

# APAC Journal

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*Rediscovering  
Southeast Asia*

## About APAC and the Journal

The Asia Pacific Affairs Council (APAC) is a forum for all Columbia students interested in East and Southeast Asian affairs. Founded and run by students, APAC serves the university community by organizing events, distributing information, and coordinating East Asia-related activities while building a community for students interested in East Asia. APAC works with the Weatherhead East Asian Institute to fulfill its mission.

The APAC Journal is published bi-annually. If you are interested in contributing to the Journal, the editorial board

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## "Japan's Historic Election: Cause & Consequence" — Shiori Okazaki

On September 24, Gerald Curtis, Burgess Professor of Political Science, gave a lecture at SIPA titled "Japan's Historic Election: Cause & Consequence," discussing the victory of the Democratic Party of Japan (DPJ) in the Lower House elections this past August. He illustrated the radical changes that the end of the Liberal Democratic Party (LDP)'s 54-year reign has brought upon Japan's political landscape, economy, and society. At the same time, Curtis emphasized that Japan's new ruling party—and the country—still faced numerous challenges.

While Curtis' lectures commemorating new prime ministers have recently become an annual event—as moderator Hugh Patrick, Robert D. Calkins Professor Emeritus of International Business at the Columbia Business School, joked—this election was different from past years'. The DPJ's landslide victory "marked the end of the postwar political party system in Japan" and illustrated the people's "rejection of the LDP," Curtis said. He noted that since the late 1980s, when the LDP accomplished its goal of "seeing Japan catch up with the West and become a major economic power," the decades-old party had failed to deliver what the voters wanted.

New Prime Minister Yukio Hatoyama has accomplished much since coming into power on September 16. "There are many reasons to be hopeful [about this government]," Curtis said, discussing its policies in governance, domestic and economic policy, and foreign policy.

First, Hatoyama has given more power to politicians, overturning the 150-year balance between the bureaucracy and the ruling party. He ensured that "policies are going to be made by the government, implemented by the party and the diet," said Curtis. Cabinet members decide their own meeting agendas, ministers name their own vice ministers, and bureaucrats cannot hold press conferences without approval from ministers. Now, the key issue for generalist politicians is how they work with the bureaucrats to use their knowledge, said Curtis.

The DPJ is also changing domestic policy, especially in the way it plans to stimulate the economy. Instead of "feeding money through infrastructure and other projects that will indirectly pass money off to the general public," Curtis asserted, the new administration wants to make "direct payouts to the consumers." The government has canceled or suspended many public works projects, and set in motion dramatic economic measures that the DPJ had promised. This includes an allowance for families with children under the age of 15, elimination of public high school tuition, and elimination of highway tolls. To fund these ambitious projects without increasing deficit or issuing bonds, the DPJ will need to slow down or modify some of them, Curtis said.

In foreign policy, the U.S.-Japan alliance is still critical. But, Curtis argued, the DPJ government is "determined to not let military issues drive the alliance." Its position to reduce American military presence in Okinawa and end the refueling mission in the Indian Ocean have not gone over well with Washington, but both Japan and the U.S. should be patient with one another. Moreover,



*Gerald Curtis engages a captive audience.*

*Continued on the next page*

## Thailand's Prime Minister Touts "New Democracy" — *Johan Kharabi*

Prime Minister of Thailand Abhisit Vejjajiva spoke at Columbia University's World Leaders Forum on September 22 amid continuing political instability back home. The prime minister appropriately focused the discussion on the serious political crisis facing Thailand—a country that three years ago saw the government of then-Prime Minister Thaksin Shinawatra deposed by a bloodless coup d'état. Since the September 2006 coup, Thailand has been plagued by constant turmoil. The Thai people have gone through three prime ministers, seen Bangkok's two airports shut down by anti-Thaksin *People's Alliance for Democracy* (PAD) led protests, and experienced violent counter-protests led by the pro-Thaksin Red Shirts. Even now, the Red Shirts are requesting amnesty for their leader-in-exile.

