIJ adopts social entrepreneurship for their management style. After the IT training for ex-street children, the company has a plan to hire some good students as engineers. It is a challenging plan that includes IT skill training, Japanese language study, and changing lifestyle of street children. If the boys can work as programmers, their life will be completely different from their present situations because of the wage difference between the two countries.

Domestic labor demand for immigrant programmers in Japan is getting bigger. Japanese IT companies have begun offshore programming projects in China, India and the Philippines. To survive the global market competition, they need cheap labor force of foreign engineers. Compared to Filipino IT companies, Japanese companies do not require diplomas. This tendency is good for our students who do not have college degrees. Practically, SPIJ was asked for recruitment consultation of Filipino engineers, including ex-street children as
domestic workers, from some Japanese IT companies.

Table 4: The Total Flame of The Employment Development Support.

<table>
<thead>
<tr>
<th>The Philippines</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>EDSA</td>
</tr>
<tr>
<td></td>
<td>System Support</td>
</tr>
<tr>
<td>Schooling</td>
<td>Job-Hunting Support</td>
</tr>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>IT Training Institute</td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>The Poor Young</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Vocational School</td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Filipino Companies</td>
<td></td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Japanese Companies</td>
<td></td>
</tr>
</tbody>
</table>

I arrange my activity with these actors as in Table 4. EDSA will provide scholarship loan for IT students, and check and support the curriculum and systems. The training curriculum outline includes:

1) Introduction to Computer Systems
2) Systems Development and Operations
3) Internal Design and Programming
4) Network and Database Technologies
5) Current IT Topics

The training takes 180 hours in total. The textbooks and lecturers will be provided by PhilNITS because of their certified training; which is valuable for Japanese companies. There is also a possibility to add a two-week curriculum specialized in JAVA programming because the labor demand for Filipino JAVA programmers is getting bigger.

We attach importance to provide support for the boys of Don Bosco Pugad; whom SPIJ donated a Japanese language class in 2004. The teacher was a University of the Philippines (UP) lecturer and the class was held for 2.5 hours on five days a week. The textbooks were general training book for beginners. After eight months training, though the students’ daily life was very hard to study because they have to continue their daily jobs like baker and factory worker, 12 students completed the classes and two boys passed the official Japanese language test. We provided continuous Japanese language and IT training for these students. We also contacted Don Bosco Tondo, another Don Bosco institution, and Polytechnic University of the Philippines (PUP) for cooperation. Depends on our fundraising situation, we can open IT and Japanese classes for these institutions in 2005.

After the trainings, EDSA supports the students’ job hunting. If the students pass the PhilNITS certified test, they will be able to work for Japanese companies in Manila. Also, Japanese visa system accommodates PhilNITS holders; students can get working visas easily even if they do not have baccalaureate degrees. This is a special exception of Japanese visa regulation because, usually, high school graduates can not get working visas as engineers. Even if our students cannot get PhilNITS certification, they can get jobs as assistant programmers in Manila. If they have Japanese language skills, Japanese companies including SPIJ will provide employment opportunity to our students in both countries.

SPIJ supports my project and the company president offered me his Manila resources, including workers and their office. SPIJ also supports job-hunting and getting visas for our students through their business networks. The president and some of his workers are EDSA members. Sometimes, the non-commercial character of EDSA conflicts with SPIJ profitability. They also have the limit of time and finances because they do business. For example, our first local activity in 2005 was a study tour project. There was a conflict of opinions—we always talk about balancing non-profit and profit for businesses. That is a difficult issue.

This sort of new challenge is unacceptable and confusing for ordinary people in non-profit organizations in Japan. The difficulty of fundraising is the main reason of delay in opening classes. Still, it is an exciting experience for us to introduce social entrepreneurship to NGO activity. It is an issue if we do not access SPIJ’s resources in the foreseeable future. We may have to adjust the details during implementation.

Besides the management system, EDSA has another issue. We have arranged resources to provide class teaching but not arranged for business manner study. Generally, street children spend over half of their life in the streets without adults. They have particular customs and problems arise with regard business lifestyle, manners and money. For example, the ex-street boys I interviewed at Don Bosco Pugad told me of their annoyance about the sense of privacy in the resident’s life. They live in one big room with 30-40 boys. Each boy has one bed and one small shelf. I feel that they do not have privacy. Contrary to my expectation, the ex-street boys felt they have more privacy since they live in the streets with about 10-20 boys. They equally split their daily earnings from street work like car cleaning or scavenging. The street boys were always with other members of the same group to live with. Thus, they do not have the sense of privacy and sometimes lost the sense of family. In my opinion, they grew up in
a primitive community life and have not experienced the usual community life. This is the biggest reason that about 30% of Don Bosco Pugad students goes back to street life. I also know of small money trouble—cheated on money. This innocent incident shows the difficulty of changing one’s culture.

It can almost be called as cultural gap. We respond to this matter by setting business internship period. The two boys who passed the official Japanese language test are studying IT skills and also working for one private Japanese language school as interns. The school staff checks their daily manners and discipline; still, we need to take other actions. For example, the students of Don Bosco Tondo are brought up with strict discipline under the church policy. If one student has trouble like theft or violence, the church washes him up right off. This strict management system is closely related to its high employment rate. We also might have strict rules in the school regulations.

There is another difficult and fundamental problem in the activity frame. It is not easy to judge whether we should deeply care about international labor demand or not. It must be a hot issue because encouragement of emigration results in brain-drain problems in the long term. We do not intend to promote economic colonization by Japanese companies in the Philippines. But, on the other hand, most of Japanese IT companies hiring Filipino engineers are bothered with job-hopping of their Filipino employees to U.S. companies. It is obvious that there are few decent job opportunities for young poor people in the Philippines. Everyone has a right to get better jobs. We cannot avoid this in globalization. However, it was impressive that almost all of Filipinos I interviewed during my research asked me about job opportunities in Japan for young poor Filipinos. It is interesting to note that I got this criticism from the Japanese.

**FUTURE PLAN**

Our graduates who get jobs in Japanese companies in Manila often need to stay long in Japan for training. We must take immigration issues into consideration sooner or later as the Japanese society are still prejudiced to foreign workers. Hence, we should prepare to support the daily and legal needs of our graduates in Japan. Fortunately, API Fellow Allan Villarante offered to support me regarding this matter. He stayed in Japan to conduct researcher on OFWs and migration problems.

OFWs in the medical industry are coming to Japan after the conclusion of FTA between Japan and the Philippines. After the conditions become clear, we should consider again whether medical education support is needed or not.

Lastly, we should try to expand the activity because there are many young poor people. No one knows the exact statistics of young poor street children. In the case of street children, the numbers are all different. This is because there is no common definition of street children. It is clear though that the unemployment rate of this country is almost 10% and half of the jobless workers are under 24 years old. In the future, we will try to expand our program in other countries such as Vietnam that has a potential labor market, especially in IT industry like the Philippines.

**ACKNOWLEDGMENTS**

This challenging project was supported by many people whom I met after becoming an API Fellow. Tatsuya Tanami, Michiko Taki, and Makiko Ogihara (The Nippon Foundation) and Naoko Maeno and Satoko Yasuhara (CSEAS Kyoto University) supported me in Japan. Dr. Jose M. Cruz and Cecille Bartolome (Ateneo de Manila University) and Russell Q. Tabisula (The Nippon Foundation-Philippines) supported not only the research but also my daily life in Manila. I would have not completed my research without Russell. Miho Sakuma (Kobe University, API Fellow) and Shinichiro Kato (PhilNITS) also contributed much to my research. They willingly introduced me to their friends who were related to IT industry and vocational support in Manila. I would also like to say thanks to Mizuki Endo (Kyusyu University, API Fellow) and Dr. Tai Lee Min (Asian Development Bank, API Fellow) for spending much time with me at the weekend party and introducing me to their exciting friends.

It was a fantastic experience to discuss various subjects of globalization with other API Fellows and scholars who researched various themes. Through the discussions with them, I understood that we all were trying to change this globalization age for the better and our various subjects were related to each other deeply. Specifically, Allan Jose J. Villarante (House of Representatives, API Fellow), Dr. Seiji Kageyama (Kanazawa University, API Fellow) and Dr. Denis B. Batangan (Ateneo de Manila University) inspired me very much. Their advice regarding OFWs, especially Filipino medical workers, and FTA between Japan and the Philippines was quite fecund.

On the vocational training activity, I would like to show my appreciation to the great couple—Dr. Isagani...
Antonio F. Yuzon (Almeda Inc., API Fellow) and Dr. Teresita Atienza (Polytechnic University of the Philippines, API Fellow) — who gave me concrete and applicable suggestions about IT training as an anti-poverty project. Melvin R. Matulac (University of Santo Tomas) showed me the real activity as brother of Don Bosco Tondo and true friendship. To be acquainted with Katsumi Yamaguchi and Shin Nakajima (SPIJ), my partners in EDSA, was something like miracle. I did not think there were other Japanese people who had almost the same idea about IT training in Manila. They are real challengers and they always give me the newest information in IT industry and training activity in Manila.

To write this English report, I owe much to my best friends - my business partner and old friend Takashi Nishizawa (Dumont Marketing) and Rudyard C. Pesimo (Ateneo de Naga University, API Fellow). They read this report and gave me advice with patience. Rudyard also supported my JICA consultation. He is not only a popular Anime-Otaku, but also a real Asian Public Intellectual.

I am one of the Fellows who got the biggest benefit from the API Fellowship project.

Finally, I would like to express my gratitude and in memory to my father, Seiro, who suddenly passed away in the summer of 2005. Without your kindness and understanding about my life, I could not continue my NGO activity. Please requiescat in peace with my mother, Katsuko.

Footnotes

SESSION V

THE HOMELESS IN THE METROPOLIS: A STUDY OF PROBLEMS IN FIVE JAPANESE CITIES, AND OF MANILA AND JAKARTA

Suwit Watnoo

INTRODUCTION

In Japan, there were around 30,000 homeless in urban areas: 10,000 in Osaka; 8,000 in Tokyo; 2,500 in Nagoya; 2,000 in Yokohama; 800 in Kyoto; and 7,000 scattered in other cities all over the country. In Manila, there were not less than 5,000 homeless and there were around 3,000 in Jakarta. The Japanese homeless consisted of 95% men and 5% women. Most were single and rather lonely, with just a few living as a family but with no children. The homeless in Manila and Jakarta consisted of 70% men and 30% women. Most were single but there were a number that lived as a family, with father, mother and child. The age of most of the Japanese homeless ranged between 30 and 60, while around 20% were over 60 years old and 1% were below 30 years of age. The study found that the oldest was 76 years old and the youngest was 19 years old, with the average age being 50. Most of the homeless in Manila were between 20-70 years old, with the oldest 70 years old, the youngest 19, and the average age 45. The age of the homeless in Jakarta was between 20-70 years old, with the oldest 76 years old and the youngest 15, while the average age was 40. Most Japanese homeless made their livelihood as daily workers, perhaps in construction or demolition. The others earned their living by collecting garbage, such as cans, for selling. Most of the homeless in Manila and Jakarta were garbage scavengers, and some were daily wage workers.

The authorities in Japan played many roles in helping the homeless such as setting up job search centers, providing shelters, health care, living welfare, mental health assistance centers and some other services, like providing haircuts and job training. The authorities in Manila and Jakarta had a very small role in assisting the homeless because they had to assist slum dwellers, who are the largest urban poor group, and also help street urchins—around 4,000 of them. In addition, limitations in budget meant that the authorities were only able to help in some aspects: health care, temporary shelter, job training and occasionally food or clothes. Generally, the role of the government sector was still limited and not sufficient to help solve the problem of homelessness.

Non-governmental organizations (NGOs) in Japan played important roles in assisting the homeless. They provided food, clothes, job finding, job training, and health care, in addition to organizing activities like meetings and seminars. The role of NGOs in Manila and Jakarta was smaller because they focused more on the slum dwellers, with some organizations also working with the street urchins. The organizations that worked directly with the homeless were mostly Christian churches that provided food and medicine.

Development in organizing homeless organizations thus existed only in Japan. There was organizing in the metropolises like Tokyo, Osaka, Nagoya, Yokohama and Kyoto, and there were also efforts to link the different groups in order to share experiences and mutually assist one another. The homeless in Manila and Jakarta were still mostly living alone, with only some of them gathering to form natural groups that live and depend upon one another.

CONCEPT, AIMS AND PROCESS OF THE STUDY

My motivation in choosing to study homelessness in metropolis came from the Human Settlement Foundation in Bangkok. I worked with this organization to create a program to study the problem of homelessness in 2001. We began with a survey of the number of homeless in Bangkok and then approached them to study their lives and problems. Before the survey was finished, the Bangkok Metropolitan Administration (the local administration) issued a policy to close the Royal Square at night, beginning from 1 August 2002, prohibiting the homeless from sleeping there. The policy caused a great deal of trouble for the 200 homeless who slept at the Royal Square. The situation pressed the Foundation to work directly with the homeless. The Foundation supported them in organizing in order to raise the issues of the homeless and find a solution to present to the BMA. Ultimately, it demanded that the BMA provide succor for the homeless if it removed them from the Royal Square.

The work continued until 2003, when the Thai Government hosted the APEC Summit in Bangkok. The BMA arrested around 1,000 homeless at that time, stating that it would provide them with vocational training for one month, and that they could then find a
job upon being released. The homeless groups objected to the idea and argued that job training programs could not solve their problems because many of them had already been trained but nevertheless could still not find a job. At the same time, the mass media disseminated the issue. Public opinion disagreed with the BMA and criticized the government, saying that it should not be ashamed of having homeless in Bangkok.

From working with the homeless in Bangkok, I became interested in studying the background, ways of life and problems of the homeless in other metropolises, and decided I would like to search for methods and gain more experiences in working with the homeless in other areas. From my own experience, I found that the homeless differ from other urban poor groups, both slum dwellers and the dwellers under the bridges, with whom the Foundation has been working for almost 20 years. I learned that the homeless are the poorest group in urban society. But only two years of working with the homeless in Bangkok was still too short a time to have enough information and experience. When presented with an opportunity to study this problem in Japan, the Philippines and Indonesia, I thus decided to emphasize studying more than research in order to learn about experiences from other countries, with a view to being able to come back to support efforts to solve the problem of homelessness in Thailand.

The first aim of the study was to learn about the background, way of life and problems of the homeless. In doing so, it was necessary to keep in mind that homelessness is a multifaceted problem, involving economic, political and social dimensions that relate to an entire range of other issues, such as unemployment, hunger, health, sanitation, and mental health. An important point was to find out the cause of homelessness because in Thailand, some groups of people argue that people become homeless because of laziness, alcohol addiction, gambling addiction, or ignorance. Others think that it is the outcome of a national development path that emphasizes capitalistic competition, which makes the defeated lose and become homeless. The particular point of view regarding the cause of homelessness is particularly important because it has an impact on the type and content of policy that will be adopted to solve the problem.

The second aim was to study experiences and methods in working with the homeless, including activities and capacity development for the homeless. The third was to study the experiences and methods in solving the immediate and long-term problems of the homeless by learning from both governmental organizations (GOs) and non-governmental organizations (NGOs) that work with the homeless. Points of study include the policies and plans, and direct experience from tackling the problems. Finally, it also aimed to study the experiences and development of the organizations and groups that work with the homeless.

The processes of study were interrelated, and involved directly participating in the activities of organizations and groups of the homeless (participant observation), interviewing and talking to development workers (both GO and NGO), talking with the homeless and members of the general public, and studying documents that record the stories of the homeless. Emphasis was placed on joining the activities run by homeless organizations and groups, since I believe that learning from working together deepens the understanding of the life and problems of the homeless, and that this deeper understanding in turn becomes the basis for further work to solve problems and develop the ability of the homeless in the future. Besides participating in activities organized by homeless groups, this study derived much of its data from first-hand interviews with relevant persons and organizations, including the homeless themselves. Because statistical data regarding the homeless is quite unreliable (e.g., in Tokyo, a government official working on the issue of homelessness placed the number of homeless in the city at 6,000, while NGO workers in the city said the number was more likely between 8,000-10,000; in Manila, the government official responsible for the issue of homelessness stated that the number of homeless in Manila was 4,000, whereas Church organizations working directly with the homeless insisted that the actual figure was probably double this number), it was necessary to speak with as many different sources as possible in order to gain as accurate a picture of the scope of the problem as possible. Once I established the general magnitude of homelessness in each of the areas I studied, I proceeded to gain a more precise impression by conducting surveys in each of the field sites I visited. As such, the numbers of homeless people in the various sites reported in the paper below are in fact my best estimates based on all the input I received from several different sources. The study was conducted in three countries, with a stay of six months in Japan, two months in the Philippines, and one month in Indonesia.

JAPAN

The study of homelessness in Japan can be divided into two phases: the first phase was from 25 July to 23 October 2004, and involved studying homelessness in
Tokyo and Yokohama, but with an emphasis on Tokyo; and the second phase was from 6 November 2004 to 4 February 2005, and involved studying homelessness in Osaka, Kyoto and Nagoya, with an emphasis on Osaka.

The five topics of study were:
1. Perspective and background of the homeless.
2. Way of life and problems of the homeless.
3. Policy and roles of the local administrations in solving the problem of homelessness (this paper does not emphasize the role of the state or national administration because in all three case studies, there appears to be no national-level policy directly addressing the issue of homelessness).
4. Roles of non-governmental organizations in solving the problem of homelessness.
5. Networking of the homeless.

The three study methods were:
1. Participation in the activities of homeless groups and NGOs that directly work with the homeless (e.g., food serving, meetings, night patrol - tent patrol, campaigning and negotiating with the authorities, the Summer Festival, the New Year Festival in winter, etc.). Joining these activities provided a deeper understanding of homelessness—not only the problem itself, but also homeless people’s way of life, their way of thinking and feeling, their experiences, and their need to have the problem solved. Therefore, most time was spent participating in the activities of the homeless.
2. Interviewing people from different groups (e.g., leaders of homeless groups, local administration officials, NGO workers, academics and members of the general public). There were both formal interviews and general conversations with various groups in order to collect information.
3. Studying documents provided by both local administrations and NGOs. Most consisted of information about the background, problems, experiences and methods in addressing the problem of homelessness.

The Perspective and Background of Homelessness

Generally, Japan is viewed as being a developed and rich country, with advanced technology and a diligent people. Japan has intensive exports and investments in many countries, but the data about the poor show that about 3.5 million out of the total population of 127 million are unemployed. This figure amounts to 5% of the entire working population. In addition, there are around 30,000 homeless.

As for the homeless in Japan, some of them remain in the metropolis in order to find jobs, while others are scattered about in other smaller cities: 10,000 in Osaka; 8,000 in Tokyo; 2,500 in Nagoya; 2,000 in Yokohama; 800 in Kyoto; and 7,000 in other cities.

There is no information about the time that homelessness as a phenomenon began to appear, but it is certainly an effect of the industrial orientation of the country’s development policy beginning after the end of the Second World War. In 1945, land reform was conducted in order to distribute land ownership to the farmers, and there was investment in the industrial sector that led to employment in big towns, such as Kotobuki in Yokohama, Sanya in Tokyo, Kamagasaki in Osaka, and in Nagoya.

Nevertheless, even though there was land reform for farmers, many families still lacked a sufficient amount of land for all family members. At the same time, employment opportunities in cities attracted labor from rural area. Until 1980, labor demand outstripped the labor supply on the market. However, after that point, daily workers began to become unemployed. Soon, long-time unemployment made these workers lack the money needed to pay rent and buy food, so these daily workers were transformed into the homeless. Such a phenomenon was not clear at that time, because if the workers could find jobs, they would be able to rent rooms and buy food for themselves. However, they would fall back into homelessness once more if they lost their jobs again.

Around 1989, the picture of the homeless began to become clear. Pictures of people who slept along the streets began to be seen in the areas of labor markets such as Yoseba, and gradually expanded throughout the cities of Tokyo and Osaka. In 1994, when Japan faced an economic crisis, the number of homeless increased and spread rapidly to Sanya, Sumida River, Ueno Park, Shinjuku Park, Yoyogi Park and Toyama Park in Tokyo, while in Osaka, they spread from Kamagasaki to Nishinari Park, Osaka Castle Park, Ogimachi Park and Nagai Park. The number of homeless also increased in other cities like Yokohama, Nagoya, and Kyoto, and spread to other cities in the country as well.

The Way of Life and Problems of the Homeless

Most of the homeless lived alone, with no groupings or mutual reliance relations developing among them. Ninety-five percent of the homeless were men, and
5% were women. Very few lived with a family, and no children were found. Most of both men and women were divorced, and a very few were never married. Men who were divorced were not raising their children. Instead, the children generally stayed with their mothers. The large discrepancy in numbers between men and women who were homeless is most likely explained by the issue of personal safety. The few homeless women who did exist tended to form groups of two to three women who stayed together in order to increase their level of personal safety. A very small number of homeless women were found who were living together with a man in a relationship similar to marriage. This sort of arrangement also provided a degree of personal safety for the woman.

Relationships among the homeless related to the form of shelter and the activities of the development organizations (both non-governmental and governmental). The homeless who stayed in tents in the parks or along the riverside gathered in small groups, spoke to and helped each other, while those who stayed in public places such as railway stations, the niches of buildings, or open streets used paper boxes as walls and mostly stayed alone. They did not talk to one another, but might be in small groupings in areas that were crowded. The activities conducted by the NGOs and GOs created conditions for the homeless to meet, get to know each other, and then organize.

Most of the homeless were of working age, from 30-60 years old. About 20% were over 60 years old and less than 1% were below 30 years old, with the average age being 50 years old. Recently, the number of homeless in the age range of 30-40 years old has increased. From the study, it was found that the oldest was 76 years old and the youngest was 19.

Most of the homeless made their livelihoods as daily workers, with general employees and collectors and sellers of discarded items coming second. Daily workers tended to find jobs doing construction, demolition and moving houses, unloading goods, etc. They might get jobs from the job-providing centers run by the authorities that the homeless had to register with, or from a private job finding agency that required the homeless to pay a service charge that would be deducted from their wages. They might find work from advertisements or information provided by friends or former working contacts.

Those who collected and sold discarded items might collect beer and drink cans or magazines. The cans would be beaten and flattened, then sold to an old items shop, while magazines would be sold as used books in crowded areas such as large railway stations or department stores. In some cities such as Osaka, they could collect more than just cans and magazines, such as iron, copper, and paper, and then sell these things to an old items shop. The business system differed in different cities. In Tokyo, there were companies that bid to collect all the discarded goods except beer and drink cans, so the homeless could not collect other things, while in Osaka, there was no bidding to collect discarded items, so the homeless could collect more kinds of things. The number of homeless who collected discarded items in Osaka was therefore greater than in Tokyo and other cities.

As for general employment, it was like the daily work that was performed casually, with no continuity, but the quantity and employment system differed because the work was done in a short period. Examples included distributing advertising leaflets, cleaning public places, selling goods at festivals, being a fashion model, playing a supplemental actor in dramas or films, etc.

The study found that there were small groups of homeless who were involved with gambling. In Kamagasaki in Osaka, some homeless served as lookouts for gambling dens. They stood at the crossroads in the communities to watch for strangers and gave the gambling dens advance warning if the strangers went near them.

Causes of Homelessness

The causes of homelessness are economic and social problems. Economically, industrial development drew labor away from the agricultural sector in rural areas into towns. At the same time, the development of machines and technology replaced human labor in order to decrease the cost of production, thus creating a labor surplus since 1980. Daily workers began to be unemployed and finally became homeless when they had no money left. At the beginning, this phenomenon was still not clear, but when the economy began to decline in 1989, the picture of homelessness became clearer in Sanya in Tokyo, in Kotobuki in Yokohama, and in Kamagasaki in Osaka. Rates of homelessness subsequently increased rapidly when the economic crisis struck in 1994.

In Tokyo, the homeless stayed at Sanya, Ueno Park, Sumida River, Shinjuku Park, Yoyogi Park, Toyama Park, Ikebukuro Station, small parks, and around the railway stations. In Osaka, the homeless increased and spread from Kamagasaki to Osaka Palace Park, Nishinari Park, Nagai Park, around the Osaka railway

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
station, Nanba, Nipponbashi, and small parks. In addition, homelessness rapidly increased in Yokohama, Nagoya, Kyoto, and other cities. It can be said that the main reason for homelessness was economic problems that led to unemployment.

While the primary cause of homelessness was economic, other factors were also implicated in the phenomenon. Socially, family conflict and disputes sometimes made people leave their families to find jobs. Because they could not find permanent jobs, their income was insufficient to afford housing, so they become homeless. Sometimes complicating these problems were additional issues related to drug abuse or alcohol abuse.

Another cause might be indebtedness within the rural communities, which prompted people to leave their home and become homeless. Yet another factor responsible for homelessness in some cases was mental illness. Finally, for a very small number of people, homelessness might arise out of the personal desire to live free outdoors.

Four Problems of the Homeless: Jobs, Housing, Food, and Health

These are four basic needs for human beings, they inter-relate and are clear. However, the study found that some homeless had two mental problems. First, some suffered from an inferiority complex. Most of the homeless felt unaccepted by people and society, and were sometimes even bluntly slighted. For instance, some youth in Osaka threw sticks into the tents of the homeless at night. Besides this, based on the looks and treatment they received in public, such as on trains, many homeless felt that society despises them. Second, and arising from the first problem, when homeless people felt inferior, they lived in loneliness, reticence and unfriendliness. Some NGO workers said that this state of mind was a mental illness resulting from having no friends.

Policies and Roles of the Local Administrations in Solving the Homelessness

From talking with and interviewing local officials in Tokyo, Osaka and Nagoya, it was discovered that the policies and roles of the local administrations depended on local social trends and the particular way in which the problematic situation of homelessness has unfolded in each of the local areas.

The problematic situation affected the opinion of the authorities toward homelessness. Before 1994, the authorities regarded the homeless as just a small group of people compared to the whole population in urban areas. Homelessness was therefore regarded as a problem of minorities who were lazy, did not want to work and were addicted to alcohol. As such, there was no policy to provide them aid, and the role of the administrations was simply to remove the homeless from public places. Then, in 1994, an economic crisis resulted in an increasing number of homeless. The authorities began to review their opinions and methods for solving the problem. A senior official at Tokyo City Hall who worked for the social welfare of the homeless said that the authorities began to accept that homelessness was a genuine social problem in 1994.

Nevertheless, even though the authorities began to accept that homelessness is a very real social problem, their policy and role changed very little. Forced displacement was still carried out. The removing of 200 homeless who slept at the Shinjuku Railway Station in 1996 was covered by the media and was criticized by the public, which made the authorities begin to adjust their policies and role toward the homeless.

As for social trends, these changed following the acknowledgement that homelessness was a genuine structural problem. At first, society tended to view the homeless as a small, problematic group of people who were lazy, irresponsible, mentally ill, and addicted to alcohol and gambling. But after 1994, when the number of homeless people expanded to appear in all public places—railway stations, riversides, streets and building niches—society began to feel conscious of, and unsafe because of, the homeless. At the same time, some social groups such as academics, mass media and NGO workers began to conduct research on the background, way of life, problems and needs of the homeless in order to present this information to society. The main point that these groups presented to society was that homelessness was the product of a capitalist society—a competitive society in which the strong are the winners and the weak are the losers, forcing everyone to struggle to win in order to have a happy life. The losers have to live in misery and may eventually become homeless.

Though public opinion varied regarding homelessness, the common point that developed to become the dominant social trend was to demand that the authorities accept homelessness as a social problem requiring a solution that should entail having a policy, measures and plans. Particularly after the forced removal of the homeless from Shinjuku Railway Station in 1996, public opinion played a role in pushing the authorities to change their policy and role toward the homeless.
Each local authority had its own policy and measures in order to accord with the situation of each town, so policies and measures might be the same or different from one locality to the next. At this point, it is important to remember that there is no national-level policy regarding homelessness, and the central government plays virtually no role in addressing the issue other than allocating budget. As such, each local authority should be considered individually. However, when considering the policy framework of each of the five cities studied, it was discovered that each did indeed have a social welfare policy that more or less emphasized six points:

First, provide jobs. The authorities emphasized setting up job-providing centers in areas with great numbers of homeless: Tokyo, Osaka, Yokohama, Nagoya, and Kyoto. The centers contacted agencies and companies that wanted labor and let the homeless register and give them job-search cards. They could go to apply for jobs at the centers everyday. The centers aimed to provide jobs that suited the homeless and to solve the problem of private job search businesses charging the homeless service charges for the provision of these employment services. However, the jobs provided by these centers are still not sufficient to meet the needs of the unemployed homeless.

Second, provide welfare money for living. This type of welfare is specified by law for the unemployed, including the homeless. But the requirements for eligibility specified include a certain period of joblessness, age, and settlement of the unemployed, and many other conditions that make the homeless ineligible to receive these welfare benefits. Some cities like Yokohama try to supplement this assistance by providing the living money in addition to food coupons and daily use articles. The homeless receive living money and coupons to buy food and articles from the shops that participate in this program of the Yokohama municipality.

Third, provide housing. This was a welfare program to give a chance to the homeless to have temporary shelter during the period of unemployment while seeking a job. The particular form the program took differed from city to city. In Tokyo, there were cheap apartment programs. The authorities allocated cheap private apartments to the homeless. The authorities paid 94% of the rent while the homeless paid 6%; they were permitted to stay for a period of two years. In Osaka and Nagoya, there were temporary shelters for the homeless. The houses were divided into small rooms for each person, and included common kitchens, toilets, laundry facilities and recreation rooms. The permitted period of stay was two years. The programs were good but could not meet the demand of all the homeless. These programs were mostly designed for the homeless who stayed in tents. Those who wanted to join the program had to move out of their tents. The homeless who wished to remain in the tents questioned why the program did not provide these shelters to the homeless who slept in public places and had no tent, and were suspicious that the authorities just planned to remove the tents of the homeless from the parks and riversides. At the same time, some homeless did not support this program because they think that joblessness is the primary problem that the authorities must solve. They reasoned that when people had jobs, they would be able to afford housing by themselves. In addition, they also feared that after staying in the provided shelters for two years, they would still be jobless and would thus have to return to being homeless again. And some others did not agree with the rules of the temporary shelters, such as the ban on raising pets. Some homeless who had stayed in the temporary shelters and moved out to stay in public places again said that they are jobless and they have no freedom when they stay there.

Fourth, health care services. The authorities built healthcare centers in the areas that are crowded with homeless people. The centers aimed to provide check-ups and give advice about healthcare. There were also centers for the elderly to meet and conduct various activities for relaxation. These centers also provided money for healthcare for the elderly.

Fifth, mental health care services. There were centers for providing advice to the homeless who had mental illnesses arising from joblessness, loneliness and alcohol addiction.

Finally, miscellaneous services such as haircutting, vocational training, musical entertainment, etc., that aimed to serve and support the meetings and recreation of the homeless.

Because the central government had done virtually nothing to address the issue directly, it had become the responsibility and role of the local administrations to make policies, measures and plans that would solve the problems. Local administrations also served as operation bodies that coordinated with NGOs, religious groups and business groups to get them involved in solving the problem of homelessness. Some NGOs and religious groups joined the programs, while others did not because they did not agree with some policies and measures, particularly on the housing issue.
Local administrations have played a role in involving the participation of various parties that are concerned with homelessness since 1994 by expanding meetings and seminars to include academics, NGOs, the mass media and members of the general public. Nevertheless, the opportunities for the homeless to join these forums to present their opinions on their problems, ways of life, needs and the proper way of solving the problem were still few in spite of the fact that they are the ones who must directly face these problems. Only occasionally were they able to join meetings convened to address some of their more immediate problems.

The Role of NGOs in Solving the Problem of Homelessness

NGOs that were involved in solving the problem of homelessness originated from the organizations of daily workers during the period 1978-1982 in Kamagasaki in Osaka, Sanyan in Tokyo, Kotobuki in Yokohama, and Nagoya City. The goal of these organizations was to support the organization of daily workers in order to solve their problems of unemployment, receiving no welfare benefits from the state, and the service charge they were forced to pay to job providing agencies. Their task at the beginning was to link up the daily workers’ unions and establish a daily workers’ movement in order to press the government into issuing a social welfare law and to set up job-providing centers. Their actions met with some response on the part of the central government and local administrations. However, at that time, there was a great surplus of labor, so more and more daily workers became jobless and eventually homeless. As a result, the daily workers’ organizations eventually had to turn their attention to solving the problem of homelessness, too. When homelessness increased in 1989, there were NGOs set up to work directly with the homeless.

During the last 15 years (1989-2004), more organizations and groups have been established to support and help the homeless. Today, there are 50 such groups in Tokyo, 30 in Osaka, and around 20 in Nagoya, Yokohama, and Kyoto.

Viewed generally, it seems that the aims and roles of the NGOs are alike—they aim to support and help the homeless to have a better quality of life, and have a role in assisting and promoting activities that will solve the problem of homelessness. However, the study discovered that the concepts and roles of the NGOs are both alike and different, and can be divided into three groups:

First, there were groups that emphasized social relief. Their concrete activities were providing food, health checks, clothes, legal advice, jobs, temporary shelter, etc. These groups emphasized the provision of direct services to the homeless. They could contact all government and private agencies without being concerned about conflicts in conceptual approach or working method. Most were religious groups and groups of the middle class, such as Star’s House, Yomawari no Kai, Kibou no Kai, Kamagasaki Christ Kyo-Yu-Kai, and Moyai.

Second, there were groups that emphasized the rights of the poor as well as service activities. They provided food, jobs, health care, clothes and night patrols, in addition to training, seminars, meetings and campaigns. All activities were connected with organizing, providing information concerning the lives of the homeless, the rights of the poor, and other social problems. They aimed to set up homeless organizations in order to solve the immediate problems and supported the networking of the homeless in order to push the authorities to change policies about welfare, job provision and housing so that they could solve their problems in a way that was suited to the real world situation. These concepts differed from those of the authorities, so they were only able to coordinate with the authorities in solving some immediate problems and they received no financial support from the government. The workers of these NGOs have to work to earn their own living, while the funds for running activities are provided by donors. Organizations of this kind include Sanya Sokidan, Nonjiren, Asia Worker Network (AWN), Food Bank, Emergency Shelter (IMA) in Tokyo, Kamagasaki Patrol no Kai (Kamapato), Kamagasaki Daily Worker Union in Osaka, and Nagoya Patrol no Kai.

Third, there were groups that called themselves non-profit organizations (NPOs). They emphasized supporting the homeless to solve their immediate problems. In working, they coordinated with the local authorities, and often proposed their own projects and sought funding for them from the local government. Their concrete activities included providing food, clothes, healthcare and other services. They also did night patrols and arranged meetings of the homeless, but did not touch on the issue of the rights of the homeless. They maintained good relations with the authorities because of the belief that working with the authorities would lead to a change of policy. They joined the schemes of authorities by urging the homeless to join housing programs, and they organized the homeless to move out of tents in the parks and into low-priced apartments or temporary shelters. Some NPOs in Osaka received budget allocations from the local authorities to build...
temporary shelters for the homeless. In addition, they also ran other activities with funds provided by the authorities, such as job training centers, job-providing centers, health care centers, and centers for the elderly. NPOs included groups such as Shinjuku Ren rak Kai, Furusato no Kai in Tokyo, and Kamasaki Shien Kikō in Osaka.

The relationship among the NGOs was loosely linked, with different organizations joining together in some activities such as the Summer Festival and New Year Festival. The relationship between the groups that emphasized the rights of the poor, on the one hand, and the NPOs, on the other, was quite aloof owing to the different conceptual approaches, visions, and working methods. At the same time, the relationships among the NPO groups are quite good, as is coordination among the groups that work on the rights of the poor.

**Networking of the Homeless Organizations**

By nature, the homeless are individuals, with each living his/her own life and being rather lonesome. To get them involved in joining activities and to organize them—which has been done by the development organizations, both governmental and non-governmental—is not easy. They have to find suitable activities and conduct them continuously over a long period of time until they can gain the trust of the homeless. Only then can organizing be done. From talking with leaders of the homeless and NGO workers from various groups, it can be concluded that the activities at the beginning must be relief services to solve the immediate problems, such as food and clothes. After a period of learning about each other, they can then go further to identify common points that can unify the homeless, and set about jointly solving their problems with initiatives such as job search services, housing, and health care. After that, they could gradually develop to become a group or organization of the homeless.

The forming of groups among the homeless began since the daily workers’ unions worked with them, but the organizing of homeless groups only became more clearly visible in 1990, with the support of NGOs. At that time, the government’s policy of removing the homeless from the parks, railway stations and other public places turned out to be a factor that contributed to the strengthening of the organizing work. Many homeless groups appeared in different areas, such as the homeless groups of Sumida riverside, Ueno Park, Yoyogi Park and Shinjuku Park in Tokyo; the homeless of Kotobuki at Yokohama Railway in Yokohama; the homeless group at Kamagasaki, Nishinari Park, Ogimachi Park, Osaka Castle Park and Nagai Park in Osaka; the homeless group at Kamo riverside and Kyoto Railway in Kyoto; and the homeless group in Nagoya. After that, these homeless groups began to establish contact with each other and run activities together. Meetings were arranged in zones, such as the homeless group in Shinjuku, which consisted of the homeless groups at Shinjuku Railway Station, Shinjuku Park and Toyama Park; homeless group at Sanya, consisting of the groups at Sumida riverside and Ueno Park; and the Minowa group. The NGOs supported this coordination.

After 1996, the local administrations began to adjust the direction and policy in solving the problem of homelessness by running welfare programs such as job-providing centers and housing programs. The adoption of these new policies affected the coordination of homeless groups. On the one hand, homeless groups began to develop differing opinions about the government programs, with some supporting them and others not; on the other hand, even though differing opinions emerged, the various groups began to engage in discussion among themselves to consider the programs. As an overall result, discussions about programs in the various towns led to the coordination of the homeless groups between towns in order to share experience in solving the problem and consider the programs of the authorities in each town. The homeless groups from Tokyo, Osaka, Yokohama, Nagoya and Kyoto began to arrange meetings supported by the NGOs.

The change in local government policy, particularly the designing of cheap apartments and temporary shelter schemes, caused differing opinions to emerge, both among the homeless and the NGOs. After 2000, the differences between the NPOs and organizations concerned with the rights of the poor affected the coordination of homeless groups. The groups that joined the state programs began to distance themselves from the groups that did not join. Finally, they stopped participating in the activities of homeless groups altogether.

At the time of the study, the homeless groups from Tokyo, Yokohama, Osaka and Kyoto were linked together. The link was still loose, but there were attempts to mutually contact and give information, encouragement, and support when any one faced problems.

There were three factors that obstructed the networking of the homeless:

1. The policy of the local administration in each case was too rigid and inflexible, and offered no
alternatives. That made the homeless lack the opportunity to solve their problems in a way that was suited to the problems and way of life of each group.

2. The different ideas of the NPOs and the NGOs concerning the rights of the poor created confusion among the homeless. While this problem created considerable difficulty and made coordination among the groups an extremely challenging task, it was nevertheless not so severe as to result in the complete destruction of the network and the isolation of the individual homeless groups.

3. Limitations in funding caused difficulties in running activities that supported networking, such as meetings, seminars and cultural activities. These could not be done often because the cost of traveling was very high. Opportunities for the homeless to meet and share experiences or engage in activities together were thus few.

METRO MANILA, PHILIPPINES

The study of homelessness in the Philippines was conducted from 14 February - 15 April 2005 in Metro Manila. There were five points of study, just as in the case of Japan:

1. Perspective and background of the homeless.
2. Way of life and problems of the homeless.
3. Policy and roles of the local administrations in solving the problem of homelessness (this paper does not emphasize the role of the state or national administration because in all three case studies, there appears to be no national-level policy directly addressing the issue of homelessness).
4. Roles of non-governmental organizations in solving the problem of homelessness.
5. Networking of the homeless.

The methods used were:

1. Surveys, talks with, interviews and participation in the activities of the homeless groups.
2. Interviews and talking to the officials and volunteers who work directly with the homeless, NGO workers, academics and members of the general public.

Perspective and Background of the Homeless

The Philippines is an archipelago that consists of 7,107 islands with a population of 80 million. It includes three large island groups: Luzon, the Visayas and Mindanao.

Most of the population are farmers scattered all over the islands. The secondary livelihoods of the people are laborers in the industrial factories in chief cities, civil servants, state enterprise workers, company workers and the urban poor, who are non-formal laborers living in big cities.

Sixty years ago, the development path of the Philippines changed from being an agricultural country to being an industrial country. In the past, the Philippines used to be an experienced agricultural country, and many students from Southeast Asian countries went there to study agriculture. But when the direction changed to industrialization, rural agriculture began to be neglected. The imbalance between industrial and agricultural development became clearer when state support was directed to develop the urban areas, causing large-scale migration of labor from rural areas to urban areas. As the demand for labor in the cities drew in population flows from the countryside, rural poverty simultaneously pushed residents from the countryside toward the urban centers. The big cities that received labor were Manila, Cebu and Davao.

Labor from the rural areas that moved to towns was mostly unskilled, so they had to be employed working at general small jobs, such as small-scale vendors, garbage scavengers, discarded goods collectors, etc. In other words, they worked as non-formal labor, earned low wages or low income, and received no welfare benefits from the government. They had to search for cheap housing. Building of houses on both public and private land thus began, and with the growing population density, these areas eventually became slums.

Old slum dwellers mentioned in conversations that the first groups of slum dwellers appeared around 50 years ago. After that, slums increased in number and size, particularly after the year 1991, when the economy took a downward turn. After the economic crisis in 1997, the number of slum dwellers increased again. The population of slum dwellers increased to 40% in Manila and Cebu, and 30% in Davao. The increase in other cities was not as great because the demand for labor was lower there.

There is no accurate information available indicating when homelessness first appeared as a phenomenon in Manila. However, there is conjecture that the homeless in Manila may have first appeared around 20 years ago, in places such as under bridges, in parks, on the streets, in the niches of buildings, and other public places. Most of the homeless came from rural areas to search for jobs in the city, but when they were unable to find a job and
had no money to afford dwelling or food, they became homeless.

Life and Problems of the Homeless

No agency in Manila had really surveyed the number of homeless, so the number was inexact and differed among different agencies. The official number was 4,000, while the NGOs that directly work with the homeless said that the number was closer to 8,000. Based on this study, it was determined that the number of homeless in Manila was around 5,000, with major clusters to be found in Manila City, Pasay City and Quezon City.

The homeless lived in Rizal Park, Quezon Memorial Park, on the streets in Quiapo, around the old city of Intramuros, in the North Cemetery, under the bridge of Pasig River, etc. They could not set up tents because that was illegal. They had only bags or sacks to keep their clothes and some belongings in, and were ready to change sleeping places at any time. Some who collected discarded goods and scavenged garbage sleep in their carts, and those who drove hired-tricycles slept on their tricycle.

The study found that the age of the homeless ranged from 19 to 70, with the average around 45 years old. Most of the homeless were men—70% in all. Most were divorced, some had families, and there were more than 100 children who were between 1-10 years old.

The livelihoods of the homeless consisted of scavenging garbage, collecting discarded goods, driving hired-tricycles near markets and commercial areas, selling small goods such as cigarettes, drinks and candy at intersections or public places unloading goods, and wheeling vegetable and fruit carts. Their average income was 110 pesos per day (US$2).

The reasons for homelessness varied widely, reflecting the multiple dimensions of the problem. However, the primary reason was determined to be that rural people had no jobs in the countryside, so they had to come to the city in search of a job. After arriving in the city, failure to find a job or finding only irregular work, rendered them virtually penniless, meaning that they could not afford housing. In a smaller number of cases, the cause of homelessness might be more related to other factors, such as mental problems, broken homes, conflicts with relatives at home, alcohol addiction, etc. The number of those who willingly became homeless because they love freedom is quite small.

Five Problems of Homelessness

First, joblessness. At the time of the study, Manila had a population of 12 million, and 4.5 million out of this number were slum dwellers. Work quantity—both formal and non-formal—was insufficient. Even the non-formal labor sector, which is the work of the urban poor, was deficient. This factor rendered the homeless unemployed. Local government centers that help find jobs were few, and work quantity was not sufficient for the unemployed.

Second, insufficient food. This is a consequence of joblessness. The homeless had to get food from the Christian churches—Quiapo Church, San Sebastian Church and Paco Church, for instance, or volunteer organizations that provided food for the poor. The homeless would go to get food from the churches and organizations according to the distribution timetable of these organizations. Chronic hunger was a big problem for the children of homeless families.

Third, housing. This was a problem that is difficult to solve because the authorities have limitations in budget. Providing housing for slum dwellers still could not be done, without even speaking of the homeless. There were only two temporary shelters in Pasay City and Mandaluyong City, with 200 units and 500 units respectively, which was very few compared to the actual number of homeless.

Fourth, health and sanitation. Illness was a general problem for the elderly and the children. They usually received some services from government health care centers. The major sanitation problem was toilets, because there were no public toilets provided. The homeless had to use private toilets and had to pay 10 pesos per time. When they had no money, they might not be able to wash or might have to wash in the river, which is rather dirty.

The last is mental illness. Although some homeless in Manila lived with families and some lived in small groups, most of them lived alone, so they might feel lonely and friendless, and this condition could in turn make them depressed. Additional factors complicating the situation sometimes included drug and/or alcohol addiction.

Policy and Roles of the Local Administrations in Solving Homelessness

From talks and interviews with government officials, such as the Director of the Department of Social Welfare and Development, as well as with local workers and field workers who worked directly with the homeless,
some conclusions could be drawn:

1. Government organizations—both at the level of central and local administrations—had no policy to solve the problem of homelessness. There was only a policy for solving the urban poor problem, but this emphasized the problem of slum dwellers, not the homeless. This was because of the great number of slum dwellers—4.5 million. The enormity of their problem alone meant that government agencies, which were already limited in financial and human resources, had to make them the highest priority.

2. Local administrations tried to work out plans to solve the immediate problems of the homeless. Some concrete plans included providing temporary shelters, job training, food, clothes and health care. There were camps for children and youth, but the target groups was street children, who numbered around 4,000 all over the country, including the children of homeless families. Generally, the homeless received very little service from the state.

3. Local administrations played a role in establishing programs and directly joining the activities of homeless families and street children. They also contacted NGOs to support activities that aimed to solve the immediate problems of the homeless, such as the provision of clothes, food and health care. But they could do very little because of budgetary limitations. One interesting point was that very few arrests of homeless people are made in the Philippines.

Roles of the Non-Governmental Organizations in Solving Homelessness

It was estimated that, at the time of the study, there were around 15,000 NGOs working for social development in the Philippines. They were organizations and groups that worked on providing social relief, supported the organizing of groups and linking of the poor, campaigns, training and other kinds of activities. A group of senior NGO workers estimated that there were about 3,000 organizations that work with the poor all over the country, and that there were about 200 that worked specifically with the urban poor.

Most organizations and groups that worked with the urban poor worked with slum dwellers. Only a few worked with the homeless, and most of those that did were religious organizations that emphasized providing food. Examples included the Quiapo Church, San Sebastian Church and Paco Church. The Quiapo Church set up the Divine Mercy Center to provide the homeless with three meals per day, six days per week, except Sunday. But after February 2005, the service was scaled back to two meals (breakfast and supper) owing to a lack of budget. The San Sebastian Church provided supper every Thursday, and the Paco Church provided lunch every Sunday. Other NGOs might work with the homeless, but they emphasized street children and homeless families with children. Their activities consisted of gathering the children and teaching them to read and write, arranging camps for children and youth, providing consultation to the homeless about job searching, and health care.

Based on the limited opportunities available to gather data under the given time constraints, it appeared that NGOs were not particularly helpful to the homeless, and did not cover major problems such as joblessness, lack of food, house, or health care. Some coordination between NGOs and government organizations took place, but major limitations remained due to a lack of budget and the fact that the primary target group of both the NGOs and local governments consisted of slum dwellers, who were the biggest group of urban poor, and not the homeless.

Networking of the Homeless

From the information gathered in this study, it appeared clear that the roles of both the GOs and NGOs did not contribute much to solving the problem of homelessness. Neither GOs nor NGOs sufficiently addressed the problems or developed opportunities for the homeless. In the limited amount of time that was available to gather information, very few efforts were discovered to organize the homeless in order to search for methods to solve both their immediate and long-term problems. It appeared that there was some degree of organizing only among homeless families with children. Furthermore, while some small groups of homeless people had formed naturally around the receiving of food services, these groups were still small and needed to develop themselves through common activities.

Therefore, based on the information gathered in this limited study, it appeared that there was still no genuine organization of the homeless in Manila.
JAKARTA, INDONESIA

The study of homelessness in Indonesia was conducted in Jakarta from 29 April - 28 May 2005. The five points of study were:

1. Perspective and background of the homeless.
2. Way of life and problems of the homeless.
3. Policy and roles of the local administrations in solving the problem of homelessness (this paper does not emphasize the role of the state or national administration because in all three case studies, there appears to be no national-level policy directly addressing the issue of homelessness).
4. Roles of the non-governmental organizations in solving the problem of homelessness.
5. Grouping of the homeless.

The study methods were:

1. Emphasizing surveys, talks and interviews with the homeless.
2. Talking to social workers from both governmental and non-governmental organizations.
3. Studying documents concerning the homeless (very few, most were articles or newspaper clippings about the homeless).

Perspective and Background of the Homeless

Indonesia is an archipelago consisting of 17,000 islands with some big island such as Java, Sumatra, Kalimantan, Sulawesi and Irian Jaya. The population is 220 million, and ranks fourth largest in the world. Eighty-five percent of the population is Muslim, 10% is Christian, and 5% adheres to some other faith, such as Buddhism or Hinduism. The majority of the population works as farmers on islands all over the country. Other major occupations include civil servants and state enterprise employees. Still others work as the employees of private companies, factory workers and urban poor, who are non-formal laborers.

Indonesia is like other developing counties. Its development path was changed from agriculture to industry and tourism. It was really changed after the year 1945. Such a change of direction and policies led to an emphasis on the industrial sector and tourism more than the agricultural sector. Budget priority was given to the development of big cities in order to support the expansion of industry and tourism, while rural development was neglected. The labor force thus migrated from rural areas to the big cities such as Jakarta, Medan, Yogyakarta, Sulawesi, and Surabaya. Migration into the big cities is unceasing to this day.

In Jakarta, the capital of Indonesia, there were 12 million people at the time of the study. Out of this number, 4 million were urban poor. Most of these urban poor were rural poor who migrated into the city in search of a living, because in rural areas, employment was not plentiful and the wages were very low—around 8,000-12,000 rupiah per day (US$1-1.50). In the cities, workers can earn 15,000-35,000 rupiah (US$2-4) per day, and this wage is still better than in the countryside, even considering the higher cost of living in urban areas. Nevertheless, the irregular nature of their employment and high cost of living forces them to search for cheap housing. As a result, small shelters on both public and private land have been built up, becoming the slums that are scattered all over Jakarta today. There were slums under the express highways, slums along the canal sides, etc. In the past 15 years, many rural poor had come to search for a job in the city and had found none, so they had to scavenge garbage and collect discarded goods to sell in order to be able to buy food. They earned too little to afford to rent a room or even to build a shelter in the slum, and thus became homeless, living under the express highways, under the sky-train railway, around the railway stations and the parks, etc.

There was no reliable information from either the public or private sectors about the background and number of the homeless today. From my survey of the homeless, it was found that some of them had lived in parks for the past 16 years, and some had been homeless for 1-10 years. The number of homeless was around 3,000. The places most crowded by the homeless were the Juanda Railway Station, the area surrounding Masjid Istiqlal, under the sky-train railway in Juanda, the area surrounding Cikini Railway Station, the parks in Cikino, and under the sky-train in Cikino. Some 20-30 homeless grouped together and stayed on the streets, in the parks, along the banks of the river and around the railway stations. Most of them were in Central Jakarta. Some smaller groups were scattered around the rest of the city.

Living and Problems of the Homeless

Most of the homeless had migrated from rural areas, so very few were actually original Jakarta residents. Seventy percent of them were men and 30% were woman. Most of them lived alone and, although they may have been married, were now divorced. Some young men were single. Around 20% of the homeless consisted of families with fathers, mothers and children. The age of the homeless children ranged from six months to 10 years old. Most of the homeless were 20-70 years old, with the oldest being 76 and the youngest (not including...
the children), 15. The average age of the homeless was 40.

The homeless primarily earned their livelihoods through collecting discarded goods and scavenging garbage. Those so engaged had wooden wheel-carts on which to keep their things. Some had no cart but use big bags instead. They might walk 10-20 kilometers a day to scour the garbage and discarded goods, which might be beer or drink cans, plastic bottles, glass bottles, paper, plastic sheets, iron, copper and other things. After collecting these goods, they separated them according to category and then sold them to the shops that buy them, which are everywhere. Their income was 15,000-30,000 rupiah (US$2-3.50) per day. Other jobs performed by the homeless included general employment and small-scale vending, but these jobs were irregular and the income was uncertain.

Some homeless people slept in the wheel-carts in which they kept the discarded goods they collect. Others just slept on mats, plastic sheets or paper boxes under the railway station, under the expressways, under the eaves of buildings on the streets, or on the canal banks. Still others slept under the trees in the parks, and a small group of 4-5 persons was found sleeping under the big tree near the Masjid Istiqlal. Most homeless people bought cheap ready-made food, such as rice and curry. Homeless families bought rice, vegetables and meat to cook on their own. They washed and excreted in the canals or rivers. They had to buy drinking water. When they were sick, they bought medicine from the pharmacies or went to receive treatment from the state health care units.

