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ASEAN Civil Society under the Myanmar Chairmanship

Stefan Rother

The 2014 ASEAN Civil Society Conference (ACSC) in Yangon, Myanmar, saw a record attendance and provided a surprisingly open space for civil society. But the opposing trends of democratic developments and authoritarian backlash in the member states have also had significant repercussions at the regional level.

Analysis

- In a time where civil liberties and human rights seem to be on the decline in the region (e.g. Brunei's introduction of sharia law, the shooting of demonstrating textile workers in Cambodia, Thailand's coup d'état), ASEAN civil society is presenting itself as organized as rarely before. But government crackdowns are on the rise, and nation states are denying civil society representatives space at the regional level.
- Civil society has the potential to address the democratic deficit of regional organizations by establishing alternative regionalism from below.
- Civil society can give voice to transnationally marginalized groups, such as migrant workers, whose interests are represented neither by their states of origin or residence nor at the regional level.
- All justified doubts about the sincerity and sustainability of its transition process notwithstanding, Myanmar has currently opened up spaces for civil society advocacy. National organizations can benefit from interactions with the regional level.
- ASEAN's ambitious plan to establish a "people-centered" community is undermined by the reluctance of several member states to engage in dialogue with civil society.
- When faced with attempts to limit its space for participation, civil society has to adopt either an "inside-outside" or "outsider by choice" approach. If it wants to be accepted as a legitimate partner, civil society has to be transparent about the sources of its own legitimacy and democratic internal structure.

Keywords: ASEAN, civil society, democratization, regionalism, Myanmar, Southeast Asia, social movements, migration

The Democratic Deficit of Regional Organizations

The democratic deficit has been an often lamented aspect of European integration. But considering the existence of a parliament and regularly held elections, the European Union still displays more democratic features than most other regional organizations. A lack of democracy is even more apparent in organizations such as ASEAN, where currently none of the 10 member states can be considered fully democratic according to the latest Freedom House Index.¹ Besides having no direct input in ASEAN, the people of these states also have limited or no influence on their governments' politics with regard to this regional-level organization. There are, however, actors who are trying to address this democratic gap – namely, transnational civil society organizations (CSOs) that have formed networks in order to create space for their advocacy and participation. This increasingly includes the regional level.

These actors have the potential to create an “alternative regionalism” from the ground up. The analysis provided here understands regions as a social construct and thus “examines the roles of not only states but also other varieties of non-state actors such as domestic firms, transnational corporations, NGOs, and other types of social networks and social movements in the process of regionalization” (Igarashi 2011: 4). Alternative regionalism is not merely an academic concept, but one that has been brought forward explicitly by activists themselves. For instance, the People's Agenda for Alternative Regionalisms (PAAR),² a network of networks with several civil society members from Southeast Asia, aims “to contribute to the understanding of alternative regional integration as a key strategy to struggle against neoliberal globalization and to broaden the base among key social actors for political debate and action around regional integration.”³ PAAR promotes the concept of “people's integration” in regional processes, which clearly aims at democratizing regionalism with the goal to “reclaim the

regions, recreate the processes of regional integration and advance people-centered regional alternatives.”

ASEAN – A “People-Centered” Community?

There is increasing awareness among member states that not only grand projects such as the ASEAN Economic Community but also the concerns of specific, often marginalized groups such as women, children, victims of trafficking and to some degree migrant workers are best dealt with on a regional basis (Manea 2009). Still, the “ASEAN way” with its emphasis on noninterference in the domestic affairs of member countries is a deeply embedded norm in the regional political culture (Rother 2012b). Member states often face difficulties in agreeing on issues such as environmental challenges and the treatment of migrant workers because of significant discrepancies in their respective economic development and thus bargaining power. Civil society has the potential and ambition to address these “touchy” issues, but the actual space provided for civil society engagement at the ASEAN level is very limited. This stands in marked contrast to one of the most ambitious projects of the regional organization: the ASEAN Socio-Cultural Community (ASCC), which was introduced as the third pillar of the Declaration of the ASEAN Concord II in 2003. According to the ASCC blueprint published in 2009, the goal is to establish a “people-centered” community by “building a caring and sharing society which is inclusive and harmonious where the well-being, livelihood, and welfare of the peoples are enhanced” (ASEAN 2009). Many of the major human rights demands of NGOs are mentioned in the publication, but such ambitious goals only find their way into regional declarations and agreements in a watered-down form or not at all.

The ASEAN Civil Society Conference (ACSC) and the ASEAN Peoples' Forum (APF)

Although designed as a space for civil society participation, the ACSC was originally initiated by the Malaysian government in 2005 – when it served as the ASEAN chair – to address CSOs' increasing dissatisfaction with the ASEAN People's

1 Online: <www.freedomhouse.org/regions/asia-pacific#VAzfm2zlpD8>.

2 PAAR was initiated by the activist research institutes Transnational Institute (TNI), Focus on the Global South, and the Hemispheric Social Alliance in “an effort to promote cross-fertilisation of experiences on regional alternatives among social movements and civil society organisations.”

3 Online: <www.alternative-regionalisms.org/>.

Assembly, which was strictly modeled on a “selectively inclusive corporatist structure of regional governance” (Rüland 2014: 254). Subsequent meetings were organized under the guidance of Solidarity for Asian People’s Advocacy (SAPA), which is seen as the leading network attempting to engage ASEAN and comprises approximately 100 national and regional organizations (Gerard 2013: 417). Tellingly, SAPA and the ACSC (which has now merged with the APF) are affiliated networks of the aforementioned PAAR and adhere to its concept of democratizing regionalism. Through its counterhegemonic advocacy work, SAPA challenges ASEAN on a wide number of human rights-related issues. There is, however, a certain frustration within SAPA regarding the fact that its annual resolutions rarely lead to specific outcomes.