To make matters worse, on September 19, King Bhumibol Adulyadej was admitted to the hospital for presenting flu symptoms. There is a growing concern for the health of this country's widely revered monarch, who, throughout past political disputes, has provided Thailand with much-needed moral authority and stability. Indeed, with the question of succession looming, Thailand is undoubtedly approaching a crossroads, where the future of its democracy hangs in the balance.

Despite these unnerving developments and the palatable sense of divisiveness throughout the country, the prime minister "see[s] democracy in Thailand as being vibrantly at work." He believes that the ongoing political disputes demonstrate how the Thai people "are becoming more aware of the importance of politics in their lives." Moreover, Abhisit firmly rejected the idea that events within the last three years reveal a failure of Thai democracy, dismissing the recent "uncertainty, instability, and volatility" as an unavoidable symptom of democratic development. "Even civil wars have happened in democracies," assured Abhisit—a rather ominous observation considering the volatile situation within the country.

The prime minister then contended that Thailand has had a strong record, illustrated by the "progressive" constitution of 1997, which led to a decade of vibrant democracy. The "foundation of [Thailand's] political philosophy" has endured throughout the country's history, declared Abhisit. He then remarked on what he sees as a "consensus among Thai people that the country continues on a democratic path." Believing that "only a democratic system will lead to sustained development," the prime minister added that while democracy's substance is more important than the form, "the only true kind of democracy is liberal democracy."

Furthermore, Abhisit announced the coming of a "new democratic society" in Thailand—one that is more responsive to people's needs, "founded on good governance," and characterized by "justice, fairness, and inclusive participation." "Gone are the days where politics are a game played by the few," he asserted.

In light of the monarchy and military's previous roles as substitutes for failing political institutions, many asked about their future responsibilities in this "new democracy." Abhisit responded, "it wasn't political institutions that got us into trouble; it was the politicians." The monarchy and military, he assured, would continue to play their non-political roles.

Since becoming prime minister in December 2008, the Oxford-educated, 45 year old Abhisit faces a tough road ahead. He undoubtedly hopes that the enhanced responsiveness to Thailand's "new democracy" will help ease the political unrest.

Confident and poised, Prime Minister Abhisit candidly acknowledged that he "inherited a very divisive political scenario... I knew from day one that the circumstances I would face in office would be unique," he conceded. Considering what appears to be an increasingly dire situation in Thailand, these "unique circumstances" he speaks of will soon become truly apparent. ☸



## 2009 GPPN Conference Overview: "Crisis as Opportunity"

*Nishant Shah*

This year's Global Public Policy Network (GPPN) conference, held in Singapore at the Lee Kuan Yew School of Public Policy from November 11-13<sup>th</sup>, brought together graduate students from around the globe to share insights in the broad field of sustainability. Dean Kishore Mahbubani kicked off the event, which included lectures from many distinguished world leaders who were in town for the APEC summit:

- Dr. Surin Pitsuwan, Secretary-General of ASEAN, addressed the students on "Good Governance as Institutional Stability"
- Mr. Luis Alberto Moreno, President of the Inter-American Development Bank, spoke about "Sustainable Human and Social Development"
- Mr. Haruhiko Kuroda, President of the Asian Development Bank, elaborated on the "Economic Crisis & Asia"
- Speakers from the Singapore Ministry of Environment and Water Resources and LKYSPP described Singapore's water and natural resource management as case studies into urban environmental sustainability

Also noteworthy were the breakout sessions during which students presented original research on energy, sustainable cities, social entrepreneurs, the Millennium Development Goals, aid governance, and economic reform. These provided attendees with a forum to network, discuss cutting edge work from all over the world, and exchange information sources as well as valuable advice.

*Curtis, Continued from Page 1*

the two states can cooperate on many other issues, including climate change, North Korea, and helping developing countries.