When asked the reasons for being homeless, most of them answered that they decided to go to search for jobs in town because of the high rate of unemployment and poverty in the rural areas. But they could not find a job and thus had to earn a living by scavenging garbage. The low income derived from this kind of work did not enable them to afford housing, so they become homeless. Only a few answered that they became homeless because of a conflict within the family or a quarrel with relatives. Those who willingly became homeless because they loved the freedom of living outdoors were very few in number.

The homeless confront five problems:

Joblessness. Though most of the homeless earned their living by garbage scavenging or collecting discarded goods, their income was irregular and depended on the quantity of garbage and discarded goods collected. At the same time, more and more homeless who were jobless had to scavenge garbage. So the homeless in the age range of 20-40 years old tried to search for employment. In a conversation with a group of homeless youngsters, they related that they used to work in small factories in the provinces. However, the 1997 economic crisis forced their factories to close, so they went to Jakarta to search for a job. But they had been waiting for two years without a job, and they had to scavenge garbage for a living. Unemployment was the biggest problem because the increasing number of urban poor exceeded the quantity of labor that the formal and non-formal sectors could support.

Insufficient food. Whenever the homeless had no job or earned less from scavenging garbage or collecting discarded goods, they had no money to buy food. The homeless families said that some days, they had only one meal because they had to give food to the children first. The programs that provided food from the public and private sectors were few. Only some groups of Christian churches near the Masjid Istiqlal provided food twice per week, while some members of the general public occasionally donated food.

Housing. Not only were there not any organizations to help the homeless on housing issues, but the police from time to time also chased the homeless out of the public places where they stayed, such as the parks and the railway stations. Some homeless people related that they used to build small shacks under the sky-train railway, but that these were demolished by the police. As a result, they ended up having to sleep on the street outside the park. However, the police never arrested them when they went savaging for discarded goods or when they rested.

Health care. Problems of poor health were encountered mostly in older women and children, with only a few cases involving men. Most of the illnesses were treated by buying medicine from pharmacies, but if the problem was severe, the patient used the services of state health care units. The problem was that the homeless did not have enough money to pay for medicine and treatment, which were rather expensive. A homeless woman recounted that she gave birth to a child at the state hospital, with medical expenses paid by the Christian church.

Mental problems. Most homeless were depressed, melancholy and desperate. They just thought of work in order to make it through to the next day. Some of them said that they tried to search for discarded goods as much as possible every day in order to get money for
food and their daily needs. They tended not to drink or smoke (most likely because of religious prohibitions), and tried to save some money so that they could go back home to farm in the future. But their income was too small to save anything as intended, so the hope of going back home to the countryside was quite remote. Some of them also felt lonely and forlorn.

Policy and Roles of the Local Administrations in Solving the Problem of Homelessness

Information concerning the policy and role of government agencies was gained mainly from talking with the homeless. Only a few opportunities were available to speak with government officials and social welfare officials, mainly because of limitations in coordination and time.

Based on the study, it was determined that local administrations still had no clear policy to solve the problem of homelessness. They emphasized mostly solving the slum problem, since slum dwellers constituted the majority of the urban poor. At the same time, even the budget available to solve the problem of the urban poor was quite limited. The role of government organizations was thus only to provide advice in job training and health care. There were no meaningful programs to provide jobs, food, or housing. Some homeless groups complained that they were driven out of their dwelling places and had to move all the time. The ineffectiveness of local administrations to adequately address the problem of homelessness became even more problematic when viewed in conjunction with the absence of any significant role for the central government in addressing the issue. The absence of policy and action on the part of the central authorities meant that for the time being, the limited provision of services at the local administrative level was the most that the homeless could hope for.

Roles of Non-governmental Organizations in Addressing Homelessness

Though there were quite a number of NGOs working with the urban poor in Jakarta, most worked with slum dwellers rather than the homeless. It might be said that no NGO worked directly with the homeless, and only a few of them worked with street children. Based on conversations with some NGO workers, it was determined that most NGOs occupied themselves with work focusing on slum dwellers—some four million in all in the slum communities all over Jakarta City. Besides, NGOs had limited budgets. As a result, NGOs working with the urban poor in Jakarta were only marginally interested in the homeless, primarily as a group about which they were studying, but not yet as an actual target group.

The organizations that worked most with the homeless were Christian churches. They had programs for providing food, health care in some cases, and teaching religion, but their activities were still focused on only a small group of homeless. Most of the homeless received no assistance in solving the problem of joblessness, insufficient food, housing, and health care, both physical and mental. Donation of food by private citizens in general was done on a personal basis and irregularly.

Grouping of the Homeless

The homeless in Jakarta had apparently formed into small groups naturally. They tended to form into small groups of 3-5 persons, but some groups might have up to 10-20 persons. From the survey conducted, it was found that most of them knew each other because they stayed in the same area and made the same living of scavenging garbage and collecting discarded goods. Only a few were related by kin or came from the same village. The relationships between members of the group were not deep. They spoke to and helped each other sometimes, and even this was helpful in solving the problem of loneliness.

The formation of groups as a result of participation in activities supported by either GOs or NGOs was rather rare. Exceptions included only the food provision programs and the teaching of religion supported by the Christian church. Even in these cases, it was only a small group of homeless who gained. More frequently, the grouping of homeless people occurred naturally according to the life of the homeless, without support from any organization at all.

LESSONS AND EXPERIENCES

My study of the homeless in the metropolis took nine months and covered three countries: Japan, the Philippines and Indonesia. Six months were spent in Tokyo, Osaka, Yokohama, Kyoto and Nagoya; two months in Metro Manila; and one month in Jakarta. The lessons and experiences learned can be summarized as follows:

Background, Way of Life and Problems of the Homeless

In terms of background, homelessness as a phenomenon in Japan emerged with the creation of a large pool of
unemployed daily workers, resulting from the surplus of labor that began to appear in 1980. This labor surplus was created because of the development of technology to replace human labor in order to decrease production costs, including the moving of investment and production to other countries. The number of homeless in Japan rose in 1989 and increased even more rapidly after the economic crisis in 1994. In the Philippines, Indonesia and Thailand, the homeless similarly came from the ranks of the rural poor, who had gone bankrupt from farming and migrated into the cities in search of jobs. They went into the cities, but found no job or only a job that was quite irregular. They were therefore only able to earn a very low income that was not enough to live on, and thus became homeless. The first groups began to live in public places around 15-20 years ago, but their numbers increased after the economic crisis in 1997. Therefore, the conclusion regarding the primary cause of homelessness is that the patterns of national development that involved economic transformation from agriculture to industry and embraced the liberal competitive system made the strong win and gain a good life while the weak lost and suffered.

Concerning the way of life of the homeless, there were some common points, e.g., they are the poorest and most disadvantaged group in urban society, they have no guarantee of security in life, they are disdained by the general population, and have little hope in life. On the other hand, differences were to be found in their daily lives and livelihoods, as well as in the housing and services that each country’s homeless received from the authorities. Homeless people in Japan were mostly daily workers, garbage scavengers and discarded goods collectors. They either had tents or slept in public places. They obtained food, jobs, housing and healthcare from both governmental and non-governmental organizations, though this was still not enough. As for the Philippines, Indonesia and Thailand, the homeless earned their living by scavenging garbage and collecting discarded goods, selling small goods, and miscellaneous employment. They slept in public places with no tent, and received very few services in the form of food, jobs, housing or healthcare from either governmental or non-governmental organizations. An interesting point is that the homeless in Japan were more despised by society than those in the Philippines, Indonesia and Thailand. The question thus arises: why were the poor in the developed country so humiliated? Based on conversations with some academics and other groups of Japanese, it appears that the answer lies in the fact that people in developed societies are more individualistic. Society is competitive and the general public views the homeless as people who are lazy or have a mental illness, and are a burden on society.

Among the problems of the homeless, one common problem was joblessness, which was a major problem that resulted in a lack of food, housing, and illness (both physical and mental). Only the seriousness of the situation varied from society to society. The homeless in the Philippines and Indonesia suffered from the problem of lack of food, particularly the children of homeless families. The homeless in Thailand had a problem of housing. They had to move constantly, because they were afraid of being arrested by the authorities and detained in job training centers. The homeless in Japan had the problem of health in winter because the weather was very cold.

**Policies and Plans of the Local Administrations in Solving Homelessness**

In none of the three countries studied was there a coherent national-level policy or plan to deal with the problem of homelessness. In this regard, the state had failed in its responsibility to look after the welfare of its weakest and most vulnerable citizens. In practice, it was only local level authorities in some jurisdictions who, in some cases, had demonstrated an interest in the problem and taken some measures to address it. Even so, the measures adopted by local authorities in each of the three countries studied have proven to be far from adequate.

The local administrations in Japan had clearer policies and plans than those in the Philippines, Indonesia and Thailand. An important point was that they admitted that homelessness is a social problem. Nevertheless, the homeless constituted just one small part of the urban poor in Japan. Though the number of homeless is 10,000 in Osaka, 8,000 in Tokyo, 2,500 in Nagoya, and 2,000 in Yokohama, it was still not so great that the local administrations devoted serious efforts to solving the problem. The local administration in each city had its own policy and plan to solve the problem, but all of them tried to solve the problem of joblessness, housing, lack of food and healthcare. The administrations either worked directly with the homeless or coordinated with NGOs to have them join their programs, with the authorities providing financial support. The weak point was that the policies and plans were still insufficient for the homeless, and the homeless were given no opportunity to participate in the making of these policies or plans.

The local administrations in the Philippines and Indonesia still had no policy to solve the problem.
of homelessness. They had only plans to solve some immediate, pressing problems, e.g. setting up healthcare centers and centers to provide advice about jobs for homeless families. Although there were two temporary shelters in Manila that provided 700 units of shelter, these services were for all the poor and not just the homeless. The reason for the lack of policy to solve the problem homelessness was a lack of budget. The limited budget that was available had to be spent to solve the problems of slum dwellers, who numbered up to four million in Manila and Jakarta.

Local administrations in Thailand had no clear policy to solve the problem of homelessness, either. However, there were some plans to solve immediate problems such as job training centers, urgent shelter, healthcare centers, etc. The reason there was no policy on homelessness was because of the perception that the homeless constitute only one small group of the poor—only 2,000 compared to the number of two million slum dwellers. Greater attention was paid to slum dwellers than to the homeless. At present, the local authorities have only just begun to listen to the voice of the homeless.

Roles and Working Methods of NGOs in Solving Homelessness

Japan had more NGOs that worked with the homeless than other countries. They worked directly in addressing the problems and participating in the programs of the local administrations, as well. They gave advice and supported campaigns to disseminate information about the activities and the problems of the homeless. The important point that I learned from them was that they were involved in quite a large variety of activities, e.g. job provision, food provision, health check-ups, night patrol, meetings, campaigns, Summer Festival, etc. Conducting these activities was useful for both solving the immediate problems and supporting the organizing of the homeless for their development. However, the weak point was that coordination among the NGOs was still loose, and this was because of differences in conceptual approach, methods and work experience. These differences adversely affected the coordination of the homeless, too.

In Thailand, there were only two NGOs that worked directly with the homeless. Their role was to support the organization of the homeless by serving as coordinating centers and forums for brainstorming to find solutions to the problem of homelessness. Their activities emphasized surveying, arranging meetings, seminars, campaigning and visitation. Some social groups occasionally donated food. It can be said that we still have very little experience and limited methods in working with the homeless.

The NGOs that worked with the homeless in the Philippines and Indonesia were quite few in number. Religious organizations played some role in assisting the homeless, such as the provision of food by the Christian churches in Manila, and the provision of food and assistance in healthcare in some cases by the Christian churches in Jakarta. The reason that the NGOs did not work with the homeless was that they were already busy working with slum dwellers, who were the larger group of urban poor.

Development of the Homeless

The homeless in Japan developed from organizing to conducting activities on their own to solve their immediate problems. Furthermore, they had developed links among their groups, as well as between different cities. An interesting concrete example of coordination between groups was the linking of homeless groups in Tokyo, Osaka, Yokohama, Nagoya and Kyoto. The groups coordinated to share their experiences, campaigned to propose ideas to the local administrations, and assisted one another. The linking of the homeless groups was supported by NGOs. The Japanese had the most developed homeless group.

The homeless in Thailand were gathered in small groups, and attempts had been made to link the homeless scattered around Bangkok. The aim of the grouping was to solve the immediate problems of housing, healthcare, and jobs. An interesting point was the creation of the Four Regions Slum Network, which is a coordinating organization of slum dwellers in all regions of the country. They joined together to campaign and lobby for the government and local administrations to solve the problems of the urban poor, and are supported by the NGOs.

Observations about homelessness in the Philippines and Indonesia were severely limited by the amount of time available to gather data in these two countries. A short period of two months was available in the Philippines, and an even shorter period of a single month was left for Indonesia. These limitations should be kept in mind when considering the results of this study. Overall, the homeless in the Philippines and Indonesia tended to group naturally in small groups by neighborhood. They talked and helped each other sometimes, but had no common activities yet. There was only the Christian Study Group in Jakarta that arranged religious teaching, but that was a very small group. The reason there were...
no common activities was because there was a lack of support from both GOs and NGOs.

Applying the Lessons and Experiences to Thailand

First, apply the lessons and experience in running activities for the homeless. We can adjust these lessons to make them suit the problems and way of life of the Thai homeless.

Second, present the policies and plans of the local administrations to the homeless groups, NGOs and local administrations in order to analyze and apply them to create suitable policy and plans for the Thai homeless.

Third, present information regarding both the problems and experiences related to solving the problem of homelessness to the public in order to urge the authorities to issue policies and plans to solve the homelessness problem.

Finally, arrange programs for sharing and exchanging among the homeless from different countries.

ACKNOWLEDGEMENTSFINAL WORDS

I would like to thank the Nippon Foundation that provided me with this opportunity and supported my study of homelessness in metropolis. Thanks also to the Shanti Volunteer Association, the Urban Poor Association and the Urban Poor Consortium who were my hosts, helped me in coordination, lodging, and provided me with other valuable advice. Thanks to the homeless groups, NGOs, officials and friends in Japan, the Philippines and Indonesia, who gave me the chance to join their activities, and provided me with information, opinions and experiences in working with the homeless. I will bring all these lessons and experiences to work for the homeless and the urban poor in Thailand.
INTRODUCTION

This study was divided into two periods—five months and two weeks in Tokyo from October 2004 to March 2005 and two months in Manila from April to May 2005. Due to the time constraints, there is more detail on the study in Japan than in Manila. Although the researcher worked more closely with non-governmental organizations and people organizations in gathering information, he also paid attention to the visions of the government. Hence, the report includes review of documents and interviews of various sources i.e. citizens directly confronting with problem, non-governmental organizations, scholars, and government officers. Hopefully, the report will fully cover every detail. The presentation will be in two separate parts—the experiences indicating the problem of the homeless in Tokyo, and the solutions to squatted slums in Manila. In addition, the comparison with Thai society will be included at the end of each part, and the solution in the three countries will be found in the conclusion of the study.

HOMELESS MANAGEMENT IN TOKYO

Background of Homeless in Japan

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<th>Osaka</th>
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The first survey on homeless people from all over Japan (January to March 2003) by the Health, Labor and Welfare Ministry showed that the number of homeless people increased by 1,296 from two years ago and that the homeless was found in all 47 prefectures; spreading to prefectures that had no mega cities. Below are the details from the survey:

Average age = 55.9 yrs.
Most of them are male, only 749 are women (3,886 unspecified gender)

84.1 % of them had a fixed place of residence as follows:
- Park 40.8%
- Riverbanks 23.3%
- Road Side 17.2%
- Station 5.0%
- Other 13.7%

Job type before they became homeless:
- Full-time job 40%
- Daily employed workers 36.1%
- Construction 55.2%
- Manufacturing 10.5%

Job type after they became homeless:
- 64.7 % have a job, and 73.3% of them gather recycled things
- 49.7% want to work
- 13.1 % choose the lifestyle as they decide

Cause of becoming homeless (multiple answer):
- Cannot find enough work 35.6%
- Laid off 32.9%
- Cannot work due to illness and old age 18.8%
- Decrease of income 16.4%

THE STRUCTURAL CAUSE OF HOMELESS PEOPLE

Unemployment

Unemployment is the major cause of homeless people—they lose their jobs or cannot find jobs, or do not have money to pay for the accommodation; thus they become homeless. For the homeless in Japan, unemployment does not only come from economic recession. If economic recession is the only cause of homelessness, the unemployed people should be able to find jobs when the economy recovers. But the situation in Japan is different; even when the economy recovers, there are still more unemployed homeless people. The economic structural change due to globalization is the main cause of unemployment. The homeless phenomenon does not come from the economic recession.

Hideo Aoki in Homelessness in Osaka: Globalization,


Yoseba and Disemployment (2003) explained that the impact of globalization increased the number of homeless in Japan. He presents two types of unemployment; one is the construction daily-wage laborers (hiyatoi ninpu), and another is the casually employed unskilled worker.

The unemployment rate is increasing after the economic bubble burst in 1992 and after economical restructuring in Japan.

<table>
<thead>
<tr>
<th>Year</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>2%</td>
</tr>
<tr>
<td>2000</td>
<td>4.7%</td>
</tr>
<tr>
<td>2002</td>
<td>5.4%</td>
</tr>
</tbody>
</table>

Change from Manufacturing Industry to Service Sector Industry

The percentage of worker in manufacturing decreased while the percentage of worker in service sector industries increased (Osaka):

<table>
<thead>
<tr>
<th>Year</th>
<th>Manufacturing</th>
<th>Service Sector</th>
</tr>
</thead>
<tbody>
<tr>
<td>1985</td>
<td>29.7%</td>
<td>20.2%</td>
</tr>
<tr>
<td>1990</td>
<td>27.8%</td>
<td>22.1%</td>
</tr>
<tr>
<td>1995</td>
<td>23.8%</td>
<td>25.1%</td>
</tr>
</tbody>
</table>

This is also due to the relocation of production site from Japan to overseas with lower wage rate.

Change from Regular to Part-Time Job

The ratio of part-time job per total job increase (Japan):

<table>
<thead>
<tr>
<th>Year</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>11.1%</td>
</tr>
<tr>
<td>2001</td>
<td>22.1%</td>
</tr>
</tbody>
</table>

Full-time worker decreased while casual employees increased (daily-wage laborer and part-time worker) (Osaka):

<table>
<thead>
<tr>
<th>Year</th>
<th>Full time workers</th>
<th>Casual employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>1992</td>
<td>80.4%</td>
<td>19.6%</td>
</tr>
<tr>
<td>1997</td>
<td>74.3%</td>
<td>25.7%</td>
</tr>
</tbody>
</table>

Patricia Kennett and Masami Iwata (2003:69-70) in Precariousness in Everyday Life: Homelessness in Japan, used the data from the survey by Masami Iwata at the east of Tokyo on March 2000, pointed that 60.3% of the homeless never lived in Yoseba [where daily-wage laborers gather]. We must change our understanding that most of the homeless people do not come from daily-wage work in Yoseba. In the early 1990s, the homeless came from Yoseba, but in the late of 1990s, they came from other cities.

The decrement of lifetime employment is also evident in the reduction of number of job openings in major companies (where having more than one thousand employees). It decreased from 35.7% in 1991 to 22.7% in 1996.

Social Welfare System

As existing social welfare system related to the homeless is Seikatsu hogo [welfare public assistance]. The Constitution of Japan and the Social Welfare Law ensure the living standard of every Japanese national. Thus, the discriminated and impoverished people could claim assistance from the government. In Tokyo, they can claim for Seikatsu hogo at the ward office and receive 80,000 yen per month, once approved. However, in reality, not every poor homeless can claim for this assistance. The eligibility criteria is very strict and only those who are above 65 years old and chronically ill who cannot work are given this allowance. Thus, most of homeless people who are 50-65 years old and have difficulty finding jobs cannot receive the assistance from the government. The government did not take any preventive measures before this needy group of people become homeless. This is one of the reasons for the increasing number of homeless people in Japan.

Housing Policy

Although there are not many documents available concerning the housing market problem in Japan related to homeless people, this issue should not be overlooked. Yoshihiro Okamoto et al. in Homelessness and Housing in Japan (2004) argued that the central government in Japan did not take responsibility for housing. Most houses were built by private companies whilst the number of government public housing is very small; and the criteria for eligibility to apply for public housing are strict. As a result, a small number of people have an access to accommodation in government public housing. If you are employed in a company, one way to have a decent accommodation is to count on the company’s benefit program. However, once you leave the company, you are no longer entitled to this benefit. People are, therefore, encouraged to seek for a long-term employment in order to secure accommodation.

The apartment rental system in Japan is very difficult to manage for the poor. They need to pay two-month rent as key deposit to the landlord, which is not refundable. There is also a guarantor system. If they do not have a guarantor, they can only rent a room on a daily basis at doya [single-room occupation hotel]; that costs 2000-2500 yen per night.

There are around 1.12 million long-term unemployed people and about 25,269 homeless. Thus, the reason for homeless is not one dimensional limited to unemployment. They face many problems at the same time such as losing a job, lack of support from family, or
Supporting Self-Reliance

The center is to support the Sakura dormitory, where the government’s violence. Because the government still uses temporary shelter, Sakura ryo [Sakura dormitory], where the homeless are unwilling to stay on. At the beginning, the government had no specific existing policy to refer to, to support homeless people. The only applicable policy to help the homeless was seikatsu hogo [welfare public assistance]. As I earlier pointed, only old homeless and chronically ill people can claim seikatsu hogo and live in the dormitory or cheap hotel. Most are not willing to live in temporary shelters; a lot still living in public place.

Second Period: Jiritsu shien Center and Homeless Law 2002

The idea of Jiritsu shien [Supporting Self-Reliance] center started after a big fire broke out at the cardboard box village at Shinjuku Station. Four homeless people were killed in the morning of February 7, 1998. The organization of homeless people in Tokyo demanded the public support for houses, jobs and welfare, and demanded that the government arranges various options for them (Jiritsu shien center was just one of them).

The principle of Jiritsu shien center is to support the homeless in a long term by encouraging them to work and be self-reliant (Jiritsu=self-reliance, shien=support). This concept was developed from the failure of the use of temporary shelter such as the Sakura ryo; because the homeless do not want to live in a dormitory-style accommodation and unwilling to rely on the food from the shelter. They need to work and survive by themselves. The TMG came up with the idea to set up the center to support the homeless people to find a job for a long period. The difference between the shelter and the Jiritsu shien center is that the center provides a program to help the homeless to find a job and consult to give them advice.

The process of this program consists of two steps. The first step is that everyone needs to live in the shelter for a month. In the shelter, everyone will be assessed and divided into three groups. The first group is for the people who can work and want to work. This group proceeds to the second step that is the Jiritsu shien center. The second group is for the people who cannot work because of injury or old age; they are advised to

Development Policies and the Homeless Movement in Tokyo


The first period is when the number of homeless people increased until it became visible in Tokyo in 1992-1993. Initially, the Tokyo Metropolitan Government (TMG) and its citizens refused to accept the homeless problem caused by social and economic systems and there was no policy to respond to the increasing homelessness.

At that time, the homeless were managed by evicting them away from public areas; especially when the homeless spread from Sanya, on the northeast of Tokyo, to Shinjuku Station and other business areas of Tokyo.

In late 1993, TMG formed the joint committee to study the problem of street dwellers with 23 wards administers; but it was not efficient because there were different situations among the 23 wards.

On February 17, 1994, the first eviction took place at Shinjuku Station, the danboru [cardboard box] houses were removed without any protest from the homeless and the homeless were moved to a temporary shelter for four weeks. However this was the starting point of the homeless movement in Tokyo. After this incident, an organized support emerged for the homeless to go back to the station again.

On January 24, 1996, another eviction was conducted at Shinjuku Station. It differed from that of two years earlier because the homeless people protested the eviction this time. The protest did not succeed because 200 homeless people were evicted by 820 police officers. This incident became a big news reported by media i.e. television, newspaper. These reports reflected the public concern about the homeless people and it criticized the government’s violence. The effect of the eviction concluded that:

1. The public denied the government’s violent measures toward the homeless.
2. After the large-scale operation in early period, the government started to avoid using violence and a large-scale eviction operation because the media will report. However, small eviction continued.
3. The homeless and supporters presented their problems through the media to the public; especially “give me a job” appeal made the public understand the cause of unemployment of the homeless; that is, they are not lazy, they just need to work, but there are no jobs for them.

4. The impact from the policy is not acknowledged because the government still uses temporary shelter, Sakura ryo [Sakura dormitory], where the homeless are unwilling to stay on. At the beginning, the government had no specific existing policy to refer to, to support homeless people. The only applicable policy to help the homeless was seikatsu hogo [welfare public assistance]. As I earlier pointed, only old homeless and chronically ill people can claim seikatsu hogo and live in the dormitory or cheap hotel. Most are not willing to live in temporary shelters; a lot still living in public place.

The Work of the 2004/2005 API Fellows

Reflections on the Human Condition: Change, Conflict and Modernity
receive the seikatsu hogo. The third group is for those who are assessed as unable. They can work but do not want to work so they cannot receive any assistance. The process of this assessment, however, is not clearly defined.

If we consider this idea on the surface, it is very interesting because they try to support homeless people to survive by themselves and without relying on others. However, if we consider the homeless situation in Tokyo, this idea is not functional. Why?

1. Supporting the homeless for self-reliance is an ideal. In reality, they already survive by themselves everyday by collecting aluminum cans or books (collecting recyclable items), or doing part-time jobs. There is some misunderstanding if the government thinks that they are not yet self-reliant with what they are doing now. Or they may have negative thinking if the government thinks they are lazy and must be trained to work.

2. The Jiritsu shien center can only support the homeless to find a job but cannot serve as guarantor or to guarantee the job for them. In fact, the homeless have to find the job by themselves. From the statistics of job offers, it is very difficult for them to seek regular jobs. They can only find part-time jobs; meaning, situation will remain the same as when they live outside the center. The center can not sufficiently help the homeless people to overcome homelessness.

3. Everyone needs a private space. However, when they are put in dormitory-style room, and people not liking to sleep with 20 strangers on bunk beds in one room; sometimes they have a squabble. The two-month maximum stay in the center is also not enough.

Considering the above three reasons, this program should be reexamined. Of the 8,577 who entered the shelter, only 4,652 persons moved to Jiritsu shien center. Others did not pass the assessment and some moved out from the shelter because they did not like the shelter. Of the 4,652 who entered the Jiritsu shien center, only 2,152 persons or 51 % found jobs. The homeless supporter who followed-up the group shared that these persons only got part-time jobs that their earning could not cover apartment rent. Only 50 % in that group found regular jobs. Only 2,152 or 25.4 % found jobs; and only 12.25 % found regular jobs.

The TMG officer defended the Jiritsu shien center’s program by comparing the number of homeless people in Tokyo, arguing that it was stagnant from the year 2000, while the number of homeless in the whole of Japan increased. While the program was able to control the number of homeless people in Tokyo, or some homeless overcame their homelessness; others returned to be homeless again and many new persons became homeless. Although this program can not reduce the number of homeless, it can prevent the increasing number of homeless people. If TMG did not take action, the situation could have been worse than the present.

The problem is not only whether or not the Jiritsu shien center is effective; but if this program justified eviction as a measure to manage public areas.

The Impact of Homeless Law 2002

When the Jiritsu shien center started in November 2000, the program was expanded to other cities and some organizations requested budget from the government to support the homeless and demanded for special law to support homeless people. As a result, in August 2002, The Law Concerning Special Measure to Support the Self-reliance of the Homeless was adopted by the parliament.

On the positive side, the government shared concern on the homeless situation and attempted to help them. The Law has assigned the local government to design measures to support the homeless people for self-reliance. The central government supported the budget for the program. Due to this law, the first national survey of homeless took place for the first time the following year and each city designed the program to support homeless people to develop self-reliance. Jiritsu shien center was a main focus program for most cities. In Tokyo, the TMG planned to build five Jiritsu shien centers but as mentioned above, the Jiritsu shien center was ineffective because it could not provide the jobs for the homeless.

Article 11 of the Law allows the manager of any public institution/facility, such as municipal government and public park, to take necessary actions to protect the facilities for appropriate use. It means that this law allows public authorities to evict the homeless for the “appropriate use” according to their own definition. In the same Article 11, although it stipulates that such action shall be performed in line with the measures to support self-reliant living of the homeless, this measure is only legitimate for the eviction. It is not effective enough for homeless people in a long term.
In Tokyo, the governor, Shintaro Ishihara prohibited a new tent building in public area from October 2004, which created more serious problem for homeless. And when 9 homeless from Shinjuku built new tents at Yoyogi park, only after two weeks on October 16, 2004, their tents were violently removed by 60 police officers.

Third Period: Apartment policy to move out homeless tents from the park

After the Jiritsu shien center was used for supporting homeless people in 2000, in February 2004, TMG announced the new program for homeless in the five parks namely, Chuo park, Toyama park, Sumidagawa park, Ueno park and Yoyogi park, by moving them out to apartment rooms. This project required 600 million yen for 2,000 people, including 380 million yen to rent apartment rooms. Under the program, TMG cooperated with NPOs to seek apartment rooms, which were rented within 50,000 yen per month but the homeless would pay only 3,000 yen, and the rest will be supported by TMG for the first 2 years, after that they must pay the whole amount by themselves. Additionally, TMG agreed to provide the job for homeless people during the first six months in order to guarantee that they would have the new life by having job and sufficient fund to cover the rent after they move from the parks.

A TMG officer explained how this program came about. Because the Jiritsu shien center could only support the people who had not the tent, while there are many people who lived in tent and did not want to move out from the park to the center, the government needed to support them better than through Jiritsu shien center. Then the apartment was offered for the people living in tents. In apartment, there is more privacy and they do not need to sleep with strangers. This is the reason of this alternative program and then the government decided to stop establishing the Jiritsu shien center. Therefore the number of the center still remains at five.

However, there is a serious criticism with this program. Some think that the real objective of the government to move homeless people from the parks was to maintain the cleanliness of the parks rather than lifting up their quality of life.

Reaction to the apartment policy

The apartment policy reflects the variety of reactions from homeless support organizations, which may be divided to three groups.

1. Agrees and cooperates with the government to proceed with this program. They are confident in that, the homeless can stay in this apartment for 2 years and can afford very cheap rent (5% of market price). Two years is enough time for preparing themselves for living without the government’s support in a long term. This group believes that homeless people can save some money while under the program and eventually can rent their own apartment. In addition, life in apartment-style accommodation secures more privacy than the one in shelter-style and having a good living environment will lift up their quality of life. So in their opinions, this alternative program is a progressive process.

From August 2004 until now, this program has been operated at Shinjuku Chuo park and Toyama park, and around 70 % of the homeless have been transferred to apartment. The same has just started at Sumidagawa park in February 2005, and next will be at Ueno park and Yoyogi park within this year.

However, the criticism with this project includes that the government overlooks the issue of employment system and the average age of the homeless being 55.9 years, which bring them difficulties to seek regular jobs and work for a long period.

Furthermore some of them already have informal jobs now, such as collecting aluminum cans, but if they live in apartment, they cannot continue it. And if they cannot continue, they will be in trouble more than living in a tent.

2. Disagrees with an apartment policy. Because this policy focuses on the housing problem and not paying attention to the core issue which is jobless problem. If they have regular jobs, they can find an accommodation by themselves. While the government cannot provide the job guarantee, the government must not evict them from the park. The job is provided only for 6 months, after that they may be in difficulties because the living expenses are not only the rent, but also the electricity fee and water fee which are very expensive, approximately 10,000 yen per month. Moreover, after 2 years they must pay the rent by themselves, if they cannot secure regular jobs, it is very difficult to pay 50,000 yen per month. Lastly, when they cannot manage the payment, they must move out from the apartment but nowhere else to go. They must become homeless people on the street again because of the prohibition to build a new tent. Therefore, this policy is regarded only as an eviction measure hidden underneath the helping project.

Furthermore, as to the real objective of this policy, there
is still a question why the government sets priority to tackle with the tent community first. There are many groups of the homeless and some live on the street or at the railway station, and we can assume that these homeless who have no tent now get into more trouble. However, the government prefers to focus on tent community because the government would like to get rid of the tents, which are received by government and citizens as dirty, disgusting and terrible.

The question is relevant especially since it has the condition that person who moves out from tent to apartment must sign an agreement that he/she will not return to tent in the future. This condition reveals the real objective of this policy. We can argue that this policy is just a neat eviction measure hidden inside the helping project, rather than lifting up the quality of life.

The demands of this group is that the government ought to provide the public jobs for homeless people. However, there is no response from the government in this issue to date.

3. Does not quite agree with this policy but tries to support persons who move into apartment.

This group does not totally agree with the policy because this program started so quickly and some homeless moved into apartment already. They feel that they must follow the policy to support them for success of it. This group differs from the first group because although they do not value the program highly, they see the positive side of this program, that is having a guarantee for no eviction for 2 years. Thus, many organizations can make use of this condition positively to set the network for supporting homeless people. However, they criticize this policy that it does not give consideration to the community life, as the homeless are dispersed to 23 wards in Tokyo, and became lonely in their rooms. So the homeless supporting organizations should be set the network to help them.

As some of homeless moved from the park to apartment, the government announced to the public that this policy succeeded because the park was cleaner and the homeless gained a better life. Because some of the homeless may successfully stay at their apartment, social critic and media may show their support with this measure. It means that the government wins with its propaganda.

Therefore the most urgent point now is how to disseminate the opposite opinions (in disagreement with that policy) to the public and clarify the limitation of this program and propose other alternatives.

And the most significant requirement of homeless people we should recognize is that the government needs to accept the decision of the homeless in moving or staying wherever they choose.

Lessons for Thai Society

In the Thai context, process of the development of this policy in Japan is noteworthy. We have just started to negotiate with Bangkok Metropolitan Authority (BMA) to set a temporary shelter, and now the operation is in process.

1. From the lesson in Tokyo, we must be careful on the clarification of that project, that is, to avoid having it regarded as a measure to evict or control homeless people. So we must develop a movement to protect their civil rights and the homeless must have participation in the shelter’s management. When the supporter helps them to negotiate with the government, we must pay attention carefully that the real objective of this option is to provide what is needed by homeless people and must encourage them to have participation to the negotiating process with the government, so that the process will empower them.

2. We need to make clear that every measure is set up only as an option of supporting homeless people.

Activist at Kotobuki has shared an interesting opinion. He said that between having no policy and having the policy to support but also having an eviction, he does not know which is better.

ADDRESSING THE HOUSING PROBLEMS IN THE PHILIPPINES

Introduction

Among the urban poor movements in South East Asia (SEA), community organizing process has been widely used in the Philippines to mobilize poor people to finding solutions to their land and housing problems. The first community organization in the early years of 1970s during the time of President Ferdinand Marcos was the Zone One Tondo Organization or ZOTO. It was such a difficult time for organizations to exist because of Martial Law. Squatting was a crime because of the Anti-
This paper cannot present the detail of all infrastructure that they are part and must be part of the development how the urban poor in the country push the agenda communities. However, the author's interest is to study solutions and the strategies employed by the Philippines. It will give emphasis on the alternative searching for solutions on housing problems in the other infrastructure projects, the government justifies the name of development such as building of roads and condition. There are no jobs and no basic services. In cases, people protest of having to suffer even worst families. In the distant relocation sites provided in some without having to provide for relocation for the affected such as forced eviction. Many evictions happened many problems. Violations on UDHA become rampant Philippines has changed into a better one. There are stillThis does not mean that the urban poor situation in the public lands for the urban poor.

The 1987 Constitution asserts the right of the people for decent housing. This was reiterated through laws passed by the parliaments during and after the period of Aquino. Republic Act 7279 or the Urban Development and Housing Act of 1992 (UDHA) protects the urban poor from forced demolition. The anti-squatting law was repealed during the time of President Fidel Ramos. The Local Government Code of 1991 (LGO) provided more opportunities and rights for the organized people to participate in government affairs. In particular to housing issues, the local governments were mandated to provide for the organization of local housing board. The urban poor movement made a great effort for the development and passage of these laws.

After ZOTO, many urban poor organizations were formed. Sama-Sama, a people's organization in the National Government Center (NGC) in Quezon City, succeeded in negotiating a Presidential Proclamation of more than 150 hectares of land for socialized housing during the Aquino administration. Baseco, a community located near Manila Bay, was proclaimed by President Arroyo for social housing before the big fire in 2004. Land Proclamation became a popular strategy to acquire public lands for the urban poor.

This does not mean that the urban poor situation in the Philippines has changed into a better one. There are still many problems. Violations on UDHA become rampant such as forced eviction. Many evictions happened without having to provide for relocation for the affected families. In the distant relocation sites provided in some cases, people protest of having to suffer even worst condition. There are no jobs and no basic services. In the name of development such as building of roads and other infrastructure projects, the government justifies evictions.

This paper would like to reveal the long experience of searching for solutions on housing problems in the Philippines. It will give emphasis on the alternative solutions and the strategies employed by the communities. However, the author's interest is to study how the urban poor in the country push the agenda that they are part and must be part of the development in the cities.

This paper cannot present the detail of all infrastructure projects that affect the poor, though it mentions the important issue that implies to the innovation for the urban poor movement. At last, hopefully, in this paper, I can summarize some of the comparative situations between Manila and Bangkok.

Republic Act 7279 or UDHA 1992: The framework for the solution of housing problems

This paper will start with briefly discussing about the Urban Development and Housing Act (1992). The law aims to ensure the provision of decent housing and land security for the urban poor through strengthening people's participation and enhancing the capability of local government units in undertaking urban development and housing programs. However, the most important aspect of this law is the protection of the urban poor community from violent demolitions. Certain conditions are specified before any demolition and evictions taking place such as issuance of 30 days notice to the affected families, conduct of consultation, preparation of adequate relocation, and no use of heavy equipment among others. In addition, the local government units are mandated to make land inventory and identification of sites for socialized housing. Furthermore, this law mandates that private subdivision projects must provide 20% of the project intended for the socialized housing. UDHA is a result of many urban poor organizations advocacy on housing and land problems in the cities after the Marcos era. Unfortunately, UDHA is not a perfect law for all the aspirations of the urban poor, which would like to be the urban land reform. So UDHA does not necessarily provide for the total distribution of the urban land from the rich to the poor. It is only the framework of the land planning for the socialized housing. In addition the law even allows the government to demolish the community when the government infrastructure projects with available funding are about to be implemented or when persons on entities occupy danger areas such as esteros, railroad tracks, garbage dumps, riverbanks, shorelines, waters way, and other public place such as sidewalks, roads, and playgrounds. It also limits its beneficiaries for those who had lived or stayed in the community on or before March 28, 1992. This does not recognize the migration pattern and problems of rural poor moving in to the city even after the cut-of date, therefore, it adds to the problem simply because the government could not stop the migration of poor people.

UDHA is not perfect law but the government’s inadequacy to follow what is in the law is more a problem than its contents. There are many cases that
can exemplify the reasons but I will raise only 2.

1. **The violent demolition still happens.** In Barangay Santa Cruz, a riverbank community in Quezon City, on January 21, 2005, the Metro Manila Development Authority (MMDA) demolition crews demolished houses of poor families without prior notice and consultation. Even more they burned the properties of the people. The MMDA justifies their action by citing the area as danger zone so they can demolish without having to follow UDHA. The people understand that UDHA does not support demolition except in danger area but the government must give prior notice, consultation and relocation. The MMDA intends to violate the law that protects the people.

2. **The implementation about the land for socialized housing.** The law mandates the local government to identify land for socialized housing but most of the local government units do not comply. Of the 25 researched cities of the Urban Poor Associates only 3 cities made land inventory and only 5 in 25 cities have identified land for socialized housing (The UDHA Challenge : Monitoring LGU Compliance, Issues and Development in Local Housing).

The housing problem will not be solved solely by the presence of a good law like UDHA, if the government will not follow the law. In this situation, strong community organizations are very important to protect the community and offer alternative solutions.

The next section is a presentation of the many approaches to solve the land security problem.

**Land security for the urban poor**

Stopping demolition is only the first step to solve the housing problem. The next step is rather more difficult: to give the land security for the people. In second step we have two main approaches, one is on-site improvement and another one is relocation. Most of the people wants the on-site development because the cost of the project is cheaper than relocation site and near the sources of their jobs. The people who have occupied the land already need only to adjust the house to improve the infrastructure and give the land security to them. However, the problem is that the land owner usually wants to use the land for other purposes where she or he can earn bigger profits than the socialized housing offers.

In some cases, the people can not live for good in the danger areas that leaves them to opt for one of the viable strategies for them: settle for a good relocation sites particularly in-city. In this section I will talk about that.

**The problem of relocation project**

While the people want to live in their original place, the situation they are in does not give them the reasons to do so especially if they are affected by the urban development project such as flood control, river rehabilitation and transportation projects. In this case, the people must move to the relocation project. Some examples of the relocation sites are: the Kasiglahan Villages 1 to 5 located in Cavite, Rizal, and Taguig where the affected families of the Pasig River Rehabilitation Project moved in; the Tower Ville and North Hill Village in Bulacan where the people affected by the flood control projects of DPWH. The people raised two serious problems: one is the facility problem, when they moved to relocation area the facility was not prepared, no electricity and water supply etc. Another problem is the relocation site is so far from Manila and far from their sources of livelihood and jobs. Some of them sell their land and come to Manila; most of them can not pay the amortization.

**Mode of acquisition of land for the on-site improvements**

For the people, on-site improvement is the best solution for them but the problem is the acquisition of the land. It is very difficult because they cannot afford the price of the land. However, in the Philippines, there are many modes of land acquisition that make the land security possible. The acquisition of land depends on the kinds of land, so I will explain them separately:

**Public Land**

In the Philippines, if the community is on a public land, the President can proclaim the land for socialized housing or Presidential Proclamation. There are cases that the people have acquired their land by this process such as Sama-Sama and Baseco. During the term of President Arroyo I (2000-2004), she proclaimed 25,600 hectares of public land for socialized housing.

According to the process, the President’s proclamation will follow the formation of a committee from various concerned government agencies and community organizations to do the planning for the improvement of infrastructure and subdivision. Eventually, the people will pay the government the amount that they can afford. The problem is again the implementation. There is usually lack of budget and direct point person...
from the government to dispose and improve the land proclaimed. If a new president is elected, he or she can change or cancel the proclamation if there is no development happened.

In addition, when the process takes too long or maybe 10 years or more, many more people will build new houses and the people themselves will make their own individual plans that will complicate the problems.

**Private Land**

In the case of private land there are 2 approaches to receive the land. The first is through CMP or community mortgage program. The people who can negotiate with the private land owner to buy the land in the price that they can afford. They get loan money from CMP who will pay the money for the land owner first, and then the people repay to CMP within 25-30 years. In some sites in Metro Manila this approach is possible because the landowner realized that the people have occupied the land and so difficult to demolish them. If they go to court the process is so long, so some land owners will just sell the land to the people less than the market price. It is better they think than do not receive anything from their land. However, in places where the cost of land is extremely high like in the City of Manila it is almost impossible for the people to buy the land. Moreover, the problem of this approach is the government decrease the support to the CMP.

The second approach is in the case that the people can not buy the land in the market price or the land owners do not want to sell the land in the low price. However, according to the law, the local government can ask the court to expropriate idle lands for socialized housing. If court agrees with local government, the court will decide the price of land for the local government to buy from the land owner and the people buy from the local government. Of course, these processes are very difficult and will take time. However, it opens the opportunity for the people to access the land in the city.

One of the problems of this approach is same: LGUS have no enough budget to buy the lands from private owners.

**COMPARATIVE SUMMARY**

In the process of the housing solution for the urban poor community, there are many factors related to this solution. In Thailand, the land problem is the main problem. Because of high price of the urban land, people cannot afford to buy the land that has occupied. They must buy the low price land that is far from the city and far from their working place. Some of them sell their land, and some cannot pay the leasing and come back to the city again.

This point is leading to the urban poor movement in Thailand to negotiate with the government under the topic “we are the part of the city, we don’t want to be moved far from the city”. Five years ago, there was the urban poor movement in Thailand leading by Four-regions Slums Network who has negotiated with the government about the urban land reformation policy, particularly in the case of railway authority’s land. Until now it has taken 5 years for negotiation and succeeded in one pilot project. For example, when Railway Authority wants to remove the community because of the development project, they must prepare the new land for the community within five kilometers from the old place. However, the problem still remains in addition for the private land because many private land owners do not want to sell their land to the government in a low price.

However, when comparing with the situation in the Philippines, there are different conditions in some points. In the Philippines, one of the main problems is the scarce budget. I will compare the situation between the two countries:

- Thailand do not have the direct law for the urban poor community like the UDHA in the Philippines but the forced demolition is less than in the Philippines, when the demolition decreases, the next step is how to solve the land problem. The Philippine also have the forced demolition and also can solve the land problem for many communities.

- When comparing between the problems of the relocation, in Thailand the site of relocation is the first priority. But in Manila the problem in relocation is both the site and the facility and maybe the first problem is the facility.

- The restriction of the land market in Thailand is harder than in the Philippines. In Thailand, it is impossible for the poor people to buy the land in the city, even the land where they have occupied because the price of land is very high.

- Even the Land market condition in the Philippines is better than in Thailand, but in the Philippines also have a measure to intervene the land market such as Land proclamation in the case of government
land and expropriation in the case of private land. If comparing to Thailand, even the high price of land is the big problem for urban poor but the government has no measure to intervene the land market, the access to the land is preceded by the market price only. Thus in the case of the private land, it is very hard to solve.

CONCLUSION

This paper is to represent experiences and attempt of government unit to resolve the “problem” which, the author, does not ensure that the definition of this word will appropriate to use in their situation or not. Perhaps all the whole difficulties facing arisen from the bad emotion that the homeless are some kind of problem. Moreover, we may have further question on to whom this problem should belong, where it starts from, and who causes this. Especially, it is not accurate that for the government sector, they have the sincere motivation to elevate the homeless’ life quality, or their effort to demolish those homeless as if dirty articles of the city.

The most worried point of this study is, if the government sectors claim all assistance supporting program raised, homeless people must accept all the conditions which will lead to the severe serious state such as the occurrence of eviction in Tokyo.

Next study is about the review both in the case of the homeless in Tokyo or the squatted slums in Manila. Though there is the attempt to issue the specific act of law, with the positive objective, it brings the complex problem happen e.g. the right to eliminate homeless people out of their behold place with the policies settled, although those policies are made under the acceptance of the homeless or not. Like the case in the Philippines, the law allows government officers to evict slum community if the budget is approved and ready to run.

The sharing point of these two case studies is to point out to the restriction of problem resolution under the condition of market factor. The problem on squatting land by slum community in the Philippines, represents clearly that the main obstacle in land price makes the poor cannot pay for the city’s land where in high price. The same to the homeless case in Japan, they are pushed to look for their own job under the circumstance of the elderly age effected and the less available position, causes them to be barricaded from the labor sources, and also unable to find the work and living place.

For this reason, if we have truly awareness that the problem cannot be settled by the market mechanism of capitalism solely, we have necessarily to seek for the optional way to manage in other vision and try to live along well in the society including the sharing opportunity of the poor to be in the same place.

Anyhow, we ought to understand in differences of lifestyle and various reasons to push many people becoming the homeless. Though this understanding does not effect in concrete term, at least, it is the beginning step of participation, no discrimination or prejudice, and without excluding them from the city.

Notes

1 In the process of this research in Tokyo, I wish to special thank to Prof. Yoshinori Murai, Director of Institute of Asian Cultures, Sophia University, Prof. Peter Shimokawa and Nojiren. I am sorry that I can not mention all their name here. Nevertheless, the limitations of the study are my responsibility.
2 The Japan Times, March 27, 2003:2
3 Shimokawa, 2003:46
4 Aoki, 2003:364-374
5 Kennett and Iwata, 2003:62-74
6 Okamoto et al. 2004:5
8 Yuasa, 2001:149 and The Japan Times, February 18, 1994:2
10 The Japan Times, January 30, 1996:3
12 Shimikawa, 2003:46 and The Japan Times, July 30, 2002:3
13 In the process of this research in the Philippines, I received much assistance from many organizations and individuals. I wish to express my special thanks to the community leaders who gave me their ideas and opinions. I am sorry that I can not mention all their names here, however, I would like to say thank you very much for Emmanuel Boy Marcelino of the Community Organizers Multiversity (COM) who gave me many suggestions and often discussed with me to improve my understanding. Nevertheless, the limitations of the study are my responsibility.
14 Karaos, Gatpatan and Hotz, 1995
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Shimokawa, Peter. 2003. Japan: As homeless in Japan increases, the Jury is still out on whether the new homeless law is helping solve the problem, or just sweeping it out of sight. In Housing by People in Asia: Newsletter of Asian Coalition for Housing Right, No. 15, October.


Newspaper


Shinjuku homeless are forcibly evicted. The Japan Times, January 25, 1996.

Defiant homeless hold camp. The Japan Times, January 30, 1996.

Early morning fire at Shinjuku station kills three. The Japan Times, February 8, 1998.


Website


http://www.jca.apc.org/nojukusha
INTRODUCTION

Children are one of the main assets in the community. There is a belief that “the smarter, stronger and healthier the children, the better the condition of the community will be”. Thus, every nation put strong emphasis on education and health development as part of their child welfare development strategies. The UN bodies also put emphasis in these to see whether the nation is well or less developed. Health and education conditions are universally recognized as the aspects that contribute to the child welfare status of a country. The use of life expectancy, healthy life expectancy, under five years mortality rate and adult illiteracy rate are examples of the influence of health and education factors in measuring the welfare status of a country.

The welfare status of Japan, Malaysia and Indonesia are very different. Japan is known as a developed country and Malaysia is one of the ASEAN rising tigers which is still roaring today. However, Indonesia still suffers from a multi-dimensional crisis. The statistics below show Indonesia’s position compared with the two other countries.

The Human Development Index in Japan and Malaysia are better than in Indonesia (see Table 1). It can be assumed that there are systems or mechanisms behind the achievement of both countries; which support national development as well as in coping with the global changes and the economic crisis in 1997-1998.

Table 1: Comparison of Selected Health and Education Indicators of Japan, Malaysia and Indonesia, 2002.

<table>
<thead>
<tr>
<th>Indicator</th>
<th>Gender</th>
<th>Japan</th>
<th>Malaysia</th>
<th>Indonesia</th>
</tr>
</thead>
<tbody>
<tr>
<td>Life Expectancy at Birth (years): 2001</td>
<td>Male</td>
<td>77.9</td>
<td>69.2</td>
<td>64.4</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>84.7</td>
<td>74.4</td>
<td>67.4</td>
</tr>
<tr>
<td>Healthy Life Expectancy (HALE): 2001</td>
<td>Male</td>
<td>73.6</td>
<td>60.4</td>
<td>56.7</td>
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<tr>
<td></td>
<td>Female</td>
<td>75.8</td>
<td>63.2</td>
<td>57.2</td>
</tr>
<tr>
<td>Under 5 years Mortality Rate (per 1,000 live births): 2001</td>
<td>Male</td>
<td>5</td>
<td>13</td>
<td>50</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>4</td>
<td>11</td>
<td>40</td>
</tr>
<tr>
<td>Adult Illiteracy Rate (% age 15 and above): 2001</td>
<td>-</td>
<td>12.1</td>
<td>12.7</td>
<td></td>
</tr>
<tr>
<td>Human Development Index Rank</td>
<td>9</td>
<td>58</td>
<td>112</td>
<td></td>
</tr>
</tbody>
</table>


Purpose of the Study

• To explore the “broad” child welfare development strategies (macro perspective) in Japan and Malaysia; and
• To draw lesson learned from the experience of the two countries.

Methodology

This research used the unobtrusive or non-reactive method in data collection. Kellehear (1993, 2) mentioned that the unobtrusive method is a research method which does not involve talking with people. In this method, researcher learns about human beings and their social world without interrupting them to ask questions.

Kellehear (1993, 5-7) described that unobtrusive methods include data collection techniques such as written and audio-visual records, material culture, simple observations and hardware techniques (e.g. using camera and videos). This method does not use the conventional data collection techniques such as questionnaires, interviews, manipulative experiments, and test (e.g. psychometric test). The advantages of this method are: 1) it tends to see the actual behaviour and not the self-reported behaviour, 2) it is relatively safe, both for researchers and others, because the observation does not involve physical contact or proximity to other people, 3) since this method does not disrupt others, this research can be easily repeated, enables re-checking of findings, and allows question of reliability and validity to be re-examined by others, and 5) access is not usually a problem because the researcher rarely needs the co-operation of others.

This research used the unobtrusive data collection method based on the advantages stated above. The researcher focused on written documents (printed and electronic materials) and simple observation.

Route Description

This paper is divided into three sections: The first section describes the background, the purpose of the study, and
the research methods undertaken. This section shows the reason why the researcher is interested with the topic, what the objectives of the study were, and how the researcher gathered data.

The second section describes the policy and development strategy in relation to the child welfare condition in Japan and Malaysia; without the researcher’s comments or analyses. This section describes the major policies which have an effect to child welfare conditions in Japan and Malaysia.

The last part is the discussion and lessons learned from the policy and development strategy applied by both the Japanese and Malaysian governments; and how these situations compare with Indonesia and how the lessons can be adapted to Indonesian development.

**POLICY AND DEVELOPMENT STRATEGY IN RELATION TO THE CHILD WELFARE CONDITION IN JAPAN**

Japan’s society established health and welfare system which support their children. In general, the Japanese government’s involvement with welfare had its origins in emergency measures to help people who were living in impoverished conditions in the confused period following the end of the Second World War. The first basic law having to do with children and their welfare was the Child Welfare Law (Jido Fukushi Ho), enacted in 1947 and revised in 1997. (http://www.sg.emb-japan.go.jp/JapanAccess/welfare.htm#angelplan)

According to this law, children (jido) are defined as young persons under the age of 18. There are three subcategories: “nurslings” (nyuji) or infants of less than one year of age; yoji; or children aged one year or more who have not yet entered elementary school, and shonen or children from elementary-school age through the age of 17.

There are many social security benefits and services developed since 1947 to help family and children in Japan. In accordance with the Child Welfare Law (http://www.sg.emb-japan.go.jp/JapanAccess/welfare.htm#angelplan), each of Japan’s 47 prefectures operates several child guidance centers (jido katei shien senta) which work in close consultation with welfare offices and child welfare volunteers (jido katei shien seikatsu shien shisetsu) who, in cooperation with children’s guardians, and authorize arrangements for the temporary custody of children by foster parents or for the entry of disadvantaged children into residential welfare facilities. Such arrangements are made in close consultation with welfare offices and health centers (bokenjo).

City, town, and village governments employ, within their respective areas of jurisdiction, commissioned child welfare volunteers (jido in) who, in cooperation with the child welfare workers and certified social workers, try to gain an adequate understanding of the living environment of children, pregnant women, and new mothers needing assistance. Public facilities for the special care of children include homes for infants (nyujiin), day nurseries (hosikusho), and hospital homes for children with severe mental and physical disabilities.

Besides that, there are also benefits like child allowance (Japan Statistical yearbook 2004: p.640), established in 1972, with the purpose of achieving stability for families with dependent children and helping them to bring up healthy and better qualified children. And, there are benefits which do not directly go to children, but had an effect to children welfare, such as health and medical care (including maternity benefits) and family allowance (including income support for single parent family).

The Child Welfare Law underwent large-scale revisions in 1997. The revised law (http://www.sg.emb-japan.go.jp/JapanAccess/welfare.htm#angelplan) provides for the establishment of support centers for households with children (jido katei shien senta) which work in close communication with the child guidance centers and give many types of advice and guidance for children in their geographical areas of jurisdiction. The names and functions of several previously existing types of child welfare facilities have been changed so as to specify their function not merely as facilities for custodial care but as facilities to encourage the growth of “self-reliance” (jiritas). For example, the former “homes for training and education of juvenile delinquents” (kyogoin) have been renamed “children’s self-reliance support facilities” (jido jiritas shien shisetsu), and “homes for fatherless families” (boshiryo) have been renamed “livelihood support facilities for mothers and children” (boshi seikatsu shien shisetsu). The revisions in the Child Welfare Law emphasize going beyond the concepts of protection and emergency relief to address the issue of supporting children in ways that will help them become socially, spiritually, and economically self-reliant by the time they are young adults.
The new Child Welfare Law was made in order to respond to changes in the living environment of children the last 50 years; since the end of the Second World War. Economic growth, health development and changes in social life in Japan pushed fertility rate from 4.54 in 1947 to 1.33 in 2001. (Maternal and Child Health Statistic of Japan: 2002, 21) The predominant pattern where both husbands and wives work to maintain the family income; the trend toward nuclear families with no more than two generations per household; and the decrease in the number of children were prevalent. The constant decrease of fertility rate was noted from 1982 to 2001. This condition will put Japan’s government in a difficult position in maintaining the commitment of a welfare state. This phenomenon pushed the government to establish the Angel Plan.

The Angel Plan

The Angel Plan, established in 1994, deals with the falling birth rate and the increasing participation of women in public affairs. The Angel Plan was devised by the government incorporating the basic policy direction and essential measures for supporting child rearing. The Angel Plan is based on the idea that child rearing at the family level must be supported by the society as a whole so as to create an environment where anyone wanting to have a child may give birth and raise a child without anxiety, assuming that the best interests of the child should be of primary consideration in the promotion of measures for achieving that goal (http://www.mofa.go.jp/policy/human/child/initialreport/measures.html). Essential targets set under the Angel Plan include:

- coordination of the working environment to balance work and child-rearing;
- consolidation of various nursery care services;
- reinforcement of the maternal and child health care system, making child bearing and rearing smoother and less worrisome;
- improvement of housing and living environments;
- promotion of “relaxed school education”, non-school activities and home education;
- mitigation of financial burdens involved in child rearing; and
- establishment of infrastructure to support child rearing.

The Ministry of Education is working to relieve the financial burden accompanying child rearing and education, to consolidate home education, and to realize “relaxed school education” by alleviating competition in entrance examinations. Specifically, the Ministry promotes measures for: 1) mitigating the financial burden accruing from child rearing, 2) consolidating home education by facilitating the counselling framework to deal with worries concerning child rearing, 3) improving the quality of non-school activities by affording opportunities for children to engage in dynamic activities, and 4) encouraging “relaxed school education”. These were developed to create better condition for children and to support parents to have more children so as to help the welfare system, which needs a productive age population.

The Sukoyaka Family 21

Sukoyaka—meaning happy and healthy in Japanese—Family 21 is the vision to clarify both pending and new issues, and to present major initiatives to be taken in the 21st century concerning the issue of maternal and child health. Sukoyaka Family 21 acts as a measure to address the declining birth rate and to form the basis for an environment giving birth to children that is free of anxiety and in which parents can raise their children in good health. In addition to this, Sukoyaka Family 21 will play a part in National Health Care Campaign i.e. the Health Japan 21 (Kenko Nippon 21). This campaign aims to create a society in which people can live happily and stay in good health.

The four major agenda related to the maternal and child health issues are:
1. stepping up health care measures and promoting health care education for adolescents;
2. assuring safety and comfort during pregnancy and childbirth, and supporting infertility;
3. maintaining and improving the standards of child health care and medical services; and

The Sukoyaka Family 21 is one of the important policies in improving the child health and child welfare condition in Japan. Besides the new Child Welfare Law and the Angel Plan, and the Sukoyaka Family 21, a dominant policy related to the child welfare and child education is the Rainbow Plan. This plan is one of the major policies; also known as the education reforms plan for the 21st century.

The Rainbow Plan

The Rainbow Plan, which focus on revitalizing schools, family and communities, has seven basic strategies as follows: (http://www.mext.go.jp/english/topics/21plan/010301.htm)
1. Improve students’ basic scholastic proficiency “in easy to understand classes”. There are three main tasks related to this strategy:
   - implement the 20 students per class system for fundamental subjects and advance placement classes;
   - improve classrooms in order to be able to conduct IT classes and the 20 students per class system (establish “A Learning Environment for the New Generation”); and
   - implement national academic achievement surveys.

2. Foster youth into becoming open and warm-hearted Japanese through community services and various programs:
   - encourage youth to participate in community services and various programs (or consider such a system) and establish the “Children’s Dream Fund”;
   - improve moral education (for example, development and distribution of the “Kokoro no Note” [notebook to be used by students in moral education]); and
   - take actions for educational revitalization in the home and in the community.

3. Improve learning environment to one which is enjoyable and free of worries:
   - enrich cultural and sporting activities (encourage school club activities);
   - take appropriate measures concerning problematic behaviours among children (improvement of the suspension system and measures to care such children); and
   - protect children from harmful information.

4. Make schools that can be trusted by parents and communities:
   - implementing school evaluation system, including the establishment of the self-evaluation system and introduction of school councillors;
   - revitalizing the school board by means of parental participation and disclosure of information; and
   - promoting the establishment of new types of schools to fit the needs of the different communities.

5. Train teachers as real “professionals” of education:
   - introduce an awards system, a bonus and a special promotion system for outstanding teachers;
   - establish a system where teachers have working community experience (cf: take working experience at companies); and
   - take appropriate measures on incompetent teachers such as teaching suspensions.

6. Promote the establishment of universities of international standard:
   - reinforcing university education and research functions for bringing up leaders of the next generation (improve the system for admitting 17-year-old students into universities, universally introduce a system for admitting students who have finished their third year into graduate school, and establish professional schools);
   - establishing a competitive environment (grant national universities the status of independent administrative corporations, promote fixed-term employment so that professors can transfer easily, increase competitive grants); and
   - implementing a strict grading system for university students and focus on the teaching abilities of academic.

7. Establish an educational philosophy suitable for the new century and improve the provision for education:
   - reviewing the Fundamental Law of Education and modify the law into one suitable for the new century; and
   - developing a comprehensive plan for the promotion of educational measures.

POLICIES AND DEVELOPMENT STRATEGIES IN RELATION TO CHILD WELFARE DEVELOPMENT IN MALAYSIA

In Malaysia, the Department of Social Welfare (DSW) is the government agency responsible and associated with providing social welfare services to the poor, vulnerable and disadvantaged. The DSW was started in 1946 by the British Military Administration to address social needs consequent to the Second World War. Its main concern then was to assist in the social and psychological rehabilitation of the victims of war. The work was very much remedial. However, over a span of 57 years, the Department’s role has evolved with the changing environment and needs of the time. Service-provisions moved from remedial to provide preventive, rehabilitative and protection and care services.

Since the 1970’s, the social welfare concept was expanded to be more constructive in its efforts to alleviate poverty and restructure society in line with the New Economic Policy. With this new concept, the focus of social welfare was not only towards individual and families but encompasses community groups and society with the aim of improving their well-being through development programs.

In the beginning of this decade DSW’s scope of responsibility was widened to incorporate social development towards creating a caring society in line with “Vision 2020”
while at the same time, not neglecting its role and responsibility in preventive and rehabilitative services. Today, DSW remains an important government agency monitoring the pulse of the nation at its grassroots in creating and developing a Malaysian community to meet the challenges of the new millennium, due to rapid socio-economic development and increase in social upheavals.

Currently, the focus of social welfare provision is to increase the quality of life of society as a whole. The work not only gives emphasis in aspects of survival, protection and rehabilitation but also to incorporate social human development. The participation of all levels of the community, government agencies, private/corporate sectors and non-governmental organizations (NGOs) are focused on smart partnerships and aligned to the call for “Welfare is a Joint Responsibility” to achieve the objectives of the National Social Welfare Policy in providing equal opportunities and creating a caring society to meet the present challenges. Social welfare is not only fulfilling its role in giving assistance but to provide the means and the environment for a caring society. Building a caring society is challenge number seven in Vision 2020 which was introduced by former Prime Minister Dr. Mahathir Mohamad.

However, when we talk about social welfare and child welfare in Malaysia, we cannot separate the welfare system with their development strategy. One of the important strategies of development is related to challenge number six in “Vision 2020”, i.e. creating a scientific and progressive society. The society has a full vision on the importance strategic technology—not only a society who uses technology, but also invents and contributes their findings to world civilization.

The Smart School and Vision School

To answer challenge number six, they allocated their budget in programs related to technology development, such as education and health. The government emphasized education that builds the younger generation to deal with the future challenge. In relation to this, the concept of “Smart School” was developed in order to produce young dynamic and intelligent Malaysians who can adapt the norms and values of the Malaysian way of life.

The implication of “Smart School” concept required increased involvement of students with information technology. However, the interaction between students and world values should not decrease their awareness, love and sense of belonging with their culture. The balance between Malaysian and world’s norms and values, and also with technological development, is one recipe in creating the “Smart Malaysian”.

However, the “Smart School” called for changes in the methods of teaching and learning to adapt current national and international demands. This system also tried to increase the quality, effectiveness, comfort and interest in the education environment. The government tried to build Malaysian education as the centre of excellence for world standard education in the region.

In order to create the “Smart School”, five programs should be implemented, i.e. smart curriculum, smart teaching, smart learning, smart assessment, and smart management. According to Mohd. Jali (2003, 242), the strategies to achieve “Smart School” goals are: 1) inculcating and stressing education on noble values to create a society that is harmonious, giving priority to academic excellence, have social and nationhood concern; 2) inculcating the ability to think based on comprehensive and integrated knowledge and technology. It includes exploring and exposing the use of science and technology; 3) creating flexible curriculum and democratizing education following changes on teaching and learning situation and also the development of students intelligence; 4) nurturing emotional intelligence that can be made used to improve one’s tenacity; and 5) establishing an efficient and far-sighted education management.

The programs and strategies above were created in order to answer challenge number six and seven in the “Vision 2020”, i.e. creating a caring and also technological literate society. In order to push Malaysian to become a caring society, the government realized that they have to consider creating school which can integrate the three dominant races—Malay, India (mostly Tamil) and Chinese—in Malaysian society.

The government tries to integrate children from these races in one entity—the Malaysian children. The government built the new concept of school which they called Sekolah Wawasan [School with a Vision]. Sekolah Wawasan (http://www.kompas.com/kompascetak/0404/29/PendLN/995368.htm) was created in order to develop the sense of belonging and the unity of the three races. The Sekolah Wawasan project was introduced in 2001. However, this is not a new concept; it is a continuation concept from the Program Integrasi Sekolah [Integrated School Programme]. This program was introduced in 1986, which enabled students from different races and groups to interact in daily school activities. Through the concept of Sekolah Wawasan,
the government tried to shield the inter-race conflict as what happened in other countries. The government does not want any conflict between races to happen in Malaysia, which can burden their development and may result to the nation to falling apart. In this case, the educational development become one important key of general stability and also economic and health development in.

The Happy and Healthy Families

One of the major visions on Health Development which relate to child welfare is the vision towards the creation of happy and healthy families leading to a productive and enhanced quality life. To build a happy and healthy family, the focus on reducing infant and child morbidity and mortality was put into place. One of the main objective of health development is to provide comprehensive health care services for the prevention of morbidity and mortality, especially for the following groups: pregnant mothers and newborns, infants and toddlers, school children, and children with special needs.

Since Malaysia consists of Malays, Chinese, Indians, Iban, Kadazan, Orang Asli, and other ethnic minorities, the government tried to work hard in creating better human quality, not only by educating the younger generation, but more important is by producing better “raw” material (children). In ensuring that the health condition is better than before, there are several strategies developed in the eight Malaysian Development Plan (2001-2005) as follows:

- strengthening ante-natal, post-natal and perinatal care through the adoption of risk approach, district-team problem solving approach, safe motherhood projects, maternal mortality reviews and setting up of alternative birthing centers;
- strengthening infant and child care through the high immunization coverage and the introduction of early detection and intervention of child health (growth and development);
- advocating schools to take up initiatives in promoting health related activities;
- Intensifying breastfeeding promotion through implementation of “Baby Friendly Initiative” in all hospitals;
- Strengthening nutrition promotion through healthy eating practices and development of healthy recipes;
- Strengthening primary health care with continuous effort to upgrade the primary health care infrastructure, equipment and support services, and the function of family medicine specialists as team leader at the primary health care level;
- Intensifying evaluation process of primary health care services with the development of new quality assurance indicators with new approaches measuring process and outcome; and
- Strengthening information and communication technology in primary health care settings with the active involvement of health clinics in the related ICT (information and communication technology) initiatives.

It can be seen that health development program conducted by the government are mostly related to economic, education and technological development. The same thing can also be seen in the “Vision 2020” where there is no specific description on challenges related to health issues. Most of the challenges faced by Malaysian are related to economic, technology, education and the importance of Malaysian norms and values. Therefore, health development also will be related to the challenges above.

DISCUSSIONS

When we talk about the influence of global changes and the lessons which could be learned by Indonesia from the experiences of the two countries, people should remember the condition in Indonesia during the monetary crisis. The monetary crisis that struck Indonesia influenced nearly all aspects of the economy. As an example, the exchange rate of 1 US Dollar on 2 June 1997 was around Rp2,465. (Kompas: 17 March 1998, 9) On 22 January 1998, 1 US Dollar was worth around Rp17,000. (Gatra: 21 March 1998, 82)

The chart below shows the fluctuation of Rupiah to the US Dollar. From Chart 1, the value of the Rupiah compared to the US Dollar rapidly decreased in the last four months (December-March). Related to the depreciation of the value of Rupiah to US Dollar, the inflation rate in January-February 1998 in Indonesia increased rapidly compared to the rate in 1997. In January-February 1997 the inflation rate was 5.29% compared to the rate in January-February 1998 = 28.73%. (Kompas: 3 March 1998, 1) To provide a brief description of the inflation rate in Indonesia, the chart below compares the rate of inflation in 27 cities in January-February 1997 and 1998.
forced to live below the poverty line. Moreover, in this period of data collection (mid-September to mid-March), the number of Pemutusan Hubungan Kerja = PHK (discharged from a company) and the number of unemployed increased. As an example, there were 16 banks in Indonesia which were liquidated in October 1997. If one bank had 2,000 employees, then following the liquidations of 16 banks there were 32,000 people who lost their jobs. The number of unemployed increased in each development sector in Indonesia. As a consequence of this long crisis, the number of street children in Jakarta increased rapidly; that reached more than 12,000 in December 1998 (Pos Kota: 8 December 1998, 2) In this situation, the child welfare condition decreased rapidly because the government could not manage the crisis as that of neighboring countries in Southeast Asia and East Asia, such as Japan.

Japan Strategy in Dealing with Global Changes

The different levels of development in education and health sectors are related to the status of both Japan and Malaysia. For example, Japan as a developed country adopts the welfare state concept because they have a strong and stable economic condition compared to Malaysia and Indonesia as developing countries.

The welfare state concept as mentioned by Deacon (2002, 4) is “a society in which the government accepts responsibility for ensuring that all its citizens receive a minimum income, and have access to the highest possible provision in the fields of health care, housing, education and personal social services”. In relation to this, the government created a system which ensures the wealth of their society. However, the system which has been developed for more than 50 years will face serious challenge when the number of people in productive age gradually decreases. When there is a trend to become an “aging society”, the system which supports their welfare through social insurance and social assistance should be reconsidered. Therefore, the Angel Plan is one of the solutions which will maintain the welfare of Japan’s society.

As an example of how comprehensive health care services for children in Japan, Chart 3 is one example in ante-natal, post-natal and peri-natal services at a glance. This is only one part of the system built by the government to ensure that children as human assets will always receive good services since he/she is in the process of being a human. There are many more services undertaken by the government and non-government agencies in Japan which is not covered in this paper.
It can be seen from the chart how the "services from cradle to grave"—a jargon of how comprehensive services in the welfare state—is implemented in the health service system in Japan. The chart explains how the child is nurtured by the government through the many services from the mother's pregnancy until the baby grows up. Services are free of charge, covered by the government; thus the mother should not be worried about the cost of delivering baby. The services are free of charge because the government has a stable and strong economic basis. It is very different in Indonesia where there are many local governments which cannot manage their resources; and cannot concentrate on delivering services because they have limited money to spend.

Besides the MCH (maternal and child health) care services, the function of primary health care centers also play an important part. Below are four pictures which show that community education is undertaken in Primary Health Care Center in Japan.
Source: researcher documentation.

Picture 1.b is a model kitchen where children can have problems with. This is part of the Kidsafe Program where parents learn the dangers that can be faced by their children in their own home. This program is created in order to reduce the rate of child’s incidents in their home. Besides preparing models such as safe kitchen, safe bathroom, and safe dining room, the community nurse also gives tips and tricks on how to treat their babies (as in picture 1.b). The two pictures above show how community education in Japan are conducted by the PHC to their clients before they undertake babies health check-up.

After the check-up, mothers can also come to the healthy babies’ food class. See picture 2.

**Picture 2: Community Education After Baby’s Check-Up.**

In this class, parents can learn how to cook foods that are good for their babies. Picture 2.a shows the class where parents can learn how to cook healthy foods and picture 2.b shows the variety of foods that can be cooked by mothers that are good for baby’s health. The combination of community education undertaken by the PHC’s workers is part of the missing community education in *Posyandu* (Integrated Health Services for Children) in Indonesia. In *Posyandu*, health workers mostly deliver only scaling and immunization services.

**Malaysian Strategy in Dealing with Global Changes**

As a developed country, Japan developed many services for children as part of the Angel Plan; while as a developing country, Malaysia focused on efforts to boost the economic development by investing its resources on strategic technological development and education since global challenges will be related to Information and Communication Technology. This situation is very similar to Indonesia. However, the Malaysian economy is stronger than Indonesia at the time of the financial and economic crisis. Indonesian economy is based on pseudo-capitalism where there are many projects undertaken in connection with the political elite; this makes the economic condition in Indonesia vulnerable.

In relation to the welfare development models, the Malaysian government use the rational economic approach, which stated “good policy is policy which makes good economic sense, and if the economy is healthy all will benefit”. From this standpoint, the government tries to strengthen their basic economic structure through human investment and technological building. For human investment, the government sends talented persons abroad to study in disciplines which can fill
specific positions. More than 20% of its budget is spent on the education sector i.e. sending their younger generation to different countries such as Japan, Australia, Germany, USA, England, and also Indonesia.

The result of this program is human capital to undertake different projects related to technological development. The government in cooperation with different countries face global challenges through building the high technology area, especially in the era of information technology. Thus the concept of Multi Media Super Corridor takes its place; the government invests more in educational sectors besides the ICT infrastructure.

In relation to child development in the education sector, as an example, the government by the year 2000 allocated more than 17 billion RM ( Malaysian Ringgit) for educational development. And 43% of the Ministry of Education budget was spent for primary and secondary education. This example shows how serious the government in developing their children, especially to face future challenges. Technology is introduced to children from primary school. The government is very serious in increasing technological literacy and reducing technological blindness. The concept of “Smart School” has taken place.

Related to the “Smart School” concept, the government not only support the curriculum, method of teaching, and method of making evaluation, but it also supports the welfare condition of teachers. It is in contrast with the policy developed by the Indonesian government. Even after 32 years of the New Order era and five years of the Reformation government, the welfare condition of teachers has not changed significantly. As an example, a new teacher in Malaysia has an income of around RM2,000 (around Rp5,400,000), for experienced teacher or head of school their income is more than RM9,000 (around Rp24,300,000). In comparison, the salary for head of primary or secondary school or even full professor in a respected university in Indonesia is less than Rp5,400,000.

Besides their salaries, the Malaysian government also gives many incentives such as credit for housing and cars with low rate for teachers after several years of service. The social status of a Malaysian teacher is relatively high. Common people usually respect the teaching profession. It is a little bit different with teachers in Indonesia, where they are sometimes called as pahlawan tanpa tanda jasa [hero without reward]. The Indonesian government tends to put intrinsic reward rather than extrinsic reward—that sometimes teachers can not concentrate thoroughly in his/her subjects or in helping their students.

From this condition, the impact is not only to the social status of teachers but also to the conditions of the students. Only few schools in Indonesia have put emphasis on technological development.

LESSON LEARNED FROM CHILD HEALTH AND EDUCATION SYSTEM IN JAPAN AND MALAYSIA

There are several lessons learned that can be drawn, i.e.:

1. It is important to see education as a pattern of behaviour rather than education as a pattern for behaviour. As a pattern of behaviour, education becomes a way of life (which work internally) and not only lips services, and it can be seen in their developing a strategy, allocating budget and implementing the programs. This is what is happening in relation to child education strategy in Japan and Malaysia. Indonesian education policy is sometimes a “lipstick” to make the policy look nicer and sophisticated. In reality, the strategy is far from what is written. In some cases, the child education strategy is treated as political asset which can boost their roles during national or local election. The effect does not significantly boost the child education sector but more in advancing the popularity of individuals or groups.

As an example, even though there are programs in Indonesia that are free of charge such as the obligatory primary and secondary schools for about nine years, the budget allocation is very limited. Thus, there are still many children who cannot go to school. Still, people hear many politicians and local and national government elites say that they are concerned with child education issues.

Table 2: Comparison of Public Expenditure on Education in Malaysia and Indonesia.

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</thead>
<tbody>
<tr>
<td>Public Expenditure on Education (as % of total government expenditures)</td>
<td>9.0</td>
<td>20.3</td>
</tr>
<tr>
<td>Public Expenditure on Education (% of GDP)</td>
<td>1.2</td>
<td>8.1</td>
</tr>
</tbody>
</table>


Table 2 shows that realization of public spending
on education is more important than political rhetoric as spoken by many politicians in Indonesia. Action is more effective in changing the child welfare condition rather than talking.

2. The concept of happy and healthy family has many similarities with the concept Healthy Indonesia 2010. However, the services delivered in developed countries are far more comprehensive than health services in developing countries, including Indonesia and Malaysia. Even though services are not advanced as in Japan, the Malaysian budget allocation and programs on health shows that they are working hard in trying to increase the quality of services for better conditions of their child welfare. It is not only for curative programs but also for preventive and promotional programs.

As an example, primary oral health care covered all states in Malaysia and there are school dental service in pre-school, primary and secondary school. The main objective of this program is to render children orally-fit when they leave school via gradual and cumulative improvement in their oral health status. In Indonesia, there is a programme similar to this which covered pre-school and primary school students (it is not covered for secondary school students). However in reality, the program cannot cover all provinces in Indonesia. Even in Jakarta, the program is only applicable to a few schools; most of primary school students had never experienced regular dental check of once a year. It is different in Malaysia where the program reached all states and the coverage since 1996 reached more than 62% of schools in the areas. For primary school, there are five states which had 100% coverage by the year 2001, and another six states had coverage of more than 95%.

Table 3: Comparison of Public Expenditure on Health in Malaysia and Indonesia.

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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Public Expenditure on Health (% of GDP)</td>
<td>1.2</td>
<td>2.0</td>
<td>6.5</td>
</tr>
</tbody>
</table>


The example shows how serious Malaysian and Japan governments in allocating budget, creating program and policy, and implementing programs to increase child welfare. There are many programs which the Indonesian government study; not only in terms of the programs but how the Malaysian and Japanese governments implemented these.

3. The child welfare conditions in Indonesia are due to the chosen development strategy. In the era of Suharto, the subject of development focused on urban areas that pushed the rural-urban migration to the level where the urban areas had a high level of burden. Rural areas lost much potential human capital because of the unbalance migration process. Moreover, since the boom of oil production, the government faced difficulties in creating a vision focusing on the “take-off” stages of development. Since the Minister of Technology (later Vice President in the New Order era) has experienced in aircraft technology; thus, the focus of technological development is on aircraft production rather than agricultural sectors which can create job opportunities in rural areas that can reduce human capital flow from rural to urban areas.

This aircraft project did not succeed. There are huge debts to be paid, which burdened the national budget during and after the financial crisis. Japan, whose economic condition is far better than Indonesia, is investing on electronic devices for aircraft and on land transport vehicles which are easier to sell compared to aircraft projects. Malaysia also put their investment on building electronic devices, specifically ICT-related devices and land transport vehicles. Thailand and Vietnam focus their development on agricultural products and are now the top two agricultural products exporter in Asia.

It is very important for Indonesian to rethink strategic technological development, especially with its high-density population in urban areas and low-density population in rural areas. It is very important to focus on rural development rather than urban development, but it does not mean not developing the urban areas. Indonesia should develop the rural areas faster than before and slow down budget allocation in developing the urban areas to achieve equity services for children in the fields of education and health in rural areas. If facilities, job opportunities and services for rural areas are better, the rate of urbanization will decline and the quality of children in rural areas will increase.

4. There are several programs that can be created in order to increase the child welfare condition in
Indonesia, such as:
• build scientific progressive and caring children and community;
• develop and intensify parents education in order to increase child’s welfare;
• develop social security system which can cover various levels of economic classes; and
• provide better health care services delivery system for children which can be accessed by various economic classes.

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INTRODUCTION

Globalization and demographic trends indicate that migration across borders will greatly increase in the coming decades. A significant characteristic of the international migration flow is an increasing number of “irregular” migrants. Another important trend is the growing flow marked by trafficking in persons and human smuggling. A proportion of irregular migrants consist of “economic” or “labor” migrants. Many are pushed out of their countries due to poverty and exploitation, but others leave for better opportunities in the countries of destination. The global dynamics today have led to an increasing number of people on the move. In 2000, an estimated 168 million people were living outside of their country of origin, an increase from 75 million in 1965. (Azam, 2003)

The overseas migration of Thai labor did not start in significant numbers until 1975. Initially, there were more male than female migrant workers. From 1990 until the present, the Thai female migrant labor force has been increasing exponentially. In the 1990s, there was a shift in the Thai migration pattern from West Asian countries to emerging new destinations within Asia. (Supang: 2001, 171-172) In 2004, the total number of Thai workers working abroad was 148,596, of which 121,200 are male and 27,396 are female. The number of Thai workers abroad separated by countries is as follows: the largest group of 69,982 went to Taiwan; 11,338 to Singapore; 10,647 to South-Korea; 10,611 to Israel; 5,857 to Japan; 5,853 to Malaysia; 5,680 to Brunei; and 4,126 to Hong Kong. (TOEA, 2005) These are the statistics for documented workers; the exact number of undocumented workers remains uncertain, particularly Thai migrants in Japan.

Information from the Bank of Thailand shows that the remittances sent by Thai migrants working abroad amounted to 59,251 million baht (US$1,481 million) in 2002. Of these, the amount of remittances transferred from Japan was 4,204 million baht (US$103 million), which was the third highest of all destinations. This amount increased to 66,297 million baht (US$1,657 million) in 2003. (Bank of Thailand, 2004) (Table 1)

<table>
<thead>
<tr>
<th>Year</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thai Baht (millions)</td>
<td>56,910</td>
<td>67,936</td>
<td>55,606</td>
<td>59,251</td>
<td>66,297</td>
</tr>
<tr>
<td>US$ (millions)</td>
<td>1,423</td>
<td>1,698</td>
<td>1,390</td>
<td>1,481</td>
<td>1,657</td>
</tr>
</tbody>
</table>


When the migrants return home, they are unable to use the skills and knowledge that they gained abroad to apply for new jobs or transfer them for education credits in Thailand because Thailand has no program to support Thai returnees. (Supang: 2001, 192-193) The literature also reports that many return with no personal savings. Others who do have money usually do not know how to invest carefully and efficiently. Many more return to face broken families or have become strangers to their children. After they spend all their savings from abroad in a few months, they usually decide to work abroad again. Research suggests that migrants who work abroad should set clear goals on how to spend their savings from abroad efficiently when they return home. (Supang, 2003; Kannika: 1999, 67-68)

Labor migration has become a significant feature of the modern day development process and strongly influences social relationships, politics and economics. Migration is a major concern as there are many people who would like to work abroad. A “Reintegration Program” is an alternative and important approach to assist these people in becoming aware of problems and finding solutions. If they would like to work abroad, they should plan and prepare well for each stage, from the pre-departure stage until their return. A “Reintegration Program” will be able to protect migrants and assist returnees to resettle more efficiently and to enjoy a better quality of life once they return.

OBJECTIVES

The objectives of the study are as follows: (1) to study the concepts and activities of assistance provided to returned Overseas Filipino Workers (OFWs) through “Reintegration Programs” in the Philippines, (2) to study the implications of how the government and NGOs in

Table 1: Remittances to Thailand through the banking system. 1

1

Kannika Angsuthanasombat
the Philippines support “Reintegration Programs”, (3) to understand the situation of Thai migrants in Japan before their return, and (4) to study the needs for the return and reintegration of Thai migrants in Japan, and what should a “Reintegration Program” for Thai returnees look like?

**METHODODOGY**

The study focused on a group of both documented and undocumented labor migrants, conducted in 2 countries: Philippines and Japan. The period of the study was 1 year, September 15, 2004 to September 30, 2005.

**Philippines**

The period of study in the Philippines was two months from September 15, 2004 to November 14, 2004. The main objective was to study the experiences of “Reintegration Programs” in the Philippines. Qualitative research was obtained through interviews with returned OFWs and key informants, various groups such as the Overseas Workers Welfare Administration (OWWA), academics, the Scalabrini Migration Center, and five NGOs. Returned OFWs were also interviewed.

**Japan**

The period of study was nine and a half months, from December 15, 2004 to September 30, 2005. The objective was to study the situation of Thai labor migrants before they returned to Thailand—their skills and experiences in Japan, remittances, processes of return such as planning, problems and needs for their return, and reintegration in Thailand. Qualitative research was based on in-depth interviews, focus groups with Thai migrants in Japan and key informants. Quantitative research was done using a questionnaire for Thai migrants, and was analyzed through a statistical computer package- Statistic Program for Social Science (SPSS).

This study was based on interviews with 67 Thai immigrant workers in Japan. Snowball sampling was used in most of the studies to reach target groups, by sex, age, legal status, occupation, period of stay, prefecture and problems. The interviews took place in ten prefectures: Tokyo, Kanagawa, Yamanashi, Saitama, Gunma, Nagano, Aichi, Tochigi, Chiba and Ibaraki. The interviews were done in residences, Thai communities in Yamanashi and Gunma, working places, shelters, prisons, hospitals, and the Thai Royal Embassy. The key informants were from the Royal Thai Embassy, the Immigration Bureau, the Ministry of Justice, Thai temples, volunteers of the Royal Thai Embassy in various prefectures, Thai communities in Gunma and Yamanashi, academics and 15 NGOs.

**Table 2: Sample Sizes.**

<table>
<thead>
<tr>
<th>Target population</th>
<th>Population</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Documented Workers:</td>
<td>5,857</td>
<td>12</td>
</tr>
<tr>
<td>- Trainees</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Domestic Helpers</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- etc.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Undocumented Workers:</td>
<td>14,334</td>
<td>55</td>
</tr>
<tr>
<td>- Temporary Visitor → overstay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Trainees → overstay</td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Female Trafficking</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>20,191</td>
<td>67</td>
</tr>
</tbody>
</table>

1. **REINTEGRATION PROGRAMS FOR RETURNED OFWS IN THE PHILIPPINES**

In the Philippines, the Department of Foreign Affairs (DFA) reported that the number of OFWs rose from a few thousands in 1970’s to about 7.76 million in 2003. The Philippine Overseas Employment Administration (POEA) reported that there were 867,969 new OFWs in 2003. This was a 2.7% decrease from the 2002 statistics that accounted for 891,908 workers spread in 192 countries all over the world. The daily deployment was 2,700 OFWs.

OFW remittances in 2003 accounted for 8.9% of the country’s GDP, amounting to US$7.6 billion as compared with the total remittance in 2002 of US$7.2 billion. Land-based OFWs in 2003 remitted US$6.3 billion, while sea-based OFWs turned in US$1.3 billion. The main source of these remittances was from OFWs in America totaling US$4.3 billion (56.6 %). OFW’s in Asia contributed US$0.8 billion (10.5 %). The majority of the remittances from Asia came from Japan, Hong Kong and Singapore. Moreover, the Bank of the Philippines reported that remittances greatly increased in 2005 to US$10.7 billion (428 billion Thai baht).

1.1 Why is “the Reintegration Program” in the Philippines interesting?

With around 10% of the population working abroad, migrant labor has a significant impact on Philippine society and economy. Owing to the large number of OFWs, around 10% of population working abroad, impacted to social & economic of Philippine society. There are important personal and social impacts on migrants and their families from migration. However,
most migrants, particularly women, keep these problems to themselves in order to continue working abroad. Many migrants confided that these feelings of loneliness and separation were most intense when they took care of the children and family of their employers. This situation made them wonder who took care of their own children and families at home. The long separation and absence from their families also causes many families to break up.

A study in 1996 by the Philippines Social Welfare Department (Asian Migrant Year Book 1999) revealed that 40% of migrants’ families faced problems such as infidelity, early/unwanted pregnancy of the children, drug abuse, delinquency/dropping out of school, etc. Therefore the more serious of the longer migrants (usually mother) is the family’s problem.

The motivations to return to the Philippines and settle down permanently include feelings of isolation and homesickness, the perception that they had stayed long enough overseas and that they had sufficiently fulfilled their family obligations, harsh treatment by employers, old age, sickness, injury, and the realization that remittances and savings at home were mismanaged so that the sacrifices undergone were not valued by the family. (International Catholic Migration Commission: 1998, v)

Returned OFWs considered that certain benefits derive from an overseas job, including increased earnings and a greater ability to save, opportunities for travel and adventure, skills acquired from the job, the opportunity to be exposed and to learn from another culture, personal development (increased self-discipline, confidence, patience, established their independence).

The increased income also suddenly changes the economic status of the family. Migrant families become the new middle class in their own country. In the destination country, migrants also become the captive market of brand-name goods. These artificial and unsustainable lifestyles reinforce the migrants’ dependency on overseas work, resulting in cyclical migration.

The Asian Migrant Center (AMC) defined migrant reintegration as “the process where a migrant worker returns to her/his home country to rejoin her/his family/society and stay for good”. (Asian Migrants Year Book, 1999) Elena L. Samonte defined the “Reintegration Program” for overseas Filipinos, as “[a] program … designed to help those returning to reassume their development role in nation building. The overall program includes sociocultural and economic reintegration, focusing on skills upgrading and training, livelihood generation activities, entrepreneurship programs, transfer of technology, and cultural/educational immersion programs.” (Elena 1995, 11) So how will the sending governments handle the millions of Asian migrant workers when they finally have to go back home?

1.2 Problems and Needs of Returned OFWs

Most returned migrants experience severe economic reintegration problems. The migrants were especially unable to find employment upon their return and unable to adjust to the great differences in wages between the foreign country of employment and the Philippines.

Returned migrants also underwent difficult social reintegration because of the long separation from families and communities. Many were unable to return to social networks that might have been weakened by the migration process, especially if the migration ended with failure. Some also faced legal problem.

Common needs of returned OFWs were information on the practicalities of every aspect of life, including financial resources, legal aid and social welfare services, legal services for returnees with experiences of abuse and exploitation, financial advice or assistance on how to invest their savings wisely, how to open a business, how to become a member of a cooperative, self–employment opportunities necessitating technical assistance, entrepreneurial skills training, business consultancy, credit or access to capital if savings are insufficient, and local job placement in a position that will allow the application of skills learned abroad and will provide earnings equivalent to an overseas salary.

1.3 The Reintegration Response Programs

The Reintegration Programs are designed interventions and are implemented by various agencies such as national and local government, private institutions, churches, and NGOs. The programs assist in psycho-social and personal reintegration, education and training, legal assistance, health services and economic reintegration. The following are example of the Reintegration Program in Philippines:

National and Local Government

The Philippines government has instituted various measures to address the OFW’s problems both at pre-departure and upon the return of workers. (Maruja M.B. Asis: 2001, 25-26)
All documented OFWs going abroad are covered by a welfare fund that is administered by the Overseas Workers Welfare Administration (OWWA), an agency attached to the Department of Labor and Employment (DOLE). A membership fee of US$25 is levied on a per contract basis with membership not exceeding two years. The same amount is paid upon renewal of membership in the succeeding years.

OWWA’s objectives are to include reintegration as a topic, to encourage savings and forward planning among OFWs at site and with their families at home, to guide returned OFWs in setting priorities at least 6 months before contract termination or as soon as they return to the country, to assist OFWs’ families in coping with the social costs of international migration, to help returned OFWs in their recovery efforts from maltreatment and other forms of trauma, and to give due recognition to successful OFWs (Achievers Club).

OWWA supports a network of NGOs and private sector organizations, scales the heights of achievement in a savings campaign, and promotes investment and enterprise formation by OFWs and their families. They also run various programs such as Business Training and Development, Spiritual Enrichment and Closer Family Ties, Skill Training, Health Services, Jobs, and the OFW Achievers Club. OWWA is the field service office which has one Regional Operation Coordination Center and 28 Overseas Operation Coordination Centers.

Church, Church-Related and Non-Governmental Organizations (NGOs)

Community-based and church-related organizations and NGOs are concerned with the implementation of reintegration program. They offer various reintegration interventions, detailed below:

Social Reintegration, including legal assistance, temporary shelter, counseling and orientation (psycho-emotional counseling), welfare assistance, education and formation in leadership training, community building/development, advocacy (advocacy, information and publications, newsletter library and documentation, research etc.), and linkages and networking (local and international).

Economic Reintegration, including Migrant Savings for Alternative Investment (MSAI), Social Entrepreneurship & Enterprise Development Services (SEEDS), livelihood programs, and cooperatives.

The most effective ways of promoting reintegration services are through seminars, advertisements, tri-mass media, churches and NGOs with established networks, communication to OFWs on site, after-mass/church services, giving information before going abroad, i.e. at a pre-departure orientation/training, posters at the Embassies and Labor Offices for job sites, recruitment agencies, the Reintegration seminar returnees will be asked to attend upon arrival, at the airport counter for information upon arrival and local government units.

The success and impact indicators of reintegration preparation are economic/livelihood support during the overseas work period, the ability of migrants to stop working overseas, go home and stay for good, reduced pressure on family/community members to go abroad, and how development and sustainable. Unfortunately, the time of study in Philippines was not enough to obtain feedback from returned OFWs on the implementation of the “Reintegration Program” by the OWWA, churches and NGOs.

2. THAI MIGRANT WORKERS IN JAPAN

There were both documented and undocumented Thai migrant workers in Japan, but mostly they were undocumented workers. Those who had legal status came to Japan with “Trainee Visas”, with two year contracts or “Temporary Visitor Visas”, working as domestic helpers with one year contracts, which they could renew with their employers. Most domestic helpers worked longer than five years, with the longest staying in Japan as a domestic worker for 19 years. Those who had an illegal status mostly came to Japan with “Trainee Visas” and “Temporary Visitor Visas” and then overstayed to work as daily wage workers, factory workers and sex workers. Additionally, there is also female trafficking for sex industry work (sex workers).

2.1 Foreign Nationals Residing in Japan

The number of registered foreign nationals categorized by nationality (place of origin) by the end of 2003 was 1,915,030—an increase from 1,851,758 in 2002. (2004 Immigration Control 2004, 26-27) The largest number of registered foreign nationals was 613,791 from Korea, accounting for 32.1% of the total. This was followed by China (462,396 accounting for 24.1%), Brazil (274,700 accounting for 14.3%), the Philippines (185,237 accounting for 9.7%), Peru (53,649 accounting for 2.8%), Thailand (34,825 accounting for 1.8%), Vietnam (23,853 accounting for 1.2%), and Indonesia (22,862 accounting for 1.1%).

The number of new entry foreign nationals with the trainee status increased by 6,283 (up 10.7%) from the
Table 3: Changes in the Estimated Number of Overstayers by Nationality.

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</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>106,497</td>
<td>159,828</td>
<td>278,882</td>
<td>298,646</td>
<td>293,800</td>
<td>282,986</td>
<td>278,610</td>
<td>271,048</td>
<td>251,607</td>
<td>232,121</td>
<td>224,067</td>
<td>220,552</td>
<td>219,418</td>
<td></td>
<td></td>
</tr>
<tr>
<td>China</td>
<td>10,039</td>
<td>17,535</td>
<td>25,737</td>
<td>33,132</td>
<td>39,738</td>
<td>39,511</td>
<td>38,296</td>
<td>37,590</td>
<td>34,800</td>
<td>32,896</td>
<td>30,975</td>
<td>29,676</td>
<td>28,322</td>
<td>33,522</td>
<td></td>
</tr>
<tr>
<td>Philippines</td>
<td>23,805</td>
<td>27,228</td>
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<td>30,065</td>
<td>23,503</td>
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<td>15,301</td>
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<tr>
<td>Others</td>
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<td>46,176</td>
<td>85,224</td>
<td>78,827</td>
<td>72,859</td>
<td>68,017</td>
<td>65,967</td>
<td>64,169</td>
<td>61,488</td>
<td>58,004</td>
<td>54,573</td>
<td>54,096</td>
<td>54,999</td>
<td>54,176</td>
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</table>

Table 4: Changes in the Estimated Number of Overstayers by Status of Residence.

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<tbody>
<tr>
<td>Total</td>
<td>271,048</td>
<td>251,697</td>
<td>232,121</td>
<td>224,067</td>
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</table>

Table 5: Estimated Number of Thai Overstayers from 1997-2004 by Sex.

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</thead>
<tbody>
<tr>
<td>Remittance</td>
<td>39,513</td>
<td>37,046</td>
<td>30,065</td>
<td>23,503</td>
<td>19,500</td>
<td>16,925</td>
<td>15,693</td>
<td>14,334</td>
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<tr>
<td>Male</td>
<td>16,839</td>
<td>15,542</td>
<td>13,552</td>
<td>11,082</td>
<td>9,281</td>
<td>8,020</td>
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<tr>
<td>Female</td>
<td>22,674</td>
<td>21,504</td>
<td>16,513</td>
<td>12,421</td>
<td>10,219</td>
<td>8,905</td>
<td>8,386</td>
<td>8,186</td>
</tr>
</tbody>
</table>


Source: 2004 Immigration Control, Immigration Bureau, Ministry of Justice (p.39)

Source: 2004 Immigration Control, Immigration Bureau, Ministry of Justice (p.41).
previous year and reached 64,817 in 2003, marking an all-time high. Looking at the statistics by region, the number of Asians has been on the rise reaching 59,501 in 2003 and accounting for 91.8% of the total, followed by Africa (1,621, accounting for 2.5%) and South America (1,250, accounting for 1.9%). By nationality (place of origin), the largest number came from China at 38,319 in 2003, accounting for 59.1% of the total, followed by Indonesia (5,597 accounting for 8.6%), Viet Nam (4,028 accounting for 6.2%), the Philippines (3,618 accounting for 5.6%), and Thailand (3,119 accounting for 4.8%) increased 13.9% from a year earlier in 2002. (2004 Immigration Control, 13-14; Office of Labor Affairs in Japan: 2005, 7)

### 2.2 Illegal Foreign Workers

The estimated number of overstayers (those who illegally stay in Japan beyond the permitted period of stay without obtaining permission for an extension or change of status of residence) was 219,418 as of January 1, 2004. This number has slightly decreased by 1,134 (0.5%) from 220,552 on January 1, 2003. Looking at the number of overstayers by nationality (place of origin), the largest number was from R.O.Korea (46,425 accounting for 21.2%) as of January 1,2004; followed by China (33,522 accounting for 15.3%), the Philippines (31,425 accounting for 14.3%), Thailand (14,334 accounting for 6.50%) with 6,148 male and 8,186 female; Malaysia (8,476 accounting for 3.9%), Taiwan (7,611 accounting for 3.5%), and Indonesia (7,246 accounting for 3.3%). The number of overstayers from Thailand steadily decreased from May 1, 1993. (Table 3) Most of the Thai overstayers had a residential status of “Temporary Visitors”, with some “Trainees”.

The statistics of the estimated number of overstayers by status of residence before having overstayed show that the largest number of overstayers originally had “Temporary Visitor” status (150,326) accounting for 68.5% of the total. The second largest number had resident status of “Entertainer” (11,974 accounting for 5.5%), followed by “Pre-college Student” (9,511 accounting for 4.3%), “College Student” (6,672 accounting for 3.0%), and “Trainee” (3,959 accounting for 1.8%). Most of the Thai overstayers had “Temporary Visitor” status with some “Trainees” (Table 4). (2004 Immigration Control, 38-41; Office of Labor Affairs in Japan: 2005, 8)

The estimated number of Thai overstayers in Japan rapidly boomed between 1991-1993. But this number steadily decreased down to 14,334 in 1997 (Table 5).

In 2003, the largest number of deported foreign nationals were deported from Tokyo (39.6%), followed by other big cities such as Saitama, Kanagawa, Chiba, Aichi, Osaka, Ibaraki, Gunma, and Nagano. The number of deported foreign nationals from these 10 cities made up 86.3% of the total. Mostly, the deportees were aged between 20 and 39 years old (70.1%). There were more males than females for the group aged 25 years and up. However, there were more females than males for the 25 years old and younger age group. The report found that 47.8% worked longer than three years while 30.6% worked longer than five years. Looking at income, this was also increasing. Those who earned 3,000-5,000 Yen a day (around US$27-45) and 5,000-7,000 Yen a day (US$45-63) experienced an income decline but those who earned 7,000-10,000 Yen a day (US$63-90) had an increased income. Most worked with small enterprises and one owner businesses (or family businesses). (Office of Labor Affairs in Japan: 2005, 14)

### 2.3 Trafficked Thai Women

The late 1970s and early 1980s were the beginning of large-scale trafficking of women into Japan from Thailand, the Philippines, and other countries in Southeast and East Asia. The trafficking of women from Thailand to Japan involves a wide range of actors: the initial recruiter who contacts the women; the agent in Thailand who pays the recruiter, arranges travel documents, and holds the women until they are ready to leave; the escorts who accompany the women to Japan, often via other countries such as Singapore, Malaysia or South Korea; the brokers who meet the women upon their arrival and pay the agent for delivering them; and the procurers who run the sex establishments and pay large sums of money to the brokers for the acquisition of the women. When trafficked women arrived in Japan, they are taken to a broker who negotiates their job placement arrangements. The women themselves have no input in this process: no opportunity to select or refuse an employer or a voice in setting the terms of the “contract”. (Human Rights Watch 2000; Kinsey 2002, 4-5; Pataya: 2001, 9-10)

### 3. BACKGROUND OF THAI MIGRANT WORKERS IN JAPAN

Interviews were done with 67 residents, composed of 35 male respondents (52.2%) and 31 female respondents (46.3%). The majority of respondents were older than 30 years old (65.6%) with an average age of 41 years old. Twenty three persons or 34.3 percent of respondents were from the 40-49 age group. Furthermore, 31.3 percent of respondents’ age fell within the range of 30-
39 years old. However, the age range of the total sample was from 19 years of age (2 persons) and 60 years of age (2 persons). One of the 60 year old respondents has stayed in Japan for 19 years. She had come to work as a domestic helper when she was 41 years old. The other 60-year old respondent came to work in Japan when he was 46 years old. He now stays illegally and works as a daily wage worker.

Regional Origin in Thailand

Twenty eight persons, comprising 41.8 percent of the total sample, came from the Northern and Northeastern parts of Thailand. Seven respondents (10.4%) came from the central part of Thailand and four respondents (6.0%) came from Bangkok. After cross tabulating the relationship between age and regional origin in Thailand, the result showed that those who came from Northern part of Thailand had an average age ranging between 30-39 years old and the majority were female. Moreover, the majority of those who came from the Northeastern part of Thailand fell within the 40-49 age group and the majority were male.

In terms of marital status, there were 19 persons who were single or who had left their spouses behind in Thailand (28.4%). There were 14 persons who were divorced (20.9%), 11 persons who were separated, (16.4%) and 4 persons who were widowed (6%). Among the respondents, there were seven persons who were married and had children in Japan. The survey also found that most of married respondents had one or two children left behind in Thailand.

For educational background, the survey found that 59 respondents (88.1%) had lower than a bachelor degree level. There were 25 persons (37.3%), and 23 persons (34.4%) who graduated from the primary school level and secondary school level, respectively. Only 11 persons (16.4%) had graduated from vocational school and 6 persons (9.0%) had a bachelor degree.

For professional background before entering Japan, most of the respondents worked as daily wage workers such as carpenters, maintenance workers, clerks, retailers, factory workers, domestic workers, and teachers. Some respondents had their own businesses in Thailand such as setting up agricultural irrigation, a book store, a motorcycle repair shop, an air conditioning repair shop, and a general store selling vegetables, food, and cloth. There were only a few who worked in agriculture. Before entering Japan, the remaining three respondents had studied in junior high school (15 years of age), high school (19 years of age), and vocational school (21 years of age). Finally, five respondents had just come back from working abroad before re-migrating to Japan, from Taiwan, Hong Kong, or Saudi Arabia.

For international migration experience, about one-third of the respondents (21 persons) had worked abroad previously. The main destination countries were Saudi Arabia (5 persons), Hong Kong (5 persons), Taiwan (3 persons), and Singapore (3 persons). The rest of the respondents had worked in the following countries before entering Japan, Korea (5 persons), Brunei, Israel, Iraq, and the United States. The study also found that 5 respondents had come to work in Japan before; one of them had come to Japan illegally four times since 1992.

3.1 Channels of Entry to Japan

The brokerage system was the major channel that respondents used to enter Japan. About 35.8 percent of respondents paid the fee in advance to brokers in Thailand before departing for Japan. Some respondents (25.4%) arranged their own trip to Japan by using a tourist visa or trainee visa, and then overstayed illegally in Japan. Unfortunately, some respondents (23.9%) were the prey of female traffickers. After entering Japan, they were forced into sex work with a “debt” that they had to work off to their employers—Mama-san [owner of the Japanese bar]. Some respondents had been legally working in Japan with a working visa or training visa, such as domestic workers, chefs (10.4 %), and apprentices (4.5%).

The channels of entry to Japan were different for each group. For the first group using illegal brokers in Thailand, the Thai job seekers needed to pay the fee denominated in Thai Baht currency before leaving for Japan. The brokers arranged the whole trip for them, including processing documentation, and travel route planning, without job placement arrangement, done by the brokers who come to recruit the job seekers in the village and the brokers who work with agencies in Bangkok. Normally, the Thai job seekers who used the brokerage system were males and a few females who did not go to work as sex worker in Japan. This group has mostly entered Japan since 1991. For around one-third of this group, 14 people who entered Japan between 1989 and 1991, the fee was much cheaper than for those who were trafficked to Japan, who were required to pay between 100,000-400,000 Thai Baht for the processing fee to illegal brokers. Subsequently, Thai job seekers had to pay an expensive brokerage fee of more than 200,000 Thai Baht in the year 1992. The brokerage fee reached a peak of 400,000 Thai Baht in 1997.
For those who entered Japan when they were younger than 20 years old, two of them came to Japan as sex workers. Now, both had been arrested and detained for deportation by Japanese Immigration. One had just arrived in Japan for two months and still owed a debt of five million Yen to the Mama-san. The other one entered Japan at the age of 17 years old and was arrested when she was 19 years old. She has paid the entire debt of five million Yen to the Mama-san.