The DPJ faces many challenges. While public support is rising, the party has yet to gain majority in the Upper House. The new government lacks long-term programs because it "jumped on Koizumi reforms as the source of all ill," Curtis argued. Instead, the administration should work on deregulating the central government and dismantling old political practices. And as its leader, Hatoyama needs to develop consensus within his party and resist opposition.

Lastly, the DPJ alone cannot create a true two-party system: the LDP also needs to become a viable alternative. "It's the last chance for Japan to get their political act together," Curtis said. ☸

## The Abuse of Vietnam's Migrant Brides

Andrew Billo



An advertisement posted by a marriage broker in the Cholon area of Ho Chi Minh City targeting Taiwanese men.

A flier taped on a wall outside a busy Ho Chi Minh City restaurant proclaims, "She is a virgin, She will yours in only three months, Fixed Price, If she escapes in the first year, guaranteed to be replaced." Across town, in a cramped, anonymous mini-hotel, dozens of young Vietnamese women line up, waiting to be selected by foreign men on weeklong package tours that guarantee marriage with a Vietnamese bride. Some women are chosen within days; others may remain, sometimes by force, for weeks or months.

This is the harsh reality of commercial marriage brokering in Vietnam. The proliferation of this illegal practice, largely hidden from the public eye, has left governments and advocacy groups scrambling to develop policies that would adequately address the vulnerabilities of migrant brides, most of whom are ill-prepared to migrate safely. Commercial brokers in the region, mostly of Taiwanese, Korean, Malaysian, and Singaporean origin, recruit brides not only from Vietnam, but from Cambodia, the Philippines, Mongolia, and China as well.

For Vietnamese women growing up in poor, rural villages of the country's Mekong Delta, the allure of life as depicted in TV programming beamed in from relatively developed East Asian countries has fueled widespread migration aspirations. Preying on Vietnamese women in rural communities under pressure to contribute financially to their families, as well as their desires to migrate to more prosperous environs, commercial marriage brokers have recruited more than one hundred thousand women from Vietnam to marry foreigners.

Taiwan was the primary destination for Vietnamese brides from 1995 until the mid-2000s but as the media began to high-

light more and more frequently incidences of abuse, annual numbers started to drop. Korea then emerged as the leading destination, where numbers of migrant brides leapt from only 83 in 2000, to more than 8,500 in 2006 and close to 8,000 in both 2007 and 2008. Singapore, Malaysia, and China are also key destinations but official figures are more difficult to come by. With Vietnam's membership in ASEAN, Vietnamese women, often with the financial assistance of a broker, are able to travel to Malaysia and Singapore as tourists and get married at the destination. China's lengthy and porous border with Vietnam also facilitates the easy departure of women without having to attain a visa; anecdotal evidence indicates that recruitment of Vietnamese women to live in China is widespread.

The phenomenon of commercial marriage brokering in East Asia exploded for different reasons. One was a significant gender imbalance in East Asian countries resulting from the preference of parents to have sons. Another was increasing empowerment of East Asian women who became less willing assume traditional domestic roles. At the same time, the mid-1990s saw increasing foreign investment and trade with Vietnam. Businessmen from East Asian countries working in Vietnam found that many Vietnamese women were not only interested but eager to marry a relatively wealthy foreigner. The success of a few international marriages encouraged other men to follow suit, and commercial brokers, realizing the demand, began charging fees that would ensure the process could be completed in less than a week.

Today, prospective husbands pay anywhere from \$8,000 to \$15,000 for weeklong tours that allow them to view and select from hundreds of potential brides. The brokers handle all of the logistical arrangements: the viewings, official paperwork, travel arrangements, and sometimes follow-up support at the destination. The husbands simply travel to an urban center like Ho Chi Minh City and select a bride. Once the selection process is complete, a brief wedding and honeymoon take place, the husband returns home, and the bride joins once visa formalities have been completed.

While some marriages can be successful, media and advocacy groups have frequently highlighted cases of abuse in destination countries. Reports of brides "falling" to their deaths from apartment windows, and numerous accounts of verbal, physical, and sexual abuse, including forced sex work, have been common. Lacking the ability to communicate in a common language with outside authorities (who might not intervene in a domestic matter to assist a foreign migrant), brides typically find themselves powerless to extricate themselves from such situations.