Among the male Thai immigrants to Japan, the youngest male interviewee entered Japan in 1992 when he was 15 years old and had just graduated from junior high school. Two more males came to Japan when they were 17 and 19 years old, in 1990 and 1991 respectively. Three of them were between 30 and 33 years old. Two of them were married with two children each. The majority of Thai immigrants entered Japan when they were between 30 and 39 years old (26 persons, 38.8%) and between 20-29 years old (22 persons, 32.8%). Some entered Japan when they were 51-52 years old and are now between 53 and 58 years old. There was a higher number of Thai male immigrants than female immigrants staying for a longer period, especially for those who entered Japan between 1991 and 1992. The reason for this may be the fact that some Thai female immigrants get married to Japanese men and change their illegal status to that of a permanent resident visa. This survey focused only on Thai migrant workers and did not cover those who are spouses of Japanese citizens.

In terms of legal immigration status, the majority of respondents were illegal migrants. From the study, there were 58 respondents (86.6%), comprised of 33 males and 25 females, working illegally in Japan. In contrast, there were only nine respondents (13.4%), comprised of two men and seven women, that were working legally with employment contracts. For those who are in Japan illegally, their jobs are insecure and they have changed jobs frequently because of strict immigration law enforcement. In 2004, Japan amended its new immigration law, increasing the fine liable to Japanese employers who illicitly hired foreign workers. Thus, the demand for illegal migrant workers by Japanese employers was reduced. Moreover, the economic slump in Japan also decreased the demand for foreign migrant workers. Many foreign immigrant workers therefore needed to work more than one job in order to survive. Most of the male respondents (23.9%) worked as daily wage workers. Some male respondents (16.4%) worked as semi-skilled workers and some were self-employed with some extra-time jobs, for instance, selling food and snacks, and planting vegetables on rented land for commercial purposes.

For female migrant workers, there were 11 persons (16.4% of respondents) who worked in commercial sex work, snack bars and karaoke bars. The majority of illegal immigrants started as sex workers and then changed to other work after discharging their debts, working as daily wage workers. However, they earn less money than male immigrant workers. The daily wage jobs that Thai male immigrant workers worked at were in road construction, plumbing, horticultural work on farms or golf courses, hog farms, fruit farms, maintenance, carpentry, construction work, food factories (fried dumplings), fish sauce factories, squid factories, and plastic factories. The daily wage jobs that Thai female workers performed were waitressing, cleaning the floors inside the hot spring bath (Onsen), cleaning construction sites, cleaning ramen shops, and binding vegetable packs. In general, the male migrant workers can earn money around 10,000-12,000 Yen per day (US$95-115 or THB3,900-4,700), while the female migrant workers can earn about 8,000 Yen per day (US$76 or THB3,125).

Normally, the semi-skilled jobs that require knowledge of electronic devices, computers and advanced skills go to male migrant workers such as welders, lathers, anti-rust sprayers, carpenters, fish and pork factory workers, and chefs in Thai, Korean and Japanese restaurants. These semi-skilled workers can earn at least 300,000 yen per month (US$2,900 or THB117,000). Some respondents were self-employed, for example, a...
restaurant entrepreneur, a glossary store, a video rental shop, and a computer graphic shop.

Among the interviewees, there were 19 Thai female migrants who had been working as commercial sex workers (CSWs) since first arriving in Japan. Eleven of them were still working as CSWs. Unfortunately, on the interview date, some were arrested by the police; some of these escaped to ask for assistance from the Thai Embassy in Tokyo. As a result, these 11 women are being deported to Thailand. For the other eight women, they had already paid off all of their debts, and thus did not work as CSWs anymore. Of these former sex workers, two of them remained working in snack bars as waitresses, and one opened a massage parlor with hidden sex services. Five of them worked as daily wage workers with less income earning than as CSWs but more peace of mind. Two out of the five had gotten married, with a three year old child and a five year old child, respectively. As a result, they have to take care of the children and have less time to work outside of the home.

**Legal Work & Income**

Those who work legally under employment contracts such as domestic worker can earn at least 150,000-250,000 Yen per month (US$1,400-2,400 or THB60,000-97,000). Some immigrant workers who work at spare-time jobs can also earn some more money. Normally, the contractual domestic workers live in the employers’ house with free food, accommodation and one day off per week. There are also some other contractual workers such as chefs and trainees. These contractual groups also can receive salaries and welfare benefits. For the trainees, they receive a trainee’s salary and fewer benefits than the permanent employees. Most worked as factory workers at jobs that required vocational school or college graduation and an age between 20 and 25 years old. The trainee contracts are for three years. After deducting the accommodation, water and electricity costs, the trainees can earn only 135,000 Yen per month (US$1,300 or THB5,300). As a result, they need to work over-time in order to earn 40,000-50,000 Yen more per month (US$380-470 or THB15,000-20,000).

**Skills from Abroad**

The experiences that Thai migrant workers can gain in Japan, especially those who are semi-skilled laborers, both legal and illegal, are as follows: welding metal, steel work using computers and robots, woodcraft, furniture making, machine repair, car gadget repair, domestic work such as cooking, party setting, house cleaning, child care, Japanese, Korean and Thai food cooking in restaurants, new agricultural techniques for fruit farms and large animal farms, and Japanese language skills.

**Financial Management**

In terms of financial status and financial management, around one fifth of respondents (14 persons, 20.9%) are in debt. However, 53 respondents (79.1%) had no debt. Eleven female respondents (16.4%) were among those still in debt, but only three male respondents (4.5%). The women who worked as CSWs were likely to be more indebted. During the survey, there were five CSWs who still indebted to their employers (Mama-san). If these women are arrested, they will no longer need to repay the debt to Mama-san. However, some interviewees were followed up by the women trafficking crime network when they returned to Thailand. Some respondents also still need to pay other debts occurring in Thailand such as house building and debt from restaurant business insolvency. In addition, there were also 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 (US$8,500 or THB350,000) for a stomach operation. He has to repay 50,000 Yen (US$470 or THB20,000) 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 (US$22,000 or THB900,000). Fortunately, the employer helped them to pay that amount to the hospital first and agreed to deduct the money from the Thai worker every month for the next two years.

**Remittance**

The survey also found that most Thai workers sent home remittances (94%). There were only four Thai migrant workers (6%) who did not send home remittance, all of them women who were trafficked as CSWs in Japan. Three of them decided to escape from the snack bar three days after arrival Japan, since they were being forced to provide sex services. The other woman escaped a month after she arrived in Japan. As a result, these women have no savings and cannot send remittances to Thailand yet.

There were several reasons for the Thai migrant workers in Japan to send remittances to Thailand, including high family living costs in Thailand, children’s educational costs, paying for family debts, paying their parents for child care, paying for their parents’ living costs, and

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**Reflections on the Human Condition: Change, Conflict and Modernity**

*The Work of the 2004/2005 API Fellows*
saving for their return. The study found that the male migrant workers trusted their parents more than their spouses because, in the past, some spouses cheated and ran away with their remittances. Some women used the money for gambling or gave it to their new husbands.

Savings and Investment

For those who had savings (63 persons or 94%), they sent almost all of their earnings in Japan to the family left behind in Thailand, or kept it with themselves. There were 48 respondents (71.6%), comprised of 31 men (46.3%) and 17 women (25.3%) who were saving money for their return to Thailand. This study found that Thai male migrants were able to save money more than the females, which may be due to their higher income, except for those who gambled and drank, most of whom had not saved money and sent very few or no remittances to their family in Thailand, even if they had earned a great deal of money.

The survey found that a number of Thai migrant workers (22 persons, 14.2%) had their own accounts for their return instead of sending these funds to someone else. In addition, the survey found that five respondents (7.5%) had their own bank accounts in Thailand. The respondents who voluntarily reported the amount of savings in Thailand had around 500,000 - 5,000,000 Thai Baht (JPY1,300,000-13,000,000 or US$12,000-120,000). I expect that there were few respondents who will say the real amount of their saving. Some might have more than five million Baht in savings.

Moreover, 27 respondents (18.1%) sent the money to invest in some businesses or some other assets in Thailand, especially for buying agricultural land, cars, and houses. Some migrants invested in Thailand by building apartments for rent, opening a motorcycle repair shop, grocery, internet shop, or buying a cow.

Although most of all respondents (63 persons, 94%) have a large amount of money saved, they still would like to earn and save more. At the interview date, there were only four respondents (6%) who said that they were ready and would like to return to Thailand. The main reasons people cited for not being ready were that they very worried about their occupation and earnings after they return to Thailand.

3.4 Return Plan to Thailand

When & Where

Although the number of respondents still wanted to continue working in Japan, the majority of respondents (40 persons, 59.7%) had already set the plans to return to Thailand. Twenty respondents planned to return to Thailand within 3 years. Among these respondents, five of them will return to Thailand in a year, and 11 of them will return to Thailand in two years, especially those who came to Japan since 1991 and 1992 who had been in Japan for 13-14 years without returning to visit families in Thailand. In addition, those who plan to return home also feel that they have enough savings already, along with business plans to resettle into their new life in Thailand again. More importantly, they also longed for reunification with their families in Thailand. Some respondents said if they were arrested by police, they were ready to return to Thailand. Put another way, they were not afraid of being arrested and repatriated by police. However, in the mean time, they still preferred to remain working in Japan for a while in order to earn some more money.

There were 23 people (34.3 %) who said that they would return but had not yet decided when, especially those who had no savings yet. In addition, two of them said that, if possible, they did not want to go back to Thailand. But currently, due to strict Japanese law enforcement with illegal migrants, both males and females had thought about marrying Japanese citizens because they could change their status from illegal to legal immigrants and could stay in Japan.

More than half of respondents (52 persons, 77.6%) wanted to return to stay with their families in their hometowns in Thailand. Among the other half, only eight respondents (11.9%) wanted to return to stay in Bangkok, and seven respondents (10.4%) had not yet decided where they would return to stay in Thailand.

What they would like to do

For prospective jobs in Thailand, most of respondents expected to run their own small enterprise after returning to Thailand. In addition, several respondents wanted to return to work in agriculture, and only few people wanted to return to work in factories in Thailand.

This result is because most of respondents came from a non-agricultural sector. Moreover, in Japan they were also self-employed, worked in factories, worked in daily wage jobs, and returned from working abroad in other destination countries. Therefore, most of them (40 persons) planned to return to open their own small enterprise in Thailand, especially for those in the 40 to 49 age range. In contrast, those whose ages range between
SESSION V

50 and 59 years old (23 persons) would like to return to work in agriculture because they want to take breaks for the rest of the life by living close to pure nature. Some respondents, aged 50-60 years, said they had already bought land for farming. For manufacturing jobs, only a few respondents (eight persons) planned to return to work at this type of job in Thailand, particularly the young respondents. These people were young, in their early twenties, and had worked in factories before coming to Japan.

For those who had exact plans for returning to Thailand and had already sent remittances to families for starting small enterprises in Thailand, it was not difficult to decide to go back to Thailand. Nonetheless, most of respondents had not yet decided what would they do after returning to Thailand. In addition, some did not know what kind of business would yield the best return because they had not been in Thailand for a very long time. As a result, they would do better to keep their money themselves in the form of savings and seek advice, particularly on their occupation.

There were several jobs that respondents would like to do after returning to Thailand, such as running a motorcycle repair shop, a second-hand gadget shop, an air conditioning and refrigeration repair shop, a glossary, an agricultural machinery shop, a plant nursery, a restaurant, a coffee shop, a laundry shop, a domestic cleaning service, and renting out apartments. However, more than half of respondents did not know how much monthly income they wanted after returning to Thailand because they did not know how much money was necessary for living in Thailand now.

**Needs**

Thai migrant workers in Japan, especially those women who were trafficked to be CSW’s, felt that they needed some authority or organization to facilitate the process of returning to Thailand for them. Those who were illegal workers, including sex workers, needed to have health check ups because they have lived for several years in Japan without health insurance. Despite experiencing some health problems, they were worried to go to a hospital in Japan, owing to doctor fees. In addition, both legal and illegal Thai migrant workers in Japan really need some experts to give suggestions about prospective jobs after their return to Thailand.

According to the interview, the types of career consulting in demand can be ranked from most to least in demand as follows: knowledge and information on agriculture, knowledge on business entrepreneurship, knowledge on marketing, and lending sources. Moreover, some want to adapt their experiences from abroad to new jobs in Thailand.

In terms of the demand for a returned migrants union, most of respondents (57 persons or 85.1%) wanted to participate in a returned migrants union if the Thai government or another organization established a union for Thai migrant workers who have returned from abroad. The activities that they expect from a returned migrants union are as follows career consulting, health consulting, legal assistance, savings groups as a source of funding, and providing health insurance for members.

Some respondents said that “the decision to return to Thailand is harder and more worrisome than the decision to come to work in Japan.”

### 4. Return and Reintegration Programs

#### 4.1 Categories of Thai Migrant Workers Returning from Japan

**Foreseeable return**: documented workers who would return when they finished their contracts, as well as some undocumented workers who decided to surrender to immigration authorities, such as trafficking victims who escaped from their employers, those who surrendered to Immigration because of health problems, accidents at their jobs, reaching their savings target, and having stayed in Japan for such a long time. In addition, there are those who wish to surrender with their children who were born in Japan because they would like their children to go to school in Thailand.

**Unforeseeable return**: The majority of undocumented workers wanted to work in Japan for as long as they could. Among the migrants who were arrested by Immigration, one had stayed for 14 years, while some had stayed for only one month (sex workers). In addition, there were those who were arrested due to driving without a driver’s license.

#### 4.2 Reintegration Programs: Recommended Programs for Returned Thai Migrants

**Economic Reintegration**

For the most part, the businesses set up by returned migrants were not stable or had failed in beginning. Their earnings were only sufficient for daily expenses and they were unable to bring home savings or might have already spent all of it. Some of them did not invest their savings in any business or income-generating

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Reflections on the Human Condition: Change, Conflict and Modernity

*The Work of the 2004/2005 API Fellows*
project. Therefore, the program should contribute to their successful reintegration, create sufficient sources of income (outside employment or self-employment) to become economically self-reliant and empowered, and contribute to the development efforts of the country through the wise investment of their savings. Project feasibility and investment planning consulting should be provided. Career development could cover any of the following: returnees, spouses of returnees, parents or children of returnees, brothers or sisters of unmarried returnees and nephews/nieces of married returnees without children. Returned migrants and their families should be encouraged to save and invest their earnings. Other members of the community will also benefit from the enterprise investments of returnees.

Examples of vocational reintegration programs are as follows:

1) Training in various vocational and technical skills to facilitate the beneficiary’s employment or entrepreneurship efforts;
2) Project feasibility and investment planning consulting;
3) A job center to develop opportunities and mechanisms for local employment and job placements;
4) Savings and livelihood programs to encourage returned members and family members to save and to provide loans to start a small business; and
5) Returned family cooperative, to access loans from local banks to the cooperative in order to set up a business.

Social Reintegration

To encourage sustainable socio-economic activities, the reintegration of returned migrants into local community life should be facilitated. Psycho-social reintegration which prepares returnees to enter and integrate with Thai society includes such things as psycho-social services, emergency repatriation, temporary shelter, referrals, stress relief, and medical and legal consultations. The reintegration services should be accessible along with pre-departure and on-site services. The program should provide for returned female migrants, particularly those who were victims of abuse and exploitation. The Ministry of Labor and Social Welfare or some of its departments should lead in developing a strategic integrated program of interventions that matches the needs of returning migrants in terms of psycho-social and personal reintegration, education and training, political and legal empowerment, health services and economic self-reliance. They should further encourage and support NGOs as implementers of reintegration programs for returned migrants and establish a system for NGO implementing partners.

Example of social reintegration programs are as follows:

1) Information center for returned Thai migrants could be established at the international airport where returnees can pick-up information regarding their options;
2) Japanese Materials: Japanese materials books, cassettes, videos or VCDs should be provided for the new returnees, particularly Thai children who were born in Japan and cannot speak Thai;
3) Returned Female Network should be set up to assist female migrants in seeking alternative livelihoods as they re integrate into Thai society, including immediate assistance, education and training, and to encourages them to remain in their communities rather than migrating to urban centers or abroad;
4) Promotion of international cooperation among related agencies working with returned Thai migrants from Japan, including the Thai and Japanese governments, Thai and Japanese NGOs, and returned migrant workers;
5) Health promotion for Thai migrant workers returning from abroad, particularly health check ups upon their return;
6) Temporary shelters, particularly for those women who were trafficked, or were followed up on by the women trafficking networks and are afraid to return to stay at home, as well as for returned migrants who face problems with their relatives or have no accommodation;
7) Counseling, orientation, education and training for new returnees; and
8) Legal assistance, particularly for returnees with experiences of abuse and exploitation or those who were in accidents on the job.

CONCLUSION

International migration is currently a dynamic phenomenon. The poor and the vulnerable from an underdeveloped country engage in numerous efforts in order to migrate to work in a comparatively rich country. They all search for a better life and better economic opportunities, although they may need to sacrifice their own human dignity, work in the jobs that local people refuse to do, or work in jobs that they have never done before in their life. In addition, unfortunately, they have to use the services of exploitative job recruitment brokers in...
order to go work abroad. The brokers look for people in the villages or in Bangkok using several beguiling and exploitative tricks. So far, international migration has tremendously changed the norms and traditions of people in primitive communities.

The people who really benefit from international migration are not migrant workers, but the brokers who possess wide connection networks, both local and international networks. The migrant workers and their families are vulnerable to losing in both the short and long run.

From the macro level perspective, Thai immigrant workers to Japan may be able to send large amounts of remittance to their home country. But from the micro level perspective, migrant workers and their families require a great deal of money for the departure process. In addition, some migrant workers need to work in risky and social unacceptable jobs like commercial sex work. They strive for survival and surrender to exploitive and risky situations, especially in terms of their health.

Economic gain was the primary factor in Thai migrants’ decision to work in Japan. Although Thai migrant workers earned less money than the local workers in Japan by comparison, their wages could improve their material standard of living in Thailand. Working in Japan for only three to five days gave them the same amount of money as working in Thailand for a whole month. Although the living cost in Japan was very expensive, they could still save large amounts of money after converting from Japanese Yen to Thai Baht.

Due to stressful working conditions, these Thai migrant workers needed to find ways of relaxing. If they chose the right kinds recreation, they might be successful from having come to work in Japan. However, if they chose the wrong kinds of recreation, such as gambling, the Pachinko [Japanese pinball game], snack bars, drinking, etc., they might lose out by having come to work in Japan. In these cases, even though they earned a large amount of money, they had no savings. Therefore, self-control and making a plan for their period of working abroad were the most important considerations for those who wanted to go to work abroad.

The other consideration that we need to be concerned with before going to work abroad is the families left behind in Thailand. Migrant workers, especially those who came to work in Japan illegally, might have no chance to teach and socialize with their kids and this might lead to a situation of family disintegration. Although these migrant workers could earn a great deal of money, they failed to raise their children. As a result, the children might be more likely to spend money extravagantly and be more vulnerable to addictive drugs. For some families of migrant workers, the spouses and families also spend money unwisely, and in the worst case, the long distance may lead to divorce, leaving the children alone with other family members.

Living abroad for several years can also lead to difficulties in reintegrating to the original society. Therefore, reintegration program should help those returning to reassume their developmental role in nation building, including socio-cultural and economic reintegration that covers migrant workers and their families who were left behind. The special objectives of reintegration programs are to reunite the life of migrant workers with their families and communities, and to adapt their experiences abroad for developing their original community and country.

References

Migrant Year Book. 1999. Hong Kong: Asian Migrant Center.


POEA: Policies and Programs Division Planning Branch. 2003. POEA’s Labor Assistance Center on the actual departures of OFWs at the international airports, Manila, Philippines.


Endnotes

1Since the currency exchange market was liberalized in March, 1999, the actual revenue from Thai laborers in overseas might be more than the amount of money that is sent through the banking system. This is because workers can now bring up to $5000 of their money with them in the form of cash. Therefore, there are fewer laborers who transfer money through the banking system.

2POEA: Policies and Programs Division: PLANNING BRANCH, on POEA’s Labor Assistance Center on the actual departures of OFWs at the International Airport, Manila, Philippines, 2003.

3DER-BSP, on Overseas Filipino Workers’ Remittances 2004, Manila, Philippines.

4SIAMRAT, Thai Newspaper, February 16, 2006, Bangkok, Thailand.

5The time of the study in Philippines was not sufficient to collect feedback from returned OFWs on the implementation of “Reintegration Programs” conducted by OWWA, churches and NGOs.

6By the 1980s, the government had organized an overseas employment program by assigning market promotion, the regulation of the migration industry through a system of licensing and monitoring, and the documentation, processing and deployment of workers to the Philippine Overseas Employment Administration (POEA), while welfare and protection issues are the province of the Overseas Workers Welfare Administration (OWWA). The enactment of the Migrant Workers and Overseas Filipinos Act of 1995 (RA 8042) was a major step in promoting the protection of overseas Filipino workers.

7Overseas Workers Welfare Administration (OWWA) Interview, Manila, Philippines, October 18, 2004.


9Non-Governmental Organizations (NGOs), interviewed in September – November 2004

- ATIKHA Inc., in Laguna
- Center for Migrant Advocacy (CMA), in Manila
- Development Action for Women Network (DAWN-Philippines), in Manila
- Kanlungan Center Foundation, Inc. in Manila
- Scalabrini Migration Center (SMC), in Manila
- Unlad Kabayan, in Manila

10The Employment Security Law, Article 63, states that a person who falls under any of the following items shall be punished with imprisonment for not less than one year and not more than ten years or a fine of not less than 200,000 yen and not less than 3,000,000 yen, as of December 2nd, 2004:

A person who conducts or engages in an employment exchange, labor recruitment or labor supply, by means of violence, intimidation, imprisonment or any other restraint on metal or physical freedom;

A person who conducts or engages in an employment exchange, labor recruitment or labor supply for the purpose of soliciting jobs with an intention of inducting workers to do works injurious to the public health or morals.
SESSION VI

TOWARDS SUCCESSFUL ACCESS TO LAND?
A CASE STUDY OF SUCCESS AND FAILURE OF LAND REFORM IN THE PHILIPPINES AND INDONESIA

Petrus Damianus Prasetyohadi

INTRODUCTION

The results of agrarian reform in the Philippines and Indonesia are varied and uneven. In the Philippines, some show high results and others very low. In Indonesia, some peasant groups stay as tillers while others fail to even claim the land. Realizing the varied results of peasant struggles, I would like to point out the reasons why peasant groups in certain areas succeeded or failed in gaining the land. Understanding such reasons, I propose some suggestions to frame sustainable land distribution and post-land transfer process.

I discover three key issues in determining the success or failure of attempts to obtain lands. First, the difference of the obtained areas is comparatively little, yet proportionally quite differently understood for each context. Second, rules of success refers to the full-scale efforts in engaging social and state actors while stressing allied pressure strategies against the land controllers (Indonesian) and landlords (the Philippine) through mobilizing peasants for direct land occupation and administrative pressures including locking disinterested government officials. Third, organizing activities remain the most important element in implementing reform. Any certificate-oriented land transfer could be useful in supporting human life, yet only as far as it refers to employ the peasant’s tilling activities in a politically correct, good purpose-oriented manner.

This paper is divided into four parts namely: note on the theoretical consideration, details of comparative findings out of examining the performance of each organization focusing on the role of the social and state actors, the impacts of social movements on agrarian reform and concluding remarks.

The research does not mean to cover the complex phenomena of agrarian reform in both countries. It restricts its scope to more conspicuous and limited performances by the actors involved in the cases; the cases mirror larger experiences. I also refer to a concern about possible subjective concept of “success and failure” to the common context of the efforts to improve rural social change in term of acquiring the land out of inequality of land ownership in certain territorial units. Such efforts generally target at promoting landless peasants—or nearly landless—to acquire the land (land reform) and their likeliness to cultivate and live out of it (post-land transfer). Success and failure in this case entails how far the peasants could occupy (either legally or not) and uphold it in order to cultivate the land and to maintain their livelihood.

THEOREtical CONSIDERATION

To help more clearly reaching the objectives of this investigation, I focus my analysis on a certain aspect of social movements, concentrating on the roles of the actors involved, behind the struggles to gain the land. In analyzing the roles of the actors, I mainly categorize two different actors, i.e. the state and the social. Examining the roles of each in their interaction during the process of gaining the land overtime, I draw the reasons behind, methodologically speaking, their achievements as far as related agrarian reform practices are concerned.

In order to sum up all individual achievements of the actors, and how they interact with one another, particularly of the peasant groups, nevertheless, this research owes to comparative politics that I apply in considering the case studies. A related analytical tool helps this analysis to discern the determining factors and contexts of success and failure of the efforts towards agrarian reform. In comparing the case studies I analyze the actions of the actors involved, exploring the range of changes that take place in the due course of social movements. The critical preference to examine the interaction of the state and society could expectedly reach the mobilizing points in which one engages with the other, presuming what the actors do falls within the intended extent of what they struggle for. Accordingly, as political scientist Jonathan Fox (2004) defends this theoretical framework as the paramount strategy for yielding achievement, the actions are meaningful for all the actors involved in the context of strengthening civil society, including the social movements for agrarian reform.

In the context of agrarian reform as a pro-poor program in both countries, following Fox’s concept, the dynamic framework of the so-called ‘sandwich strategy’ pushes the empowerment outcomes either of the people and the government. In such a dynamics, the actors may be categorised accordingly into three different parties, i.e. 1)
the peasants and their organizers, 2) the agrarian reform implementing parties (the government) who hold the power to apply the related public policy, and 3) local establishments such as landowners or land controllers and their allies, many of whom are embedded in both the state and society. With the pressure from below from the peasants and their organizers and from above from the pro-reform government parties, we may see the outcome of positive social change in terms of some achievements of the independent peasant groups such as in gaining the land and more accountable performance of the government in mostly awkward policy arena of agrarian reform. Such dynamics allow the peasant groups to clearer recognise and to prevail over deep-rooted impediments to social changes.

In addition, as Fox asserts, the role of rural social movement is instrumental factor in yielding power-sharing, transparency and participation. However, the stronger the movement from the part of the social actors alone does not guarantee the yields of the collective struggles as it has been suggested by political scientists such as David S. Meyer (2001). This relativity should be applied even to the primacy of engagement of state-social actors. What Meyer refers as “fortifying myth”, therefore, remains valid for the actors to create for certain collective movements to yield and to persist. And I would argue that the myths are being created by the actors within these researched social movements.

Another restriction from comparative approach refer to the condition that the political structure and historical context of both countries do not easily match up. Nonetheless, the condition of the peasants, specifically those landless, who dominate the population in both countries, are quite similar in facing extreme poverty and patronised daily life-culture, in the past and in recent time, and in such a comparative perspective the question of fighting injustice remains tangibly relevant in both countries. I argue, accordingly, that analytical scope at micro, inter-village level is favourable focus in this research.

**TWO CASE STUDIES IN EACH COUNTRY**

I take the Philippine case studies in two villages from Negros Occidental province in Visayas, and Tarlac province in Central Luzon. The province has performed among the worst accomplishment according to the government as of July 2004, which I take as a starting point. Tarlac province performs among the highest. The selected social movement group was the Nagasi barangay people who fought for land that was part of the Benedictos family’s hacienda Esperanza (I call them the Negros case for the rest of this article). While in Tarlac in Northern Luzon, I draw my attention to a landholding in Ablang Saplang and Nancamarina barangays which formerly owned by the powerful Cojuangco family (‘Tarlac case’). The NGO joined the barangays into one working unit as both may be formed into one scope of organizing activities.

In Indonesia I also take two villages, all in West Java province under one peasant union of Serikat Petani Pasundan (SPP) as the main umbrella of movement organization. Because there is no government’s data available to start with, I take a deliberation with a senior scholar-cum-activist on the peasant movement to select two kinds of peasant organizations at village level that have performed best and worse practices in reaching the goal of agrarian reform. I took Ciècèng village, in Tasikmalaya district as the peasant group that unfolds later to be the strongest in controlling the occupied lands. The other case is Cibenda villagers’ movement, in a coastal village to Indian Ocean, adjacent to the international tourism industry of Pangandaran in Ciamis district, as a village that has failed to sustain social movement.

**Philippine Case Studies**

**Dynamics of the Peasant Movement in the Negros Case**

There are four main rises of the social movement of the Nagasi barangay’s peasants, characterised by land occupation and harvesting actions. The first round took place by the end of 2000, marked by clashes that took place as they were blocking each other from harvesting, while police kept watching. Peasants decided to retreat as they were outnumbered. Second round of vibrant movement, a year after the last retreat in February 2002, was marked by strong out-of-the-area mass mobilizations, while building alliance with other peasant organizations to storm the local government’s land reform agencies both at municipal and provincial level for two weeks. The third round took place five months later, when the peasants, assisted by a municipal level allied peasant organization, conducted bigger mass mobilization, supported by members of provincial level allied peasant organizations and other civil society groups. The three-day mobilization came out to be stronger as it was conducted right in the area, hence, occupying the area including harvesting activities. The fourth round was marked by killing incident of a beneficiary-peasant in March 2003, when the peasants launched land occupation, after months earlier of coordinating with diverse parties to occupy the awarded land. The failure of mass mobilization in...
the third round had motivated the peasants to ask for help from Manila-based NGOs for agrarian reform to muster national government’s supports. They managed to pressurise on the President to install the peasants into the awarded areas. The peasant leader could personally meet the President, after which she instructed the central office of the Department of Agrarian Reform (DAR) to include military officers to assist the peasants in cultivating the land.

**Dynamics of the Peasant Movement in the Tarlac Case**

There were two main rises of the social movement of the Tarlac peasants, the period of which spanned from January 2002 to December 2004. The first took place after months of “administrative pushes” to the local government’s offices of agrarian reform at municipal and provincial level. They succeeded in compelling the government officials to conduct land surveys, after which the peasants were installed in the area. The second rise is marked by intensive internal groups meetings, before the surveys were held. The NGO and the peasants conducted general assembly of all peasant members to consolidate their readiness to safeguard the survey. The group strengthening process was so thoroughly carried out to maintain their interests and fervour that they conducted continuous barangay’s mass meetings during two months of January and February 2003. As a result, all the peasants of about 250 people pressured the provincial agrarian reform office that the land surveys be accomplished as soon as possible.

**Similarities and Differences of the Philippine Case Studies**

**Political Opportunity and Land Certificate as Starting Point**

Both cases represent a deliberate choice of the agrarian reform actors at national level to pick the contentious big landholdings as they were controlled by influential landowners. The Benedicto family owned the Cojuangco-controlled hacienda Esperanza and the 1,040 hectares landholding in Tarlac. Both were Marcos’ cronies who succeeded to evade their properties from redistribution. This political option was taken by NGOs networking such as Unorka since 1998, a nationwide new networking movement for peasants’ interests to implement land reform in contentious landholdings. This option has been further worked out after learning the initial brief round of a comparatively high accomplishment of redistribution of mostly “less contentious” public lands had dwindled. It was particularly during the tenure of the DAR secretary Ernesto Garilao (1994-1996), who was exceptional among most DAR secretaries, a skilful management practitioner who kept empathy to the peasants and the NGO networking, apart from fully gearing the coordination synergy of the officials.

In addition, in both case studies, the granted land certificates internally created a more urging situation for the peasant groups to further their struggle for land because they had more hope to succeed, although they were yet hollow. In the Negros case, the land remained effectively held by the landowner, though the peasants, with the help of the NGO, had worked on it considerably since 1992, while in Tarlac case the government alone could not effectively work on it. In addition, the Negros peasants passed through the struggle mainly with the efforts of social actors (the intervening NGO and the peasant group itself), while the Tarlac peasants later realised the land certificates were already available for them provided by the government’s program.

**Role of the State Actors in the National Politics of Agrarian Reform**

Not all government officials, including those of DAR, behave in the same level of helpfulness for the peasants. However, in each case study related state actors eventually played important roles to make land redistribution happen. In the Negros case, pressured by the networking NGO and the peasants, President Arroyo strongly recommended DAR along with the military to help install the peasants in the area. While in the Tarlac case, the pressures of the NGO along with the peasant groups drove the provincial DAR officers to conduct land surveys before the installation.

Although in the Philippine case it may be assumed that the state actors generally support the cause in obtaining the land for the peasant beneficiaries, in the Negros case, in contrast to the Tarlac case, the municipal level officer was ambiguous, because in such important events the officer turned out to be disposed to the landlord’s influence though he promised only shortly earlier to fulfil the peasants’ demand. The only difference with the Negros case, most of Tarlac government’s officers in the whole balance were comparatively supportive, although it was clear they lacked interest to process the land distribution quicker, apart from the bureaucratic hurdles.

However, there was a positive role of the mayor as a negotiator in easing the tension between the landlord and the Nagasi peasants such as by including the landlord’s interest in bringing in pro-plantation farm...
workers as beneficiaries for land distribution and by lending hand to talk with the management to allow land surveyors to enter the area. The officials actually have positive possibility to resolve tension by taking role as negotiator or mediator, instead of blocking the land reform process.

Roles of the Social Actors

**NGO’s Roles**

With the help of organizers sent by the NGOs, peasants generally know that land transfer is the assigned job of the government as stipulated by the law. Well keeping the law, the peasants have the very rights to remind the government to implement their task and accountability, through dialogues and mass mobilization. The standard community organizing activities at barangay or inter-barangay level include: 1) investigation to targeted areas, 2) contacts building in the area, 3) meetings in the area to start organizing the peasants, 4) petition preparation for the land coverage, 5) paralegal training to selected peasants to inform and strengthen them about their rights, 6) small group pressures through “dialogue” with the government and 7) mass mobilization to pressurise the government to follow the distribution process in diverse matched occasions such as the national agrarian reform program anniversary, the campaign of national level NGO networking to oust the DAR secretary, etc.

Accordingly, there are three main points how strategy was developed: 1) to pressurise the government, the NGOs apply dialogue and mass mobilization, along with mass supports of the beneficiaries, 2) in order to increase pressurising strength of the mass, they built alliances with other peasant groups in the adjacent villages, 3) to grasp stronger pressure, the NGOs link the struggle at the barangay with the national; not only in discourse but also bringing peasants directly at national stage’s struggle.

Unlike the NGO’s involvement in Negros, however, in the Tarlac case, along with the initial stage of peasant organizing activity, the NGO took an option of making alliance with political party Akbayan that supported the peasant cause. The NGO motivated the peasant associations to support the party’s target at having three out of two seats in the Congress in the national election in May 2004. This option did not happen in the Negros case.

**The Role of the Peasant Group**

Though the period of intense struggle of one is slightly longer than the other—the Negros case took four years, the Tarlac case about three years,—both represent political struggles with a parallel intensity that they concentrated energy to reach the same goal of land ownership or land occupation transfer.

However, some diverging points in the performance of the groups in both cases are put forward. First, the understanding about the need for conducting social movement. Both peasant groups have different understanding about how social movement strategy should be waged for. In the Tarlac case, when the social movement was on the way, many among peasants still did not believe the land could be distributed. This is in contrast to that of many among the Nagasi peasants who have longer kept struggling for the distribution even though they knew that the land would not be just left that way by landowner. Although they faced internal problems of the pro-landlord (Negros) and pro-land administrator rival peasants (Tarlac), their eventual results in the breadth of social movement are different in which the scope of the strategy of the Negros case was wider with diverse tactics for long struggle.

Second, the strength of the peasant groups. Nagasi peasants reserved strength in fighting against the Hacienda Esperanza’s management. They may have better future as compared to the Tarlac peasants, whose struggle’s performance tends to slide down. The land dispute in Negros case reached the first peak of the conflict after the landlord represented by the management felt exhausted because all means available had been exploited, either legal means, using armed security guard forces, or hiring goons. However, the lingering conflict shifted to erupt in the area, instead, with vehement pressures to the landlord. It was no longer exchange of legal means, using armed security guard forces, or hiring goons. However, the lingering conflict shifted to erupt in the area, instead, with vehement pressures to the landlord. It was no longer exchange of legal contestation, as the peasants began harvesting the crop, an action that provoked landowner to send guards, and as expected, simultaneously the management also did the same in return. Despite such pressure, peasants sustained harvesting actions in addition to coupling it with committing the corporation to engage legal battle.

Third, the framing social movement with cultural base. Unlike the Tarlac case, the Negros case peasant community enjoyed the intervention of the NGO that was led by a Catholic priest from the independent Philippine church. The NGO has evocatively enclosed the peasant social movement with fundamental religious symbols of contextualised liberation spirit.
The Role of the Opponents

In the Negros case the landlord’s actions were generally “parallel” to peasant social movement, meaning when the peasants were pressured or attacked in diverse events, they accordingly increased their strikes. I argue that all landlord’s harsh pressures that were aimed to curb the peasants result in a bigger response from the peasants instead (this also applies for Indonesian case). Only in third round the landlord missed opportunity to beat the group. At the time, supported by provincial level peasant alliance the peasants padlocked the provincial government’s agrarian reform office for entirely two weeks, ‘as a symbol of the agency’s inutility in protecting beneficiaries.” The period of mobilization was indeed the longest among its kinds, despite no prompt response. That way, allied groups exceeded landlord’s strategies in repressing the peasants. The last landlord’s strike was much more surpassed by peasants’ full-scaled movements, which finally beat the landlord’s whole strategy. The peasants and the NGOs apparently agreed that unless they much strongly hit landlord’s strategy, they would lose the game.

Such all-out performance of the movement is entirely in contrast to that of the Tarlac case. This difference, therefore, reflects the level of difficulties of each group in facing the opponents. In Negros, the opponent is primarily the die-hard landowner with her/his actual coercive power and in Tarlac it is the administrator of the landowner and the inaction of the government’s. The latter’s single performance was quite plain but only the administrator’s past unaccepted moves when the parts of the land was sold to adjacent barangays’ residents.

Main Commonalities in the Philippine Cases

Four most striking observation, either in similarities or differences, as far as possible impacts of social movement on agrarian reform process is concerned, may be put forward. First, main trend of each distinguishes the character of the peasant groups. The tendency of the peasant movement in Tarlac seems to be “more curved”, quicker disappearing, particularly after they finished the process of the land survey. Second, the level of difficulties of each community differs in struggling to get the land. Negros peasants confronted big landlord, having lucrative enterprises, while employing hundreds of armed security guards, with a lot of capital to pay hired workers to mobilize. The Malibu Corporation is a highly productive enterprise; while in the Tarlac case such active production like nearby sugarcane distilling factory is not immediate. The latter was managed only by an administrator who at the maximum tried to influence the police and the barangay captains. Third, the level of the “contentiousness” of the landholdings in the Negros case was dissimilar to Tarlac, so that the responses of the government come out to be comparatively, let’s say, ‘approachable’ though in a negative way, in which the reluctant government officials were pitted to accept that the peasants should be tightly guarded up to entering the perilous area during the recurrent reinstallations. Fourth, difference in building process of networking pressures against the authority. The Tarlac case, for instance, had no need to engage the case up to the level of the President, while in Negros case, the coalition of peasants and NGOs succeeded to draw the attention of the person number one in the country up to approving the military to help guarding the installation. In both cases they intensely conducted the same strategy of involving and relating the local to the national. The tight relation between two-side networking of the intervening NGOs guarantees the strength of the pressures.

Impacts of Peasant Social Movements on Agrarian Reform

The ‘successful’ outcomes of the government’s program may be considered as a dichotomy as weighed against the NGOs that claims very low. Negros Occidental’s experience is considered among the ‘success’ by the NGOs, while the government’s data show it is among the lowest. One could perceive the Negros Occidental and Tarlac’s experiences typically constitute an “honestly typical” recognition for understanding the agrarian reform accomplishment in the Philippines, in the sense that Negros Occidental put up experiences of a relatively meaningful process, in which the social and state actors interacted relatively intense despite the political contention; while Tarlac endured less opposition from landlord though supposedly not less contentious process. If the agrarian reform process in the Philippines proceeds in such “honest” way in which the Negros Occidental traversed intense experiences of social movement, there is more hope for peasant communities to succeed.

At national level, success period of land transfer program implementation was mainly overshadowed by the central government’s role during 1993-1994, particularly when the DAR secretary was less politically minded but having strong office management prowess. Working together with the civil society actors, the programs were strongly pushed along with the peasant social movements. However, this period seems to be a particular case, as compared to tenures of other secretaries, who mostly held political interests not for
the peasants.\textsuperscript{8}

To sum up, in one side, the agrarian reform program accomplishment in the Philippines after the 1986 regime change is characterised by the leading role of the government, supported by the social actors. In other side, the contrast could be learned from the Philippine political history that is marked by the frequent social upheavals mostly conducted by the peasants along with the communist struggles. After 1986 the radical was suppressed, and as violent clashes stopped in mid-1990s the agrarian reform program quickly but significantly proceeded. In 2004 clashes between the radical and the government’s anti-insurgency policy has reached higher level’ that in many cases pitted the peasants in between.\textsuperscript{10} This is a development that may seriously hamper the program’s continuation in the future. However, if one views the 1992 split between the “rejectionist” and the “reaffirmist” groups as part of the government’s successful counter-insurgency policy,\textsuperscript{11} such on-going rivalries between the pro and anti-government groups have severely divided the social actors that in turn it remains detrimental for the agrarian reform process.

The Indonesian Case Studies

The Ciècèng case in Tasikmalaya district represents a relatively unbeaten peasants’ action in occupying abandoned land while the Cibenda case in Ciamis district otherwise. Both groups maintained fervour in their struggle despite the different results. However one may observe the providence of being in remote area for the hilly Ciècèng village that is not easily accessible by public transport. Even if the authority tries to reach the area, they will have to traverse bumpy, unpaved village small streets. One may not see any remains of the rubber plantation, all changed into mainly banana trees and some soft wood plants. Villagers find it fairly not difficult to block and trap police officers and thugs for days when they enter and attack the peasants in the area. Whereas the Cibenda village is adjacent to an international center of Pangandaran beach resorts to the Indian Ocean and the economic implication of this open spaced area is therefore much envied by richer people in the surrounding.

Dynamics of Peasant Social Movement of the Cibenda Case

There were two main rounds of the movement with the first characterised by relative initial supports from district council members to continue tilling the land and to keep the council’s promise to resolve the land conflict from being counterfeited by the village administration influenced by well-connected politicians-cum-businessmen. The second higher fervour of the movement had different character since it was generated as responses against the police’s action in sending Cibenda peasant leaders into jail for having burned one newly built hatchery. The arson was triggered by the perceived breaking the agreement. Peasants claimed they had warned the company several times but unheeded. The solidarity actions for the jailed peasant leader generated mass protests then, the earliest kind of visible public attraction ever happened in the Reformasi era in the district. The peasants and the student activists strongly pushed the government to legally process the certificate counterfeiting case.

Dynamics of the Peasant Social Movement in the Ciècèng Case

There were three rounds of social movement that consists of two main fighting in the area and an out-of-the area mass mobilization in the last cycle. During the first round that started in March 2000 the peasants had collectively ‘sustained’ to cut down many plantation’s rubber and cacao trees. They justified their actions by legal fact that the government’s licence to develop the plantation (HGU) already expired, while the peasants had earlier asserted their proposal to till the areas to the government though not positively responded. In the second round, the plantation attempted full-blown assaults against the peasant communities by manoeuvring over 300 thugs, over a dozen of police and military officers. It was during a retreat that the students were also more determined to intervene the peasants and involved among them to forcefully fight back. The third round took place in April 2002 onwards was characterised by mass mobilizations out of the area. This last sequence of attack involved about 500 thugs and police officers. After several peasants’ houses and destroying crops were gutted down, about 100 peasants were determined to defend themselves, while peasant groups from other neighbouring villages offered helps to strengthen the defence. However the fighting turned odd as the peasants burned one of the police’s trucks, an incident that let them to arrest four leading peasants.

Similarities and Differences in the Indonesian Cases

Political Opportunity

The extraordinary opening of political space in Indonesia after the 1998 regime change constituted the main opportunity that was made the most of it by the
peasants in land occupation cases in the countryside. The situation was evident at Cibenda, not less obvious at Ciècèng. Another turning point took place in May 2000 when ex-president Abdurrahman Wahid who claimed ‘to be none better than him about what the poor need’ stated that ‘40 percent of plantations’ land should be returned to the people’. The statement was interpreted as a ‘presidential decree’ before peasants took their own hands to occupy the land, a quick move that matched to the preparatory period when most of the peasant groups (over 60 percent) in the three districts in eastern West Java where SPP works started the organizing and land occupation activities in 1999, one year after the regime change.

The difference of both peasant groups in reacting to the Reformasi refers to the timing of the intervention of the student-led NGOs in the districts. Though land disputes in both villages had started to hit the peasant communities earlier during the past regime’s time, the organizing activities directed by the NGOs took place one earlier than the other, not in a parallel period. Cibenda started in August 1998 and the other over one year later in December 1999. Two reasons may be offered for it, first, the remoter location of the Ciècèng than the Cibenda villages that it took longer time to relate the peasant concerns to the town-based NGOs, and secondly, unlike at Ciècèng there was a student activist who hailed from Cibenda village and related his co-villagers’ problems to a senior movement organizer who later helped the student group to set up an organization for the specific purpose in supporting the Cibenda peasants. The presence of ‘organic leader’ made the peasant concerns quicker being channelled into organized activities.

Role of State Actors

Similarities

a) District councillors. Only the district councillors tend to be willing to help the peasants by recognizing their grievances. The councillors also take role as “supporting witnesses” to the peasants’ cause in negotiation meeting with the plantation and government officials who support the plantation.

b) Land agency. In both cases the state land agency at the district level (BPN) did not perform any helpful role, as they were normally expected to be supporting land reform program, even in Cibenda case, their role was almost negative since the agency officials were even individually involved in the land grabbing scheme.

c) Government attorneys. In both cases they supported the local establishment’s interests.

d) Police. Police used their main assigned tasks to maintain order by implementing criminal law. In case of peasants breaking the law, such as burning hatchery building (Cibenda), damaging police’s trucks (Ciècèng), police sought to arrest them.

Differences

a) Administration officials
i. During the land occupation struggle. In Cibenda case, the peasants almost could not fight against high-profile moves of the officials because their position is fairly weak. While in Ciècèng case, the peasant group could still rely their interests on the lowest level of state actors i.e. the village head, at least he maintained to be truthfully neutral.

ii. After the land occupation. The Ciècèng peasants won the election of the village head and village councils, though the challenges were abound because at the district level, such leaders in the lowest level of bureaucracy were pitted against other neighbouring village heads and the government-appointed sub-district head. Cibenda peasants failed in 2004 attempt to enter into the election arena of the district councillors for lack of internal supports from the umbrella peasant organizations.

Role of Social Actors

The NGO’s Role through Organizing Activities

The role of the intervening NGOs to the peasant communities may be said “minimal” in both cases. It is apparently normal in the framework of program implementation if the peasant group is strong enough, the NGOs need not intervene the peasant community organizing activities. However, interviews with organizers reveal that in the latter development why they face less fervour of the peasants is that apart from institutional difficulties on the part of the NGO as they lacked adequate concept of post-land occupation activities, they also lack financial resources to support the travel to remote areas in the district.

The difference between the NGOs’ roles in both cases relates mainly to the existence and non-existence of ‘organic leader’ from among the peasants. The involvement of the NGO in Cibenda case was therefore almost better assisted in their work to respond the land dispute in the village by doing organizing and mass
mobilization activities. In addition, the intervening NGOs also emerged out of support from more experienced pro-democratic activists who had long been in contact with larger political activists at national level during the repressive establishment of the New Order.

Role of Peasant Groups

There are three points of similarity between the cases that could be forwarded. First, on social movement awareness, the Cibenda and Ciècèng peasants both maintained high fervour, apart because of the opening political space in the district; apparently it was mainly for releasing social rage over land dispossession they had been enduring for a long time. Second, on criminal charges, the state actors’ efforts to criminalise the peasants are the most hated because it is socially hardest hit against the peasants. Criminal charges may be interpreted as the state’s tool to warn against any attempt of other peasants to occupy the land. There is parallel understanding with both peasant groups of Ciècèng and Cibenda villages on this matter. Third, on the duration of the intense struggle, the duration of the peasant movements in both villages is nearly the same of about 30 months each. Both cases have started the land disputes since earlier years that were quickly prevented by the repressive regime from any attempt to resolve the problem but individual efforts that later quickly subsided. Both also maintain relatively high responses from the peasants themselves, particularly after being intervened by the student-led NGOs in each district. However, the open social movement dwindled as the establishment apparently saw it inappropriate to continue the operation against the abandoned land occupiers, apart from the likely diminishing resources of the plantation corporation to finance the manoeuvre.

The character of the land disputes differ as far as they relate to the kinds of opponents they faced in which Ciècèng peasants confronted the state-owned plantation company and the other the government officials and well-connected businessmen-cum-politicians. The Ciècèng peasants, as a consequence, were quite opened to have stronger solidarity from the other peasants in the three districts of eastern W. Java because most groups faced the same opponents, while the Cibenda villagers were quite isolated and their fought issues were quicker dwindling away. Both groups develop, accordingly, a different strength in the long run of their struggle.

Unlike the Cibenda villagers, the Ciècèng peasants have a traditional Islamic religious base that helped to propel the land claiming. Religious belief was adopted as a cultural framework for their social movement thattheir struggle was more assessed and appropriated by the leaders.

Other Organizations’ Role

In both cases, there were other organizations that emerged in response to the movements. In the Ciècèng case, a pro-plantation NGO attempted to propose negotiation arrangement between the peasants and the plantation management. The negotiation that resulted in less pressure to peasants may be interpreted as positive role of the NGO. While in Cibenda case, two local Muslim youth organizations staged a rivaling mass mobilization to warn the peasants not to influence the decision of the judicial court sessions that tried the peasants for criminal charges. At the initial stage of Reformasi era such contention was discouraging the peasants’ cause, however later on the other groups made up their view towards the peasants’ struggle.

The Opponents

Both opponents were the same pitiless though eventually they failed in occupying the land as the peasants fought to retain their rights. Both used the state actors, i.e. the government officials to support their interests, and most likely also spent their wealth to finance their moves, particularly when they used the services of police officers and thugs to coldly threaten the peasants. However, if one compared the details of each party’s actions, Ciècèng peasants turned out to be ‘encompassing’ over the opponent, while the Cibenda may still have the reasons to be apprehensive over whether the opponents take another turn of actions in the future because the opponents seem to be just slowing down only for a while, while the peasants’ actions have undoubtedly subsided away.

Commonalities and Impacts on Agrarian Reform in the Indonesian Case Studies

Comparing both case studies, there are at least some points to note based on their commonalities as far as agrarian reform is concerned. First, the engagement between the state and social actors may take place only if the peasant communities have succeeded in occupying the land with the support of larger-than-village level peasant organization, on the condition that the process is accompanied by extra efforts to approach the government officials. Second, the level of strength of the peasant groups’ matters as the Cibenda peasants are more fragmented as compared to Ciècèng. The latter is much facilitated by their better politico-geographic position, while the Cibenda village is much
exposed to open tourism market space that allows their opponents to apply diverse political strategies. There is a tendency of peasants’ struggles in the farthest frontiers of the upland areas to succeed. Third, larger solidarity from district level of peasant groups and beyond for collective actions diverges, as compared to the kind of the opponents of the rest of the groups in the region which face mostly the state-owned plantation and forestry. Fourth, the occupation hectarage dimension at Ciècèng has apparently matched up the population, the counter-fact of which has created less motivation for the Cibenda peasants to fight for, unless they develop different economic framework. Fifth, the conflict grounds allow or disallow each peasant group to develop balance of their actual and political power. In the Cibenda case the hatchery burning has proved to be the only major incident taking place in the area, while the rest of their mass mobilizations took place anywhere else in the district’s capital of Ciamis town. In Ciècèng, the recurrent fighting in the area and the expanding land take-overs even increased the peasants’ political strength and perhaps strengthened the land “tenure” as well, for the time being.

Such commonalities lead the analysis to go beyond village level comparison. As shortly mentioned above, among phenomenal implication of the extraordinary circumstances of the opening political space after the downfall of authoritarian president Soeharto in 1998 is that practically the state has been far much weaker that its apparatuses could no longer maintain order as what had happened during more than 30-year authoritarian rule. Among the expressions were that, first, peasants braved themselves to occupy lands that legally were still owned by the state as the largest land controller in the country along with thousand corporations taking operational concessions in forest and plantation lands, and second, even though they have been “criminalised” for committing crime of mostly destroying opponent’s properties, they stood up the trials at the courts and put into jails.

This situation corresponds to the national political situation for agrarian reform, and most possibly also in other fields of people’s lives. Though there is openness, the political opportunities also expose constraints. From the point of view of the authority, criminal law is the last stronghold that they indispensably have to apply. The dominance of the state in implementing criminal law against the peasants reflects the inexistence of progressive agrarian reform program as a larger national framework to contain widespread phenomena of land occupations. In other words, though there has been much changes after the regime change that has opened political opportunities in the regions, the pro-reform actors are facing constraints that have prevented them from further entering the recognised political system that is still in the hands of the powerful remnants of past regime. In such difficulties, they tried to look after possibilities between the lines at least in two levels, first, from below, decentralization policy imposed from Jakarta as political opportunity was taken by the intervening NGOs to make the maximum advantage of the land occupation action, and second, from above, the pro-peasant NGOs also tried to push the peasants’ real agrarian reform agenda when the People’s Assembly discussed about Decree 9/2001 on agrarian reform and natural resource management, a decree that can still be used by the peasants in fact as a practical negotiating piece to the government of its accountability.

Concluding Remarks

Claiming Credit of Agrarian Reform

Deeper into the essence of agrarian reform, both kinds of historical course of the peasantry in the two countries seem not to guarantee the results expected by the peasants. Although the Philippines has long history and experiences in dealing with agrarian reform, the results seem to be in the least successful. The hectarage of land redistribution claimed by NGOs was only the maximum of five percent, meaning about 300,000 hectares, as compared to the ambitious government’s CARP scope of six million hectares in 1989-2004. In fact, in Indonesia, in addition to the Department of Forestry’s report on the hectarage of the occupied lands (118,830 has), in 2003 SPP estimated about 14,000 households have occupied almost 9,000 hectares of land in 31 locations in Garut, Tasikmalaya and Ciamis districts. While the YLBHI estimated about 160,000 hectares of several kinds of lands have been occupied, based on the reports of the branch offices. As suggested by many analysts, this occupation is exceedingly substantial considering the prolonged dispossession and repression during Soeharto era and the hectarage is certainly a loss for the plantation and forest management. The figures may not be simply extrapolated as such.

The Indonesian phenomenon may raise a crucial question: why the land take-overs have lasted that long as compared to the Philippine case in the late 1980s and the rest? If accounted strictly in terms of statistical consideration, furthermore, the difference of the claimed areas in both countries is comparatively little, yet proportionally quite differently understood for each context; too little for the Philippines and too large for Indonesia. The question to be further answered in an
upcoming investigation: Is it worth to pursue land reform program that has required large amount of people’s resources, like the Philippine case as compared to Indonesia? Or, do Indonesian agrarian transformation circles really need to rush for legal recognition of land occupation? What kinds of follow-ups for agrarian reform in each country could be properly addressed accordingly?

**Rule of Success?**

Lessons learned for fruitful land redistribution remains in the paramount importance of policy struggle in public arena how to make state actors and society actors to work together for it. Public practices refer it mostly to either by putting pressures (administratively) to the government actors to demand for their accountability, and padlocking their venues, or legal battles against landlords in the Philippine case or land controllers in Indonesia. However, vehement pressures, once it is timely, are unquestionably required for the success of peasant social movement to be directly conducted with occupying targeted area and other tilling-related activities (planting, harvesting, dwelling), with more dangerous risks. The consciousness to conduct such action would only be possible after peasants affirm themselves that they have every reasons, in all aspects of existing human endeavours for justice (human, social, political, legal, historical) that the opportunity for it remains open albeit very tight and tedious, and that the risks are fully managed and accounted carefully, employing all possible human capacity, and certainly with readiness to shoulder the consequences if really inevitable. However, the minimum (!) efforts suggest that all this “rule” of success matters only if the constitutional guarantees have been set in advance as it is evident in the politics of agrarian struggle of the Philippines. There is a minimum opportunity with heavy emphasis that could be put on continuous pressurising dialogues with the relevant, direct authorities, while developing arguments and group’s integrity.

**Back to Essence of Agrarian Human Condition**

The land certificates have been focused in the Philippines as an important token for the struggle to get the lands, as the Philippine case studies show, yet more clearly the odd appears in the Tarlac case. This typical Philippine phenomenon of land transfer may become a trap in the whole agrarian reform process. In the meantime, in Negros Occidental, I found a phenomenon that although more land certificates have been available for peasants, no organizing activities have been initiated by any intervener. In fact, no agrarian reform programs could be successful without those inevitable organizing activities. While in Indonesia, I see the actual land occupations without any single piece of recognition from the government. Even many of them are not certain about their past legal documents. They have nothing but oral records from mouth to mouth of their ancestors. Individual land certificates, in the midst of open market, are prone to be sold away. Things get worse for the customary communities in the outer Indonesia. However, surprisingly, the peasants really till the land and earn a living out of it, unless it is certainly not worth living on the occupied lands. Indeed, the working capacity of the NGOs anywhere—particularly in this case it refers to the Philippines—is limited compared to the millions of peasants in the countryside who have not been intervened for organizing activities and the follow-ups would have to be more selective. Even so, this observation emphasises that the peasant organizing activities, while framing social movement with cultural bases (religion), remain the most important for the implementation of agrarian reform anywhere to ascertain the process. Any certificate could be surely useful for supporting human socio-political life, but only as far as the essence remains how to employ it in a politically correct, good purpose-oriented manner.

**Democratic Extent and Human Condition**

The historical consciousness of the Philippine peasants’ struggle may not be easily transferred to Indonesian peasantry. The range of political constellation of each is quite different and sometimes incomparable. Agrarian reform in the Philippines has much become a tool of the government to gathering people’s votes that the genuineness of the reform may be seriously at stake. While in Indonesia, agrarian reform is formally still rejected because the state simply tend to ignore it while comparatively having less people’s capacity to participate. Anthropologically, probably, the state in Indonesia behaves like the pitiless big landowners in the Philippines, while the state in the Philippines like the unreliable politicians in Indonesia. The commonality of ‘fortifying myth’, the guarantee for success, quoting David Meyer (2001), for social movement likely remains in the same manner of the injustice and rural destitution. While imagining comprehensive agrarian reform, Indonesia may nevertheless learn about how political extent for democratic changes has been made possible at least in the past that we would better maintain than losing it. Once in 1971 peasants, students, labour forces, teacher associations, and other pro-democracy supporters were able to create mass mobilization chains, padlocking arguments with the Senate in Manila for over two months before the formation of the DAR.
While in Indonesia, peasant groups have scarcely been able to mobilize even for two days and a lot of political options and social divergences have not met each other. However, the Filipino politics of lip service in the form of advanced legal technicalities, as we may see in the “comprehensiveness” of the agrarian reform programs, may be turned upside down by the unsurprisingly very simple human condition that is the fulfillment of rights to live in an adequate fashion.

**Search for Justice**

This observation on structural injustice presumes the present Filipino and Indonesian societies inherit bondage of the past entanglement with lopsided social structures of land tenure systems, at the cost of the precarious condition of the majority of each country’s population in rural areas. I opt here for the opinion that one could only find strong arguments for fighting for justice only if s/he could see positive opportunities in the midst of difficult surroundings, like what we see in the experience of Nagasi peasant struggle.

In the one side, stressing classic stance in social justice theory on “propertarianism”, the search for justice in both countries remains highly-demanding despite increasing pessimism for the globalized structure of imbalance of power and resources sharing over developing nations to the rest of changing world economy. What is unacceptable in the search for justice, however, is not inequality as such, but inequality combined with the extreme destitution and misery of those who are worst off. To date, recent studies indicate the Filipino poor have been further divided for deeper impoverishment. Worsened gradation of poverty shows they dramatically separate the marginally poor (mahirap) from the destitute (dukha). In Indonesia, while the governments are still struggling to cope with the prolonged economic crises, poor people in the countryside risk of being more abandoned, as could be seen in the current widespread phenomena of hunger (busung lapar) that the elite mostly deny.

On the other side, efforts to resolve democratically such conundrum of inequality remain harder human undertaking, no less in the realm of agrarian reform, as landed elite and land controller entrenched with land rights retention in the Philippine case while the Indonesian governments, allied with neo-liberal economic proponents mostly among the elite business sectors, remain stubborn from substantial pro-poor reform. Recent world economic instability, as could be seen in the increasing dependency on world oil price and penetration of global profit-taking businesses into the villages, has worsened the rural conditions. In fact any local transformations have to consider global changes. Elite in both countries, in this case, justified their stance on the ground of political “egalitarianism” to maintain public institutions for the sake of economic growth and social order.

The convergence between both perspectives could be pursued, therefore, as it offers fertile for fresh search of better human condition, in what philosopher John Rawl maintains that, to put it in simple way, first, “everybody has the equal rights and freedom”, and second, in dealing with social, economic inequality, “a) it should be arranged that the biggest benefits be given to the poorest, and b) it should be maintained to the public a fairness in opening fair opportunities”. In other words, what is relevant in this reflection, “inequality is anyway inevitable, however, we should not let anybody to exploit it at the cost of the whole population”. The problem is then how to implement such difficult principle. Surely it is the main task of the public actors as they are assigned to maintain “fair opportunities” in a law governing the societies such the constitution, basic political rights, control over executive power, and so forth. The state actors are entrusted by the peoples to do so. However, if this task is taken for granted by the traditional state actors, this principle will never be achieved, even otherwise. In the Philippines, the elites control the governments, avoiding the rural poor from intervening. In Indonesia, the governments remain stubborn from poor people’s outcries. Hence Rawl’s principle is actually not in the poor’s immediate reach. However, because the principle is characteristically imperative, it is basically then a condition to fulfill in advance that the poor need a bridging link between the government and the rural poor communities. The link lies perhaps in the adequate representation of the rural poor’s interests, socio-political goals to struggle that are definitely hard to meet as well.

One should keep in mind that the opponents of the rural poor in the struggle to fight for justice are undeniably grotesque and unbeatable. In the Philippine case, the peasant struggles with the government’s agrarian reform programs have put forward stronger promises to improve poor rural communities though the manoeuvre of the elite against the peasants remains pitilessly craftier, while in Indonesia pro-peasant meaningful changes are still far away as the government tends to adopt pro-global market approach. In Indonesia, the peasants’ interests even still tend to be excluded from joining the civil society.

However, albeit very rare and harder option to take as it costs lives, many peasants kept waging social
movements and they are even more vibrant in recent years in both countries. This development offers some break out of the gloomy trends in the fight for justice. In the midst of failures and successes there are lessons to learn from. As I have argued along this article on peasant social movements and their impact on how all parties respond and act one to the other for agrarian and rural reform in both countries, thus far, if a better step ahead is to be conducted, the alternative remedy lies in reading the line of opportunities, precisely because they are fewer, for social changes, either success or failure —both are important variation for development. In this study I have endeavoured to draw some findings hopefully useful for future improvement.**

REFERENCES


ENDNOTES

“Pro-poor reform initiatives are likely to have broader and deeper institutional effects if they are accompanied by strategic interactions between policymakers and civil society counterparts that help the latter to identify and overcome obstacles to change.” (Fox: 2004, 68)

“The dynamics that drive the varying empowerment outcomes in the case of all four rural development programs can be described as a “sandwich strategy”. This involves three-way interaction between regional grassroots rural social actors, pro-reform policymakers with actual influence over implementing agencies, and anti-reform regional elites embedded in both the state and society. With pressure from both above and below, the sandwich strategy creates political space and shifts
the balance of power between authoritarian elites and movements for rural democratization. A possible outcome is increased government accountability in contested policy arenas, which will spread to other issues. The probable outcome — as autonomous, representative organizations consolidate — is the peasants’ increased capacity to articulate their interests.” (Fox: 2004, 83-84)

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2The on-going Philippine agrarian reform program (CARP) has lasted over a dozen years, while the Indonesian one that unfolds particularly after the 1998 regime change has not actually materialized as a comprehensive program led by the government.

3I took the data from the Planning Service of the DAR’s headquarter in Q.C., in Sept. 2004.

4I discuss the selection with the Bandung-based agrarian reform observer and activist Noer Fauzi Rahman.

5I base on Feranil (2003)’s account.

6Feranil 2003:43.

7In her note, organiser Leslie F. Inso wrote nearly by the important event of land survey implementation, “The community organizer was having a problem on the thinning attendance of the peasant members during meetings and activities in the local and national level. A problem that became worse as time goes by. Most of the peasants found assurance when their lots were surveyed and was lazy to join other activities and the reason that the NGO did not have other programs to offer but was limited to LTI campaign and local governance.”

8There was also a case when a secretary had to be toppled down after strong team working of different parties behind peasant social movement propelled from the centre in the capital down the diverse regions in the Philippines, organiser Leslie F. Inso’s report.

9I base this observation on public reports on NPA-related clash incidents during 1988-2004 that I compiled from the Philippine Daily Inquirer’s and the Manila Times' news reports.


11Goldstone 1997:20 as quoted by Tarrow 1998:149; see also Feranil 2003:11 in which he maintains that Government’s counter-insurgency policy has influenced peasant organisations to abandon the revolutionary route toward agrarian reform.


13Interviews with Cibenda peasant leaders, August 2005.

14Interview with Ibang Lukmanuddin, the secretary general’s deputy of the SPP. When Lukmanuddin asked the peasants not to continue cutting down the plantation’s trees in order to ease the tension, one of the leading peasants from Ciècèng village simply refused such demands, saying that he “will take all its consequences.”

15Interviews with Adi Rohman from Ciècèng village and Nanang Junaedi from Cibenda village who were jailed for several months for criminal charges of burning police’s truck and shrimp hatchery’s building.


17This observation is also supported by the fact that fewer land occupation actions taken place in lowlands at least in Java.

18Some Cibenda villagers opened land in Selasari village, a farther localities. This action has not motivated other peasants to follow.

19I base the figure that is confirmed by the NGO circles as a publicly-perceived more trusted opinion, as compared to the government’s. The meaningful processes of land transfer underpins the argument of this comparison. NGOs and peasant groups in the Philippines mostly take less notice of the government’s figures of agrarian reform accomplishment. While in Indonesia, the government having no longer firm grip on the people is nearly regarded as the beaten opponent who admits loss.

20Interview with Nissa Wargadipura, the director of the Yapemas in Garut, W. Java, September 25, 2005.

21Interview with Boedhi Wijardjo, former head of the division for land and the environment of the YLBHI, Yogyakarta, 21 August 2005.

22See Will Kymlicka, 1990: 71 (I use Indonesian version).
ISSUES AND PROBLEMS IN DISSEMINATING “UNIVERSAL HUMAN RIGHTS” IN LOCAL COMMUNITIES: THROUGH THE EFFORTS OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE PHILIPPINES AND MALAYSIA

Mariko Akuzawa

RATIONALE

The establishment of National Human Rights Institutions (NHRI) in the Asian region was started in the middle of the 1980’s when the move towards the end of Cold War started and democratization took place. Human rights, once a concept that symbolized diplomatic disputes or ideological divisions, became a practical framework for people to deal with issues in daily life. Many governments once under dictatorial or military regimes recognized human rights by ratifying international conventions and by revising or adopting new constitutions containing detailed provisions for human rights. The establishment of NHRI is also a part of such changes.

NHRI usually has four basic functions for protection and promotion of human rights. First, it receives, investigates, and acts upon complaints of human rights violations, including reporting and recommending of appropriate action to authorities and concerned agencies. Second, it reviews state legislature and government policies, and gives opinions to such bodies. Third, it encourages ratification and monitors government’s compliance of international human rights standards. Fourth, it promotes community awareness through human rights education. NHRI has minimum standards to follow, known as the “Paris Principles” adopted by the United Nations. It prescribes NHRI’s independence from government, although its position should be secured by statutory or constitutional provisions, in order to guarantee that NHRI can justly and fairly process the human rights violations, especially those committed by government agencies.

However, the work of such institutions have to be carefully examined; a NHRI is sometime established as a token sign to appeal the government’s acceptance of international standards yet not well implemented domestically, especially at local and community levels. It is then necessary to examine how a NHRI tries to reach out to communities in order to infiltrate human rights to the general public. In addition, the lack of human resources and funds also inhibit effective implementation of such institutions in many developing countries. The objective of this research then is to know how NHRI play such roles and what are the issues and problems in doing so? The research was conducted in the Philippines and in Malaysia from March to September 2005.

SELECTION OF RESEARCH SITES: PHILIPPINES AND MALAYSIA

The Philippines and Malaysia were selected as research sites due to the following reasons. Both countries established NHRI, yet there are some contrasting differences. The Philippines, the first country in Asia that established a NHRI, leads ASEAN in ratifying major international human rights conventions, except the optional protocol on death penalty as is seen in Table 1. Although the number of ratification does not mean its full implementation, it at least shows the acceptance of international human rights by the government. Currently, the Philippine government also promotes “Rights-Based Approach to Development”, which is to apply international human rights standards into development policies in cooperation with UNDP.

On the other hand, Malaysia has been critical of the UN and Former Prime Minister Dr. Mahatir is known for advocating “Asian Values”. However, in the middle of the 1990’s, Malaysia ratified additional two core human rights conventions and established its own NHRI, which was a notable change. Aside from limited number of accepted international standards, there is another difficulty to be considered in Malaysia. As a multi-racial society of Malay, Chinese, Indian, and indigenous peoples with different faith in Islam, Buddhism, Hinduism, Sikhism, Christianity, and animism, there is a division among the people in applying the different laws on family matters, such as the Civil Law for non-Muslims and Syariah for Muslims. Conflicts of international conventions and Syariah caused reservation of certain articles of ratified conventions by the Malaysian government.
Table 1: Major Human Rights Treaties and Status of Ratification.

<table>
<thead>
<tr>
<th>Treaty surveys</th>
<th>Philippines</th>
<th>Malaysia</th>
<th>Japan</th>
</tr>
</thead>
<tbody>
<tr>
<td>International Covenants of Civil Political Rights</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>International Covenants of Economic Social and Cultural Rights</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>1st Optional Protocol of ICCPR</td>
<td>✔</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2nd Optional Protocol of ICCPR</td>
<td></td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Convention Against Torture &amp; Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Convention on the Rights of the Child (CRC)</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Optional Protocol to the CRC on the sale of children, child prostitution &amp; child pornography</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Optional Protocol to the CRC on the involvement of children in armed conflict</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Convention on the Elimination of All Forms of Discrimination Against Women (CEADAW)</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Optional Protocol to the CEADAW</td>
<td>✔</td>
<td></td>
<td>✔</td>
</tr>
<tr>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
<tr>
<td>Convention relating to the Status of Refugees</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Protocol relating to the Status of Refugees</td>
<td>✔</td>
<td>✔</td>
<td></td>
</tr>
<tr>
<td>Convention on the Prevention &amp; Punishment of the Crime of Genocide</td>
<td>✔</td>
<td>✔</td>
<td>✔</td>
</tr>
</tbody>
</table>


Although conducted in two countries, this research was not a comparative study due to the difference of approaches employed. In the Philippines, the focus was given on the work of the regional office of NHRI, while in Malaysia the focus was on NHRI’s central office because its functions are centralized. The longer stay in the Philippines and my past research experience there allowed me to conduct detailed study through different methodologies including document analysis, interviews, and focus group discussion. While in Malaysia, due to the limited duration of stay and to my first research experience there, the research plan had to be limited. The Malaysia methodology was simple, as information was gathered through interviews and from documents. Focus was given only on the issues that deal with the international human rights conventions that Malaysia is affiliated to - women and children’s issues. As such was the difference, the synthesis of the research in two places was not easy, but was elaborated to abstract commonalities and differences.

PHILIPPINES

The Commission on Human Rights (CHR) in the Philippines

The NHRI in the Philippines, the Commission on Human Rights (CHR), was established in 1987 after the Martial Law Regime was overthrown by the People Power I. It was strongly expected to ensure that massive human rights violations would never be repeated. The 1987 Philippine Constitution gave strong grounds by providing greater protection against legislative or administrative changes. A comprehensive definition of human rights in the Constitution, Bill of Rights in Article III, also provides a strong frame of reference for CHR. Article XIII of the Constitution gives CHR the following powers:
- to investigate on its own or on complaints on all forms of human rights violations involving civil political rights;
- to cite for contempt in accordance with Rules of Court for violations of its procedures;
- to exercise visiting powers over jails, prisons, or detention facilities;
- to grant immunity from prosecution to persons required to testify; and
- to recommend to Congress to take effective measures to promote human rights, and to provide compensation.

Funds come from the annual budgetary allocations of the government as well as from international assistance.

CHR is also notable for its outreach effort to grassroots communities. Aside from the head office in Manila, 20 regional and sub-regional offices are deployed all over the country. CHR puts much effort on community outreach. It encourages barangays (the smallest local government units) to establish community human rights centers called Barangay Human Rights Action Centers (BHRACs) in order to guarantee better access to justice, especially for far-flung areas. CHR, in cooperation with the Department of Interior and...
Local Government (DILG), has successfully established BHRACs in 34.4% of the whole barangays by 2002. At each BHRAC, a Barangay Human Rights Action Officer (BHRAO) is deployed to receive complaints as well as to conduct human rights education. BHRAOs should be chosen among barangay residents, except elective/appointive officials of the government. Such qualification requirement was adopted in order to secure BHRAO’s independent position to process human rights violations. However, such qualification has not been strictly observed and there were many cases that barangay officials (such as captains, secretaries, and treasures) were appointed as BHRAOs. CHR in Region I then has been trying to rectify such misconduct in the selection process of BHRAOs and promoting election of BHRAOs in different barangays.

RESEARCH DESCRIPTION

Reasons for Selecting Region I (Ilocos Region)

Region I was selected as a research site among the 15 Regions. It is located at the northwest of Luzon Island that covers a wide range coastal and mountain areas (Fig.1). There are four provinces in the region—Ilocos Norte, Ilocos Sur, La Union and Pangasinan. The regional office of CHR is located in La Union. The total population of 4,174,000 consists of different groups - Ilocanos, Pangasinenses and indigenous peoples that speak different languages; though Ilocano is widely spoken as a common language in the whole region. Former president Marcos hailed from Ilocos Norte.

Figure 1: Location of Regions in the Philippines.

Region I was chosen because it had put remarkable efforts in community outreach. According to Table 2 that shows regional efforts in 2002, Region I has the highest percentage of barangays with BHRACs (84.4%), and those BHRACs conducted comparatively many human rights education activities (the third highest among regions). However, in contrast with such efforts, the complaints of human rights violations accepted by BHRACs were comparatively small in number. The question naturally comes to mind why there is such a gap. Finding the reasons for the gap may explain how human rights concepts are accepted, as well as what are the difficulties to infiltrate them in the communities.

Methodologies

The research was conducted through three different approaches; they are:

1. Document Analysis of the complaints: Past record of docketed complaints (January 2003-March 2005) was analyzed in order to know the transition of the number and contents of complaints brought to CHR-Region I.

2. Interview of CHR-Region I officers: The officers in charge of information and education activities (three persons), and protection and monitoring activities (four persons) were interviewed in order to know their personal perceptions about the acceptance of human rights in the region.

3. Focus Group Discussion (FGD) of Barangay Human Rights Action Officers: BHRAOs were invited to participate in one-day FGD to clarify and discuss the issues and difficulties in promoting and protecting human rights in their communities. Sixteen BHRAOs attended the FGD on May 11th.

Findings of Secondary Data

Docketed Cases

Table 3 shows the transition of the number of cases docketed and investigated in each quarter of the year by CHR-Region I. The number of unresolved cases has been increasing while new cases are constantly brought to the office after 2004.
Table 2: Regional Deployment of BHRACs.

<table>
<thead>
<tr>
<th>Region</th>
<th>No of Barangays</th>
<th>BHRACs</th>
<th>Barangays with BHRC %</th>
<th>Ranking Based on %</th>
<th>Number of Complaints</th>
<th>HRs Education conducted</th>
</tr>
</thead>
<tbody>
<tr>
<td>CAR</td>
<td>1172</td>
<td>185</td>
<td>15.8%</td>
<td>11</td>
<td>-</td>
<td>4</td>
</tr>
<tr>
<td>Region 1</td>
<td>3265</td>
<td>2755</td>
<td>84.4%</td>
<td>1</td>
<td>23</td>
<td>207</td>
</tr>
<tr>
<td>Region 2</td>
<td>2311</td>
<td>755</td>
<td>32.7%</td>
<td>8</td>
<td>-</td>
<td>65</td>
</tr>
<tr>
<td>Region 3</td>
<td>3099</td>
<td>1049</td>
<td>33.8%</td>
<td>7</td>
<td>6</td>
<td>187</td>
</tr>
<tr>
<td>Region 4</td>
<td>4637</td>
<td>2270</td>
<td>49.0%</td>
<td>3</td>
<td>4</td>
<td>85</td>
</tr>
<tr>
<td>Region 5</td>
<td>3471</td>
<td>1253</td>
<td>36.1%</td>
<td>6</td>
<td>26</td>
<td>29</td>
</tr>
<tr>
<td>Region 6</td>
<td>4048</td>
<td>305</td>
<td>7.5%</td>
<td>13</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Region 7</td>
<td>3003</td>
<td>1406</td>
<td>46.8%</td>
<td>4</td>
<td>-</td>
<td>17</td>
</tr>
<tr>
<td>Region 8</td>
<td>4390</td>
<td>1943</td>
<td>44.3%</td>
<td>5</td>
<td>239</td>
<td>540</td>
</tr>
<tr>
<td>Region 9</td>
<td>2726</td>
<td>840</td>
<td>30.8%</td>
<td>9</td>
<td>-</td>
<td>156</td>
</tr>
<tr>
<td>Region 10</td>
<td>1514</td>
<td>391</td>
<td>25.8%</td>
<td>10</td>
<td>207</td>
<td>647</td>
</tr>
<tr>
<td>Region 11</td>
<td>1522</td>
<td>774</td>
<td>50.9%</td>
<td>2</td>
<td>9</td>
<td>39</td>
</tr>
<tr>
<td>Region 12</td>
<td>2955</td>
<td>157</td>
<td>5.3%</td>
<td>-</td>
<td>2</td>
<td>43</td>
</tr>
<tr>
<td>CARAGA</td>
<td>1307</td>
<td>111</td>
<td>8.5%</td>
<td>12</td>
<td>18</td>
<td>103</td>
</tr>
<tr>
<td>NCR</td>
<td>2520</td>
<td>214</td>
<td>8.5%</td>
<td>12</td>
<td>10</td>
<td>23</td>
</tr>
<tr>
<td>Total</td>
<td>41940</td>
<td>14408</td>
<td></td>
<td></td>
<td>544</td>
<td>2145</td>
</tr>
</tbody>
</table>

Source: Power Point Presentation “Barangay Human Rights Action Center Program” prepared by CHR Central Office

Table 3: Number of cases under investigation.

<table>
<thead>
<tr>
<th>y/m</th>
<th>cases from previous quarter</th>
<th>new cases</th>
<th>Resolved Cases</th>
<th>Total Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/Jan-Mar</td>
<td>5</td>
<td>8</td>
<td>1</td>
<td>12</td>
</tr>
<tr>
<td>03/Apr-June</td>
<td>12</td>
<td>0</td>
<td>0</td>
<td>12</td>
</tr>
<tr>
<td>03/July-Sept</td>
<td>12</td>
<td>6</td>
<td>3</td>
<td>15</td>
</tr>
<tr>
<td>03/Oct-Dec</td>
<td>15</td>
<td>1</td>
<td>4</td>
<td>12</td>
</tr>
<tr>
<td>04/Jan-Mar</td>
<td>12</td>
<td>2</td>
<td>1</td>
<td>13</td>
</tr>
<tr>
<td>04/Apr-June</td>
<td>13</td>
<td>1</td>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>04/July-Sept</td>
<td>12</td>
<td>2</td>
<td>0</td>
<td>14</td>
</tr>
<tr>
<td>04/Oct-Dec</td>
<td>14</td>
<td>2</td>
<td>0</td>
<td>16</td>
</tr>
<tr>
<td>05/Jan-Mar</td>
<td>16</td>
<td>2</td>
<td>0</td>
<td>18</td>
</tr>
</tbody>
</table>

Table 4 shows the profiles of the docketed cases. A considerable number were child cases (13 out of 29, 45%), among which rape was the highest in number. Victims of sexual abuse concentrates among children, and assailants were mostly private citizens including victims’ relatives. Among adults, on the other hand, physical injuries and killings were common cases.

Secondly, it is also notable that 12 cases (41%) were filed against uniformed officers, especially against police officers.

Such tendencies indicate the very important nature of human rights violation and the work of the Commission. Both child abuses and violations by uniformed officers occurred due to the considerable power differences between assailants and victims; so that it was difficult for the victims to directly complain and request compensations from the assailants. It was also true that the victim cannot expect fair investigation if the violator was a police officer. CHR is then expected to act on behalf of the victim who possesses little power against the assailant.

Although CHR is mandated to investigate “all forms of violations”, whether the violator is a civilian or the uniformed officer, CHR intervention will work more effectively over the latter, especially over police and military officers. It is because CHR issues clearance to certify their records of non-human rights violation, which is a part of the requirements of both police and military officers to be promoted for higher ranks.
### Table 4: Profiles of Cases.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total No</th>
<th>Number of cases</th>
<th>Type of cases</th>
<th>complainant</th>
<th>suspect</th>
<th>Number of cases</th>
<th>Type of cases</th>
<th>complainant</th>
<th>suspect</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002 Oct-Dec</td>
<td>5</td>
<td>5</td>
<td>Rape(5)</td>
<td>DSWS(4)</td>
<td>Civilian(5)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003 Jan-Mar</td>
<td>8</td>
<td>4</td>
<td>Rape(3) Slight Physical Injury (1)</td>
<td>DSWD(3) BHRAO(1)</td>
<td>Civilian(4)</td>
<td>4</td>
<td>Physical Injury (2) Slight Physical Injury (1) Lascivious act(1)</td>
<td>Victim(4)</td>
<td>Civilians (3) Jail Officer(1) Police (1)</td>
</tr>
<tr>
<td>2003 Apr-June</td>
<td>0</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2003 July-Sept</td>
<td>6</td>
<td>1</td>
<td>Parental Support(1)</td>
<td>DSWD(1)</td>
<td>Civilian(1)</td>
<td>5</td>
<td>Killing(2) Physical Injury &amp; Grave Threats(2) Arson, Killing &amp; Robbery(1)</td>
<td>Victim(3)</td>
<td>Police (3) Alleged NPA(1) Civilian(1)</td>
</tr>
<tr>
<td>2003 Oct-Dec</td>
<td>1</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td>Maltreatment(1)</td>
<td>Victim(1)</td>
<td>Police (1)</td>
</tr>
<tr>
<td>2004 Jan-Mar</td>
<td>2</td>
<td>2</td>
<td>Rape(1) Child Rights(1)</td>
<td>Victim(2)</td>
<td>Police (2)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004 Apr-June</td>
<td>1</td>
<td>1</td>
<td>Rape(1)</td>
<td>Victim(1)</td>
<td>Civilian(1)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2004 July-Sept</td>
<td>2</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>Arbitrary Detention(1) Killing(1)</td>
<td>Relative(1)</td>
<td>CHR Central Office(1)</td>
</tr>
<tr>
<td>2004 Oct-Dec</td>
<td>2</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>Killing(1) Right to Life (1)</td>
<td>Relative(1)</td>
<td>Victim(1)</td>
</tr>
<tr>
<td>2005 Jan-Mar</td>
<td>2</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
<td>2</td>
<td>Killing(1) disappearance(1)</td>
<td>Relative(2)</td>
<td>Police (2)</td>
</tr>
</tbody>
</table>
Non-docketed complaints

Table 5: Number of other investigation/other legal services.

<table>
<thead>
<tr>
<th></th>
<th>Other Investigation</th>
<th>Other Legal Services</th>
</tr>
</thead>
<tbody>
<tr>
<td>03/Jan-Mar</td>
<td>10</td>
<td>20</td>
</tr>
<tr>
<td>03/Apr-June</td>
<td>8</td>
<td>31</td>
</tr>
<tr>
<td>03/July-Sept</td>
<td>15</td>
<td>28</td>
</tr>
<tr>
<td>03/Oct-Dec</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>04/Jan-Mar</td>
<td>10</td>
<td>29</td>
</tr>
<tr>
<td>04/Apr-June</td>
<td>3</td>
<td>32</td>
</tr>
<tr>
<td>04/July-Sept</td>
<td>12</td>
<td>14</td>
</tr>
<tr>
<td>04/Oct-Dec</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>05/Jan-Mar</td>
<td>11</td>
<td>16</td>
</tr>
<tr>
<td>Total</td>
<td>84</td>
<td>203</td>
</tr>
</tbody>
</table>

It should also be noted that although the docketed cases were relatively small in number, there were quite a few other consultations and legal services that CHR extended to the public (Table 5). Basically, cases that do not fall under CHR jurisdiction, such as labor case, domestic problems and land disputes were categorized under "Other Investigation" and referred to relevant agencies. If such large number of non-docketed cases is considered, it is unfair to criticize that CHR is only receiving a small number of complaints. Many complaints were submitted, but those which fall under CHR jurisdiction were small in number. Another category in Table 5, "Other Legal Services", referred to the free legal aid such as giving legal advices or support to prepare affidavits.

Findings of Interviews of CHR Officers

Seven officers were interviewed. When asked about the reason why only a small number of human rights violations were docketed at CHR-Region I, five out of seven officers replied that CHR’s effort in human rights education successfully reduced violations. However, all officers also referred to negative factors that might have affected people’s hesitant attitude to bring up their complaints. They were as follows:

Strong bond among family members - especially in the case of incest

All officers stated that the strong bond of Filipino families became an obstacle. A strong sense of “shame” among the family members pressured the victim not to expose the issue out of the family, if the case is a sexual abuse such as rape, especially incest. The child victim, quite often, was made to sign an affidavit of desist by family members, without knowing or being explained the meaning of it. Although such family pressures may be commonly observed anywhere, all the respondents stated that “it is especially strong in the Philippines; and that it is a Philippine culture.”

Counseling skills helped a victim from family intervention. As two officers mentioned, “increase of docketed case of child sexual abuse owed much to the effort of Department of Social Welfare and Development (DSWD), which convinced victims to push the case through psychological counseling.” Another officer referred to the defect in the law that strengthens the family intervention on incest case. According to the revised penal code, the assailant of rape may be inflicted with death penalty; thus, the fear of capital punishment made them hesitant to push the case forward. If the rapist was the victim’s own father, the family may have to suffer from the loss of the breadwinner in the family.

Pressure and Intervention by Politicians

Six out of seven officers referred to the pressure and intervention by politicians. Investigation officers especially mentioned the difficulty of dealing with cases related with politicians—nobody wants to testify because of the fear. In fact, there were several politically-motivated killings in Region I during my fellowship period, including the murder of politicians and media personnel, and attempted murder of a lawyer who was vocal about illegal gambling (jueteng) issue. In the case of the attempt murder of the lawyer, it took a long time before CHR finally got the witness; although there were some who observed the happenings.

Lack of Financial and Human Resource

Five respondents pointed out the lack of financial and human resources. Two investigators especially stressed the lack of budget as it posed restrictions over investigations. The monthly travel budget of the office, shared among different divisions, is limited to 14,000 Philippine Pesos. Once a complaint is received, investigators have to make an investigation plan, clarify necessary evidences, where and how many times they need to travel to secure evidences. The budget is allocated when the administrative division approves the plan. Serious limited resource may cause investigators to prioritize and select the cases for investigation.

Three officers of information and education division also pointed out the lack of financial and human
resources. Sources are too limited to extend human rights education to communities. There are more than 3200 barangays to reach in order to establish BHRACs. There are also too many cities and municipalities to go to conduct trainings. Budget to reproduce materials such as flyers and handouts also runs short. One officer stated, “NGOs that get foreign funds are more resourceful than us.”

Distrust Towards Justice System and CHR

Four respondents referred to public distrust towards the justice system, but they also stated that CHR fell short of people’s expectation because of the lack of power of prosecution. “Court procedure requires time and money. Especially if you are respondent, you have to get private lawyers and pay whenever you attend court hearings. If you cannot, PAO (Public Attorney’s Office) lawyers will be provided but they are already too occupied with too many cases”, one respondent reluctantly described. Injustice is done by the rich and the powerful, such as bribery, so that they are released on bail. The less powerful and the poor has to be patient with often re-scheduled and delayed court process, even kept detained in jail for years until they are finally proven guilty or not. That is why CHR is expected to provide justice to the powerless. However, “people get disappointed because CHR does not have prosecutory power, but merely make recommendations”. If the case cannot be settled, CHR will still file the case at the prosecutor’s office, and then the people still have to undergo the lengthy court process. CHR without power of prosecution is then perceived as just another layer in the bureaucracy. (Sarmiento, 1994)

Tradition of Seeking Solution Outside of Legality

According to four officers, in Ilocos Region, especially, there is a tendency not to file complaints in court or to any public institutions; because of the tradition to settle problems by retaliation. Some respondents recognized such tradition is maintained partly because people distrust the justice system.

Aside from such tradition, indigenous customary laws are also widely applied for conflict resolution in indigenous communities; but such traditional solutions are sometimes conflicting with civil law. For example, the council of the elders’ usual solution for adultery is to exile the man from the community; but such solution contradicts with the freedom of abode in the Constitution. According to one officer, “customary law is widely applied especially in remote indigenous communities due to geographical difficulty to access legal services.” Another officer was more favorable to customary laws and stated that such laws should be respected. The relation between modern legal system and indigenous laws should be further researched.

Findings of Focus Group Discussion of Barangay Human Rights Action Officers

To clarify the issues and difficulties to promote/protect human rights in communities, a FGD was conducted among Barangay Human Rights Action Officers, who are community-based officers to accept complaints and conduct information and education activities.

Although invitations were sent to 65 BHRAOs, only 16 BHRAOs participated in the FGD, partly because of the hot weather that day - recorded as the highest temperature. Males and females were equal in number, but there was a significant difference of average age (males was 70.3 years old, while females was 54.5) and holding of official positions in barangays (six males were “Lupon” members, while female was only one) was observed.

The major topics discussed were the difficulties faced by BHRAOs when they receive and process complaints and conduct human rights education. There were five major difficulties commonly described. First, most BHRAOs received no complaint at all or only a few, if any. Second, most residents brought to and settled cases with the Barangay Captains instead of BHRAOs. Third, BHRAOs who had never handled complaints expressed difficulties in distinguishing human rights violation under CHR jurisdiction from those not under CHR. Fourth, BHRAOs expressed their dissatisfaction for not being well-known to residents in barangays. Fifth, lack of resource was a common problem among almost all BHRACs.

No Case Brought to BHRAO

The fact that complaints were brought to Barangay Captains instead of BHRAOs shows their weaker position under Barangay Captains. However, it does not necessarily mean that the relationship between BHRAOs and Barangay Captains is not good. Instead, some BHRAOs emphasized their good relationship during the discussion. However, such statement described the complicated position of BHRAOs, because it is hard for BHRAOs to secure their independence from barangays while their budget had to depend on them. Such contradictory conditions bring dilemma to BHRAOs.
SESSION VI

Barangay Captain Solves All Cases

Many participants stated that once the case is brought to the Barangay Captain, it is not referred to BHRAO or any other agencies. The Barangay Captain who first attends to the case tends to push to settle the issue and to reconcile because the fear of incurring distrust of residents if he/she cannot solve the problem by his/her own. (Chibana, 2003)

In the Philippines, civil disputes first have to go through “Barangay Justice” in order to facilitate amicable settlement before the case is sent to the court. Such system was established in late 1970’s to lessen the burden of the overcrowded court. The first process of “Barangay Justice” is the hearings by the Barangay Captain. If the he/she cannot settle the dispute, it is sent to the arbitration panel called “Lupon ng Tagapamayapa” that consists of appointed members by the Barangay Captain. Considering that it has existed in barangays for almost 30 years, it is natural for people to feel closer to “Barangay Justice” and bring most complaints to it, regardless of the nature of cases. However, human rights violation is not something to be settled by persuasions as is often the case of “Barangay Justice”. Existing research pointed that behavioral norms such as “debt of gratitude” or “saving one’s face” are often referred in the process of “Barangay Justice” to push complainants to accept reconciliation.

BHRAOs Difficulty in Distinguishing Human Rights Violation under CHR Jurisdiction

Thirdly, many BHRAOs have difficulty in their crucial task of distinguishing human rights cases under CHR jurisdiction. Upon receiving a complaint, the BHRAO is expected to interview the complainant and determine whether the subject of the complaint is a human rights violation or not. If it is found to be human rights violation, the BHRAO has to assist the complainant to submit the complaint and evidence, or to accompany the complainant to the CHR Regional Office for the preparation of affidavit. However, many BHRAOs stated, “We need a list of cases under CHR jurisdiction because it is difficult to distinguish.”

BHRAOs Not-Well Known to Barangay Residents

BHRAOs are not well known because not many measures were taken to inform the residents of the establishment of BHRACs. Most BHRAOs stated their dissatisfaction, for they had never been introduced after they were elected. Instead of waiting to be introduced, many BHRAOs found their own ways to disseminate information of BHRACs and human rights. Those who hold positions in barangays other than BHRAOs tried to utilize such positions and made personal efforts e.g. a chairman of Senior Citizen’s Association spoke about senior citizen’s rights in the meeting or a Barangay Health Worker lectured in parents’ meeting.

Lack of Financial and Other Sources

Lastly, the lack of resource was a common problem among all participants. All BHRAOs faced serious lack of budget because their barangay councils do not allocate budget for BHRAC activities. During the FGD, many BHRAOs requested the CHR to make official request to the barangays to properly allocate the budget for BHRACs. They also requested the CHR to provide resources—both financial support and provision of materials for human rights education activities. However CHR-Region I cannot fully respond to such request for it also faces serious financial limitations. CHR has to face contradiction—the more BHRACs are established, the more resources are requested. Most BHRAOs are not paid honorarium, but it should not be overlooked, considering that their work requires much responsibility. As the situation is such, persons already holding other official positions with paid honorarium are simply facilitated to become BHRAOs. That is why many BHRAOs hold additional posts such as “Lupon” Members or Barangay Health Workers. However, it also affects the independence of BHRAO, as “Lupon” Members are appointed by Barangay Captains.

Observations

The Philippines accepted many international human rights standards and promoted NRHI, with notable effort made in grassroots outreach programs. However, in spite of well-structured laws and systems, there are several difficulties in implementation. Common difficulties faced both by Regional CHR officers and BHRAOs were “political intervention” and “lack of resources”. As the Commission does not have executing power, it cannot exert much influence and give pressure to “violators” of human rights, which makes Commission’s interventions not effective to power holders, such as politicians. As an institution without executing power, the Commission’s influence has to depend on the public recognition and support. Thus, it is crucial for CHR to conduct information and education activities to raise human rights consciousness.
and understanding towards Commission’s activities among general public. Capacity-building of CHR personnel is also necessary to make information and education activities more effective. However, the serious lack of resources limits the conduct of such activities.

Moreover, such problems - political intervention and lack of resources - are more seriously affecting the smaller communities because the close relationship makes BHRAO’s independence from local politics more difficult. It is especially true when BHRAOs depend financially on barangays; the smaller the community is, the more difficult to secure independence of human rights mechanism such as BHRACs. The appropriate size of the community where such mechanism is installed should be examined.

In addition to such problems, socio-cultural, and psychological factors were also mentioned by Regional officers as inhibiting factors for people to bring their complaints, such as family interventions as well as the tradition of personal retaliation. Socio-cultural/psychological factors may be also inter-related with problems of the system, as the ineffectiveness of the public agencies may trigger people’s distrust, which may push people to resort to illegitimate solution such as personal retaliation.

MALAYSIA

In Malaysia, research was conducted through interviews and the review of existing documents, including information materials, reports, journals, and other relevant publications. The first priority was to interview and review documents of SUHAKAM. But to obtain the wider perspective about its work, interviews were extended to the Ministry of Education and schools, NGOs, and academies.

Functions of Human Rights Commission in Malaysia (SUHAKAM)

SUHAKAM is a statutory body, established by the Human Rights Commission of Malaysia Act 1999 (Act 597). The functions prescribed in the Act are as follows:

- to promote awareness of and provide education in relation to human rights;
- to advise and assist the Government in formulating legislation and administrative directives and procedures, and recommend the necessary measures to be taken;
- to recommend to the Government with regard to the subscription or accession of treaties and other international instruments in the field of human rights; and
- to inquire into complaints regarding infringements of human rights referred to.

SUHAKAM received 614 complaints in 2004, and about 70% of them were allegation of human rights violations. About one-forth of violations were those by government agencies and local authorities, and another one-fourth were complaints related to land-ownership.

In fact, considering that SUHAKAM is under many legal and structural limitations, SUHAKAM’s effort to promote human rights is quite impressive. Such limitations and difficulties that SUHAKAM deals with will be discussed below.

Legal Limitation on its Mandate, Structure, and Powers

SUHAKAM’s position as an NHRI is widely perceived to be under legislative and structural limitations. First is the appointment process of the commissioners and the chairperson. According to the Act, the King appoints and re-appoints them as advised by the Prime Minister. The periods of tenure of both commissioners and the chairman are limited to two years. Such procedure was determined by government through fast process without public consultation. Thirty eight NGOs submitted a critical memorandum to government, in which democratic selection process through establishment of selection committee, as well as longer periods of tenure was suggested to secure independence and continuity of SUHAKAM.

Second is the scope of “human rights” that SUAHKAM can work on, which is confined to Part II of the Federal Constitution (Article 5-13, Fundamental Liberties) by the Act. However, there are also a series of domestic legislations that restrict those Constitutional rights, such as Sedition Act, Internal Security Act, and others. Federal Constitution also contains provisions that provide for the enactment of such emergency and public order laws.

Third is the prohibition of SUHAKAM’s involvement in cases either in process or already determined by the courts. Fourth, Commission does not possess free visitorial power to prisons and detention centers, but it is required to comply with procedures of the relevant places of detention. Fifth is its total dependence on Government for its budget, as the Act prohibits SUHAKAM to receive any foreign fund. Although there is a critical discussion among NGOs in developing
countries that foreign funds make recipients submissive to the policies of donor agencies, 100% and compulsory dependency on the government is not healthy either. Because of such limitations, its mandate, structure and powers considered to fall short of the requirements of the Paris Principle. (Eldridge, 2002)

Other limitations in terms of the scope of human right in Malaysia are that the constitutional definition of the “law” does not include international conventions. Although there are five international human rights conventions ratified by Malaysia, they do not have legal effect unless legislated as domestic laws. There are also crucial reservation made on certain articles in CRC and CEDAW. Although, according to the Act, SUHAKAM can regard the Universal Declaration of Human Rights, the effect of such “regard” is not clear because UDHR is a declaration that does not have legal binding force.

**SUHAKAM’s Encounter to Constraints**

*Reviewing Domestic Laws - the Internal Security Act*

Given that the above stated constraints that SUHAKAM encounters are at legal and structural base, one important area of SUHAKAM’s work is then to work on the improvement of such legal restrictions. In this regard, SUHAKAM reviews existing laws, administrative directives or procedures, and give advice to Government in formulating new ones.

Among which, the perennial problem is the “detention without trial” under the Internal Security Act, which has been on increase since the time of SUHAKAM’s establishment. The detention without trial denies the right to liberty, fair and public trial, and the right to be presumed innocent until proven guilty. If the person is held incommunicado, such detention may provoke torture and cruel, inhuman or degrading treatment. According to SUHAKAM, there are also cases of detention under ISA that could fall within the normal penal system without using the extraordinary preventive powers of the ISA. Based on its research on ISA, SUHAKAM submitted two reports to the Government in 2003, *Condition of Detention under the ISA*, and Review of the ISA, in which SUHAKAM called for the repeal of the ISA and recommended a new comprehensive legislation in line with human rights principles. It is suggested that the new law should include “sunset clause” that enable the law to be abolished when unnecessary. It is also suggested that the law should only be effective for one year, and its extension has to be deliberately discussed by the parliament every year.

**Assisting Government in Formulating Legislation**

SUHAKAM is also advising and assisting the Government in formulating legislation. SUHAKAM initiated reviews over proposed bills, and submits comments to clarify the provisions of the proposed legislation are in conformity with international human right principles, as in the case of Persons with Disabilities Bill in 2004.

SUHAKAM had also recommended that major bills should be referred to a Select Committee of Parliament and State Assemblies after the first reading, so that different sectors of the society, such as experts, public interest groups and other concerned individuals could make inputs in the process. In fact, in line with the recommendation by SUHAKAM the government established a Select Committee on deliberate on the Penal Code Amendment Bill and Criminal Procedure Code Amendment Bill in 2004, and invited SUHAKAM and NGOs to present their views.

**Working on International Human Rights Standards: Efforts to Lift the Reservations**

Malaysia became a state party to both CRC and CEDAW in 1995. However, reservations are still maintained on eight Articles in CRC and four Articles in CEDAW. To monitor the process of Government’s implementation of conventions, as well as to discuss issues including reservations, SUHAKAM organized roundtable discussions and forums in 2004 where the different sectors of the civil society and Government representatives could dialogue. As a result of discussions, withdrawal of the reservation to the CRC, and ratification of the Optional Protocols to the CRC were recommended. Reforms in domestic laws were also discussed.

In the case of CEDAW, one of the successes of law reform was the amendment to the Federal Constitution in 2001. SUHAKAM recommended the incorporation of gender equality principle, and the word “gender” was inserted in the Constitution as one of the prohibited grounds of discrimination. There has been a progress such as Government’s announcement in 2002 to allocate 30% of all decision making positions in civil service to qualified women, and the establishment of Cabinet Committee on Gender Equality. However non-discrimination in employment is only guaranteed among civil servants. At the same time, the amendment left Muslim personal law unaffected.
Civil Law and Syariah

In contrast with some progresses for gender equality, the issue of reservation of CEDAW articles that conflict with Syariah appears to be difficult issue to discuss in public. SUHAKAM has conducted research on Syariah but the result is not yet publicized.

Due to the Constitutional amendment in 1988 that created the division between the jurisdiction of Civil Court and the Syariah Court, family (and a part of criminal) issues of Muslims and Non-Muslims fall under different Courts in Malaysia. It created much difference in the scope of rights enjoyed by Muslims and non-Muslims, especially family related issues such as marriage, divorce, maintenance and custody. It is more so now when the religious laws had been interpreted more strictly, which affected the women most. The differences are not only between Muslims and non-Muslims, but among Muslims residing in different States because Syariah legislation and administration is under the State. However, it was quite difficult for me to know the effect of such division, as the discussions on Islamic matters were generally avoided during the interviews; except for comments and explanations obtained from some professionals and NGOs working on the matter. It may be because of the complexity of jurisdictions of the religious law as well as of the feeling of sensitivity to discuss the “religion of the Federation”, for their critical remarks may be considered as unfavorable racial remarks that give “threat to religious harmony” and public security.

However, there are some notable NGOs working on women’s rights and reservation of CEDAW issue, such as Women’s Aid Organization (WAO). WAO is a non-religious NGO working on the issue of violence against women, and prepared a Baseline Report on Marriage and Divorce in 2002, which exclusively focused on the Article 16 of CEDAW (marriage and parental rights and responsibilities of women and men) reserved by Malaysian government. WAO prepared the separate chapters to describe the situation of women under Civil law and Syariah law.

Another NGO, Sisters in Islam (SIS) seeks to empower Muslim women, especially focusing on practical and legal issues. It acts within a purely Islamic framework, which appears notably important in the context of present Malaysian society. SIS claims the right of women’s reading Islamic texts from different perspectives from that of the Ulama (learned persons of Islamic matters). It expresses its opinions on the issues such as violence against women, polygamy, Hudud law (Punishment law), dress of Muslim women, through its publication and contribution to newspaper articles.

Such Women’s rights NGOs were successful in their effort in 1995 to make the Domestic Violence Act (DVA) to be applied both to Non-Muslim and to Muslim women. When it was discussed, there was a claim from Islamic advisory group to Prime Minister about its overlap with Syariah law. Those opposed to the inclusion of Muslims into DVA views that domestic violence was a family matters and not a crime; thus, it fell under the jurisdiction of Syariah. Therefore, Muslim Family Laws were sufficient for the protection of Muslim women. They also perceived that the right given to wife to seek a legal action against her husband was a violation to the status of the Muslim husband. However, the joint effort of women’s NGO was successful to persuade opposing views.

Not only women’s rights NGOs, other NGOs are also working in order to provide the space for dialogue and promote understanding towards Islam. Education and Research Association for Consumers Malaysia (ERA Consumers) organized a seminar entitled Understanding Human Rights and Islam: Motivation, Ideology and Relevance in Contemporary Society in 2002, which was held after Dr. Mahatir’s declaration that Malaysia is an Islamic State, to which various groups expressed concern over its influence to multi-religious and multicultural society. Such commitments of NGOs are very important to break the feeling of sensitivity towards talking about religious matters, although it is not an easy task.

Human Rights Information and Education

Cooperation with Ministry of Education

Aside from its direct commitment to reform of laws, another important approach of SUHAKAM is to create public consensus to accept human rights. Different from legal reform approach, information and education activities appears to be indirect and takes longer time to influence over the society. But it is in the long run a certain way to build foundations in the society to accept human rights.

SUHAKAM has recently put much effort in human rights education in schools. It is important as it institutionalizes human rights education, as it covers largest number of audience, and it influences the future generation. The Ministry of Education has been cooperating with SUHAKAM and working on integrating human rights into existing subjects. SUHAKAM also conducted research in schools to assess knowledge of human rights among students and teachers in order to obtain baseline data to plan human rights curriculum. A National Conference on Human

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
Rights Education in Schools was organized to dispel misconceptions of human rights among teachers and decision makers.

Integration of Human Rights into Subjects

Through the cooperation between SUHAKAM and MOE, human rights are integrated in “Moral Education” and “Civics and Citizenship”. In Moral Education, after the revision of syllabus in 2003, “Values related with human rights” was clearly situated as one of the seven core learning areas in secondary schools, under which rights of children, women, workers, consumers, and the disabled are taught. SUHAKAM also contributed to the revision. Topics such as “freedom of self expression and worship”, “living together in peace”, “respect for the integrity of other nations” also refer to human rights. In the textbooks for Form 2 and Form 4 (second and fourth year of high school), SUHAKAM’s function is taught, and a visit to SUHAKAM is one of the recommended activities for Form 4 students.