While governments have poured millions of dollars into programs aimed at the prevention of human trafficking, the abuse suffered by most migrant brides does not typically fit within the UN definition of trafficking in persons. Since these migrants participate in marriage of their own volition and their husbands and brokers usually do not recruit them for the explicit purpose of exploitation, government assistance for abused migrant brides is virtually nonexistent. The stigma associated with the trafficking label (termed "modern-day human slavery" by the U.S. Department of State and others) reflects poorly on a government that has been ineffectual in preventing such a practice. Receiving governments are therefore likely to avoid calling an abused marriage migrant a trafficked person, and funds to provide assistance may therefore be less available.



Pre-departure orientation project for Vietnamese brides in Ho Chi Minh City.

Continued on the next page

## Chicken'omics: Using the KFC Index to Understand the Vietnam Dong — Michael Sieburg

McDonald's operates over 31,000 restaurants in approximately 120 countries around the world. Each day, from France to Kazakhstan, Guantanamo Bay to Bangkok, hungry customers order Big Macs, paying in Euros and Tenge, U.S. Dollars and Baht.

In a playful attempt to take advantage of the McDonald's empire to analyze the relative strength of local currencies around the world, *The Economist* created the "Big Mac Index." The Big Mac Index is based on the theory of purchasing power parity (PPP), which states that in the long run exchange rates should stabilize so that one U.S. dollar buys the same basket of goods in the U.S. as it does abroad. In the Big Mac Index, the Big Mac comprises that basket. By comparing the price of a Big Mac abroad to that in the U.S., *The Economist* can, albeit playfully, conclude whether a currency is undervalued or overvalued by comparing the relative price of a Big Mac to the actual exchange rate.

However, not all countries have a McDonald's, including Vietnam, where their citizens are deprived of the happiness of Happy Meals and where economists are unable to conduct in-depth studies of *Burgernomics*. Fortunately, for fast food enthusiasts and economists alike, the American-based KFC is rapidly expanding its presence in Vietnam. A creative Facebook user in Ho Chi Minh City recently started a group titled, "The KFC Index," in order to apply the principles of the Big Mac Index to Vietnam, using three pieces of original recipe fried chicken in place of a Big Mac.

I spent this summer in Vietnam, where one U.S. dollar buys 17,930 Vietnam Dong (VND). Although, on the black market, the rate is closer to 18,400 VND/USD, suggesting that the currency is overvalued. The Vietnam Dong is set at a fixed exchange rate by the central bank but allowed to fluctuate within a 5 percent band on either side of the fixed rate. The Vietnam Dong currently trades at the low end of the rate, reflecting the downward pressures on the currency. Even though black market rates suggest that the Vietnam Dong is overvalued, the central bank insists that the current rate is appropriate and will remain.

Using *chicken'omics* to examine if the Vietnam Dong is in fact overvalued, I set out to apply the principle of the KFC Index, comparing the price of three pieces of original recipe fried chicken in Hanoi to the same *bucket* of goods in New York City. The current price of three pieces of original recipe fried chicken is 59,000VND in Hanoi and \$3.99 in New York City. Assuming that PPP holds and the price of three pieces of original recipe fried chicken should be the same in Vietnam and New York, *chicken'omics* implies that the exchange rate should be 14,800 VND/USD. With the official rate at 17,930 VND/USD, Colonel Sanders is telling us that the Vietnam Dong is in fact undervalued by 17%, a figure that would certainly surprise the gold shops in Vietnam, policymakers in Hanoi, and firms and households all over the country that believes a devaluation is in the cards. That being said, I would hesitate to read too much into this exercise as a number of factors determine local prices, including inputs, taxes, retail rents, wages, and so on. Besides, using the relative price of fried chicken to determine monetary policy might sound exciting in theory but I imagine it would leave a rather poor aftertaste. ☺



*Vietnamese Brides, continued from the previous page*

Attempts by the Vietnamese government to enforce the illegality of commercial marriage brokering have been ineffective due to evasive tactics on the part of brokers as well as corruption that facilitates the streamlining of official marriage paperwork. The government of Cambodia responded to a rapid increase in broker-arranged marriages in April 2008 by placing a temporary moratorium on marriages with foreign nationals altogether. In turn, the number of marriages in Vietnam spiked until Cambodia's ban was eventually lifted.