However, the Moral Education has limitations as it is taught only to Non-Muslim students. There is a division of subjects that non-Muslim students attend Moral Education, while Muslim students attend Islamic Studies. Moral education was created for non-Muslim students to learn moral values because Muslim students have already been taught values in Islamic studies since long before Moral Education was started. It was explained by the Ministry of Education that the values taught in Moral Education and Islamic Studies were designed to be parallel, but there is no direct input from SUHAKAM for the Islamic Studies because it is under a different department - Department of Islamic and Moral Education: JAPIM, while Moral Education is under Ministry of Education.

Considering such division, from year 2005 the new subject “Civic and Citizenship” was introduced as a compulsory subject for both Muslim and Non-Muslim students. The subject aims to create consciousness among students about their roles, rights and responsibilities in society and country, as patriotic and integrated (racially and culturally) citizens that can contribute to society, nation, and the world. As the subject is just at its first year for both elementary and high school in 2005, it is too early to review and evaluate how human rights concepts are integrated at this stage; but SUHAKAM has been consistently cooperating with Ministry of Education. CRC is not yet directly taught in on-going curriculum stage but it is planned to be integrated in future curriculum. SUHAKAM also cooperate with the Ministry of Education in providing resource materials to complement the textbooks. It is a meaningful and practical support to schools, provided that teachers had to start teaching new subject with limited sources at hand. Local and regional NGOs, such as Amnesty International Malaysia and Hurights Osaka contributed their ideas and materials to schools.

Information Activities: Publications of Reports

Aside from the education in schools, what impressed me in the work of SUHAKAM is the tremendous effort made for preparation of reports and its publications. As mandated in the Act, all the matters referred, action taken, recommendations, and all the activities are to be included in its annual report. All the reports are submitted to the Government, and at the same time disseminated to the public either in printed form or in its website.

In fact, such effort for preparation and publication of report is not only of SUHAKAM’s but also of NGOs’ effort. For example, ERA has been organizing national consultation of NGOs with SUHAKAM every year, and publishing the reports, in which the wide range of discussions and criticism from civil society are included. The report of the consultation resembles a “counter-report” of NGOs about the work of SUHAKAM. Such publications of both SUHAKAM and NGOs are also important as a source of information because media freedom is restricted.

Public Support

Government responded to SUHAKAM’s annual and special reports in 2003 and 2005. SUHAKAM welcomes the fact that Government responded to the reports, but there were differences in responsiveness in different government agencies. While some agencies were responsive, others tend to list existing laws as their response. As an advisory body without executing power, SUHAKAM has difficulty to obtain Government’s response and action to what it recommended.

However, SUHAKAM’s strength may lie in the public support. ERA has been organizing annual consultation with SUHAKAM and many NGOs and individuals have been participating in them. SUHAKAM’s commissioners have attended them to discuss with civil society. Such dialogue is crucial for SUHAKAM to hear the opinions from civil society, as well as to strengthen cooperation with NGOs working in local communities.

CONCLUSION
The conditions surrounding NHRI s are different in countries. In the Philippines, where most of the core human rights conventions are ratified and there has not been much argument in accepting universal human rights, CHR’s activities are founded on universal human rights standards. It also puts much effort in infiltrating human rights in grassroots communities.

However, although ideally structured, CHR in the Philippines faces serious financial difficulty that affects its implementation. CHR has been trying to guarantee access to justice to the smallest and the most distant communities by establishing Regional Offices and Barangay Human Rights Action Centers, but the efficiency of processing complaints faces financial constraints on the budget for investigation and for the management of such centers.

Financial constraints also affect the independent status of the Commission. As in the case of BHRACs, the lack of independent and various financial resources inhibits the independence of the human rights protection mechanism because its budget has to depend on local government units. It is more so in smaller communities where it is difficult to avoid the political influence of local government officials and politicians. The community outreach program is one of the crucial in developing countries, but the appropriate size of the community to establish such mechanism should be further discussed.

On the contrary, in Malaysia, the acceptance of international conventions is small in number and Malaysian NHRI is under serious legal and structural limitations under domestic legislations. As such, the first priority of SUHAKAM’s work is to improve and change such legal limitations. However, legal reform is not easy due to the limited responsiveness of the government. SUHAKAM then puts much effort on information and education activities in order to raise consciousness and understanding towards human rights among general public, which in a long run will contribute to build public consensus over the need of legal reform.

Despite such differences in conditions and present difficulties, both NHRI s in the Philippines and in Malaysia play important roles. One of them is to provide space for dialogue between two different parties under unequal power distribution—between victims and assailants, between citizens and uniformed officers, and between civil society organizations and the government.

The other important role is to open up the information on domestic human rights situations to public and international society through its reports and recommendations. Thus, domestic human rights policies and its implementations are exposed to critical review and scrutiny of the public. By doing so, new pressures to Government are provoked.

Such pressure from civil society is important, as both NHRI s in the Philippines and in Malaysia do not have executing power. Thus, their power can be strengthened by the public recognitions and support. Civil society organizations have another important role to support NHRI s by monitoring NHRI’s activities, giving feedback, or by bringing complaints to NHRI to activate their functions of investigation and recommendations.

At last, the next challenge for me is to further study the relationship between religion and human rights, and its implication to politics. The research experience in Malaysia convinced me of the importance of further research that focus on religion and human rights. Islamic values are deeply embedded in the daily lives of the people; at the same time it is a part of the political and legal structure of the country. However, as the multi-racial and multi-regional country, different values and principles from different religions have to be mediated to make human rights values truly “universal” in the country. In order to do so, free and sincere discussions among different groups has to be continued. SUHAKAM’s and other NGO’s role for promoting such dialogue should me more closely researched.

The situation of other countries with Muslim populations should also be included in further research, as mediation of different religions and cultures is crucial for the Asian region to further promote the discussion on establishing the regional mechanism for protection and promotion and human rights.

ENDNOTES


2Due to such restriction, this research overlooked the indigenous people’s issues, although there are quite a few complaints brought to SUHAKAM, for there is no existing international human rights conventions in regards with indigenous people’s right.

3FGD is a qualitative method of data collecting, which is basically a guided group discussion of informants.
by a facilitator. Group members talk freely and spontaneously about guided questions and all the discussions are recorded. Discussions are summarized and analyzed, with comparison between groups with different attributions such as sex, age group etc. It is a popular method of participatory rural appraisal.

CHR Resolution No. A96-005 prescribes human rights violations under CHR jurisdiction: 1. rights of prisoners or detainees against physical, psychological and degrading punishment, 2. right against torture and other forcible means to vitiate free will, 3. right to a fair and public trial, 4. right to life without due process of law, 5. liberty of abode, 6. right to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, 7. right of persons arrested, detained or under custodial investigation, 8. right to peaceful assembly and petition, 9. right to be free from involuntary servitude, 10. right to free exercise and enjoyment of religious profession and worship.

The BHRAO can hold office in any places assigned by Barangay Captain. The Barangay Council is also encouraged to appropriate allowances/honoraria for BHRAO and provide them with facilities, supplies and other necessary means to enable them to perform their functions effectively.

In Region I, Asingan and Urdaneta in Pangasinan Province allocate budget for honorarium of BHRAOs, 700 pesos a month.

Part II Section 4 (4): For the purpose of this Act, regard shall be had to the Universal Declaration of Human Rights 1948 to the extent that it is not inconsistent with Federal Constitution.

CRC reservations: Article 1, 2, 7, 13, 14, 15, 28(1)(a) and 37. CEDAW reservations: Article 5(a), 7(b), 9(2), 16(1)(a), (c), (f) and (g). ERA Consumers.

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Republika ng Pilipinas Komisyon ng Karapatang Pantao. Blazing Trails for Human Dignity and Justice.


JAPANESE CIVIL SOCIETY IN COMBATTING CORRUPTION

Pornthip Apisitwasana

INTRODUCTION

The ultimate goal of this research was to seek ways to combat corruption and poverty in Thai society. This remained the same. However, Japanese civil society has other mechanisms to combat corruption, both directly and indirectly. An Information Disclosure Law (IDLs) is only one of several mechanisms that Japanese civil society utilizes. The study could not complete its goal unless research on other mechanisms was also done. Therefore, the subject was broadened.

This research attempted to survey mechanisms that Japanese civil society has utilized within the Japanese legal and social context. These mechanisms will be treated as lessons for the social movement in Thailand.

The progress of the Corruption Perception Index (CPI) is proof of the intention to combat corruption. In the case of Japan, Prime Minister J. Koizumi has served as Japan’s prime minister since 2001. Generally speaking, Japan’s CPI score has improved during this time. The CPI score of 2005 was better than 2000’s 0.90 score. Not only the political sector but also citizens have taken part in this progress.

Citizens have the right to be sceptical about corruption and take a main role in oversight. Those with political power have the duty to support such citizen participation.

Table 1: Japan’s CPI Score from 1995 to 2005.

<table>
<thead>
<tr>
<th>Year</th>
<th>Prime Minister</th>
<th>Score</th>
<th>Diff. from the preceding yr</th>
</tr>
</thead>
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<td>T. Murayama</td>
<td>6.72</td>
<td>0</td>
</tr>
<tr>
<td>1996</td>
<td>T. Murayama &amp; R. Hashimoto</td>
<td>7.05</td>
<td>0.33</td>
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<tr>
<td>1997</td>
<td>R. Hashimoto</td>
<td>6.57</td>
<td>-0.48</td>
</tr>
<tr>
<td>1998</td>
<td>R. Hashimoto &amp; K. Obuchi</td>
<td>5.80</td>
<td>-0.77</td>
</tr>
<tr>
<td>1999</td>
<td>K. Obuchi</td>
<td>6.00</td>
<td>0.20</td>
</tr>
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<td>2000</td>
<td>K. Obuchi &amp; Y. Mori</td>
<td>6.40</td>
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</tr>
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<td>-0.10</td>
</tr>
<tr>
<td>2005</td>
<td>J. Koizumi</td>
<td>7.30</td>
<td>0.40</td>
</tr>
</tbody>
</table>

Source: Transparency International.

The first part of my research depicts the important situation with regards to corruption—the Iron Triangle and civil society as well as NPO legislation during the Lost Decade (1990s). The second part explains the pork barrel and amakudari as tools for corruption. The third part describes the mechanisms utilized by Japanese civil society to deal with corruption. Two tables are provided that give information on civil society’s activities. The first is a chronology that includes all activities and all citizen groups, providing details of activities and outcomes or later situations, if any, thereof. The second provides details of activities and mechanism or tools which civil society utilized. The information disclosure request suit and resident suit are included in the same table.

THE CORRUPTION PROBLEM IN JAPAN

The Lost Decade

An explanatory model of Japanese economy can be set forth in three phases:

1) the “success” of the Japanese economy from the mid-1970s to the mid-1980s,
2) the “bubble economy” from the latter half of the 1980s to the early 1990s, and
3) the “failure” of Japanese economy since the early 1990s.

As described by a professor of the University of Tokyo’s Institute of Social Science, Prof. Takeo Kikkawa, who researched the “Lost Decade” Project of the Institute (2005, 3), the 1990s were not just a “difficult period” but became a “lost decade” because Japan lacked the ability to carry out vital reforms. This “Lost Decade” was characterized by economic stagnation, political convolution and dead-end reform.

Jeff Kingston, a history professor at Temple University Japan, (2004, 1) states that the 1990s were a period when the economy imploded, the asset bubble collapsed, banks teetered on the edge of insolvency, unemployment skyrocketed, suicides increased and the leaders of Japan, Inc. were tarnished by exposes of corruption.
The true nature of the Japanese crisis in the 1990s was the financial system, not the production system, which remained fundamentally sound and healthy. (Kikkawa: 2005, 3-4)

Prof. Kikkawa’s hypothesis is an interesting one. For instance, the *jusen* crisis was caused by mismanagement in the financial sector in lending money to Housing-Loan Specialty Corporations or *jusen* in the late 1980s. *Jusen* or housing lenders were established in the early 1970s to provide housing loans to Japanese individuals. In the 1980s, the Japanese business environment changed. *Jusen* were forced to provide loans to real estate developers instead of individuals. In 1975, nearly 100 percent of industry loans went to home owners; by 1990 only 22 percent went to individuals and 78 percent went to speculative projects. (Otsuma: 1996, 1)

One of several causes of the 1990s crisis in Japan was that wealth was used for speculation by the business sector. Property prices jumped higher without reasonable value added. If any speculation made a profit, the speculator received the reward. However, if the speculation failed, who took the loss? Sometimes, in order to protect the whole economy, public money absorbed such losses.

Speculation was not the only cause. Another cause of the crisis, in my opinion, was unreasonable construction projects. Both causes were assisted, or organized in the worst case, by the so-called “vicious triangle” or “the Iron Triangle”, the relationship among three parties—business, bureaucracy and politicians.

**The Iron Triangle**

In Japan, the “Iron Triangle”, the network and relationships among big business, bureaucracy and political parties to control Japan during the post war period, has contributed to both good and bad sides of economic development. For many decades, the Iron Triangle was considered the symbol of the country’s economic prosperity until a series of major corruption scandals during 1988-1993 were disclosed. (Feldhoff: 2002, 37) The vast majority of post war prime ministers have been implicated in corruption scandals and every decade has featured at least one major scandal—beginning with the Showa Denko scandal in the 1940s, a shipbuilding scandal in the 1950s, a series of scandals in the 1960s known as the “black mist”, the Lockheed scandal of the 1970s, the Recruit bankruptcy in June 1988, and the Sagawa Kyubin scandals in the summer of 1992. (Kingston: 2004, 22-5)

Feldhoff described Japan’s “clientelist state” as having three elements:

1) Particularism is the consistent granting of priority to a small set of special interests at the public expense. Legislators channel distributive policy expenditures into their electoral districts, thereby enhancing their prospects for reelection.

2) Political corruption is a second by-product of political clientelism. The informal alliance between central actors is upheld by means of financial contributions, such as illegal political contributions, bribery, and influence peddling.

3) Economic inefficiency is the last product. In order to provide kickbacks to politicians as well as bureaucrats and keep the industry alive, public construction spending is overpriced. (Feldhoff: 2002, 36-37)

Certainly, trade partners of Japan, especially the USA, were unsatisfied and criticized this system. The USA negotiated for and forced reform. A weary and wary public criticized such wasteful projects and corruption and gradually understood the hidden agendas. The 1990s can be seen as a period of reform and were a decade of intense questioning about the merits and flaws of Japan’s government, business practices and principles. (Kingston: 2004, 71)

It can be claimed that social change in Japan arises from outside pushes and inside growth.

How can the members of the Iron Triangle support each other? Wolferen (1993, 150) explains that the unwritten spirit among politicians, bureaucrats and businessmen is:

- bureaucrats support politicians by buying off the public with subsidies and public works,
- politicians support bureaucrats by not making the slightest attempt to change the policies of industrial expansion that emerged in the immediate post-war period, and
- bureaucrats and politicians support businessmen by protecting their business against foreign competition and underwriting their expansionist programs. (Wolferen: 1993, 150)

This spirit means that each of them gives and takes. Thus, they must each keep their own power in order to be useful or necessary for the other partners.

Politicians want to be re-elected, thereby requiring money and support for election campaign. *Kinken seiji* or money politics is analogous with the mother’s milk.
of politics. Whoever controlled the largest amounts controlled the system. The immediate ‘remedy’ was a tightening of the Political Fund Control Law, thus indicating that the relationship between the politicians and businessmen remained an area where all was not as it should be. (Wolferen: 1993, 173)

Bureaucrats want to remain in power or work after retirement, thereby requiring a high-ranking post in a business organization, which will be mentioned in the “amakudari” or political party. “Kone” or “connection” is crucial to life in Japan at all levels of society. Success depends almost entirely on who one knows. In the upper level of society, the kone multiply to form whole networks of special relationship or jinmyaku, a vein or web of personal connections. The actual power of a highly placed Japanese man depends on his jinmyaku. (Wolferen: 1993, 144) The former bureaucrats in a political party are expected to represent the interests of their former ministry to some extent because without their jinmyaku with their former colleagues, they would fade and become less useful to the political party. (Wolferen: 1993, 188) Such former bureaucrats-turned-politicians are directly responsible for:

1) procuring money with help of personal support groups (kouenkat);
2) lobbying for local needs, which is not difficult because local governments are dependant on the strong financial position of the central government;
3) acting as intercessors between the companies and the bureaucrats;
4) being representatives of the vested interest within the party and the factions (habatsu), the parliament and the commissions; and
5) depending on the expertise of the ministries who have influence on policy formulation. (Feldhoff: 2002, 37)

The 1990s was a lost decade for the bureaucracy, as the emergence of a more vibrant civil society was achieved at the expense of its cherished prerogatives. (Kingston 2004, 66)

Construction State

The term dokken kokka or “construction state” is shorthand for the huge “cement industrial complex”. (Kingston: 2004, 122) It refers to a system of vested interests in construction activities that embraced Japan at different geographical levels of scale. A system of collusion between politicians, bureaucrats, and businessmen evolved and led to massive government spending on public works projects. It has been used to refer to the notorious Japanese habit of pump priming. (Feldhoff: 2002, 34) The dokken kokka is based on the 3Cs—cement, corruption, and cash. Besides influence peddling, price-gouging, bribes, and political donations, bid-rigging is one of the most pervasive abuses of the dokken kokka. The dango, a system of cartel-like agreement reached by consultation among bidders, allows construction industry associations for such designated firms to unofficially pick the winners of public works contracts through a system of rotation based on size and track record. (Kingston: 2004, 128)

In Japanese politics, pork-barrel projects are the basis of the dokken kokka. The system of bid rigging (dango) revealed in a series of scandals exposed the systematic plundering of the public purse by unscrupulous businessmen and their political sponsors. (Kingston: 2004, 55)

Citizens, especially those who are affected by the construction, have attempted to limit the construction state because of chronic fiscal crisis and environmental concerns. The new logic of Japanese politics means that campaigning against large-scale public works, not just pork-barrel projects, is likely to figure more and more on the agendas of ambitious politicians. (Kingston: 2004, 146)

For instance, Osaka bid to host the 2008 Olympic Games and planned to construct a subway and the Osaka Bay area development. The Mahariban and the Osaka-wan Kaigi or Osaka Bay Council, both civil society groups, opposed the Olympics because the projects solely pleased contractors but would damage the environment. (Shiozaki A., Asahi News Service, 25 August 1997)

It has taken four decades for the public to awaken to the damage inflicted by construction excesses. It will take far longer to work free of the troubled legacy of debts and environmental devastation handed to future generations. (Kingston: 2004, 156)

Pork Barrel

Prof. Yoshiaki Kobayashi of Keio University said that “in the case of the U.S. and Europe, voters generally cast ballots in favor of the party in power when the economy is good. In Japan, the situation is contradictory. When the economy is bad, people tend to vote for the Liberal Democratic Party (LDP) because it always increases public works projects.” (Takahara: The Japan Times, 6 June 2000)

If Professor Kobayashi is correct, this means that the
Japanese economy is always bad because the LDP has remained in power with only short periods of interruption. It may rather be that the vested interests that support the LDP are quite large and powerful, such as people in construction industry who must be loyal to the LDP for their own economic benefit.

Japanese media have provided both news and editorials to inform and warn citizens about pork barrel such as:

(Public works should serve the public, *The Japan Times*, Aug. 21, 2000)

‘.... The party is supposed to be trying to phase out programs that have outlived their usefulness and to classify those related to information technology as public-works projects. This is being taken with a grain of salt because public spending on IT-related projects could also encourage pork-barrel politics and further inflate the budget deficit.’ Or:

‘......The JDA (the Japan Dental Association) provides a typical example of “triangular collusion” among the LDP, bureaucracy and industry. Its former chairman is charged with bribing members of a government panel on medical insurance in an attempt to increase payments for dental services. In April, five men were arrested on bribery charges...... Prime Minister Jun'ichiro Koizumi has vowed to “smash the LDP”. The implication is that he wants to eradicate the party’s pork-barrel politics, which have been practiced largely by the Tanaka faction and its successors. The planned privatization of highway corporations and postal services—which have been patronized by these factions—would have hit hard the former Hashimoto group and other special-interest legislators.’

However, privatization was the answer to civil society’s claim. Even in the period of budget deficit, the construction state survived with monies from government subsidies for expressways and the zaito or the second budget from the Post Office’s saving account. The expressway-related government corporation was already under privatization and the Post Office was still a problem. This situation was a confrontation between vested interests and the forces of reform. But it can be claimed that announcement for LDP reform by Prime Minister J. Koizumi led to the success to LDP in the 2005 election after the dissolution of parliament caused by problems with the Post Office privatization.

**Amakudari**

*Amakudari*, (literally, ‘descent from heaven’) is life after retirement for bureaucrats with well-paid sinecures in firms that they had previously supervised. *Amakudari* is the cause of collusion, favoritism, corruption. *Amakudari* also provides a two-way street for the exchange of information and views.

However, the National Public Service Law bans central-government employees from accepting jobs at private firms for two years after their retirement if the firms have close ties to the ministries and agencies where the employees worked during the last five year prior to retirement. (Kingston: 2004, 103) Such prohibition can be useful to a certain extent, but not in all cases. Even without a post or work in a business firm, retired bureaucrats can still use influence with bureaucrats in charge to obtain favors or preferential treatment for businesses.

How to curb with *amakudari* is beyond the scope of this study because I found out that there is no Japanese civil society mechanism which manages this situation.

**THE ROLE OF CIVIL SOCIETY IN COMBATTING CORRUPTION**

There are many words having a similar or identical meaning with civil society, such as non-profit organizations (NPOs), non-governmental organizations (NGOs), and philanthropic or citizen groups. Therefore, I research the meaning of civil society. In this paper, civil society is defined following the definition given in “The State of Civil Society in Japan”. Civil society consists of sustained, organized social activity that occurs in groups which do not belong to the state, the market, or the family. (Pharr: 2003, xiii) Civil society is a group of citizens having a common purpose for a better society or the public good.

Citizenship and civil society are concepts capable of disturbing the status quo and encouraging critical governance. Civil society ought to be characterized by the continuing definition of various relations (the civil order) by subjects of free will on the grounds of mutual consultation, understanding and decision. (Hirowatari: 2002, 4)

Civil society in Japan only began to play a more important role around the end of the 1980s when the government’s mismanagement and corruption scandals were unveiled. Civil society played an active role in demanding that national and local governments enact freedom of information or information disclosure laws. Citizens wanted to have more influence in setting priorities by redefining as well as shaping the public interest and then challenging agendas set by the
government and vested interests.

Citizens’ organizations have played a key role in waking people up from apathy or indifference and asking for transparency, accountability and responsiveness from governments.

The emergence of NPOs, the growing transparency of government resulting from information disclosure legislation, and judicial reform are three key developments that are shaping the emergence of civil society in Japan. (Kingston: 2004, 72)

**NPO Legislation**

During 1986-1991, the domestic real estate market overheated. Business conditions in the 1990s remained depressed and the bad loan problems festered. Without sufficient concern about risk and return, Japanese government, bankers and corporate executives exacerbated the financial crisis. Bankers and government allowed companies to borrow vast sums of money for the expansion of production facilities and *zaitech* in order to beautify balance sheets. The aftermatch of the bubble economy has also unleashed unprecedented criticism.

After the January 1995 Hanshin earthquake in Kobe, NPOs played a crucial role in providing relief and working with devastated communities. Their effective and prompt response, as well as the massive volunteer effort, generated political pressures to make it easier for NPOs to operate in Japan. (Kingston: 2004, 8-16)

The NPO law, officially the Law to Promote Specified Nonprofit Activities, passed the Diet in March 1998. The NPO legislation was passed in 1998. However, the NPO law was criticized that it did not really support civil society because it contained such tough requirements. Most civil society groups ran activities without NPO status because they could not meet the conditions required by the NPO law.

In view of Kingston (2004, 72), this was one of several developments in efforts to strengthen civil society’s status in Japan during the Lost Decade and reflects the struggle by citizens’ groups to reform Japanese society and provide a channel for more effective citizen participation in setting the nation’s agenda and implementing it.

Yamamoto (1999, 98) gave notice that the recent debate on civil society in Japan has been devoid of:

1) sufficient analysis and understanding of the relevance of civil society development for the governance of society; and
2) much effort to relate the civil society debate to the debate over deregulation and the downsizing of the government, which is by far the most critical issue of the day in Japan.

His observations are quite interesting. The roles of civil society can be plural, as assistant and partner, or even investigator or controller of governments. Civil society will not be well rounded without sufficient analysis on its role in supporting or balancing the concept of small government.
Table 2: Chronology of Activities of Japanese Civil Society.

<table>
<thead>
<tr>
<th>Activities</th>
<th>Organization</th>
<th>Outcome or Later Situation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990: Requested information on school budget.</td>
<td>Mihariban (Watchdog)</td>
<td></td>
</tr>
<tr>
<td>1993: Legal Revision</td>
<td></td>
<td>Amended court fee for shareholder suit from 'based on size of damages sought' to 'fixed at 8,200 yen'.&lt;br&gt;(Shareholders turning to lawsuits to assure executive accountability Code Change Lowers Filing Charges; 84 Suits Pending, the Nikkei Weekly (Japan) May 9, 1994)</td>
</tr>
<tr>
<td>Dec. 1994: Filed a shareholder’s lawsuit against three companies, construction giant Obayashi Corp., Kansai Electric Power Co., and Osaka Gas Co., in order to block political contributions.</td>
<td>Civic Ombudsman (Osaka-based)</td>
<td></td>
</tr>
<tr>
<td>1995 (?): Filed lawsuit to claim damages for Aichi Prefecture and Nagoya City from private firms for bid-rigging case in 1993.</td>
<td>Nagoya Ombudsman</td>
<td>The court ordered the firms to pay.</td>
</tr>
<tr>
<td>Jan. 1996: Founded at Osaka in order to exercise common shareholders' legal rights, including making proposals and filing shareholder suits. It also monitors corporate activities, using lawsuits when necessary to force disclosure of information.</td>
<td>Kabunushi Ombudsman</td>
<td></td>
</tr>
<tr>
<td>March-April 1996: Requested the Aichi Prefecture to release information about business trips and the entertainment expenses of the auditing panel secretariat.</td>
<td>Nagoya Ombudsman</td>
<td>The Aichi Prefecture rejected on the grounds of protecting the privacy of the people involved.</td>
</tr>
<tr>
<td>April 1996: Filed lawsuit to require the Aichi Prefecture release the information about business trips and the entertainment expenses of the auditing panel secretariat.</td>
<td></td>
<td>March 1997: The Nagoya District Court ordered the Aichi Prefecture government to make public its data about business trips and the entertainment expenses of the auditing panel secretariat.</td>
</tr>
<tr>
<td>June 1996 (Sumitomo Corporation Case): Asked about the former president’s responsibility for illegal trade, submitted the case to Osaka District Court to cancel “Shan Shan” meeting and submitted derivative suit against Sumitomo’s directors for responsibility on losses.</td>
<td>Kazuyoshi Yuoka, later joining Kabunushi Ombudsman</td>
<td></td>
</tr>
<tr>
<td>October 1996: Requested the Miyagi prefectural government to disclose information related to food expenditures for the police during a police conference.</td>
<td>Sendai Ombudsman</td>
<td>The prefecture refused.</td>
</tr>
<tr>
<td>December 1996, Filed lawsuit to demand information on food expenditures.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1996: Requested information on business meal expenses of Kitakyushu and then filed lawsuit to demand reimbursement of business meal expenses.</td>
<td>45 Citizens and Civil Ombudsman</td>
<td>In Mar 2001, the Fukuoka District Court ordered the mayor and 70 city officials to repay the excess business meal expenses.</td>
</tr>
<tr>
<td>Year</td>
<td>Event</td>
<td>Organization/Source</td>
</tr>
<tr>
<td>------</td>
<td>----------------------------------------------------------------------</td>
<td>-------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>1997</td>
<td>Filed lawsuit against the mayor of Nagoya and senior local assemblymen to return advisory fees illegally paid by the Nagoya City. (Suit against Nagoya mayor’s advisory group dismissed, Japan Economic News, July 8, 1999)</td>
<td>Nagoya Citizen Ombudsman</td>
</tr>
<tr>
<td>1997-1998</td>
<td>Filed lawsuit for Nagoya City and Aichi Prefecture against Mitsubishi Electric Corp and Hitachi Ltd. demanding 445 million yen on grounds of bid rigging.</td>
<td>Mihariban</td>
</tr>
<tr>
<td>May 1998</td>
<td>Claimed that three companies, water-and gas pipe makers, were rigging bids. The Fair Trade Commission (FTC) investigated. (FTC alleges pipe industry collusion, The Japan Times: Feb. 4, 1999)</td>
<td>Nagoya Citizen Group</td>
</tr>
<tr>
<td>July 1998</td>
<td>Election for the House of Councilors</td>
<td>Mihariban</td>
</tr>
<tr>
<td>Jan. 1999</td>
<td>Requested information on payments to two Olympic advisors</td>
<td>Mihariban</td>
</tr>
<tr>
<td>Aug. 1999</td>
<td>Filed lawsuit to demand the mayor to suspend payments to garbage incinerator contractor accused of bid-rigging.</td>
<td>Nagoya Citizen Group</td>
</tr>
<tr>
<td>1999-2000</td>
<td>Demanded and filed lawsuit against Nagoya City for legal costs, 9.2 million yen from Nagoya City.</td>
<td>Nagoya Citizen Ombudsman</td>
</tr>
<tr>
<td>Mar. 2002</td>
<td>The Nagoya District Court ordered Nagoya City to cover the 3.5-million-yen legal costs of the ombudsman in a moral victory over a court case against the municipal government.</td>
<td>Mihariban</td>
</tr>
<tr>
<td>March 2000</td>
<td>Protest against construction of subway.</td>
<td>Mihariban</td>
</tr>
<tr>
<td>April 2000</td>
<td>Launched activities to provide information on politicians’ stances towards national agenda-issues.</td>
<td>Council of Rating Politicians (The Seijika Hystei Kai)</td>
</tr>
<tr>
<td>April 2000</td>
<td>Formed the Citizens’ Union to launch an effort to stop unfit politicians from winning Lower House seats.</td>
<td>30 citizens’ groups in the Kansai Region</td>
</tr>
<tr>
<td>May 2000</td>
<td>Released a list of unfit politicians for the Diet. June 2000: Released a second list.</td>
<td>Shinmin Rentai -- Nami (Wave) 21</td>
</tr>
<tr>
<td>June 25, 2000: General Election</td>
<td>LDP lost 38 seats and the Democratic Party of Japan; the No.2 opposition party, gained an additional 35 seats.</td>
<td>Former PM Mori warned that it might be against laws on elections.</td>
</tr>
<tr>
<td>Aug. 2000</td>
<td>The LDP, which had long doled out pork-barrel projects, decided to shift public works spending—not cut it—in response to the loss it suffered of 38 seats in the Lower House election in June.</td>
<td>JPD</td>
</tr>
<tr>
<td>July 2000</td>
<td>Commented periodically in internet-based publication on the results of questionnaire surveys on policy among Diet members. (<a href="http://www.kosonippon.org">http://www.kosonippon.org</a>)</td>
<td>Japan Initiative (Koso Nippon)</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
<td>Ombudsman</td>
</tr>
<tr>
<td>------------</td>
<td>----------------------------------------------------------------------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td>Sept. 2000</td>
<td>Filed lawsuit against 9 current and former police officers for repayment of food expenditures. (Police officials ordered to reimburse local gov’t-paid meals. Japan Economic Newsweek, March 25, 2002 and Police papers to be revealed.)</td>
<td>Sendai Ombudsman</td>
</tr>
<tr>
<td>2001:</td>
<td>Filed lawsuit to claim damages against Kanagawa Governor for his decision to allow the prefectural government to buy a theater.</td>
<td>Kanagawa Citizens’ Ombudsman</td>
</tr>
<tr>
<td>2001:</td>
<td>Filed lawsuit to claim the mayor to return money spent for new airport project.</td>
<td>Kobe Citizen Group</td>
</tr>
<tr>
<td>Feb. 2001:</td>
<td>Requested information on police expenses from Sendai Prefecture.</td>
<td>Sendai Ombudsman</td>
</tr>
<tr>
<td>April 2001</td>
<td>Filed lawsuit against Sendai prefecture.</td>
<td></td>
</tr>
<tr>
<td>April 2001</td>
<td>Issued a report evaluating the activities of each current assembly member.</td>
<td>Shinmin Onbuzu (civic ombudsman) Amagasaki</td>
</tr>
<tr>
<td>April 2001</td>
<td>Requested performance or sale data of Universal Studio Japan of which the City of Osaka held 25% of shares as majority shareholder.</td>
<td>Mihariban</td>
</tr>
<tr>
<td>June 2001:</td>
<td>Filed lawsuit to seek information on prosecutor’s research fund.</td>
<td>Sendai Ombudsman</td>
</tr>
<tr>
<td>June 2001:</td>
<td>Filed lawsuit against the major companies executives to return monies illegally donated to political party during capital deficit, e.g. claimed 87 million yen from Kumagai Gumi’s executives. Such donations were prohibited by the Political Fund Control Law.</td>
<td>Kabunushi Ombudsman</td>
</tr>
<tr>
<td>July 2001:</td>
<td>Requested details on 2.75 billion yen of expenses spent for the Olympic bid campaign.</td>
<td>Mihariban</td>
</tr>
<tr>
<td>Aug. 2001:</td>
<td>Filed lawsuit to demand the former governor refund the cost of a 1.23 billion yen theater purchased by Kanagawa Prefecture.</td>
<td>Citizens’ Groups in Kanagawa</td>
</tr>
<tr>
<td>May 2002:</td>
<td>Filed lawsuit to seek disclosure of administrative documents related to the legal responsibility and compensation obligations of the organizers and the central and local governments in the event of a cancellation of the 2005 Aichi World Expo.</td>
<td>Nagoya Citizen Goup</td>
</tr>
<tr>
<td>Oct. 2002:</td>
<td>Sent questionnaires to Supreme Court about suspicious gifts.</td>
<td>The All Japan Citizen Ombudsman Association</td>
</tr>
<tr>
<td>Oct. 2002:</td>
<td>Filed a lawsuit to recover damages against former directors of Sumitomo Corporation.</td>
<td>Kabunushi Ombudsman</td>
</tr>
<tr>
<td></td>
<td>Set up a center to advise and support, without identifying, whistle-blowers.</td>
<td></td>
</tr>
</tbody>
</table>
July 2003: The Nagasaki District Court ruled that a portion of donations made to the LDP prefectural chapter prior to February 2002 gubernatorial elections had violated the Public Offices Election Law and convicted two former senior chapter officials.

Kabunushi Ombudsman


Kabunushi Ombudsman

Oct. 2003: Requested information on investigation fund and found that this fund was spent on parties.

Sendai Shimin Ombudsman


Citizen Group in Sapporo

Nov. 2003: Submitted written requests to nationwide prefectural-police-forces to disclose information on how investigation and remuneration funds were used.

The All Japan Citizen Ombudsman Association

The Ombudsman reported that in 2002 police in 43 of Japan’s 47 prefectures used 197 million yen in public funds in fiscal 2002 for parties to reward officers for their work. But the police argued that such use was accepted by the National Police Agency handbook.

June 2004: Campaigned for ‘no political donations’ in Toyota’s shareholder meeting

Kabunushi Ombudsman

June 2005: New company law passed.

Kabunushi Ombudsman

MECHANISMS USED BY CIVIL SOCIETY TO COMBAT CORRUPTION

Table 3: Organization of Activities of Japanese Civil Society—Politicians / Policy Survey & Rating Politicians.

<table>
<thead>
<tr>
<th>Civil Society</th>
<th>Activities</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Japan Initiative (Koso Nippon)</td>
<td>July 2000: Commented periodically in internet-based publication of the results of questionnaire surveys on policy among Diet members. (<a href="http://www.kosonippon.org">http://www.kosonippon.org</a>)</td>
<td></td>
</tr>
<tr>
<td>Council of Rating Politicians (The Seijika Hyotei Kaigi)</td>
<td>April 2000: Launched activities to provide information on politicians’ stances towards national agenda-issues. Successful politicians failed to comply with their commitments. (<a href="http://www.fas.harvard.edu/~rijs/DCJArt_Elections_v9n1_2003.html">http://www.fas.harvard.edu/~rijs/DCJArt_Elections_v9n1_2003.html</a>)</td>
<td></td>
</tr>
<tr>
<td>Shinmin Onbuzu (civic ombudsman) Amagasaki</td>
<td>April 2001: Issued a report evaluating the activities of each current assembly member. (The Japan Times, 15 July 2001)</td>
<td></td>
</tr>
</tbody>
</table>

Note: Activities in table do not include all activities of each group. Only selected activities are mentioned.

Pressure on corporate, political and bureaucratic leaders is essential for civil society to promote transparency, good governance, and responsiveness. Such pressure upon the three actors must be placed simultaneously.

Political Survey-Rating and Rakusen

In any election, political information such as policy or past performance of each politician is necessary for citizens in casting their votes. Japanese civil society has made use of this information. Giving the right information to the right persons at the right time will allow the right representatives to be elected.

If citizens have information on the policies or performance of each candidate, they can choose the right one. Some civil society groups in Japan support this kind of work for the public, such as the Japan Initiative, the Council of Rating Politicians and the Civic Ombudsman Amagasaki. The evaluation of politicians requires initiative, effort and time.

States Men and Policies Database System (Koso Nippon) of Japan Initiative (JI)

The States Men and Policies Database System (SPDS) publicizes survey results from policy questionnaires to Diet members, which are conducted continuously, and, thus, data updating is more frequent. JI has its website at <www.kosonippon.org> as an informative source about all politicians.

Council of Rating Politicians

The Seijika Hyotei Kaigi (Council of Rating Politicians), launched on 24 May 2000, was designed to assess...
politicians’ qualifications as legislators in respect to policies or stances on national agendas, such as the fiscal deficit, political donations, the Constitution, the global environment, referendums, and political ethics. The Council watches carefully what individual politicians’ stances are towards national policy problems and how they approach the resolution of pending issues, such as budget deficit reconstruction and constitutional amendments. The Council distributes questionnaires to candidates. After getting responses, the Council records and posts them on its website, http://www.seijika-hyoutei.com/frame.html, with no intention to rank or grade politicians. The problem so far is that the successful candidates have failed to follow their campaign pledge. (Hirano, Japan Economic Newswire: June 5, 2000, www.fas.harvard.edu/~rijs/ DCJArt_Election_v9n1_2003.html)

Shimin Onbuzu (Civic Ombudsman) Amagasaki

This group, which has no website, publicizes a report evaluating the activities of each current assembly member. The group gives information such as how many policy proposals members make, how they work to achieve their campaign promises, including the quality of the promises, how much information they give to the public, how they communicate with citizens, and how they contribute to advancing the local administration. (Murakami, The Japan Times, 15 July 2001)

Politician Blacklists (Rakusen Undo)

Rakusen undo originated in South Korea during an election around April 2000, or two months before Japan’s general election in June 2000. Through this means, Koreans were able to prevent the election of 70% of the blacklisted “defective politicians”.

Inspired by this successful negative campaign, a number of citizens groups throughout Japan initiated such campaigns on their own while developing cooperation with each other, as well as the original group in Korea. At least seven major Japanese citizens groups distributed blacklists compiled on their own and launched a “movement to expel political misfits” in an effort to “drive out unworthy politicians and candidates from Nagatacho!” Each group had a different style. “Policy Net-Rainbow and Green” in Shizuoka prefecture rated all 34 candidates in its regional district by their past actions, remarks, policies and the way they did or did not respond to the group’s questionnaire. Wave 21 in Tokyo made a “dump” list of 23 incumbents nationwide. (Murakami, M. Asiaweek, June 9, 2000)

The Rakusen Undo movement can be referred to as a good example of a successful case of borrowing another country’s mechanism.

Shimin Rentai—Nami (Wave) 21

Shimin Rentai—Nami, based in Koganei, western Tokyo, posted a list of unfit politicians on its website, http://nvc.halsnet.com/jhattori/rakusen. The list was made by public opinion, with members of the public sending postcards and e-mails. The first list was launched on 13 April and the updated list that took into account more voters’ opinions was posted on 10 June. (The Japan Times, 12 May 2000; Meinardus, The Japan Times, 4 Nov. 2001)

30 Citizens’ Groups in the Kansai Region

About 30 citizens’ groups in the Kansai Region formed the Citizens’ Union in April to launch an effort to stop unfit candidates from winning Lower House seats in the light of eight criteria they had set. The criteria include involvement in crimes, injustice and corruption, or those who lack common sense. Public opinions on unfit candidates were sent to the groups through e-mails, faxes and letters. (The Japan Times, 4 June 2000)

Table 4: Organization Activities of Japanese Civil Society—Politicians / Politician Blacklist (Rakusen Undo).

<table>
<thead>
<tr>
<th>Civil Society</th>
<th>Activities</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shinmin Rentai—Nami (Wave) 21</td>
<td>May 2000: Released the first list of unfit politicians for the Diet. Former PM Mori warned that it might be against laws on elections. (The Japan Times, May 12, 2000) June 2000: Released the second list. (Japan Times, June 6, 2000)</td>
<td>Acquiring and distributing information from public sources</td>
</tr>
<tr>
<td>30 citizens’ groups in the Kansai Region</td>
<td>April 2000: Formed the Citizens’ Union to launch an effort to stop unfit politicians from winning Lower House seats and distributing a blacklist of 27 unfit politicians in June. (The Japan Times, June 4, 2000)</td>
<td>Networking for blacklisting inappropriate politicians</td>
</tr>
<tr>
<td>Mihariban</td>
<td>May 2000: Launched website to ask citizen opinions on inappropriate politicians for re-election.</td>
<td>Acquiring and distributing information from public sources</td>
</tr>
</tbody>
</table>

Note: Activities in table do not include all activities of each group. Only selected activities are mentioned.
Mihariban asked the public, through its website: http://www3.ocn.ne.jp/mihari/, for information on Diet members who might be considered as unfit under the following eight criteria:
1) involvement in crimes, injustice and corruption;
2) violations of the Public Election Law;
3) violations of the Political Funds Control Law;
4) speaking against citizens or human rights;
5) breaking their election pledges;
6) neglect of Diet activities;
7) being physically unable to perform their duties; and
8) abuse of their authority or lack of common sense.


Even though the result of the campaign was not as successful as Korea’s, it received a good response from academics such as Prof. Yoshitaka Nishizawa, a professor of political science at Doshisha University in Kyoto:

“Whether they are good or bad, such moves may prompt policy-makers to disclose more information.... Politicians may realize that it would be better to disclose information before being asked by the public, rather than being evaluated by speculation or rumors.”

The underlying concept behind this mechanism is absolutely correct but may be fruitless if a high proportion of unfit politicians on the blacklist remain sitting. Such unfit politicians will give no attention to the public voice anymore. Moreover, such activity is quite risky because it can be treated as defamation or abuse of election laws.

Shareholder Suits

A suit brought by a shareholder on behalf of a corporation, or a derivative suit, is provided for in Article 267, of the Commercial Code of Japan, first adopted in 1950, which states that any shareholder of a company who has continued to hold shares for six months or more is entitled to file a derivative action against directors who damage the company due to their unlawful conduct.

The 1993 Amendment

The most important issue in the 1993 amendment was the high court fee. The filing fee for derivative actions was changed to be fixed at 8,200 yen regardless of the amount of claimed damages. The 1993 amendment also expanded reimbursement to include certain legal costs such as traffic costs to attend attorney conferences and costs for collecting evidence as reasonable attorney fees as provided in Article 268-2.

This amendment fulfilled its objective. After the amendment was passed, the number of shareholder derivative suits in Japan jumped from one suit every two years in the first forty years to 494 suits between 1991-2000. (Milhaupt: 2003, 24)
Table 5: Organization of Activities of Japanese Civil Society—Businessmen / Shareholder Suit Mechanism.

<table>
<thead>
<tr>
<th>Civil Society</th>
<th>Activities</th>
<th>Mechanism</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kabunushi Ombudsman</td>
<td>Jan 1996: Established at Osaka in order to exercise common shareholders’ legal rights, including making proposals and filing shareholder suits. It also monitors corporate activities, using lawsuits when necessary to force disclosure of information.</td>
<td>Shareholder Suit</td>
</tr>
<tr>
<td></td>
<td>June 1996 (Sumimoto Corporation Case): Asked about the former president’s responsibility for illegal trade, submitted the case to Osaka District Court to cancel “Shan Shan” meeting and submitted derivative suit against Sumitomo’s directors for responsibility of losses.</td>
<td>Shareholder Suit</td>
</tr>
<tr>
<td></td>
<td>Oct 2000: Filed a lawsuit to recover damages against former directors of Sumitomo Corporation.</td>
<td>Shareholder Suit</td>
</tr>
<tr>
<td></td>
<td>June 2001: Filed a lawsuit against the major companies’ executives to return monies illegally donated to a political party during capital deficit, e.g. 87 million yen claim against Kamagai Gumi’s executives. Such donations were prohibited by the Political Fund Control Law. In Feb 2003, the Fukui District Court ordered the ex-president of Kamagai Gumi to reimburse 27 million yen for donations made from Apr 1998-Dec 1999, but dismissed demands to have another ex-president return donations and to ban the current president from extending political donations. <em>(The Japan Times: 27 June 2001; <a href="http://www.japan-press.co.jp/2385/jbf2.html">www.japan-press.co.jp/2385/jbf2.html</a>; Mainichi Shimbun: 12 Feb 2003; The Japan Times: 13 Feb 2003).</em></td>
<td>Shareholder Suit</td>
</tr>
<tr>
<td></td>
<td>Oct 2002: Set up a center to advise and support, without identifying, whistle-blowers. <em>(The Japan Times, 13 July 2002).</em></td>
<td>Whistle-blower Protection</td>
</tr>
<tr>
<td></td>
<td>July 2003: The Nagasaki District Court ruled that a portion of donations made to the LDP prefectoral chapter prior to February 2002 gubernatorial elections had violated the Public Offices Election Law and convicted two former senior chapter officials. <em>(The Japan Times: 15 Aug, 2003).</em></td>
<td>Shareholder Suit</td>
</tr>
<tr>
<td></td>
<td>Aug 2003: Filed lawsuits against executives, who were related to these donations, Wakachiku Construction in Fukuoka, Penta-Ocean Construction in Tokyo and Kamagai Gumi in Fukui. <em>(The Japan Times, 15 Aug 2003).</em></td>
<td>Shareholder Suit</td>
</tr>
</tbody>
</table>

Note: Activities in table do not include all activities of each group. Only selected activities are mentioned.

In 1994, before the Shareholder Ombudsman was established, the civic ombudsman in Osaka filed a shareholder suit against three companies to deter political donations.

The civil society group which plays a prime role in shareholder suits is the “Shareholder Ombudsman” or “Kabunushi Ombuzuman” (KO). It was founded on 8 January 1996 by a group of lawyers, accountants, academics, individual shareholders and other citizens. As mentioned in its website, the KO’s goal is to reform or improve Japanese management practices by:

1) monitoring corporate activities and criticizing antisocial acts by corporations;
2) exercising the legal rights of common shareholders and using lawsuits as necessary to force disclosure;
3) to introduce shareholder proposals, recommendations or requests for corporate transparency, democracy, equity, social justice and environmental protection; and
4) to praise and publicize those corporations that improve working conditions, practice philanthropy, protect the environment, employ the handicapped, promote gender-equality, and engage in full disclosure of their activities.

In order to check or correct improper practices in organization, the Shareholder Ombudsman requires information from insiders. Therefore, whistle blowers are an important source of information.

However, in the attitude of mainstream Japanese, whistle blowers have been treated as traitors *(The Japan Times, 13 Nov. 2002)*, snitches *(The Japan Times, 24
Feb. 2005) or lacking a sense of ethics. (The Japan Times, 26 May 2004) The Shareholder Ombudsman has also attempted to change this attitude. (The Japan Times, 27 Aug. 2002)

The Shareholder Ombudsman was organized as a limited liability company because it could not meet the financial requirements for establishment as an NPO. It cannot have more than 50 members. Therefore, most of its membership is informal. (Milhaupt: 2003, 38)

The activities of the Shareholder Ombudsman can be treated as a mechanism to combat corruption because it has taken legal action against the executives of companies which have provided political donations in violation of the Political Fund Control Law. It is no longer easy for business executives, as part of the Iron Triangle, to fulfill its mission to politicians. At the very least, they have to check whether their organizations are operating under a deficit or not in order to be free from a shareholder suit. However, the amended Company Law, which will come into force in 2006, allows companies to force small-lot owners to sell their shares back to the company. It can be a permission to dilute or dissolve the business executives’ concern and undermine shareholder suit. (Asahi, 29 June 2005)

**Information Disclosure Request and Suit**

Information disclosure laws set the ground rules for relations between citizens and governments, national or locally. Governments are forced to release public documents subject to the rules and procedures stipulated in the legislation. Citizens have exercised their new power to monitor and hold government officials accountable.

Armed with legal rights to demand information disclosure law, civil society groups can play a key role in enhancing citizen participation in government policymaking and exercising oversight. Civil society groups are encouraging and sustaining the trend towards greater openness in Japan. Greater transparency and accountability are removing the veil of secrecy that is the cause of the endemic negligence, corruption, pork barrel and mismanagement.
### Table 6: Organization of Activities of Japanese Civil Society—Businessmen, Bureaucrats & Politicians.

<table>
<thead>
<tr>
<th>Civil Society</th>
<th>Activities</th>
<th>Mechanism</th>
</tr>
</thead>
</table>
| Nagoya Citizen Ombudsman | 1995: Established and began activities. ([www.ombnagoya.gr.jp](http://www.ombnagoya.gr.jp))  
1995: Filed lawsuit to claim damages for Aichi Prefecture and the Nagoya City from private firms for bid-rigging case in 1993; court ordered the firms to pay.  
March-April 1996: Requested the Aichi Prefecture release information about business trip and entertainment expenses of auditing panel secretariat. The Aichi Prefecture rejected on grounds of protecting the privacy of the people involved. (Court ordered Aichi gov’t to show business trip data, Japan Economic Newswire.)  
April 1996: Filed lawsuit to demand the Aichi Prefecture release information about business trip and entertainment expenses. The Nagoya District Court, in March 1997, ordered the Aichi prefectural government to make public its data about business trips and the entertainment expenses of the auditing panel secretariat. (Court orders Aichi gov’t to show business trip data, Japan Economic Newswire.)  
1997: Filed lawsuit against the mayor of Nagoya and senior local assemblymen to return advisory fees paid illegally by the Nagoya City. In Oct 1998, the Nagoya District Court ordered the mayor and local assemblymen to return 48 million yen for the fees paid without ground of any ordinance. After returning the fees, the mayor and local assemblymen appealed. In July 1999, the High Court dismissed the ombudsman’s claim because the mayor and assemblymen had returned all illegal fees; therefore, the City had incurred no further damages. The Nagoya Ombudsman claimed 9.2 million yen in legal costs, but the City refused on the grounds that the high court rejected the claim. In Mar 2002, the Nagoya District Court ordered the City to cover the legal costs of the ombudsman in a moral victory over a court case against the municipal government. ([Japan Economic Newswire](http://www.japaneconomicnewswire.com), 8 July 1999; Mainichi Shimbun, 13 March 2002)  
(1997-1998): Filed lawsuit for Nagoya City and Aichi Prefecture against Mitsubishi Electric Corp and Hitachi Ltd. claiming 445 million yen on ground of bid rigging. In Sep 2001, the Nagoya District Court ordered Mitsubishi Electric to pay 57 million yen and Hitachi to pay 49 million yen. ([Jiji Press Ticker Service](http://www.jippress.com), 7 September 2001)  
Aug 1999: Filed lawsuit to demand the mayor suspend payments to garbage incinerator manufacturers accused of bid-rigging. In July 2001, the Nagoya District Court rejected the lawsuit. ([The Japan Times](http://www.japantimes.co.jp), 7 July 2001)  
May 2002: Filed lawsuit to seek disclosure of administrative documents related to the legal responsibility and compensation obligations of the organizers and the central and local governments in the event of a cancellation of the 2005 Aichi World Expo. The Nagoya District Court, in Oct 2003, ordered METI and the Foreign Ministry to disclose documents they sent to the Bureau International des Expositions (BIE) but to keep documents related to discussions on what would happen if the event were to be canceled confidential. ([The Japan Times](http://www.japantimes.co.jp), 16 Oct. 2003) | Resident suit to claim damages from contractor on behalf of Aichi Prefecture (derivative suit)  
Information disclosure  
Information disclosure suit against politicians and bureaucrats  
Resident suit to reclaim illegal advisory fees from politicians on behalf of the Nagoya City (derivative suit)  
Resident suit against contracting corporations with local government  
Resident suit to request for injunction  
Information disclosure suit |
| **Sendai Ombudsman** | October 1996: Requested the Miyagi prefectoral government disclose information related to food expenditures for the police during police conference. The prefecture refused. | Information disclosure request |
| | Dec. 1996: Filed lawsuit to demand information on food expenditures. In April 1998, the district court turned down the Ombudsman’s demand but the Sendai High Court overturned the lower court decision on 17 Mar and ordered the Miyagi prefectoral government to disclose documents on expenditures of the prefectoral police and assembly. Therefore, in April 2000, the Sendai District Court ordered the prefecture to reveal most of the information on the expenditures. | Information disclosure suit |
| | Sept. 2000: Filed lawsuit against 9 current and former police officers for reimbursement of such food expenditures. In March 2002, the Sendai District Court ordered these 9 officers to reimburse a part of food expenditures. (*Japan Economic Newswire*, March 25, 2002; *Asahi News Service* March 21, 2000) | Resident suit to claim damages from contractor on behalf of police agencies (derivative suit) |
| | Feb. 2001: Requested information on police expenses from Sendai Prefecture; request was rejected. | Information disclosure request |
| | April 2001: Filed lawsuit against Sendai prefecture. The Sendai District Court, in Jan 2003, ordered the Prefecture to disclose the amount paid to informers during investigation but keep confidential on identity of informers and purpose of payment. | Information disclosure suit |
| | June 2001: Filed lawsuit to seek information on prosecutor’s research fund. The Sendai District Court, in Dec 2003, ruled the Sendai High Public Prosecutor’s Office misappropriated money allocated to it for research activities around 1993 but refused to order disclosure of how the alleged slush fund had been spent. (*The Japan Times*, 2 Dec. 2003) | Information disclosure suit |
| | Oct. 2003: Requested information on investigation fund and found that this fund was spent for parties to entertain police. | Information disclosure request |
The information disclosure system is used in order to gather evidence for resident suits against such agency or related one. If the agency refuses, the information disclosure suit will be submitted to the court. A low filing fee was provided by court order.

The civil society groups’ activities in the area of information disclosure can be categorized into two types:

1) those that focus on resident suits to make officers accountable and responsible; and
2) those that focus on information disclosure for government transparency.

**Nagoya Citizen Ombudsman**

It is quite clear that the Nagoya Citizen Ombudsman has been able to use information disclosure laws to obtain evidences for resident suits. The Ombudsman requested information about business trip and entertainment expenses. Once it found enough grounds to file a resident suit, the Ombudsman proceeded with processing the suit.

**Mihariban: Misuse of Public Monies and Wasteful Projects**

*Mihariban*, headed by Yoneko Matsuura, a housewife, is a citizen’s watchdog group in Osaka. Its members are housewives, ordinary citizens without professional staff like members of the *Shimin Ombudsman*. *Mihariban* began its activities in 1990 by inspecting and criticizing Osaka’s local governments on the issue of school budgets that emphasized school building construction instead of hiring more teachers or buying more books, as well as the Olympic Bidding Campaign during 1999-2001.

*Mihariban* also requested disclosure information on a park into which public money was injected even though such park was private company, not subject to the Information Disclosure Ordinance. *(Japan Economic Newswire, 13 April 2001)*

**Sendai Ombudsmen and the National Citizens Ombudsmen Organization: Misuse of Public Monies**

The Sendai Ombudsman is a group of lawyers who work as volunteers. Their first action was to submit requests for reports on entertainment expenses and *shokuryohi* or food and beverage expenses in order to find irregularities. They disclosed improper official expenses, a bid-rigging scandal and bribes in the form of excessive entertainment.

The Sendai Ombudsman’s employment of IDO has caused changes in local governments’ practices on expenses. Besides that, the Sendai Ombudsmen gave birth to the National Citizens Ombudsmen Organization for nationwide activities.

Following are the activities of the Sendai’s Citizen Ombudsman:

- June 1993 Began filing a request for the entertainment expenses of Mayor Toru Ishii;
- July 1994 Coordinated the First National Meeting of Citizen Ombudsmen and forming the National Citizen Ombudsmen;
- September 1994 Began a request for information on food and beverage expenses;
- March 1995 Initiated applications for entertainment expenses nationwide;
- April 1995 Successful acquired an attorney to act in each of the 47 prefectures and major cities;
- 25 April 1995 Submitted requests for entertainment expenses nationwide except Åomori, Nara (not yet enforced ordinances), Kochi and Shimane (beyond prescription), including two cities: Chiba (clerical error) and Kyoto (similar request with former other in 1994);
May 1995  Filed lawsuits against Miyagi and Tokyo Prefectures;
January 1996  Coordinated the Second Meeting of Citizen Ombudsmen;
June 1996  A Tokyo Court judgment ordered Tokyo Prefecture to disclose the names of officials and attendants in entertainment;
July 1996  A Sendai Court judgment ordered the disclosure of names and provided a precedent for the definition of privacy;
April 2000  A Sendai District Court ordered the prefecture police and assembly to disclose certain police information excluding expenses with providers; and
June 2001  The Sendai High Court, overturning the Sendai District Court ruling, ordered the Miyagi Prefecture to disclose details of food-related expenses incurred by the prefecture police. (Lapeta)

Campaigns were initiated by filing requests for information disclosure. Then the Ombudsman, employing other lawyers, filed lawsuits in case the request was rejected or disclosure was unsatisfactory. Another issue that should be mentioned as an outstanding case is the establishment of the nationwide network. This network has investigated food and beverage expenses [shokuryohi], official entertainment expenses [kan-kansettai], and empty business trip [karashccho]. Then they expanded their experience for nationwide activities.

Around late 1995, the National Citizen Ombudsman announced its new target on the karashccho. At that time, the Ombudsmen became well-known and the press followed their movement closely. After their next target had been published, progressive governors commenced their own investigations. A total of 43.6 billion yen was identified as fake spending by 25 prefectures, 30 billion yen was called back and more than 20,000 prefecture officials nationwide were reprimanded or subjected to disciplinary measures.

This situation allows us to realize that local governments were forced to follow citizen opinion on the next target for investigation, otherwise the Ombudsmen would investigate.

Needless to say, the activities of the Sendai Ombudsmen and the National Citizens Ombudsman Organization caused changes in local government can be claimed citizen participation in local administration. The Citizen Ombudsman’s activities sent two clear messages to governments:

1) insufficient transparency would produce a lower rating that would reflect badly on both the prefecture and its public officials; and
2) lavish winning and dining and falsifying expenses claims would no longer be tolerated. (Kingston: 2004, 47)

The establishment of information disclosure systems at the local level was set in motion by the mid-1990s movements of taxpayers to expose cases of account-book juggling in local governments. During the 1990s, Japanese vocabulary was enriched through the performance of civil society. For example:

- Kan-kansettai, enkai gyosei, and karashccho—describing some of the seamy realities of public life;
- Kan-kansettai [official-to-official entertainment] refers to the widespread practice of local government officials entertaining national government bureaucrats to curry favor and hopefully tap into central government funding;
- Enkai gyosei [partying bureaucrats] is the derisive appellation for officials who enjoy high living on the public purse; and
- Karashccho [empty business trip] refers to the claiming of travel expenses for non-existent business trips. (Kingston: 2004, 46)

These words came from information disclosure activities that lifted the secrecy veil of local governments.

The revelations that emerged at this time dealt a heavy blow to the public-equals-official society. It was found that local government officials had made a common practice of siphoning off public funds through the manipulation of accounts billed under such categories as official trips and extra hires, using the funds to entertain visiting officials from the ministries in Tokyo as a means of soliciting generous subsidies from the central government. (Shin’ichi: 1999, 40-41)

The success of information disclosure in Japan depended on a number of interrelated factors:

1) individuals or organizations’willingness to submit requests and access government information;
2) knowing how to effectively use requested information to exercise oversight and participate in policymaking;
3) electing politicians who will support disclosure;
4) highlighting the importance of electing political leaders who will establish and interpret rules favorable to transparency;
5) representatives’ stance on information disclosure;
6) building an independent judiciary and judicial reform;
7) media support; and
8) the strength and autonomy of NPOs. (Kingston: 2004, 67)
Freedom of information makes local governments accountable and the court gives local governments the guidelines for administrative practices. This is because if a local government refuses to disclose information and the citizens file an information disclosure suit, the court in most cases will order the local government to disclose the requested information.

After civil society obtains information, the next question that it will ask is about the need or reason for a particular project. The civil society group requires a reasonable and convincing answer. Therefore, it becomes more difficult for governments to initiate pork barrel or wasteful projects.

A Ministry of Foreign Affairs officer, Matsuo Katsutoshi, was suspected for having defrauded the government of some 800 million yen between 1993 and 1999 by inflating the costs of hotels and travel arrangements for overseas trips and submitting fake receipts for expenses. The Matsuo scandal undermined the public trust. (Kingston: 2004, 108-9) Thus, after the National Information Disclosure Act came into force, there were several thousand requests for such information on the entertainment expenses of other officers. Since 2003, all Foreign Ministry expenditures have been subject to strict review and open disclosure.

The media coverage and public outrage over this squandering of public funds reveals how in a very short span of time, the local disclosure ordinances transformed the relations between the people and the government. These revelations also changed the conduct and habits of government. Moreover, prosecutors also began taking a dim view of such practices, arguing that entertainment at such lavish levels can constitute a bribe. (Kingston: 2004, 47)

**Resident Suits**

The original Local Autonomy Act was passed to coincide with the entry into force of Japan’s postwar Constitution in May, 1947. Section 242 of the Local Autonomy Act allows the resident of a local government jurisdiction to request an audit of local government finances when he or she suspects that the chief executive, an executive committee, or an employee thereof has committed an illegal or unconstitutional fiscal act. Fiscal acts include 1) the expenditure of public funds; 2) the acquisition, management, and disposition of property; 3) the conclusion or performance of contracts; 4) the assumption of debt or other obligations (or where such may be reasonably forecast); and 5) improper or illegal negligence in the levying or collecting of public funds or the management of property. (Marshall: 2001, 4)

The resident audit and suit is one of four methods of direct citizen participation; the others are petitioning for legislation, requesting a general audit, and recalling the legislature at large or individual legislators or executive officials. (Marshall: 2004, 8) The resident suit is a form of direct participation which can be made alone and employs a judicial review. The filing fee is set at a low amount.

The only barriers to a resident suit are: 1) eligibility to sue; 2) a prior audit process by a local audit board; 3) ripeness; 4) the low filing cost; 5) pro-se litigants in some districts and getting professional legal help. (Marshall: 2004, 11-15) The resident can file a lawsuit after receiving an unsatisfactory audit report or getting no audit report within specific period.

Marshall (2001, 5) noted that Japanese legal scholars found that Japan’s resident suit had come from American concept of “taxpayer suit”. Therefore, I have used the word “resident suit” instead of “taxpayer suit” because eligibility to sue in Japan is based on “residency”.

The plaintiff can request for four types of damages:

1) an injunction;
2) a revocation or invalidation;
3) a declaration that government “negligence” is illegal; and

A derivative suit comes from qui tam, an abbreviated version of the Latin phrase “Qui tam pro domino rege quam pro se ipso”, which means “Who sues on behalf of the King, as well as for Himself”. The citizen files a lawsuit to recover the losses caused by the fraud. This concept is still unfamiliar among Thai lawyers. It requires further study.

The 1994 and especially the 2002 revisions to the taxpayer suit provisions of the LAA were indeed consciously designed to ease the burden of litigation on local mayors, governors, and civil servants. (Marshall: 2004, 8)

The number of resident suits in the 1990s was three times higher than in the 1980s. Marshall noted that this was because of:

1) the collapse of the bubble economy after 1989 and a chronically low level of trust in government;
2) taxpayer suits were the easiest mechanism for citizen participation; and
3) information disclosure laws or ordinances. Distrust
Information disclosure laws and judicial support increase the number of resident suits. Officers, both bureaucrats and politicians, have certainly become concerned and feel insecure about their work performance and decisions. They have to listen to the public voice and get public consent before making any decisions.

As the number of suits increased in the late 1990s, the national federations for local government and for local public employees unions began to complain that the burden of litigation on the individuals named in derivative suits had become intolerable. Local government had been pushing to make it much harder to bring taxpayer suits, to limit criminally punishable actions and to strengthen the substantive tests for liability in order to shield governors, mayors and their employees.

But the Second Study Group, comprising of administrative law scholars, proposed the following principles: 1) empowering local audit boards; 2) strengthening the power of the elected executive to order an employee to pay compensation; 3) weakening the statutory test for taxpayer injunction claims; 4) reconstituting taxpayer derivative claims into two-stage process; (a) the taxpayer sues the executive and (b) the local government recovers the funds from the employee or the executive; 5) preventing the application of civil temporary restraining orders; and 6) allowing the taxpayer to claim reasonable legal fees. Such proposed principles were included in the Cabinet bill revising the Local Autonomy Act and ultimately passed the Diet session in March 2002.

These changes seem to make taxpayer suits serve the interests of government efficiency while giving local governments more opportunities to frustrate taxpayer suits in court. (Marshall: 2004, 35-39)

The 2002 reforms to taxpayer suit law attempt to direct disputes back into the local audit boards and make derivative suits more cumbersome but also make it easier to get an injunction and provide a chance to recover lawyer fees. Courts retain a role in the work of holding local government accountable. (Marshall: 2004, 40-41)

The 2002 reforms are understandable to a certain extent because the resident suits harm government officers. Greater difficulty in filing a suit was traded for a better chance of claiming legal fees. This trade is a worthwhile one.

CONCLUSION

Politics in Japan and Thailand have been somewhat alike. For example, laws on freedom of information, called the Official Information Law in Thailand and the Information Disclosure Law in Japan, were enforced in 1999 and 2001 respectively. PM Thaksin Shinawatra won a majority vote in 2001 and has served as Thailand’s prime minister since January 2001; meanwhile, PM Jun’ichiro Koizumi has served as Japan’s prime minister since April 2001. Both prime ministers have the same goal of combating corruption.

For Thailand, the CPI in 2005 was 3.80, which is 0.60 points better than its score of 3.20 in 2000. However, Japan’s CPI in 2005 was 7.30, which was 0.90 better than its score of 6.40 in 2000.

The Thai media opines that Thai people have democracy
for only four seconds. Once they cast their election ballot, they have no further right to participation. A Deputy Prime Minister said the government was not obliged to follow the results of a public hearing. This situation shows that the present Constitution provides for less citizen participation than in Japan.

**Political Survey – Ratings and Rakusen**

Thai people not only have little information but also a short memory about politicians’ performances. This information should be recorded and distributed as a guideline to citizens before election. However, laws on libel and elections must be observed cautiously.

**Shareholder Suits**

This tool would be more difficult to use than the first one because it requires cooperation from politicians and bureaucrats to propose and support amendments of the Civil and Commercial Code, Public Companies Law, including regulations on securities exchange. Moreover, most Thai shareholders are not aggressive enough to sue the directors or executives of the companies whose shares they hold even though they have a right to sue and the litigation process is as easy as in Japan. However, this does not mean that it is impossible in Thai society.

**Information Disclosure Request and Suits**

In Thailand, the Official Information Act B.E. 2540 permits Thai people to request information held by government agencies. Refusal from the agency can be appealed to the Official Information Commission which consists of professors, NGO staff, and bureaucrats. Therefore, the government tends to disclose information. However, most requests are used for the applicant’s own interest, not for the public interest. Only about 10% of requests are concerned with corruption. Moreover, the most use that is made of such information is to publicize it in a newspaper.

**Resident Suits**

The Thai Constitution provides for several independent organizations. Most of them play roles as advisors to the government. Some were in labyrinth or technically knocked out, such as the State Audit Commission (SAC) and the National Counter Corruption Commission (NCCC). Citizen has no choice but to claim for solving the vacuum in anti-corruption. The situation would be different if Thai people could submit lawsuits against politicians or bureaucrats. These tools would be the most difficult to apply because cooperation from politicians and bureaucrats is required. Resident suits will be more difficult than shareholder suits because they will apply directly to the politicians and bureaucrats. However, the young blood politicians may be our hope for political development.

At the first stage, studying, developing and distributing the concept of *Qui Tam* in Thailand is needed. It can be claimed that Thai lawyers have no knowledge of it. From this concept, both shareholder lawsuits and resident suits can be developed.

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DEVELOPMENT AND PROBLEMS OF THE LOCAL MEDIA IN THE PHILIPPINES AND INDONESIA

Kokaew Wongphan

INTRODUCTION

This research began with the question – why does the news that is concerned with the problems of local people and society have so little place in the current media? As a local reporter, I wanted to study the local media in Indonesia and the Philippines in order to learn how they are, how they influence the locality, and do they participate in the development of the local communities? The studies were done from 22 September 2004 to 10 September 2005, with five months in the Philippines from 22 September 2004 to 10 March 2005 and six months in Indonesia from 10 March to 10 September 2005.

The studies in both the Philippines and Indonesia used the research tools of interviews with editors, local reporters, alternative news producers, and non-governmental organization workers, as well as attending various workshops and seminars of the local media as an observer. The research fields in the Philippines were Dagupan, Baguio, Davao, Tagaytay and Cebu and in Indonesia, the research fields were Surabaya, Malang, Yogyakarta, Bandung, and Medan.

Both the Philippines and Indonesia are archipelagos. Indonesia is the biggest archipelago in the world, consisting of 17,000 islands with a population of 230 million, most of whom are Moslem. The Philippines consists of more than 7,000 islands with 3 major groupings—the Visayas, Luzon, and Mindanao. The population of the Philippines is 85 million, most of whom are Catholic.

STUDY IN THE PHILIPPINES

Historically, the media in the Philippines and Indonesia have had some resemblance to each other, specifically in their participation in political transformation and in the struggle with the autocracy that totally controlled the media in both countries.

President Ferdinand Marcos was in power from 21 September 1972 until 25 February 1986, when he was overthrown, and during this period, the media in the Philippines was controlled under martial law. During the Marcos Regime, the newspapers, radios and televisions were closed, and a number of journalists who criticized the Government were arrested, detained and even killed. The provincial newspapers and radio stations were required to submit manuscripts and tapes to the local Philippine Constabulary Commander before distributing or broadcasting them. Besides this, all media in Cebu were closed for a long time. A few were able to ask for permission to re-operate, but most were closed down.

“Only government-owned media outfits and those operated by cronies of the president were permitted to operate. The government stations were run by the National Media Production Center (NMPC) and the Philippine Broadcasting Service. The crony media included the Daily Express and the Kanlaon Broadcasting System, which beamed the Radio Philippines Network. Other newspapers, radios and TV stations were allowed to resume operations after a loyalty check and a vow to toe the official line. Sanctions were on hand to punish the violators. Besides censorship, there were libel suits, and worse - intimidation, closure, and even death. Some twenty-five journalists were killed between 1976 - 1986.”

Since the end of the Marcos Regime, the media have enjoyed much freedom in reporting—ranking foremost in Asia. In addition to a number of new-born media, there are also many alternative media such as the Philippine Center for Investigative Journalism (PCIJ) and Center for Media Freedom and Responsibility (CMFR) set up in 1989 to reflect social problems, as well as play a role in social creativity.

As for media in the provinces, the most influential are the radio stations, with television playing a secondary role and newspapers ranking third. Since the Philippines is an archipelago, the provincial presses are thus as important as the national ones because readers want to know about the events happening in their provinces; they will read the national papers if they want to know about national events. Therefore, some local presses in the Philippines are good and have been continuously operating up until the present, now in their third generation. For example:

The Sunday Punch was founded in 1956 by Mr. Ermin Garsia, Sr. The Sunday Punch is a community newspaper
that circulates in Dagupan City, Pangasinan Province. The present owner is Mr. Ermin Garsia, Jr., the second generation of the family who has carried on the paper.

Mr. Ermin Garsia, Sr. was killed in 1966 by the government official he was about to expose for involvement in an alleged money order racket. When he died, the national newspaper wrote about his story every day. He was the second journalist killed in the Philippines.

“My father had told his friends that when he died he wanted the paper to die, too. Because he knew that it is a dangerous career. He didn’t think that his children would continue the newspaper when he died and someone else might take it over,” said Mr. Ermin Garsia, Jr. But Ermin has carried on the newspaper up until the present; he realizes its danger but he fights with the local politicians as his father fought in the past. He is firm that he will run a community paper to check the work and policies of the local government, and that this is the main factor that makes the Sunday Punch possess a great number of readers; it is also the only press in Dagupan City in which 50% of the advertisements come from Manila. The rate of advertisement is 14,000 pesos per page and 180 pesos per column inch. It circulates 7,000 copies per week with 14 pages in black and white and sells for six pesos per copy.

He handles the policy of the organization while the production is taken care of by the editor. He has reporters, rewriters, art workers and an advertising division.

The Baguio Midland Courier was founded in 1947 by S.C. Hamada of a Japanese-Filipino family. The Baguio Midland Courier is a newspaper of Cordillera province. It is an organization that runs a whole circle of publishing, possessing its own printing company named Baguio Printing and Publishing Co., Inc. This lowers the cost of the newspaper and earns income from printing. The organization consists of an editor-in-chief, a general manager, an editor, reporters, an artist, a copyeditor, editorial assistants, an administrator, advertising staff, and a printing machine. It is a newspaper run by the third generation of its founder’s family. There are more than 20 full-time workers and more than 20 casual workers working on the day the paper issues. There are 22,000 copies issue per week with 38 pages in color selling for a price of 9.50 pesos circulating in Baguio and Cordilleras provinces.

The Baguio Midland Courier was the first magazine-size paper, beginning in 1977 with two colors. It is an organization where some students from the Communication faculty go for their internships. Mr. Christopher Hamada, the editorial assistant, said “The newspaper in the time of our grandfather began with the expectation of fair, fearless friendliness. We present the social issues happening in Cordilleras. We hope that the news we present will cause good change for society. Our reporters work hard, they have to search for information from all sides, we do not allow our reporters to just wait for press releases from the local government.”

In Baguio, there are one daily newspaper and 11 weekly newspapers that issue regularly. The Baguio Midland Courier has more than a thousand subscribers from other provinces around Baguio and Manila, including subscribers abroad that are overseas Filipino workers from Baguio and other provinces.

The table below shows the number of local newspaper in the Philippines. There are 43 daily newspapers with a circulation of 23,175 and 315 weeklies with a circulation of 546,250. This is quite a small number compared to the population of 85 million, yet at least the provincial areas have their own papers to present local information.

<table>
<thead>
<tr>
<th>Province</th>
<th>Provinces Weeklies</th>
<th>Circulation</th>
<th>Provinces Dailies</th>
<th>Circulation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philippines</td>
<td>315</td>
<td>546,250</td>
<td>43</td>
<td>23,175</td>
</tr>
<tr>
<td>Luzon</td>
<td>209</td>
<td>403,600</td>
<td>3</td>
<td>21,500</td>
</tr>
<tr>
<td>Visayas</td>
<td>30</td>
<td>39,050</td>
<td>19</td>
<td>139,275</td>
</tr>
<tr>
<td>Mindanao</td>
<td>76</td>
<td>103,600</td>
<td>21</td>
<td>74,400</td>
</tr>
</tbody>
</table>

* Source: the Philippine Media Factbook 2000.

A common problem of the local press is its profit-making ability, which is lower than the national ones because of the low advertisement rate due to the low business opportunities in the provinces. However, it is also a fact that if the papers provide quality information there will always be readers, and so the advertisements are also regular. Mostly, the low quality provincial presses are the presses that support either local politicians or businessmen.

Other problems of local reporters are low income, no health insurance, and no welfare. Information from the National Union of Journalists of the Philippines said that 80% of them do not receive Social Security, 75% have no health plan, 40% of those who obtain health plans say these are funded by their family, and 80% do not own their house. These problems affect the quality
of the news. Although the reporters want to do a good job, they can not do so without support from other organizations. Mr. Walter L. Batance, the Business Manager of Mindanews, a former local reporter at a local newspaper in Bukidnon, Mindanao, said:

“In my experience, I need money to go to find the local news, I need time for investigation, I need expenses while my boss asked me that if you go there how much money you can bring back. That is the problem. Sometime the reporters wanted to get good reports and they had to spend their own money to cover a story, which they couldn’t do. What is news if you only attend the press conferences held by the politicians and officials?”

Mr. Jeferry Tupas, a correspondent of the Philippines Daily Inquirer and a reporter of the Sun Star Davao in Davao Province, said concerning the allowance and welfare of local correspondents:

“We often cry about the injustice that confronts other—low wages, underpayment, lack or absence of labor security and all. But journalists know—we know—that we are also confronted with these same problems. Compare to other employed individuals we are even paid less. It is sad, but a cold reality it is.”

Information from the National Union of Journalists of the Philippines (NUJP) shows the average monthly income of local journalists in three big cities. The average monthly income in Baguio City is PhP3,000-5000, that in Quezon City is PhP3,000-5000, and in Davao, it is PhP5000.

The Philippines has one of the freest press systems in Asia but the journalists are still at risk even now. A total of 42 journalists were killed from 1986—the end of the Marcos Regime—to September 2003. In the last two years, 19 were killed. When I was in Indonesia, the Jakarta Post, an English newspaper in Indonesia, published the story about the death of an editor in Aurora Province of the Philippines.

On May 10, 2005, Philip Agustin, the 53-year old editor of a local press named Starline Times in Aurora Province was shot dead at his daughter’s house in Dingalan town. The news reported that he was shot when coming back from the town where he printed his papers, bringing back 500 copies with him on his motorcycle. Agustin was killed after he wrote an editorial on the disappearance of money that was to be used for food aid and on the illegal wood trade in Dingalan town when there was a sudden flood in November 2004. Not long after his death, the Mayor of Dingalan was called to be interrogated by the Court.

When I was in the Philippines I asked some journalists, “I have learned that during the past ten years there have been many journalists, especially local ones, who were killed. What do these incidents say?” But nobody could give a clear answer. Some of them told me that it was because they have real freedom and they can write everything. Some of those who were killed were good, some were bad. Hopefully, this did not mean that both good and bad journalists are worth killing! Some local journalists told me that these incidents occurred because the people in this country do not respect human rights.

Now, the local political situation in the Philippines is rather violent so that good local reporters who dare to present news about the examination of corruption are at risk of being killed. Chay Florentino–Hofilena wrote an article in 2000 entitled, “Travels of The Community Press” in Investigating Local Government, published by the Philippine Center for Investigative Journalism (PCIJ), that said:

“Local politics itself is inherently violent – deaths in the family are avenged, resulting in an endless cycle of political vendetta: the struggle for control over economic resources is intense: and electoral contests are fiercely fought. In certain parts of the country where everything else pales compared to the power of the gun, political violence and lawlessness are deeply entrenched, if not difficult to control. Violence intertwined with corruption and government incompetence often provides the context for many local stories that become difficult to write.”

Nevertheless, journalists in Manila founded the Freedom Fund for Filipino Journalists (FFIJ), an organization that aims to raise funds for protecting journalists. It is a national effort that involves collaboration among various organizations, namely the Committee to Protect Journalists (CPJ), the International Freedom of Expression Exchange (IFEX), Reporters Sans Frontieres (RSF), the Philippine Center for Investigative Journalism (PCIJ), the Center for Community Journalism and Development (CCJD), the Center for Media Freedom and Responsibility (CMFR), Kapisanan ng mga Brodkaster ng Philippine (KBP), and the Philippine Press Institute (PPI). Since 2004, there have been seven children of killed journalists who received money from FFFJ.

Besides this, there are now many alternative media organizations in Manila, such as the Philippine Center for Investigative Journalism (PCIJ), the Center for
Community Journalism and Development (CCJD), the Center for Media Freedom and Responsibility (CMFR) and the Philippine Press Institute (PPI), who planned together to do personnel development for local media.

When researching in the Philippines, I joined a seminar held by the Center for Community Journalism and Development (CCJD) that works with the provincial media. Its director recalled that when they had a seminar in 2001, a young female reporter came to tell him that, fresh from college, she applied for and got a job with a local radio station as a field reporter. When she asked the owner how much the station was going to pay her, he said sternly “I already gave you your press card, why are you still asking for a salary?” Now, they are trying to improve the situation by supporting the workers of the alternative and local media in the province by creating a network of reality reporting for communities. One among them is www.mindanews.com, which was founded in 1999 by a group of reporters from Mindanao who were unsatisfied with the negative and one-sided news about Mindanao as reported by the National Newspaper. The head reporter and some reporters resigned from that newspaper and created the website to report the news about Mindanao in all aspects. Ms.Carolyn O. Arguillas serves as its editor. Mindanews has an influence on the social community in Mindanao. The head office is located in Davao. They have around 25 reporters and correspondents placed all over Mindanao Island. There are two editors in Malaybalay City and Davao. Their income comes from subscribers and selling news to some national newspapers in Manila. A network of alternative media was also founded in the Visayas. The weekly Examiner in Iloilo province is an alternative press that presents local information and pushes to solve problems in communities. In Palawan, the weekly alternative presses, like Bandillo ng Palawan, plays the role of urging the communities to become involved in and discuss the problems that affect their localities and search for solutions. It gives an analysis of corruption within the local administration and news concerning environmental issues. The news leads to organizing that aims to follow up on problems related to the environment, such as:

“Yes, covering with women engaged in the tedious process of drying fish, the story was a well—crafted piece illustrated with graphs, pictures, anecdotes and drawings that provided for thoughtful discussion of how small scale businesses should be sustained and supported as these have critical contributions to the local economy. One of the stories was about corruption among some local officials who could not explain living in a PhP3 million house, owning a string of gasoline stations, restaurants and boutiques. In reaction to the story, the provincial government sent a lengthy explanation that ate up two full pages of the paper on how the government’s financial management and accounting system works. While it never denied the story, the provincial government said it follows strict monitoring and accounting procedures. The subsequent stories that explained how corruption happens in the local government and what needs to be done to combat it, enabled readers to gain a better understanding of the problem and how this impacts on their lives. And in one about the environment, about the palm oil industry, the stories presented divergent views on the possible impact of establishing a palm oil industry in the province by letting independent experts respond to citizens. The palm oil story drew widespread reactions from the public and environment stakeholders, an offshoot of a public forum on palm oil conducted by Bandillong Palawan, the Palawan Community Media Council (PCMC), Environmental Legal Assistance Center, Inc., (ELAC), Non—Timber Forest Products Task Force, Palawan NGO network, Inc. (PNNI).

However, someone commented, “Now, the media in the Philippines have more freedom but they are in the hands of the businessmen or politicians. The journalists face another kind of problem. They have to be careful in writing news to not affect the business of the owners or the politicians. A big problem is that the reporters themselves have little time to search for reality; they just report only the events happen day by day. The news thus does not provide knowledge for society. I don’t know what is going on in the Philippines, we have freedom but no wit. It is a challenge for some journalists, they should not be lazy, they should be diligent and wise.”

Finally, he said that, “The most important problem is not the media, but it is politics and the government of the Philippines.”

STUDY IN INDONESIA

During the time of my field research in Indonesia, I met the senior journalist Mr. Zainal A. Suryo Kusumo, a Founding Member of Masyarakat Pers & Penyiaran Indonesia (the Indonesian Press & Broadcast Society (MPPI))). He said “The history of the mass media in Indonesia is much like that of the Philippines. The Indonesian media learned the struggle for freedom from the Filipino media.”

The Filipino media had long been controlled by the Marcos autocracy, for 14 years, while the Indonesian media was controlled by the Suharto regime for 32 years, from 1966-1998.
Efendi Gazali, a mass media academic from the Program Department of Communication, Faculty of Social and Political Sciences of the University of Indonesia, studied the tools that Suharto used to confine the freedom of the media in his time. They were:

1. Controlling preventively and correctly the ownership of the media institutions through the issuance of print licenses (SIT), which later became licenses for publishing presses (SIUUP). These licenses were issued mainly on the basis of political criteria;
2. Controlling individual and professional practitioners (journalists) through selection and regulation mechanisms, such as the requirement for journalists to join the one and only journalists organization allowed at the time and the requirement for chief editors to attend courses on state ideology, which was in fact an indoctrination process;
3. Controlling the appointment of individuals to certain positions in the government-owned media;
4. Controlling the production of news texts (both content and format) through various mechanisms;
5. Controlling resources; and
6. Controlling access to the press.

During the regime, the media were threatened and there were many times that they were closed. Dr. Dedy N. Hidayat said:

“There was a long record of press crackdowns during the New Order era. There were at least two instances of wholesale mass media banning. The first occurred in January 1974, when 13 newspapers and news magazines were shut down following student demonstrations and riots in some major cities. Encouraged by the scale of the demonstrations and riots, the press gave heavy coverage and editorial support. And the second multiple ban took place in 1978, when future anti-government student protests, which had been sweeping through the main campuses since 1977, were again reported extensively. The First Family was specifically targeted by the students—some calls for Suharto to step down were even heard. Suharto’s regime finally responded in January 1978 by banning seven Jakarta dailies, the arrest of some 200 students and the military occupation of several key campuses in Jakarta, Bandung and Yogyakarta.”

Besides this, the national press like Kompas of Indonesia was closed in 1978 because it reported the political situation during the Suharto Regime. Mr. Jacop Octama said when he was interviewed by the Jakarta Post:

“During the era of Pak Harto (Soeharto), I took all these into consideration and played carefully. My colleagues Bung Rosihan and Brouwer sneered at me. They called it jurnalisme kepitian (crab journalism). We always monitored the situation. If there was a warning from colleagues or the government, we stepped back. Afterwards we moved forward again…in fact we experienced a closure in 1978. We were the last to get the permit to publish again.”

In 1974, 13 newspapers were closed down. In 1978, seven newspapers in Jakarta were also closed. In the following years, the media were still closed and always harassed. In 1994, at least three weekly magazines were closed—Tempo, DeTik and Editor. The radio stations in some provinces were also inspected and rummaged. The news editors might be called to clear him/herself by the military, that is to say, to stop presenting the news, like the case of Unisi radio station in Yogyakarta. The Unisi radio station broadcast the political opinions of student leaders of the Gadjah Mada University. Later, the papers—Jawa Pos and Bernas—published the broadcast interview. The Department of Information Yogyakarta asked the news editor of Unisi to report the daily broadcasts to the Department, and the Unisi was watched thereafter. This event happened in 1995.

Nevertheless, in the absence of freedom, there were still attempts by some media groups to try to fight for freedom of expression. When the Tempo, DeTik and Editor were closed, the National Newspaper Publishers Association (SPS) protested to the Government in its statement that declared its deep concern and hoped that the three papers could resume publishing. The reporters who were members of the Indonesian Journalist Association (PWI) urged the PWI to protest the deeds of the Government but PWI displayed its sympathy instead. The dissatisfied members resigned and established a new mass media organization named the Alliance of Independent Journalists (AJI).

This was the age that freedom of the press was controlled by those in power—the media could not check Suharto and his family or friends, neither could it criticize the military and its abuse of power nor talk about minorities or religion or reflect on poverty. For more than thirty years they could not give voice to what they saw.

**After the Despotism, There Came the Commercial Media**

The Indonesian media have gained more freedom after Suharto stepped down in 1998. Many controlling tools were abolished; for example, the media need no longer ask for the Number of Publication Permit...
the Mayor of Surabaya.

Other local papers that are held by the mainstream press in Indonesia are held by the Kompas Gramedia Group, founded in 1999. The publications in the Kompas Group are known as the “Tribuns” such as Tribun Jabar, Tribun Batam, Tribun Kaltim, Tribun Timur, etc. Others are under the execution of companies within the net of P.T. Indonesia Primamedia, such as Selembali Indonesia, Bangka Pos, Surya Surabaya, Ban Jarmasin Post (Banjarmasin City), Pos Kupang (Kupang City), Metro Banjar (Banjarmasin City), and Sriwijaya Post (Palembang city). An informal figure says that the Kompas Group holds more than one hundred and fifty newspapers in its net. Some were obtained by buying shares and being stuffed with funds. Others were newly set up.

After 1998, it seemed that the media business boomed. The figures for advertisement in all kinds of media leapt. Competition among the local media and between local media and current media were intense.

The number of newspaper readers is 28,977,000, based on a survey by Neilsen Media Research - Media Index, Press 2003, and Media Scene in six major provinces of Indonesia; namely Greater Jakarta, Bandung, Semarang, Greater Surabaya, Medan and Makassar.

Table 2: Advertising Expenditure by Type of Media 1999-2004 (Rp Billion).

<table>
<thead>
<tr>
<th>Media</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>5,612</td>
<td>7,889</td>
<td>9,795</td>
<td>13,298</td>
<td>19,093</td>
<td>24,076</td>
</tr>
<tr>
<td>Newspaper</td>
<td>1,415</td>
<td>1,982</td>
<td>2,593</td>
<td>3,502</td>
<td>5,325</td>
<td>6,684</td>
</tr>
<tr>
<td>Magazine</td>
<td>194</td>
<td>308</td>
<td>422</td>
<td>521</td>
<td>682</td>
<td>764</td>
</tr>
<tr>
<td>Tabloid</td>
<td>98</td>
<td>140</td>
<td>192</td>
<td>246</td>
<td>310</td>
<td>332</td>
</tr>
<tr>
<td>Television</td>
<td>3,449</td>
<td>4,933</td>
<td>6,057</td>
<td>8,383</td>
<td>11,600</td>
<td>14,983</td>
</tr>
<tr>
<td>Radio</td>
<td>187</td>
<td>257</td>
<td>329</td>
<td>413</td>
<td>491</td>
<td>595</td>
</tr>
<tr>
<td>Outdoor</td>
<td>269</td>
<td>269</td>
<td>202</td>
<td>232</td>
<td>625</td>
<td>719</td>
</tr>
</tbody>
</table>

(* Sources: Nielsen Media Research – AIS, Media Scene.)

In addition to interviewing two papers in the net of these two big groups, I also interviewed three major local presses, Kadaulatan Rakyat (Yogyakarta), Pikiran Rakyat (West Java), and Waspada (North Sumatra) that have not been taken over by the afore-mentioned two groups and are no less popular in their locales than the mainstream media.

Kadaulatan Rakyat

This is the oldest newspaper in Indonesia—set up in Yogyakarta in 1945 and distributed all over Central Java. Its faithful readers are over forty years old.
Some say that the *Kadaulatan Rakyat* is an icon of Yogyakarta. The news reports of *Kadaulatan Rakyat* during the Suharto Regime were like other media that presented news according to the information given by the Government in order to survive. In the times of reformasi, there is competition in the reporting of local news in Yogyakarta, a large, important city, and all major newspapers like *Kompas* and *Java Pos* have established offices in Yogyakarta in order to search for information in Central Java. The news agency of *Java Pos* is *Radar Yogy* and is printed as a supplement of the *Java Pos* to present local news from Yogyakarta and Central Java. It can be said that the mainstream newspapers’ thrust into the local newspapers’ market forced *Kadaulatan Rakyat* to adapt itself in order to catch up with the situation. Five years ago, it did research in order to improve the quality of the newspaper and set up a new one named *Merapi* in 2003 to capture the groups who like to read about sex, crime, and gossip. It moved the crime, sex and gossip sections from *Kadaulatan Rakyat* to *Merapi* and added some qualitative content such as education, tourism, and culture to the *Kadaulatan Rakyat*. Now, the newspaper circulates 100,000 copies daily in Central Java.

*Kadaulatan Rakyat* has reported news according to the information provided by the Government since the Suharto Regime. The owner has political connections to the Sultan of Yogyakarta, which makes the *Kadaulatan Rakyat* a conservative newspaper and not a newspaper that criticizes and checks the local or central governments. Its customary readers, who are older than 40, also love this role of the *Kadaulatan Rakyat* dearly. Ronny Sugiantor, the managing editor of *Kadaulatan Rakyat*, said

“Sometime when we presented news that opposed or criticized the Government, our readers always blamed us, they like us to do as we used to do, our old readers don’t want us to change.”

As Amalinda Savirani said in her research on *The New Local Strongmen in the Indonesia Decentralization: The case of Bantul District, Yogyakarta* about the relationship between the owner of *Kadaulatan Rakyat* and the Sultan of Yogyakarta:

“Idham Samawi is the Bupati of Bantul (1999-2004) and was re-elected for the next tenure in the local direct election (Pilada Langsung) for the bupati-ship from 2005-2010. He came from a family with a strong entrepreneurial background. His family owned the oldest newspaper that circulates in Central Java and Yogyakarta province. His entrepreneurial background has colored the achievements of Bantul District. The local revenue has increased more than 300% since he assumed power. He is good in lobbying, a type of skill that is in need.

“His position in the media business of the Kadaulatan Rakyat group brought him and his family closer to the Sultan of Yogyakarta than any other local businessman. In this respect, his emergence as a new elite is merely a logical consequence of his own background as a well-known businessman in the Yogyakarta area.”

**Pikiran Rakyat Group**

This Group runs an old newspaper of West Java, set up in Bandung in 1966. It is the top newspaper in local West Java, selling 150,000 copies daily while the population of West Java is 40 million. It has more than 150 reporters and correspondents and has a news agency and advertising section in Jakarta. It is a newspaper that has more than 60% advertising in Central Jakarta. The Pikiran Rakyat Group has *Pikiran Rakyat* as its main newspaper. It has a local radio station—the Mustika FM - Radio—set up in Bandung. The Pikiran Rakyat Group has a policy to expand the local media. In 1998, it bought one of the old newspapers of Bandung—the *Galamedia*—and founded local newspapers in Tasikmalaya City, Cirebon City, Bogor City and Bantan City.

During the Suharto Regime, the *Pikiran Rakyat* was one that strictly followed the rules of the Government. But in the reformasi, the *Pikiran Rakyat* changed to support all society movements that created media freedom, supported and joined to push for the Press Law in 1999 and the Broadcast Law in 2002, and is now pushing for the Information Law.

**Waspada**

*Waspada* is a newspaper in Medan that is distributed all over North Sumatra and Aceh. It covers the national, international and local news. Particularly the Aceh version has three pages with mostly local news. It circulates more than a hundred thousand copies per day in North Sumatra.

*Waspada* is a conservative newspaper that strictly promotes Islam. All of its women workers wear customary clothes according to the religious rules. It strongly opposes Aceh separatism. The office of *Waspada* in Aceh is often bombed or threatened to be bombed.

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Reflections on the Human Condition: Change, Conflict and Modernity

*The Work of the 2004/2005 API Fellows*
Media freedom is still threatened

Most of both mainstream and local media I met in interviews in Indonesia felt and enjoyed the freedom that is only seven years old. Only one year after the decline of Suharto, both the press and e-media mushroomed to celebrate the withdrawal of media control tools like the licenses for publishing presses (SIUPP) that were used as political tools in the past. A number of newspapers mentioned above were closed down by this tool. Another thing was the push for the Press Law 40/1999 and Broadcast Law 2002. However, media freedom is still threatened by other laws like the Criminal Law that the Government uses to censor press that criticizes and examines the work of the state or uncovers the corruption of politicians and businessmen and their relatives. Though liberated from the autocracy, they are threatened by the Criminal Law. Many media organizations like the Press Council, the Indonesian Newspaper Publishers Association (SPS), the Indonesian Press & Broadcast Society (MPPI), and the Alliance of Independent Journalists (AJI) are joining to push for the abolishment of this law.

The Criminal Code has been the law since Dutch Colonial days, and there are a numbers of rules that can be used to detain or fine the mass media. Here are some details of the law quoted from an article written by Abdullah Alamudi:

“The bill has 49 articles that can send journalists to prison, 12 more than the current draconian laws drafted by the Dutch colonial masters in 1917. At least nine of the 49 articles carry clauses that can ban a person for life from carrying out his or her profession. The current Criminal Law has only two such articles and they have never been used, even during the colonial era. All 49 articles violate the people’s right of expression, right of speech, and press freedom enshrined by the Constitution in article 28 F (2nd Amendment). It tramples over the doctrine of political communication upheld by the Constitution and Article XIX of the UN Charter.

Articles 262, 263 and 264 of the bill stipulate that anyone who insults the president or the vice president in public can be imprisoned for five years. That person may also be banned for life from carrying out his/her profession if he/she repeats a similar crime within two years of the sentencing.

This is only one example of the many such ‘rubber’ articles. Article 284 and 285 stipulate that anyone who insults the government can be jailed up to three years and be banned for life from carrying out his/her profession. A journalist may be jailed for one year and banned for life from carrying out his/her profession if he/she ‘publishes lies or uncertain reports that cause a disturbance among the public.’ The Bill raises more confusion on the definition of ‘pornography’ than providing a clear legal meaning of the word. If stipulates that anyone may be charged with violating pornography laws—which carry sentences between five and 12 years— under articles 469 to 473.

The articles carry scores of categories considered pornography, for example, ‘writing and articles of producing voice or recorded audio or audio visual material or those that can be regarded similar to film, lyrics, poems, pictures, photographs and/or paintings, which exploit the attractiveness of; a certain sensual part of an adult’s body, general nudity, body or parts of body of an erotic dancer or erotic movement…,’ etc.

So all of you dangdut fans, hip-shaking Jaipongan dancer (West Java) and Balinese dancers, you had better beware! The same warning goes to artists and painters of Balinese beauty, watch out! You can be charged with violating one or more articles of the law and end up in jail.”
Table 3: Indonesian mass media and punishment specified in the Criminal Code.

<table>
<thead>
<tr>
<th>Date</th>
<th>Name</th>
<th>Media</th>
<th>Case</th>
<th>Verdict</th>
</tr>
</thead>
<tbody>
<tr>
<td>4 May 2005</td>
<td>Darwin Ruslinur &amp; Budiono Saputro</td>
<td>Koridor</td>
<td>Reports on alleged embezzlement by Lampung’s Golkar Party</td>
<td>9 Months</td>
</tr>
<tr>
<td>23 Sept. 2003</td>
<td>Karim Paputungan</td>
<td>Rakyat Merdeka</td>
<td>Published caricatures of House of Representatives speaker Akbar Tandjung and president Megawati Soekarnoputri</td>
<td>5 months</td>
</tr>
<tr>
<td>23 Sept. 2003</td>
<td>Supratman</td>
<td>Rakyat Merdeka</td>
<td>As above</td>
<td>6 months</td>
</tr>
<tr>
<td>8 June 2000</td>
<td>N. Riantiarno</td>
<td>Matra</td>
<td>Published erotic photos</td>
<td>5 months</td>
</tr>
<tr>
<td>18 April 1991</td>
<td>Arswendo Atmowiloto</td>
<td>Monitor</td>
<td>Popularity poll which ranked Prophet Muhammad as number 11</td>
<td>5 years</td>
</tr>
</tbody>
</table>

*(From: the Jakarta Post, May 6, 2005, p. 1.)*

**Creative media network**

Before 1998, media groups that had different idea from the current media groups—and that have now become the alternative media or watchdog media organizations—were born in central Jakarta, like the Alliance of Independent Journalists (AJI), and Utan Kayu Community. Afterwards, these groups expanded to the provinces and the numbers of such alternative media increased.

AJI Jakarta was founded in the year 1994. At that time, three weekly magazines—*Tempo*, *DeTik* and *Editor* were closed. The Indonesian Journalist Association (PWI) was controlled by the Government and did not take any responsibility for protesting that the Government had destroyed the freedom of press. Some members were dissatisfied and withdrew from PWI to found the AJI as an alternative media organization. The Indonesian Government has never accepted AJI as a legal organization. Its members have to work underground. Their first work was to fight for freedom of the press.

AJI declared six tasks for itself: first, to reject all kinds of intervention, intimidation, censorship, and closure against the press that deny freedom of expression and citizens’ right to access information; second, to reject all efforts to obscure the spirit of the Indonesian press as a struggling press; third, to reject the forcing of one-sided information for individual and group interests in the name of the national interest; fourth, to reject the deviation of legal products that is not in line with Pancasila and the 1945 Constitution; fifth, to reject a single institution of the journalism profession; sixth, to proclaim the establishment of the AJI as a institution struggling for the Indonesia press.

At that time, there were alliances that joined together to fight for press freedom in other provinces too, such as the Forum of Independent Journalists Initiative (FOWI) Bandung, the Discussion Forum of Yogyakarta Journalist (FDWY), the Surabaya Press Club (SPC), and the Solidarity of Independent Journalists (SJI) Jakarta. After the Indonesian media obtained freedom and liberty, the current task of AJI is to protect journalists from all kinds of violence, particularly in areas where there is severe conflict, such as Aceh and Papua. There are quite a lot of conflict areas in Indonesia where the work of reporters is risky, with danger from all sides—separatists, military and the Government. In 1998, there were 42 cases of reporters who had their rights violated, and there were 74 cases in 1999, 115 cases in 2000, 95 cases in 2001, 70 cases in 2002 and 59 cases in 2003. Now, AJI has 21 linked organizations from all over Indonesia.

**KIPPAS (Sumatran Foundation for the Study of Education Information and Publication)**

KIPPAS was founded in Medan, North Sumatra, by progressive activists in Medan and North Sumatra in 1999. They saw problems within the media circle in North Sumatra. A large number of media outlets sprang up following Suharto’s downfall and the media obtained more freedom. However, during that time, both politicians and businessmen founded newspapers that lacked quality and this simply discredited the media circle. Some newspapers just gave a press card to the reporters but did not pay any salary or perhaps just paid a low salary; the reporters could then use the press cards to ask for rewards from their information sources. Besides this, there was a problem in developing the professionalism of reporters, with the newspapers’
owners paying little attention to this issue. KIPPAS used research as a tool to develop the media circle by researching all topics about North Sumatra, particularly the disputes between people and officials up to topics concerned with the mass media. All studies were published in the journal of the office named Kupas. After that, the research of KIPPAS proved its worth and was accepted by media circles in Medan and North Sumatra. Now, in addition to research, KIPPAS plays the role of mediator in linking up the media in Medan and North Sumatra in order to develop the media circle and its professionalism. It also urges the attention of the mass media on the struggle for media freedom. They arrange seminars for the executives of publications and radio and TV stations in Medan and North Sumatra in June 2005.

CONCLUSION

From the study of five months in the Philippines and six months in Indonesia, I found that if communities have their own media that present comprehensive news from their locality, and provide useful information or check, criticize or disclose corruption, the community and society will be advanced. However, the world’s media all go in the same direction, emphasizing marketing and efficiency. The effective execution of their media project means that they gain a profit. The result will be straying from the presentation of news and information from the public arena because the public news is unprofitable. The businesses calculate gains and losses and hold less to the concept that the media should serve society. This condition occurs in Indonesia, as well. The executives of the big press groups are proud with the expansion of their businesses and the ownership of as many media outlets as possible. Their idea is that effective execution means a profit from their investment. This idea forces the companies in their nets to make profits for the mother companies. Moreover, the giant media groups in Indonesia are close to politicians and political parties or the media owners go into politics themselves. This certainly affects the neutrality of the media whenever there are sensitive cases like corruption.

In the Philippines and Indonesia, there are a number of media that have survived. Some of them have existed long enough to become icons, such as Sunday Punch and the Baguio Midland Courier in the Philippines and Kadualatan Rakyat, Pikiran Rakyat, and Waspada in Indonesia. These give full space for local news but the contents depend on the policy of each press. From interviewing student organizations’ leaders and the leaders of non-governmental organizations, I learned that after the Suharto despotism, the news that concerned the movement of the poor was given more heed from both the mainstream and local media but the period of presenting and whether it would be the lead news on the first pages depended on the issue of protestation and the struggle of the poor. Making the media more closely follow the news of the poor and present it continuously is thus a challenge for the movement of the poor.

In each province, besides the local media, there are also alternative media that are growing up both in the Philippines and Indonesia. In case of the Philippines, we can see the example of Ms. Yasmin Arguiza, the founder of the Bandillo ng Palawan Weekly in Palawan. A former reporter with international news agencies in Manila who had reported news about the environment for more than ten years, she decided to resign to work in Palawan because she felt that the international agencies did not help people in local areas. She saw many problems in Palawan including those involving forests, water, and marine areas. She wants to protect the sea from bad fishermen. She feels that reporters have to be responsible to society as well. Her newspaper influences the locale but fails economically. The reporters work like volunteers, including herself; her income comes from working for alternative mass organizations like PCIJ and other news agencies abroad. But she still works for this newspaper.

In Indonesia, we see the alternatives of community radio like Angkringan Radio in Yogyakarta. This sprang from a group who saw corruption in the local administration and the policy of moving money for the community into the hands of cronies of the authorities. The Angkringan thought that this was unrighteous so they thought of activities they could do to solve the program. They began with issuing a newsletter to present the problems and surveyed the number of poor, and gained the interest of the people and the authorities, as well. Their efforts caused the money to really reach the poor. The newsletter was regularly published and gained more co-operation from locals. Later, the media changed its form from publication to community radio to communicate the information. One important point in the case of Angkringan Radio is the building up of people like the current president of Angking. He was a normal youngster when the Group was founded but when he learnt about its activities, it made him change himself to pay more attention to the problems in the local communities and to join in finding solutions. Now, many young people in the communities are more interested in developing their own communities.

Many organizations are now growing in Indonesia such as KIPPAS in Medan. Organizations like Media Watch
are helpful in developing the local mass media circle if it is operated with intention. As KIPPAS, its work is approved and accepted by the media in Medan. This group is very useful for the development of media - not just to help in developing professionalism but also in urging the media in Medan to pay attention to other problems in society. I also studied the alternative media because even when there are media in each region, if the direction in media production is opposed to the movement of the poor or the grassroots, alternative media will be the voice of the grassroots movement.

For the lives of the local reporters in both countries, I sincerely pay homage to the good reporters - both the correspondents of the current press and reporters of local papers - who tried to produce good work under limited resource as in the Philippines. In Indonesia there is no figure about the wages of the reporters but from interviews, I learned that the average wage of reporters is lower than that specified in the labor law. Reporters also work under dangerous conditions. In the Philippines, reporters may be killed if they reveal corruption.

An interesting point about the presentation of local news in the case of the Mindanews Website in the Philippines is that it is a result of an argument between local reporters and the editors of the national press on the point of the selling of news—what does society gain from it? Reporters in Mindanao Island raised this question to the national press that was always presenting war news from Mindanao. In fact, Mindanao is a conflict area—there is war between the central government and the separatist movement - but the question is why is only the news about the war being presented while there are many other creative news stories in Mindanao that have been ignored? Many reporters tried to send these news stories to the office but they were rarely published. The image of Mindanao in the press is of a land of war, and what do the Mindanao people gain from that? This reporter group thus founded a website to be an alternative media where anyone can enter to read the details at www.mindanews.com. This is an illustration of the struggle of the ideal of freedom between reporters and the media owners. At least, it is an example that shows the spirit of the reporters who would not be dominated by business. The alternative media will be a way of presenting qualified news, and will be the doorway to liberty.