The Vietnamese government, although wary of encouraging the practice, has increasingly recognized that husband and wife, even via a commercial broker, have the right to become married if both are willing participants in the arrangement. The money remitted by women in successful marriages is a valuable source of income in the brides' communities. While governments would ideally like to implement programs that prepare and assist mi-

grant brides, low-income sending governments typically lack the financial resources to do so and destination governments lack the political willpower to spend state funds on social issues involving foreigners.

Thus, bilateral cooperation between bride-sending and bride-receiving governments with an earnest desire for change is required before incidences of abuse involving marriage migrants might be reduced. Sending governments would benefit from legalizing the practice and setting up a licensing procedure to effectively regulate marriage brokers. Receiving countries need to acknowledge the particular vulnerabilities and challenges of marriage migrants and tailor solutions to their needs. With these measures in place, migrant brides, husbands, families, and East Asian societies might look forward to a new era of multiculturalism. ☺

## Postcolonial Studies in Southeast Asia: A Conversation with Michael Hawkins — Tony Do

**TD:** In his introduction to *Postcolonial Studies Vol. 11 No. 3*, Chua Beng Huat asserts that there is an absence of Southeast Asia in the postcolonial archive. According to Huat, this is due to the effect of the Cold War and the rise of capitalism in the region, which resulted in a scholarly preoccupation with the history of communism/anti-communism on the one hand and the suppression of postcolonial thought to the demands of economic development on the other. Do you agree with this interpretation?

**MH:** I believe Southeast Asia has been, along with South Asia, at the forefront of postcolonial studies. Pioneering works by brilliant postcolonial theorists such as Ann Laura Stoler (*Carnal Knowledge and Imperial Power*, etc.), Vicente Rafael (*White Love*, etc.), Reynaldo Ileto (*Pasyon and Revolution*), Mark Bradley (*Imagining Vietnam and America*), Paul Kramer (*Blood of Government*), and many others, are centered firmly on Southeast Asia. The region was, after all, one of the most thoroughly colonized areas of the world. The rise of post-war capitalist market systems in the region have not marginalized Southeast Asia in terms of postcolonial studies, but have enhanced and elevated the region to a prominent status in the field. Indeed, the multiple socialist revolutions (particularly in Indochina) and reactionary movements (such as the Indonesian Massacre and repression in East Timor) have been widely accepted as manifestations of anti-imperial nationalism and troubled postcolonial state-building. Southeast Asia is certainly one of the primary empirical wells from which the scholarly world draws both its questions and answers concerning postcolonial studies.

**TD:** For a student who is interested in Southeast Asia but unfamiliar with postcolonial issues, what would you say is the value of this mode of inquiry?

**MH:** Postcoloniality is a global phenomenon. As Stoler and Cooper have suggested, metropole and colony should be treated as a “single analytical field” rather than mutually exclusive and/or dominant and subordinate spheres. The past and present are composed of innumerable discursive actions and interactions that are not easily circumscribed by geographical boundaries. Hence, thematic approaches such as postcolonial studies are extremely valuable due to their ability to transcend traditional intellectual and analytical parameters to get at a truly global view of the past and present. Southeast Asia, however, is perhaps the best window into this discursive global phenomenon of postcoloniality. The region has been a historical melting pot of Sino, Indic, European, Islamic, and indigenous influences. It has been the stage for global interactions throughout history. The colonial period is certainly no exception to this much more protracted narrative. Various peoples from across the Eurasian land mass and the Americas have called Southeast Asia home for thousands of years. Over this time, there have certainly been asymmetrical accumulations of power that we call “colonialism,” but never devoid of the intimate interactions and syncretisms that make Southeast Asia a microcosm for the world as a whole.

**TD:** In *Silencing the Past*, Michel-Rolph Trouillot argues, “the past does not exist independently from the present.” In the context of American Orientalism and American Exceptionalism, how can the history of U.S. colonialism in Southeast Asia inform our understanding of the present wars in Iraq and Afghanistan?

**MH:** Let me answer this question in two seemingly contradictory parts. First, theoretically speaking, I am very wary of treating the past and present as a single, unitary field of analysis. The apparent universality of time (the “empty homogenous time” spoken of by Walter Benjamin, Benedict Anderson, Dipesh Chakrabarty, and many others) can often lead historians to teleology, historicism, and presentism, thus giving primacy to the present as the inevitable culmination of the past rather than to the past itself. As scholars have attempted to move away from Euro-centric narratives over the past few decades and integrate disparate parts of the world into a more democratic narrative of world history, they have increasingly relied on the present as an empirical guidepost for this noble cause. The motives and rationales for this primary concern with the present as a source of historical knowledge are complex and deeply embedded in epistemological traditions and chronotypes that demand particular views of transitional history and time. The urge to view history as a developmental phenomenon culminating in the present offers bounded closure to historical narratives while leaving open the possibilities of continued progress. It is a way for historians to “have their cake and eat it too” in terms of reconciling analytical closure with the contingent variabilities of an utterly discursive historical segment. Hence, I feel that historians might be better off concerning themselves, in terms of empirical evidence, with history itself and not its perceived contemporary results. It should be noted, however, that to exclusively focus on the past does not in any way preclude historians from extrapolating lessons about the present or the future. By letting history speak for itself rather than coercing insights from it that must speak on behalf of a particularly urgent present, scholars can gain more accurate and revealing insights, narratives, and representations of the human condition as it unfolded in its own discursive contemporaneity.

That said, however, there are certainly insights and parallels between the United States’ past and present imperial projects. Of the two “isms” mentioned in the question above, I believe that “exceptionalism” is probably the most important from an imperial standpoint. The United States rationalized its colonial occupation of the Philippines by asserting this exceptionalism and the responsibilities it entailed. The superstition that “Filipinos yearned for freedom,” “struggled in ignorance and religious parochialism,” “suffered under the tyrannical oppression of local strongmen and anti-democratic despots,” compelled U.S. policy makers to intervene on their



Michael Hawkins, Guest lecturer at WEAI in Fall 2009

## Paddle Taxis and Border Adjustments: Tak Province's Rough Compromise

Walter Corbiere

On the Mae Nam Moei River Myanmar-Thai border, grown men spend the day paddling back and forth on truck-tire inner tubes from the town of Myawadi, Myanmar to Thailand. For a nominal fee, passengers board these large tubes for passage to Thailand. On occasion, the paddlers install a rope across the river so they can pull the tubes back to the Burmese side faster. The tube-paddlers don't rush or hide from authorities nor do passengers present papers when they disembark.

Above this traffic, Westerners cross the modern Thai-Myanmar "Friendship Bridge" to visit Myawadi for the day. The taxi-traffic floats back and forth openly beneath the bridge, despite the constant foot and boat patrols of the Thai Army.

These two river-crossing methods provide a stark example of the two-tiered system of employment, education, and lifestyle found here in Tak Province. Those with papers use the bridge; those without documentation use the tubes.



*A taxi paddler with wife and child on the Thai side of the river. The wife probably works on the Thai side while the father works on the river.*

A strategic arrangement has been established in the face of so many desperate refugees, day workers, and children. Instead of sending people back at the border, the Thai army waits to enforce immigration laws when individuals reach an area east of Mae Sot, about halfway to the small city of Tak. This unofficial border represents an uneasy under-

standing; it's a zone that allows thousands of Burmese to make a living without papers.