In Indonesia after the despotic regime, there are many organizations that work concerning media both in Jakarta and other regions that are free from the control of the government. They have different concepts and objectives, each one to its own, but within these differences there is still co-operation, linkages and assistance concerning the freedom of the media and the development of media quality. Now, the Indonesian media is struggling with the Government when it uses the Criminal Law to consider disputes between reporters and news sources rather than the Press Law, and they are pushing for the Government to issue an Information Law.

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*Interviews— The Philippines*

Walter L. Batance, the Business Manager of *Mindanews*, interviewed 29 November 2004.
Christopher Hamada, Editor Assistance of the *Baquoi Midland Courier*, interviewed 28 January 2005.
APPENDIX I
WORKSHOP SCHEDULE
Fourth Workshop of Asian Public Intellectuals
Kota Kinabalu, Malaysia, 29 November-3 December, 2005

Day 1, Tuesday, 29 November 2005
0900 – 1630 Registration
1630 – 1730 Preparatory Workshop Meeting
1730 – 1800 Group Photograph
1800 – 2000 Opening Ceremony and Dinner

Welcoming Speeches:
Assoc. Prof. Surichai Wun’Gaeo, Program Director, API Coordinating Institution, Institute of Asian Studies, Chulalongkorn University
Dr. Ragayah Haj. Mat Zin, Program Director, API Partner Institution of Malaysia, IKMAS, Universiti Kebangsaan Malaysia
Dr. Supang Chantavanich, Director, Institute of Asian Studies, Chulalongkorn University
Mr. Yohei Sasakawa, Chairman, The Nippon Foundation

Keynote Address:
Introduction of Keynote Speaker by Dr. Ragayah Haj. Mat Zin
Speaker: HRH Dr. Raja Nazrin Shah ibni Sultan Azlan Shah, Raja Muda of Perak cum Pro-Chancellor, Universiti Malaya “Building the East Asia’s Future: The Challenges We Must Face, The Responsibilities We Must Bear”

Dinner:
Toast by Dr. Mohd. Salleh Mohd. Yasin, Vice Chancellor of Universiti Kebangsaan Malaysia

Day 2, Wednesday, 30 November 2005
0800 – 0900 INTRODUCTION SESSION
Moderator: Assoc. Prof. Surichai Wun’Gaeo
Opening Remarks: Dr. Abdul Rahman Embong, Workshop Director

0900 – 1000 SESSION I: Heritage, Identity, Change and Conflict
Chair: Prof. Koji Tanaka
Discussants: Mr. Khoo Khay Jin and Dr. Supang Chantavanich

1000 – 1020 Coffee Break
1020 – 1300 SESSION I (cont’d)
1300 – 1400 Lunch
1400 – 1520 SESSION II: Engaging Modernity: Religion, Gender, and Art

Day 3, Thursday, 1 December 2005
0830 – 0950 SESSION III: Changing Lifestyles and Health
Chair: Dr. Ragayah Haj. Mat Zin
Discussant: Dr. Abdul Halim Ali

0950 – 1010 Coffee Break
1010 – 1200 SESSION III (cont’d)
1200 – 1300 Lunch
1300 – 1440 SESSION IV: The State, Development, and Globalization
Chair: Dr. Supang Chantavanich
Discussants: Dr. Abdul Halim Ali and Prof. Koji Tanaka

1440 – 1500 Coffee Break
1500 – 1700 SESSION IV (cont’d)
1800 – 1900 Dinner

Day 4, Friday, 2 December 2005
0830 – 1010 SESSION V: Empowering the Poor and the Vulnerable
Chair: Assoc. Prof. Surichai Wun’Gaeo
Discussants: Dr. Mary Racelis and Dr. Ragayah Haj. Mat Zin

1010 – 1030 Coffee Break
1030 – 1230 SESSION V (cont’d)
1230 – 1330 Lunch
1330 – 1510 SESSION VI: Social Justice, Human Rights and Civil Society
Chair: Dr. Taufik Abdullah
Discussants: Dr. Jose M. Cruz, S. J. and Assoc. Prof. Surichai Wun’Gaeo

1510 – 1530 Coffee Break
1530 – 1730 SESSION VI (cont’d)
Mr. Tatsuya Tanami, Executive Director, The Nippon Foundation
Dr. Abdul Rahman Embong
1900 – 2100 Cultural Night / Dinner

Day 5, Saturday, 3 December 2005
0700 – 1700 Excursion
1800 – 2000 Farewell Dinner
APPENDIX II

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Kota Kinabalu, Malaysia, 29 November-3 December, 2005
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APPENDIX III
ABSTRACTS OF PAPERS
(in chronological order of presentation)

NEW HYPOTHESES RESULTING FROM GUA SIRIH RESEARCH, SARAWAK
Wilhelm G. Solheim II
(no abstract)

PAST PERIPHERY: CURATION IN SOUTHEAST ASIA
Patrick D. Flores
This paper traces the history of the curation of contemporary art in Thailand and Indonesia, with the view of situating it within a broader synchronic framework of the emergence of contemporary art in Southeast Asia and the interest of the global art world in the art production in the region. It discusses the discourses and political economies underlying this history by focusing on the practice of curators. In doing so, the notion of curation is probed in the contexts of social agency and within the processes of art worlds and other creative ecologies in which the curator of contemporary art gains relative independence. Here the curator secures latitude in initiating projects that reorganize the schemes of exhibition, recognition of talent, representation of subjectivity, and the calibration of value in the complicated mediations of current art.

ONCE UPON A TIME IN PHUKET: CHANGING IDENTITIES AMONG THE BABA CHINESE AND THAI MUSLIMS IN A TOURIST PARADISE
Khoo Su Nin (Salma) Nasution
Phuket, the famed beach resort, was formerly an island of fishermen and tin-miners with links to Malaysia’s Langkawi and Penang. After three decades of rapid growth, Phuket locals awoke to find their hometown overwhelmed by Thai-style urbanization, their island over-run by urban migrants, and their coastal habitats re-made as cultural landscapes for the white “farang” [foreigners]. Amidst globalization and Thai-ization, the Baba Chinese and Thai Muslims, who together form a majority in this southern Thai province, seek to reclaim their identity and social space.

Popular historical narratives, such as the two Thalang heroines, the ‘Thai Muslims’ legend of Mabsuri and the Phuket Baba’s story of Chinese migration and the overseas Chinese builder of Phuket town, are read to understand how local identities and social memories are constructed. Contemporary movements behind the staging of cultural authenticity—in the recent “Halal Food, Hillal Town”, the Old Phuket Festival and the “Walking Street” project—are documented to show how local communities are appropriating the language and strategies of tourism and using the local media, post-tsunami funds, state machinery and trans-boundary networks to renew their culture and stake their share in the tourism industry.

POLICY AND LEGISLATION IN COMMUNITY FORESTRY: STUDY ON INDIGENOUS RIGHTS WITHIN COMMUNITY FORESTRY DEVELOPMENT IN SOUTHEAST ASIA
I Nyoman Nurjaya
Since the colonial period, Southeast Asian countries have increasingly invested control and managed forest resources within centralized-resource management regime. Consequently, in terms of laws and regulations dealing with forest resource management, it is a legal fact that forestry policy and legislation shaped and enforced by governments tend to ignore or give little recognition to the customary rights of indigenous people and forest-dependent communities living within the forests for generations. Besides, forestry management in the region for a long period of time is predominantly subject to the influence of political, military, and commercial interests of the states. As a result, tensions and conflicts simultaneously emerged between governments and the local people namely indigenous people and forest-dependent communities in contesting forest lands use and access to forest resources in the region.

Over the last two decades, the governments in Southeast Asia region have begun to explore ways and strategies to extend greater recognition on the rights of indigenous communities and forest-dwellers, and have tried to formulate the rights of forest-dependent people into state-forestry policies and regulations. It is an interesting legal phenomenon to be studied from the legal anthropology point of view; particularly in the level of normative study of law with the purpose of observing, as well as understanding the indigenous people-oriented laws and regulations formulated and regulated in the development of community forestry in Southeast Asia. The paper attempts to examine how the governments of the selected Southeast Asian countries namely; Thailand, Malaysia, and the Philippines recognized and regulated the indigenous people rights within community forestry policies and regulations, as well as state institutions that established to support community forestry development in the region.

SCARCITY OF AND CONFLICT OVER RESOURCES: CHOM THONG WATER CONFLICT
Kensuke Yamaguchi
(no abstract)
ISLAM POST-9/11: TRENDS AND OPPORTUNITIES FOR MODERNISATION IN INDONESIA: A CASE STUDY
Askiah Mohd. Adam
This study is an attempt to understand the opportunities for modernist trend in Islam, if any, to flourish within the current global political climate of US military and economic ascendance. Indonesia is a convenient case study given that it is the largest nation of Muslims in the world and that it has the fourth largest population. The study comprises of interviews, survey and literature search. Within the nine months of the research, over 30 extensive conversations were held and a survey was conducted. The latter aimed at understanding the current mindset of the next generation of Indonesians as they hold the key to the future state of Islam in Indonesia. After six months of interviews and following the country’s current affairs, the earlier feeling that any optimism for modernization of Islam is possible was misplaced took a turn for the better. The modernization as conceived within the framework of the research is that of an Islam which finds within itself the potential to grow its adherents economically, socially and politically in ways that will bring about an evolution, which not only meets the demands of contemporary challenges, but that which is able to make a substantive contribution to human civilization. This research effort appears to point to a possible agent of such a change: the Partai Keadilan Sejahtera (PKS).

DISSIDENTS AND DISCIPLES: THE GEOGRAPHY OF ISLAM IN INDONESIA
Shamila Annie binti Mohamed Ariffin
(no abstract)

GLOBALIZATION, GENDER AND SEXUALITY: MALAYSIAN AND PHILIPPINE ARTICULATIONS
Elizabeth Uy Eviota
The study investigates how economic change (globalization) has figured in changes in heterosexual and reproductive attitudes and behavior in Malaysia and the Philippines. It focuses on how some changes in sexual and gender norms and practices specifically sex outside and within marriage, marital fidelity, marital dissolution, sexual risk and vulnerability, and contraceptive behavior are traceable to specific processes associated with globalization, i.e., urbanization, employment of women in the modern sector, shifts in state policies and exposure to media. The study finds while globalization has to some extent involved a market-consumer frame to redefine sexual notions and legitimize entitlements to sexual expression, it is also clearly intensifying the structural factors at work behind complex processes which undermine national identity, job security, gender equality, and bodily integrity. Gender differences reflect both structural and ideological forces and the power and resource inequities are played out in ways that severely affect girls’ and women’s ability to determine their own sexual choices and reproductive paths. Largely as a result of economic liberalization, the defining characteristic of “globalization”, societies such as Malaysia and the Philippines have seen rapid and wide-ranging societal changes affecting social and personal life and relationships between women and men. This study reviews the literature from Peninsular Malaysia and the Philippines to look at specific local articulations of globalization and how these have figured in changes in heterosexual and reproductive attitudes and behavior.

“THE WOMEN ACTUALLY WANTED TO DIE”: ART AS TRANSPORT-STATION OF TRAUMA, MEMORY AND MOURNING IN WORKS BY MALAYSIAN AND JAPANESE WOMEN ARTISTS
Flaudette May V. Datuin
This paper discusses the ways by which selected women artists of Malaysia and Japan give shape to the Israeli artist Bracha Ettinger’s notion (via Griselda Pollock) of art as a transport-station of trauma, memory and mourning and of the “artist as site of transmission”, who cannot but feel the trauma of the world and transmit it to others by creating a space for public mourning and memory through the resources of the visual arts. These concepts demonstrate how these women artists—bearers of the postcolonial dilemma of being “The Other that is not Other Enough”—interrupt the official tales about women’s self-representations and ‘willingness to die’ for the sake of nation, race, religion, and ethnicity. In the process, the essay hopes to contribute in a very preliminary way to the emerging—and hence still inadequately theorized—field of feminist investigation: the visual poetics of the gendered dimension of trauma and shame.

CREATING ALTERNATIVES FOR CONTEMPORARY ARTISTS IN SOUTHEAST ASIA
Mizuki Endo
The paper discusses the case of alternative spaces in the Philippines and Indonesia and the difficulties and potentials of alternative movements in Asia. It seeks to articulate the limitation of existing network systems provided by foreign institutions and discusses the important factors that need to be recognized for the successful functioning of alternative spaces and artist networks in Asia. In both countries, alternative spaces have developed in response to the institutional limitation of existing museums as well as the market-oriented art world. Though it is hard to find a successful example...
of such a challenge, the history of alternative spaces in Asia provides us with an in-depth understanding of how the system of art is structured in Asia and why the alternative is needed.

**“ASIANIZING” ANIMATION IN ASIA: DIGITAL CONTENT/IDENTITY CONSTRUCTION WITHIN THE ANIMATION LANDSCAPES OF JAPAN AND THAILAND**

Rudyard Contreras Pesimo

Navigating through telluric and empyrean realities, animation’s distinctive thumbprint precipitates interplays between local and global entities, physical and phantasmal dimensions, prescriptive and supervenient states, infra and supra structures, public narratives and private memoirs, and the oriental and occidental appropriations of the cultural space. Animated products are consumed worldwide among different local cultures forming imaginary coterie of broader audiences across national demarcations; this, as Asian animation artists endeavor to capture and enshrine their own local cultures in an industry inundated with Western influences. Japanese animation or anime, for instance, seeks to counterbalance the hegemony of American animation in Asia and the world, showing that globalization of popular culture does not necessarily imply homogenization or Americanization. This critical discourse surveys the dynamic nature and impact of the animation industries in Japan and Thailand, and investigates the identity construction effort within the digital content and animation landscapes of these countries.

**GLOBALIZATION OF FATNESS: CULTURAL, SOCIAL, AND ECONOMIC PERCEPTION OF OBESITY IN SOUTHEAST ASIA**

Wan Abdul Manan Wan Muda

Once associated exclusively with rich industrialized countries, obesity is now a serious problem throughout the developing world, including Southeast Asia. The growing double burden of undernutrition and obesity will be the major challenge in the near future in all Southeast Asian countries. The modern phase of globalization as an important determinant of global eating pattern interacts directly on population through the fast food globalizing processes. The presence of fast food also is linked to the increasing availability of foods high in fats, sugar and salts is changing diets globally which in turn is linked to changes in the production, retailing and marketing of foods. Results of the survey revealed that self-perception regarding obesity among Southeast Asian show common similarities, particularly in self reporting on health, dietary habit and also the concept of beauty and a beautiful body. Character and behavior are highly regarded in evaluating a person’s self-worth in society. The findings also show that Filipinos frequented fast food outlets more than respondents from Indonesia and Thailand.

**TEAM BUILDING AND SIMULATION OF HIV OUTBREAK AT A SENTINEL SITE IN THE PHILIPPINES**

Seiji Kageyama

Even in the last 30 years, a number of emerging infections were recognized in the world. Globalization did not keep these newly recognized infections in endemic status and the epidemic and pandemic situations emerged. Among these, AIDS (caused by human immunodeficiency virus (HIV)) is a symbolic disease and is still claiming a large number of lives globally. The trends of HIV epidemics in Asia shows that an HIV epidemic is expanding from inlands to islands and has started as a blood-borne infection among injecting drug users and secondary spread into sex workers. Motivated by this hypothesis, we conducted an outreach program for several populations including injecting drug users in an HIV-low prevalence country, the Philippines. An educational campaign and an examination of the status of blood-borne infections caused by hepatitis B virus, hepatitis C virus and HIV were carried out for 560 individuals in Metro Cebu of the Philippines.

Serological prevalence of anti-hepatitis C virus among injecting drug users (70.1%, 61/87) was significantly higher than those among inhalation drug users (16.3%, 2.0%, 4/200; P=0.00). The hepatitis C virus strains obtained from the injecting drug users belonged to either genotype 1a or 2b or the strains in each genotype clustered closely to each other. There was no dual infection with genotype 1a or 2b or the strains in each genotype clustered closely to each other. There was no dual infection with genotype 1a and 2b. These suggest that the hepatitis C virus infection in injecting drug users may be rapidly emanating from limited source individuals in Metro Cebu, Philippines. Further studies are highly expected to simulate and predict the mode of the HIV/AIDS outbreak in the Philippines.

**RE-NEGOТИATING THE SOCIAL CONTRACT: HEALTH SYSTEMS IN TRANSITION IN EAST AND SOUTHEAST ASIA**

Chan Chee Khoon

This paper examines health systems in transition in three Asian countries—Japan, Thailand, and Philippines. In Japan, communitarian capitalism is on the defensive after more than a decade of economic stagnation and deflation, and neo-liberal reforms extending to...
the health care system as well are being promoted as the panacea. In Thailand, the 30-baht (universal coverage) policy for health care appeared to reverse the retrenchment of the welfarist state, even as the public sector struggled to retain its health staff as the economy recovered and the middle classes regained their disposable incomes (not to mention the staffing needs of an ambitious regional medical tourist hub for Bangkok). In the Philippines, the migration of health staff has taken on huge international proportions, with 13,536 nurses departing for foreign employment in 2001—more than three times the number of trained nurses who were licensed in that year.

**RESEARCH ON MEDICINAL PLANTS IN THAILAND BETWEEN 1998-2002: THE BIOMETRIC APPROACH**

Ambar Yoganingrum

The paper aims to analyze research on medicinal plants in Thailand between 1998 and 2002 using bibliometrics approach. I studied the profile of research on medicinal plants in Thailand such as the growth of research, the number of institutions and researchers, and the trend of topics; then compared these to the policy in developing medicinal plant. This study used two techniques i.e. Bibliometrics and in-depth interview. Bibliometrics was applied to investigate the focus of research from a quantitative perspective. In-depth interview was carried out to collect the information about the policy on medicinal plant research in Thailand; and to confirm the result of bibliometrics analysis. The direction of the development of Thai medicinal plants research in 1998-2002 consisted of six categories i.e. the development of medicinal plant on basic research, on modern industry, on application in rural area and as complementary medicine in hospital, as an export target, the dissemination of information, the development on others i.e. cooperation of agencies, the development of organic product, certification of worker on Thai massage, and grants for research. It concluded that the direction of research was in line with the policy of the development of Thai medicinal plants in the period of time.

**REDEFINING THE JAPANESE SELF DEFENSE FORCES: LESSONS IN FORGING A GLOBAL IDENTITY**

Rosalie B. Arcala Hall

Since 1992, Japan has expanded the roles and functions of its de facto military, the Self Defense Forces (SDF) in ways that departed from normative limits of its constitution’s Article 9. Japan has sent the troops for peacekeeping, humanitarian and reconstruction operations abroad, and committed to provide rear end logistical support to US regional operations. These changes depict the underlying shifts in Japan’s defense policy making structure marked by the demise of the traditional partisan left and the onset of coalition governments. Although appearing pragmatic, inter and intra-partisan disagreement persists over whether or how Article 9 should be altered for Japan to effectively meet its international obligation. Opinion leaders are similarly divided between robust liberal forces that favor reinterpretation or amendment of Article 9, and marginalized pacifist elements arguing for its retention. At the mass public level, the antimilitarist norm remains tenacious, but also depicting greater appreciation of the SDF’s limited international contribution. Security policy making is shifting towards greater politician leverage, less bureaucratic delegation, and an enhanced role for the Prime Minister and the Diet.

**FREE TRADE IN ASIAN AGRICULTURE: AN ECONOMIC PERSPECTIVE OF THAILAND**

Zamroni

(no abstract)

**THE INDOONESIAN RAIL SYSTEM AND THE PROBLEM OF SAFETY: COMPARISON WITH AND LESSON FROM JAPAN**

Indri Hapsari Susilowati

The rate of train accidents in Indonesia is fairly high; about 85% accidents are caused by human error. Human error occurs while the train driver is doing his job. One of the causes is the ergonomic factor; thus, more ergonomics on the driver cabs will reduce the rate of accidents. Unsafe condition is still the main reason in railway accidents in Indonesia. Preventive action should be focused on the improvement of equipments and facilities. There are some protective devices which are not yet developed in the Indonesia Railway. The Japan Railways improved the last 25 years. Nowadays, Japanese scientists are researching on unsafe acts done by drivers and eliminating the risk from unpredictable conditions. They have a good driver selection system; with a minimum standard of requirement for physical and mental capacity.

**LOCAL POLITICS AND DEVELOPMENT IN THE PHILIPPINES: CASE STUDIES ON LOCAL GOVERNMENT-LED EXPORT PROCESSING ZONE PROJECTS**

Miho Sakuma

This study is an analysis of the relationship between Philippine local politics and development with emphasis on the formal local rules. Economic development has been elusive to the Philippines and it is often said that “too much politics” is to blame. Recently, however, the
emergence of creativity and innovation at the local level has been observed, although most of them are short-term projects. Through case studies on local government-led export processing zone project, this paper shows that there are several local governments that continue implementing these projects for more than ten years. Such long-term local development efforts have not been reported before. The paper analyzes the case studies and concludes that political factors are the most decisive the progress and continuation of the projects under the current formal rules. The paper further explores the successful cases’ innovative arrangements to overcome human/financial resource shortage and organizational instability.

GENE REVOLUTION AND ITS IMPACT ON FARMERS A COMPARATIVE STUDY BETWEEN INDONESIA AND THE PHILIPPINES
Pennapa Hongthong

The development of intellectual property rights, together with an advancement of bio-technology, involves increasing private ownership over the world’s plant genetic resources. The arrival of Gene Revolution, of which genetically-modified seeds are the prime products, distorts the relationship between farmers and seeds.

Once a “common good” and freely available to farmers, seeds turned to be a property of seed companies. Farmers no longer know the seeds they grow since they are not the ones who develop it. Genetically-modified (GM) seeds are now developed in laboratories by plant breeders. There are no more seed varieties that suit the different environmental conditions; seeds are now designed to be of the same quality and character. Every single GM seed contains exclusive rights of the plant breeder who cross nature’s boundaries by mixing one species of gene to another.

The merging between seed industries and agro-chemical companies makes food security of the world, as well lives of farmers, to be under control of a few transnational corporations. All over the world, GM seeds are introduced by agro-chemical companies. The unique character of GM seeds designed to grow well with certain chemicals force farmers to buy pesticides and herbicides from the same company.

The paper presents how small-scale farmers in Indonesia and the Philippines are affected by the Gene Revolution and the IPR regime. Their lives well demonstrate how small-scale farmers in the South; including Thailand since political, social and economic conditions are more or less the same as the two countries, may well be the ultimate losers in the current game of global IPR and bio-technology.

EMPOWERING THE URBAN POOR THROUGH IT TRAINING: PROJECT FOR THE URBAN POOR IN MANILA
Akira Sato

The human resource market of the Philippines is strongly affected by globalization. Foreign Direct Investment (FDI), Overseas Filipino Workers (OFWs), and brain-drain problems characterize the domestic employment situation of the country. The study focused on the human resource market demand for poor people in Manila in 2004. The goal of the study is to know the conditions to start an international vocational training support in the Philippines to introduce profitability into NGO activity through human resource services. IT training is probable from the view of domestic and international labor demands for Filipino workers.

THE HOMELESS IN THE METROPOLIS: A STUDY OF PROBLEMS IN FIVE JAPANESE CITIES, AND MANILA AND JAKARTA
Suwit Wantoo

The homeless in this study refers to people who have no house. It does not include those who have small houses but no stability in living, such as slum dwellers. It also does not include street urchins. The homeless in Japan, the Philippines and Indonesia have the same background—all of them are people from the countryside who migrated in search of jobs in the metropolis. The homeless in Japan started out going to work in factories and small companies and became jobless after the economic crisis that caused the closure of factories and companies. Joblessness then contributed to homelessness since the people had no money to pay rent. The homeless in the Philippines and Indonesia are mostly bankrupt farmers who went to search for jobs in towns. But the job markets were tight; hence, they also became jobless and homeless.

The common problems of the homeless in these countries were joblessness, lack of housing, insufficient food, and suffering from the deterioration of both physical and mental health. There were some differences, such as the homeless in Japan facing severe health problems in the winter because the weather was very cold, and the Japanese homeless being more disdained by society than the homeless in Manila or Jakarta.

MANAGEMENT OF THE HOMELESS IN TOKYO AND MANILA: SOME LESSONS FOR THAILAND
Boonlert Visetpricha

The purpose of this report is to present a study of the homeless in Japan, Philippines, and Thailand. The homeless, as per definition stated by the United Nations...
Nations, does not only mean “the street homeless”, but also includes people who occupy shelters without the right to landholding or “squatted slums”. The study in Japan focus on homeless management policies in Tokyo and the processes by which these are developed; including its positive and negative effects on the quality of living of the homeless. The Philippine study, focus on the solution of squatted slums in Manila where the condition of the land market is better than in Bangkok. In the Philippines, there is a measure to intervene in the land market such as land proclamation in the case of government lands and the expropriation in the case of private lands. These studies will be highly beneficial to Thai society, which faces difficulties of both the squatted slums and the homeless.

**JAPANESE AND MALAYSIAN HEALTH AND EDUCATION STRATEGIES FOR CHILD WELFARE DEVELOPMENT**

Isbandi Rukminto Adi

(no abstract)

**REINTEGRATION PROGRAM FOR THAI RETURNEES: A CASE STUDY OF THAI MIGRANTS IN JAPAN AND COMPARISON WITH FILIPINO EXPERIENCE**

Kannika Angsuthanasombat

This research focuses on “Reintegration Programs” for returned migrants from abroad, through the Philippine experience with “Reintegration Programs” for Overseas Filipinos Workers (OFWs). The programs were designed with interventions and were implemented by various agencies, including national and local governments, private institutions, churches, and non-governmental organizations (NGOs). The research project also touches on the situation of Thai Migrant Workers in Japan before they returned to Thailand, examining the skills and experiences gained in Japan, remittances, processes of return, planning, problems and needs for their return and reintegration to Thailand. Thai migrant workers mostly live in Japan for 10-15 years. This makes it difficult to reintegrate themselves into their home country. The reintegration program helps the returning migrants to rejoin their family/society and stay permanently. It also includes socio-cultural and economic reintegration both for the migrant workers and their families, as well as encourages them to remain in their communities rather than migrate to urban centers or abroad again.

**TOWARDS SUCCESSFUL ACCESS TO LAND? A CASE STUDY OF SUCCESS AND FAILURE OF LAND REFORM IN THE PHILIPPINES AND INDONESIA**

Petrus Damianus Prasetyohadi

This paper elaborates the reasons of success and failures in the implementation of land redistribution in the Philippines and Indonesia by identifying commonalities among the four case studies that have high and low achievements. This investigation reveals that 1) the difference of the claimed lands in both countries is comparatively little, yet differently understood in each context; too few for the Philippines and too much for Indonesia; 2) if peasant’s possible livelihood constitutes the minimum necessary conditions then success of agrarian reform would refer to untiring endeavours to use democratic space (Philippine cases) and degree of self-determination of the peasant groups to fight against the opponent (Indonesian cases); 3) the dichotomy between social and state actors in the Philippines would be resolved if reform is not used as a tool for political votes; while in Indonesia, the opposition between both actors remain tough albeit not impossible to resolve considering that the peasants continue to directly access the lands.

**ISSUES AND PROBLEMS IN DISSEMINATING “UNIVERSAL HUMAN RIGHTS” IN LOCAL COMMUNITIES: THROUGH THE EFFORTS OF THE NATIONAL HUMAN RIGHTS INSTITUTIONS IN THE PHILIPPINES AND MALAYSIA**

Mariko Akuzawa

Towards the end of the Cold War in the middle of the 1980s, human rights, once a concept symbolized by diplomatic disputes, were recognized by many governments with the ratification of international human rights conventions and the establishment of National Human Rights Institutions (NHRIs). This research aims to know how NHRIs have successfully infiltrated human rights concepts to the general public and local communities. The Commission on Human Rights in the Philippines, notably the first NHRI in Asia, is ideally structured with its independent status and its activities grounded in many international conventions that the Philippines is affiliated to. It also puts effort in community outreach by establishing Regional Offices and Barangay Human Rights Action Centers (BHRACs). However, their work, including investigation and information education activities, faces serious financial constraints. This inhibits their independent status especially in the case of barangay (village)-based activities; as the BHRACs have to depend on barangays for their budget. In Malaysia, the ratified human rights conventions are small in number and SUHAKAM’s (NHRI in Malaysia) independence and its scope of work is limited by domestic legislations. As such, SUHAKAM puts much effort in changing...
the legal conditions. It also promotes information and education activities that will be in the long run contribute to build public consensus over the needed reform.

JAPANESE CIVIL SOCIETY IN COMBATTING CORRUPTION
Pornthip Apisitwasana
Thailand, like other developing countries, is faced with the problem of corruption, especially policy corruption. Japan’s CPI score has been among the top five countries and the Japanese people have changed from their value of total trust to gradual doubt of bureaucrats and corporations. Japan, therefore, is the best model for studying anti-corruption activities by citizens. The objective of this research was to gather methods utilized by Japanese civil society to combat corruption. These methods can be applied in Thailand, with adjustment if necessary.

This research mainly gathered information from civil society groups’ websites. These were then validated with information from electronic newspapers, articles and books. In case of differences, the outside information prevailed.

The study found that Japanese citizens have attacked all parties of the iron triangle and utilized the judiciary to review and punish all parties concerned in corruption schemes. The concept of qui tam, which means “Who sues on behalf of the King, as well as for Himself”, was explored.

DEVELOPMENT AND PROBLEMS OF THE LOCAL MEDIA IN THE PHILIPPINES AND INDONESIA
Kokaew Wongphan
This research began with the question—why does the news that is concerned with the problems of local people and society have so little place in the current media? As a local reporter, I wanted to study the local media in Indonesia and the Philippines in order to learn how they are, how they influence the locality, and do they participate in the development of the local communities? The studies were done from 22 September 2004 to 10 September 2005, with five months in the Philippines from 22 September 2004 to 10 March 2005 and six months in Indonesia from 10 March to 10 September 2005.

The studies in both the Philippines and Indonesia used the research tools of interviews with editors, local reporters, alternative news producers, and non-governmental organization workers, as well as attending various workshops and seminars of the local media as an observer. a The research fields in the Philippines were Dagupan, Baguio, Davao, Tagaytay and Cebu and in Indonesia, the research fields were Surabaya, Malang, Yogyakarta, Bandung, and Medan.

Both the Philippines and Indonesia are archipelagos. Indonesia is the biggest archipelago in the world, consisting of 17,000 islands with a population of 230 million, most of whom are Moslem. The Philippines consists of more than 7,000 islands with 3 major groupings—the Visayas, Luzon, and Mindanao. The population of the Philippines is 85 million, most of whom are Catholic.
APPENDIX IV
WORKSHOP SUMMARY

Abdul Rahman Embong
Marian D. Chua

INTRODUCTION

“If we wish to be change agents, we must venture out to participate more actively in dialogue and collaborative action with the world beyond.” Apt words for the recipients of the 2004/2005 API Fellowships by HRH Dr. Raja Nazrin Shah ibni Sultan Azlan Shah who delivered a keynote address “Building the East Asia’s Future Community: The Challenges We Must Face, The Responsibilities We Must Bear”. The address was delivered at the official launching of the Fourth Asian Public Intellectuals (API) Workshop held in Kota Kinabalu, Malaysia from 29 November to 3 December on the theme “Reflections on the Human Condition: Change, Conflict and Modernity”. In his speech at the same function, Mr. Yohei Sasakawa, the Chairman of The Nippon Foundation, emphasized that knowledge must not remain in the abstract; it must be put into practice to ensure “unity of knowledge and action”.

The 4th API Workshop, attended by 62 participants (including 30 Fellows), was lively and highly engaging. Before the start of the first session, the Workshop Director, Professor Dato’ Dr. Abdul Rahman Embong gave his address, emphasizing the objectives of the Workshop and the general questions that all of the Fellows and participants need to engage. There were altogether six such sessions deliberating on different aspects of the theme. Each session consisted of presentations of three to six papers by the Fellows, followed by discussants’ comments before it was opened for questions and answers (Q&A). The concluding session served as the wrapping up by the Workshop Director, who provided not only the key points of the proceedings, but also an overall assessment of the Workshop and future plans regarding the revision and publication of the papers.

OBJECTIVES AND QUESTIONS

The Workshop aimed to achieve the following objectives:

• To bring together the fourth group of API Fellows to discuss the findings of the projects they have conducted in the various participating countries;
• To foster the exchange of ideas and views regarding the research themes and discuss the recommendations and possible solutions to the issues and problems studied in the Fellows’ projects; and
• To facilitate the dissemination of the findings of the Fellows’ projects through more popular means so that they can reach the public and policy makers more easily.

There were four broad questions the Fellows and other Workshop participants attempted to address in the discussions:

• Can there be alternatives for change to the current human condition under the onslaught of the on-going processes of neoliberal globalization? If so, what are their outlines, mechanisms, and substance?
• Will the new and changing identities emerging in our region reflect our own distinctiveness based on our rich history and culture, thus enriching and advancing our culture and civilization with our distinctive and original contribution? Or will we succumb to cultural homogenization and imitation?
• Will the moral authority underlining the voices of the API Fellows and other public intellectuals inspire further conscientization for improvement of human lives in the search for social justice and generate closer cooperation between peoples and countries in the region to seek acceptable and workable alternatives?
• Will the community of concerned public intellectuals who participate in the API Program emerge and consolidate itself and become a sustainable entity and a moral force for change? How can it link with other groups to work together for that purpose? What are the ways and possible mechanisms to be instituted to achieve this worthy endeavour?

WORKSHOP SESSIONS

Session I was on the sub-theme “Heritage, Identity, Change and Conflict”, chaired by Koji Tanaka from Japan, a member of the API Executive Committee, with two discussants, Khoo Khay Jin from Malaysia, and Supang Chantavanich from Thailand. Five papers were presented. The first was by Wilhelm G. Solheim II, an archaeologist from the Philippines on the topic, “New Hypotheses Resulting From Gua Sirih Research, Sarawak” followed by Patrick D. Flores, also from the Philippines who spoke on “Past Periphery: Curation in Southeast Asia”. Khoo Su Nin (Salma) Nasution from Malaysia then presented her paper, titled “Once Upon a Time in Phuket: Changing Identities among the Baba Chinese and Thai Muslims in a Tourist Paradise”,

Reflections on the Human Condition: Change, Conflict and Modernity
The Work of the 2004/2005 API Fellows
followed by I Nyoman Nurjaya from Indonesia with “Policy and Legislation in Community Forestry: Study of Indigenous Rights within Community Forestry Development in Southeast Asia”. The last paper was by Kensuke Yamaguchi from Japan on the topic “Scarcity of and Conflicts over Resources: Chom Thong Water Conflict”.

Among the issues emerging in the session were about cultural artefacts and their significance in helping us gain insights into our past and the present; about curation and its role in portraying heritage and identity as well as the need for alternative spaces for curation; about ethnic identities and the need for their reaffirmation by ethnic communities in the face of state hegemony and how conflicts over identity should be resolved; and about conflict over natural resources, the indigenous communities’ clash with the state over forestry rights, and the highland tribes’ struggle with the lowlanders over water resources and how it could resolved.

In terms of findings, the archaeological project in Gua Sirih, Sarawak has come up with valuable artefacts to show the early history of people in Sarawak and Borneo. On the Chinese Babas and Thai Muslims in Phuket, it was found that amidst globalization and Thai-nization, the Baba Chinese and Thai Muslims, who together form a majority in this southern Thai province, seek to reclaim their identity and social space. On curation, it was pointed out that in Indonesia and Thailand, there is no formal education in the field of curation, and thus those interested in this field had to study overseas. In Thailand, galleries put up their own exhibitions while in Indonesia, where the role of young curators is important, even the most frankly commercial enterprises are propped up by curatorial gravitas. As regards community forestry, it was pointed out that Southeast Asian countries have increasingly managed forest resources within centralized-resource management regime and that the laws and regulations dealing with forest resource management and enforced by governments tend to ignore the customary rights of indigenous people and forest-dependent communities living within the forests for generations, often leading to conflicts between the state and forest-dependent communities over forest land use and access to forest resources. On water resources, it was pointed out that in Thailand, water shortage has been increasingly severe, and occasionally escalating into conflicts, as in the case of the Chom Thong district, Chiang Mai province in Northern Thailand, where there was a conflict over water between highlanders and lowlanders in the dry season in 1998.

The discusants in their comments and other participants during the Q&A raised the significance of the archaeological findings to the present, and suggested this should also be addressed in the paper. The point was also raised whether curation is a democratization of art and how synergy between institutional and independent curators could be achieved. The issue of the conflict between hegemonic or authority-defined identity and community-defined identity as in the case of Southern Thailand was commented on, and there was suggestion regarding the need to look into how such conflict could be resolved so as to promote peace. The question of conflict over resources was also commented on, and suggestion made so that the paper gave some thought on how it could be resolved. The general comments for all the papers emphasized the importance of highlighting elements of public advocacy arising from their respective projects.

Session II dealt with the sub-theme “Engaging Modernity: Religion, Gender, and Art”. It was chaired by API Executive Committee member Fr. Jose M. Cruz S.J. from the Philippines, with Azizah Kassim from Malaysia and API Executive Committee member Taufik Abdullah from Indonesia, as discussants. In all, six papers were presented. Askiah Adam from Malaysia presented a paper on “Islam Post-9/11: Trends and Opportunities for Modernization in Indonesia: A Case Study” with her case study in Indonesia, followed by Shamila Annie Mohamed Ariffin, also from Malaysia, with another paper on Islam in Indonesia titled, “Dissidents and Disciples: The Geography of Islam in Indonesia”. Elizabeth Uy Eviota from the Philippines talked on “Globalization, Gender and Sexuality: Malaysian and Philippine Articulations” while Flaudette May V. Datuin, also from the Philippines, presented her paper titled, “The Women Actually Wanted to Die’: Art as Transport-Station of Trauma, Memory and Mourning in Works by Malaysian and Japanese Women Artists”. Mizuki Endo from Japan spoke on “Creating Alternatives for Contemporary Artists in Asia” while the last paper, “Asiansising’ Animation in Asia: Digital Content Identity Construction within the Animation Landscapes of Japan and Thailand” was presented by Rudyard C. Pesimo from the Philippines.

Several key issues became the focus of the session, namely, the rise of political Islam and whether it was a reflection of the dilemma of Islam and Muslims in relation to modernization and modernity; whether the discourses on Islam could promote inter-civilizational understanding and help improve the human condition; the question of the globalization’s impact on gender and sexuality; and globalization’s impact on the community...
of artists in Southeast Asia.

In terms of findings, the Workshop was told that to be viable as a leading political ideology, Islam in Indonesia must transform itself to suit a modernity that is rapidly evolving. In terms of gender and sexuality, while globalization has helped redefine sexual expressions, sexual relationships still manifest imbalances in power based on gender, social class and ethnicity. As regards women artists, it was highlighted that they could provide the artistic venue for the expression of the experience of trauma and shame. In terms of art spaces, it was found that various kinds of alternative art spaces exist in the region but it is important to create networks for the sharing of ideas. In terms of Asian animation, Asian artists do strive to stamp their own cultural identity on the animation industry.

The comments from the discussants and other participants focused on several issues. It was argued that the challenges Islam faces today actually arise from the challenges of the modern world and modernity, thus there is a need for engaging with modernity. It was also raised whether pluralism and diversity in Islam namely in Indonesia as highlighted in the papers is due to its distance from Islam’s centre, viz. the Middle East, and whether ‘normative Islam’ is country-specific. On the question of religious deviationism, it was questioned whether it was necessarily a reflection of dissent as argued in one of the papers or due to ignorance. On the issue of gender and sexuality, the comment was that there was not much reference to gender in the public sphere, e.g. women in public domain as compared to men, since the emphasis was on sexuality (which is the private sphere). One of the papers argued that art can be ‘transport station’ for women artists, if so, can men be also ‘transport stations’? As for the animation industry, there was a general inquiry as to what extent it can be used as a medium to define Asian identity.

Session III was on “Changing Lifestyles and Health”. It was chaired by API Executive Committee member Ragayah Haj. Mat Zin, with Workshop Director Abdul Rahman Embong and Khoo Khay Jin as discussants—all from Malaysia. The presentations were by Wan Abdul Manan Wan Muda from Malaysia on “Globalization of Fatness: Cultural, Social, and Economic Perception of Obesity in Southeast Asia”, followed by Seiji Kageyama from Japan with his paper on “Team Building and Simulation of HIV Outbreak at a Sentinel Site in the Philippines”. Then a paper on “Re-Negotiating the Social Contract: Health Systems in Transition in East and Southeast Asia ” was presented by Chan Chee Khoon, also from Malaysia, followed by Ambar Yoganingrum from Indonesia whose presentation was on “Research on Medicinal Plants in Thailand between 1998-2002: The Bibliometrics Approach”.

Among the issues raised were whether there is a correlation between globalization and obesity, and the challenges arising from changing lifestyles and the growing trend towards the privatization of healthcare. On pandemic diseases, there is a clear need for new knowledge and forms of cooperation to combat emerging infectious diseases effectively while on herbal medicine, the advances and directions of research in this area were important but the translation of these into policies that could benefit and improve the health of the people is crucial. At the same time, it is important to protect local knowledge with regard to traditional medicine.

The findings emphasized in the papers are that globalization is a determinant of global eating patterns as it makes its influence felt through the global fast food phenomena. It is also clear that the healthcare systems in Japan, Thailand and the Philippines are affected by privatization as well as by problems of keeping their healthcare staff. At the same time, globalization has made emerging infectious diseases pandemic, and that the direction of research on medicinal plants in Thailand is in line with the country’s policy of development in this area.

In the comments, the discussants and other participants while agreeing with the importance of the findings, pointed out that there are problems relating to conceptualization, methodology and data presentation in the papers. It was emphasized that every paper need to highlight the significant findings based on primary data as that is the novel part of each project. At the same time, implications of the findings, especially in relation to policy and advocacy, should also be discussed.

Session IV on the sub-theme, “The State, Development, and Globalization”, was chaired by Supang Chantavanich (Thailand), with Koji Tanaka (Japan) and Abdul Halim Ali (Malaysia) as discussants. In all, five papers were presented. Rosalie Arcala Hall from the Philippines began by presenting her paper on “Redefining the Japanese Self Defence Forces: Lessons in Forging a Global Identity”, followed by Zamroni from Indonesia on “Free Trade in Asian Agriculture: An Economic Perspective of Thailand”. The third paper was on “The Indonesian Rail System and the Problems of Safety: Comparison with and Lesson from Japan” presented by Indri H. Susilowati, also from Indonesia. The fourth paper was by Miho Sakuma from Japan on “Local
Politics and Development in the Philippines: Case Studies on Local Government-led Export Processing Zone Projects’ while the last paper was by Pennapa Hongthong from Thailand on “Gene Revolution and its Impacts on Farmers: A Comparative Case Study between Indonesia and the Philippines”.

Among the issues highlighted were the importance of the perception of Japan’s Asian neighbours towards its normalization; while on Japan’s railway system, the issue was what relevant experiences Japan could offer developing countries particularly with regard to the provision of an efficient, safe and affordable public transport system. On local governments’ role, it was important to see whether they could help promote development and the lessons that could be learnt from such experience. On the impact of the gene revolution on agriculture, at issue was the role of the state and whether new scientific advances would automatically help improve the lives of people.

In terms of findings, it was pointed that Japan’s moves toward normalization and the reassertion of its global role have created controversies in Japan and alarmed its neighbours. As regards the railway system, the high rate of train accidents in Indonesia was related to working conditions, human problems, and the safety system, and that the state did not have clear policies on safety. On the role of local governments in development, it was found that under certain conditions, local governments were able to deliver public services and development projects though the national state may be predatory. As for the gene revolution and its impact on farmers, it was pointed out that small farmers did not benefit much by the new farming technologies; the main beneficiaries were the companies involved in agro-business.

In the discussion that followed, one of the discussants cautioned that the paper on Japan though thorough, contained information that is already well known to the Japanese, thus raising doubts about its added value. He went on to say that this is often a problem with foreign researchers writing on Japan or for that matter those who write on other countries. Both he and the other discussant as well as other participants agreed that the views of the countries in the region with regard to Japan’s normalization were very important, but they emphasized that the Fellows must see and speak beyond the voices of the country’s leaders to understand the problem more fully. On free trade in Asian agriculture, they commented that due to the failure of multilateral negotiations on free trade, small countries attempted to do so individually but this did not mean they could gain the upper hand. On railway safety, they commented that we need not regard Japan’s railway system as foolproof; in fact, Japan’s safety management system is compromised because efficiency and punctuality is given more importance than public safety. Also, they cautioned that Japan’s railway system may be a too high a benchmark for Indonesia to follow. On the gene revolution, they concurred that it was a grim reminder of the green revolution as the latter had impoverished farmers and increased inequality. Technical solutions, such as the gene revolution, are not independent of the institutional environment. In fact, one of the discussants suggested the notion of ‘appropriate technology’ for the people, an idea that public intellectuals should advocate.

Session V on “Empowering the Poor and the Vulnerable” was chaired by API Executive Committee member Surichai Wun’Gaeo from Thailand, with Ragayah Haj. Mat Zin (Malaysia) and Mary Racelis (the Philippines) as discussants. Five papers were presented with the first paper by Akira Sato from Japan on “Empowering the Poor through IT Training: Report of the Project for the Urban Poor in Manila”.

The second was by Suwit Watnoo from Thailand on “The Homeless in the Metropolis: A Study of Problems in Five Japanese Cities, and Manila and Jakarta” followed by Boonlert Visetpricha, also from Thailand, whose paper was titled “Management of the Homeless in Tokyo and Manila: Some Lessons for Thailand”. Then Isbandi Rukminto Adi from Indonesia presented his paper on “Japanese and Malaysian Health and Education Strategies for Child Welfare Development”, while the last paper was by Kannika Angsuthanasombat from Thailand on “Reintegration Program for Thai Returnees: A Case Study of Thai Migrants in Japan and Comparison with Filipino Experience”.

Among the issues raised were the problem faced by the poor, the homeless and the marginalized, and the ways of assisting and empowering them so that they could live independent lives. Of particular concern was the issue of homelessness, namely the people’s difficulties in coping with life in cities, and the need to find ways to overcome homelessness and its attendant consequences. As for children, the focus was how to make education and health strategies as part of children’s empowerment programs. Regarding working overseas, the issue is whether this would be a worthy option for the poor and the vulnerable, bearing in mind the challenges it entails, notwithstanding the benefits. Attention was also given to its costs and implications, and the problems of reintegration upon return to the home country.
In terms of findings, it was shown that IT training projects for the urban poor, based on the experience in Manila, could help empower and increase the people’s income as well as their social condition. It was also pointed out that efficient policies could help solve the problem of homelessness. As regards children, the Workshop was told that in Japan and Malaysia, children welfare development strategies were developed through education and health strategies and policies. As for Thai women workers who worked overseas in Japan, there were many problems faced by the workers when they returned to their home countries, thus the need for an effective reintegration program is timely and urgent.

The discussants and participants agreed that the papers and findings were very interesting as they could help in reformulating concepts and categories in understanding and addressing the problem. However, some concern was raised regarding the methodology used in carrying out some of the projects, and suggestions were made on how the papers could be improved. Suggestions were specifically made for some papers to look more into the question of how the voices of the marginalised groups could get heard, emphasising that advocates need to help them. The Fellows were also asked to examine how open governments were to having NGOs as partners in dealing with the problems of homelessness, migrants, children, etc.

Session VI was on the sub-theme, “Social Justice, Human Rights and Civil Society”, chaired by Taufik Abdullah, with Surichai Wun’Gaeo and Jose M. Cruz, S.J. as discussants. Five papers were heard at this session. Petrus-Damianus Prasetyohadi from Indonesia presented his paper on “Towards Successful Access to Land: A Case Study of Success and Failure of Land Reform in the Philippines and Indonesia” followed by Mariko Akuzawa from Japan on “Issues and Problems in Disseminating ‘Universal Human Rights’ in Local Communities: Through the Efforts of the National Human Rights Institutions in the Philippines and Malaysia”. The third paper was by Wan Muhammad Paris Wan Omar (Malaysia) on “Post-Soeharto Indonesian Public Sphere: A Case Study of Komunitas Utan Kayu” followed by Pornthip Apisitwasana from Thailand whose paper was on “Japanese Civil Society in Combating Corruption”. The fifth paper was by Kokaew Wongphan from Thailand spoke on “Development and Problems of the Local Media in the Philippines and Indonesia”.

Among the issues highlighted in the papers centred around the principles, aspirations and strategies of civil society that help propel actors in the public sphere to work together for change and the betterment of society. On media, the issue was its role in expanding the public space and civil society as well as in exposing the dark side namely corruption committed by holders of state power and members of society. As regards access to land, discussion centred on why some farmers have succeeded while others failed, while on legal literacy on universal human rights, the effects on local communities arising from knowledge of such rights became very pertinent.

In terms of findings, the Workshop was told that based on the experience in the Philippines and Indonesia, differences in historical conditions help explain the success and failure of various peasant struggles for access to land in both countries. It was pointed out that both the peasant movements with effective leadership and organization play an important role in ensuring success. At the same time, it was emphasized that the government’s role in motivating peasants to work on the land is important. In terms of combating corruption, based on the Japanese experience, the role of civil society has proven to be effective. However, such success could only be achieved if there was access to information and that civil society knew how such information should be used in fighting corruption. As regards human rights, it was pointed out that both the Philippines and Malaysia have human rights institutions but there are some differences, with the Philippines being more advanced. In fact, the Philippines has ratified more human rights conventions than Malaysia. On the media, it was shown that while there is media freedom in the Philippines and Indonesia, such freedom is still threatened by certain dark forces.

Both discussants and several other participants agreed that the five papers brought new openness and a sense of learning from others, but they were concerned that the central problem the papers wanted to communicate was not so clearly articulated. They also emphasized the need to make a clear distinction between state and civil society. They pointed that while openness to learning from other countries’ experience was good, but too strong emphasis on instrumentalism may not be suitable. They also asked if there were novel ways of fighting corruption, and wondered the extent to which civil society was effective in fighting corruption. On the expansion of media freedom, a food for thought was raised, whether one could claim that more freedom meant more goodness.

GENERAL POINTS TO CONSIDER

During discussions in the various sessions and in the Workshop Director’s wrapping up, a number
of general comments were highlighted which were relevant to all API Fellows. These relate to conceptual problems; problem of methodology, data collection and interpretation; the problem of research limitations; the question of application; and finally, the question of sustainability.

First, at the level of conceptualization, it was stressed that a number of Fellows needed to pay more attention to the issue of how they conceptualized their projects and the problem they wanted to study so that they could be more precise and clear. At the same time, comparisons with other countries should not be mechanical; in fact, comparisons without understanding the contexts of other countries or experiences could pose serious problems. We need to understand each others’ contextual history and social change; otherwise we would become too mechanical in our learning. As the emphasis in the API Fellowship Program is unity of knowledge and action, the question of commitment is very important. Are we open and ready to share the vulnerabilities of the people that we study? Are the people we study or visit ‘out there’ or are they part of our public? These questions should be part of the Fellows’ conceptualization.

Second, in terms of methodology, data collection and interpretation, the Fellows should be as transparent as possible regarding how they conducted their study so that it would be easy to assess their reliability and validity. For example, how was their data collected? How reliable was it? The length of time an API Fellow stayed in one place to collect data may not be adequate. Hence, they must find appropriate ways and methods to compensate for this. It is important to identify the key informants in the locality because one does not collect everything by oneself. It is also important for the Fellows to get as much up-to-date material, so they must pay serious attention to this. Also, when using NGO reports, they need to know the background of the NGOs and the researchers concerned, and must verify the data and reports with other sources of information. At the same time, they must be sharp and nuanced when making interpretation of the data.

Third, caution was raised on the limitation of research. It was pointed out that we should be careful not to generalise especially when the sample of study is small. Small sample size and qualitative approach are fine in terms of providing insights and in-depth information about the human problem, but their limitations must be recognised. At the same time, we must be aware that quantitative data does not always bring out the human aspect of a problem unlike the case of small studies using the qualitative approach. In short, the Fellows need to work hard and smart, and must recognise the strength and weaknesses of both approaches.

Fourth, application is very important as the principle guiding all API Fellows is unity of knowledge and action. This relates to the question of the transformative potential of our work. Though this is the objective, we must pose the question: How transferable are our learning and lessons learnt? For example, we keep on saying this is Indonesia, this is not Japan and therefore in many ways we cannot replicate the Japanese experience for Indonesia. But if this point is over-emphasized, then there is the issue of whether there is anything that we can learn from others. The point is we have to be creative and understand the history and the context well in order to draw appropriate lessons.

Fifth is the issue which is also related to application: viz. the sustainability of our ideas and our remedies. Are the ideas and the projects we have set up (for example, work on pandemic diseases and the urban poor) are only as good so long as we are there, and that once we no longer bring the API as well as our own resources, will they die a natural death like many other projects? In short, how much empowerment has been done for the subjects we worked with? Did we make efforts to institutionalize the ideas and the practices which we proposed? Also, there is the question of whether our remedies are for the community, or for the individuals only.

One the whole, we must know our priority as well as our shortcomings. While we have the idealism and our work is useful, more thinking and planning must go into it if we wanted to bring change. We cannot find ready-made answers but should engage in a dialogue process. We should try to think beyond what has normally been discussed to see what novel, and even, contrarian things we can propose.
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