For schoolchildren from Myanmar, this system is institutionalized. Schools have sprung up on the Thai side as the conflict between ethnic Karen and the Myanmar government has pushed whole families across the border. Orphaned children from Myanmar live at these schools. Other families live solely in Thailand. A third group of undocumented children commute regularly across the river to school.

The Myanmar border has not stopped children crossing back and forth for a while. "Back maybe ten years ago [students] sometimes had problems but now nobody bothers them," explains Jim, a Thai teacher at Kwikalook School for Myanmar children.

Another school, the Burmese High School for Orphans and Hopeless Cases (BHSOH), takes orphans of any age or grade. However, because it operates on land outside of the "Non-formal" area, its Burmese headmaster has what he calls only minor "difficulties" dealing with Thai authorities.

How does BHSOH operate just outside the demarcation of the "Non-formal" area? Another more flexible line allows undocumented workers from Myanmar, permanent refugees, and schoolchildren to function inside Thailand. The border, in essence, has moved.

In response to more than one hundred thousand refugees from Myanmar into Thailand, the Thai policy, at least in Western Tak, treats undocumented individuals leniently (or ignores them)



*The Burmese side of the river, where individuals wait for a tube to take them to Thailand.*

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## Controversial Abortion Legislation in Timor Leste — Nora Gordon

To say that abortion legislation in Timor Leste caused a stir in the spring and summer of 2009 would be an understatement. On May 19, 2009, Timor Leste's parliament proposed an amendment outlining exceptions to abortion law of the country's penal code. The penal code was originally published on April 8, 2009, and the amendment passed in the National Parliament on May 26, 2009. The amendment created an outpouring of responses from various actors in the international community, religious leaders, and local NGOs, particularly those involved in women's rights issues.

Timor Leste, a predominantly Catholic country, faced both internal criticism, as well as criticism from the international Catholic community, as a result of the amendment. Religious Catholic leaders point to the Catholic Church and to the teachings of traditional Timorese culture to support their adamant, anti-abortion stance. While religious leaders oppose the amendment because they view it as legalizing emergency abortions, opponents on the other side point out that the amendment outlines an overly rigid set of improbable conditions under which emergency abortions would be legal.

The secular international community, led by many women's rights NGOs including the Women's Justice Unit of the Judicial System Monitoring Programme of Timor Leste, has united to respond to the legislation. They are focusing on the violations of international law and breeches of Timor Leste's own constitution in this legislation. Of primary importance is the fact that the amendment does not coincide with Article 98 of Timor Leste's constitution, which requires that amendments to laws be made within thirty days of their publication. Therefore, the amendment would not be considered valid law.

The requirements that must be met to obtain a legal abortion under the amendment are incredibly stringent: the situation must be one in which the woman would die without the abortion; a doctor or health professional must complete a medical certificate prior to the procedure; the abortions must take place at locations that are recognized or public health facilities; the woman's husband or domestic partner must give consent; the woman must provide her own written consent.



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Michael Hawkins, continued from page 8

behalf from a moral perspective. Americans have historically viewed their exceptionalism as something that can be taught, shared, and implemented for the betterment of more archaic societies. The evidence of this exceptionalism, in their view, is of course wealth, power, freedom, progress, and innovation. It should be noted that while this view was certainly ethno-centric, if not racist, in the colonial Philippines, it was also fundamentally humanist in the sense that most imperialists believed that Filipinos could, theoretically, someday become modernized, free, economically self-reliant individuals – in other words, equal with Americans. The anti-imperialists were, oddly enough, what we might call pure racists. Their fears of miscegenation and integration were a major factor in convincing American policy makers to relinquish their hold on the islands (see Paul Kramer's excellent work, *The Blood of Government*).

We can definitely see many of the same underlying sentiments and much of the same rhetoric today concerning the Middle East. Images of people yearning to be free, suffering under the weight of "ignorance," "religious parochialism," "local strongmen and anti-democratic despots" that need the liberating power and, more importantly, principles of the United States' exceptional society presented American policy-makers in the Bush administration with the same kind of vexing moral decision that the Philippines presented to McKinley a century earlier. And, like McKinley, Bush felt that there was a higher purpose in his endeavors. The question for scholars is whether the two episodes are comparable. An unequivocal "yes" I think implies a distorting asymmetrical focus on the United States as the sole crafter of history for the peoples it interacts with. The Philippines, Afghanistan, and Iraq are very different places with different cultures and histories and inhabit different historical moments. To assume a similar colonial experience or similar postcolonial trajectories due to familiar themes of American exceptionalism and moral compulsion among U.S. policy makers effectively negates the role of Afghans or Iraqis (broadly speaking) in the historical episode. ☸

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*Thai Border, continued from page 7*

until they reach a certain Eastern point in the province.

Every vehicle, going in both directions, must stop at a checkpoint. Thai Army soldiers inspect every passenger and driver's papers by hand. Soldiers here exhibit all the care and seriousness that Thai Army soldiers along the actual Myanmar border lack. The fruits of their labor are apparent in a small temporary holding center behind the Mae Sot Police Station, where entire families are sometimes detained.

#### **A porous camp**

A former member of the Karen rebel forces drives me and a Swiss aid worker to the refugee camp Mae La, half an hour north of Mae Sot. He points out a distant mountain, in Myanmar, and describes his group's past encounters with Myanmar army artillery. He doesn't mention how he escaped from the onslaught, but says that he moved across the border "many years ago." He still wears army fatigues.

He suddenly swerves down an unmarked dirt road and pulls open a bamboo gate. We arrive in a clearing inside the camp, where our driver buys vegetables from the refugees and loads them into the back of his truck. Later he'll deliver these vegetables to a "Non-formal" school.

Returning to Mae Sot, we skirt the Myanmar border, breezing through several Thai Army-manned checkpoints without even slowing down. We ask our driver why he doesn't stop. "I have papers," he states, as if border guards could tell by looking at him or his truck. What happens to people here without papers? "Here? Nothing." As long as they stay here. ☸

*Timor-Leste, continued from page 7*

Furthermore, for an abortion procedure to be legal, the amendment also requires a woman to have four physicians present, three of whom must confirm that she would die without the abortion, and the fourth performs the procedure. Assembling four doctors is extremely difficult in Timor Leste, especially for women outside of the few more developed areas in the country. These requirements for abortions to be considered legal make them nearly impossible and particularly discriminatory toward women in rural areas, or those that do not have the economic luxury of obtaining medical assessments from four doctors.

A collaboration of women's organizations and other groups working on gender equality in Timor Leste joined together to draft a letter to go to both the president and provedor of Timor Leste in June 2009. The letter explains that the penal code amendment neither upholds international standards of equality, nor upholds the standards of equality mapped out in Timor Leste's constitution. The letter points out that the amendment violates the Universal Declaration of Human Rights with which Timor Leste states compliance in Article 23 of its constitution.

Moreover, as part of Resolution 11 of 2003, Timor Leste ratified the Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW) adopted by the United Nations General Assembly in 1979. By CEDAW's definition of discrimination, Timor Leste's abortion legislation is discriminatory insofar as it limits the barriers to safe abortions. CEDAW asserts that there is a responsibility to decriminalize gender specific medical procedures like abortions. By continuing to criminalize abortion in its penal code, Timor Leste fails to comply with CEDAW and is in violation of international law.

Women make up nearly thirty percent of Timor Leste's parliament. Since it was established as a sovereign state in 2002, Timor Leste has prided itself on its commitment to human rights in general and women's rights in particular. Article 17 of Timor Leste's constitution declares equality between men and women in all realms of life. The country has many NGOs, both Timorese and international, that focus on gender equality either exclusively or through gender related programming. Nevertheless, the discriminatory nature of abortion legislation and continued criminalization of abortion in Timor Leste reveals that the struggle for gender equality has a long way to go. ☸