Over the years, a consistent format for the ACSC/APF has been established. The conference takes place before the annual ASEAN summit, where the heads of government of each member state meet. Several days of plenary sessions and workshops result in the drafting of a “people’s statement” addressed to the ASEAN leaders. The declaration is presented at the “interface meeting,” which brings together government representatives and civil society representatives from each ASEAN country. The appointment of these representatives, however, has been a constant source of tension, with several authoritarian states rejecting the delegates selected by civil society and replacing them with representatives from so-called GONGOs (government-organized nongovernmental organizations).

In addition, the provision of physical and political space for ACSC/APF participants is very much dependent on the host government (i.e. the current chair of ASEAN). In previous years, there were allegations of restrictions and intimidation. For instance, at the civil society meetings in Cambodia in 2012, participants were threatened with power cuts and being locked in the venue if sensitive issues such as land evictions were discussed (Gerard 2013: 420). CSOs also considered the meeting in Brunei Darussalam the following year to be a further disappointment.

Myanmar’s ASEAN Chair

Based on the aforementioned issues, one may have had understandably low expectations for

civil society engagement under Myanmar’s chairmanship of ASEAN. After all, even among its less than democratic fellow member states, Myanmar has for a long time been considered a pariah that had to be brought closer to the association through “constructive engagement.” In 2006, under duress from the United States and the European Union, ASEAN reluctantly denied Myanmar the chairmanship of the association because of the antidemocratic and oppressive practices of its government (Renshaw 2013). Five years later, in 2011, ASEAN awarded Myanmar the 2014 chairmanship on the basis of its confidence in Myanmar’s program of reform. Still, there was doubt whether Myanmar had either the resources to host the large number of meetings associated with the chairmanship or the political authority to address sensitive issues such as the South China Sea dispute.

But observers have so far been surprised at how well Myanmar is handling its new position, several caveats and weaknesses notwithstanding. For once, the chair was able to facilitate a consensus among the member states for a stronger ASEAN voice vis-à-vis China on the maritime disputes in the South China Sea.⁴ Domestically, the country has, in accordance with the ASEAN blueprint, installed a national commission for human rights to which violations can be reported. So far, only Indonesia, Malaysia, Thailand, and the Philippines have set up similar institutions. But this development is also exemplary of the fragile nature of reform in Myanmar: a recent report by three NGOs (Burma Partnership, a national NGO, as well as Equality Myanmar and Forum-Asia, both regional NGOs) denounces the “continuing ineffectiveness” of the Myanmar National Human Rights Commission (MNHRC), in particular its failure to probe reports of human rights abuses amid the communal violence in Myanmar’s Rakhine state with its strong Rohingya population and the armed conflict in the Kachin state.⁵ The paper also questioned the independence of the commission from government influence. It is unclear whether the decision of Myanmar’s president, Thein Sein, to reshuffle the MNHRC in the same week as the report was issued was a direct

4 Online: <www.nationmultimedia.com/opinion/Mid-term-review-of-Myanmars-Asean-chair-30241115.html>.

5 Online: <www.burmapartnership.org/2014/09/the-myanmar-national-human-rights-commission-continues-failing-to-deliver/>. Myanmar is divided into several administrative subdivisions, among them seven states. Rohingya Muslims constitute 20 percent of Rakhine state’s 3.1 million population.

reaction. This event, however, highlights the increasing prominence of national NGOs and the growing interdependence between them and regional NGOs.

Myanmar's decision to release more than 3,000 prisoners has also been linked to its ASEAN chairmanship since the announcement came just one month before the Ninth East Asia Summit in November 2014, which was attended by the US president, Barack Obama, and other world leaders. The national NGO Assistance Association for Political Prisoners (AAPP) pointed out that only three political prisoners were among the 3,073 to be released. The Asia-Pacific director of Amnesty International saw the release as an "empty gesture" and claimed its timing "smacks of political opportunism."⁶ During his visit, Obama lauded the democratization process in the country. However, young Burmese activists – many of whom had also participated in the ACSC/APF – expressed a different view during one of his speeches by holding up posters with slogans like "Reform is fake."

In sum, Myanmar's track record on human rights, press freedom, women's rights, and the protection of religious and ethnic minorities remains very uneven and rollbacks can happen at any time. The most divisive topic – one that has repercussions for other ASEAN member states and NGOs and also at the regional level – remains the plight of the Rohingya, the country's Muslim minority. The controversy even extends to the use of the term "Rohingya," which in Rohingya refers to "people from Rakhine" (formerly known as Arakane). However, the predominantly Buddhist majority in the state of Rakhine rejects the use of the term, instead referring to the Rohingya – as do many others in Myanmar – as "Bengalis." By not accepting the Rohingya as one of the 130 ethnic races in Myanmar and instead classifying them as stateless Bengali Muslims from Bangladesh, the Burmese state has been denying them the right to citizenship since 1982 (Delius 2014).

This policy was reinforced in March 2014 when the Myanmar government did not allow Muslims to register as "Rohingya" in its first census in three decades. Discrimination and serious human rights violations were widespread under the junta regime and have continued under the present gov-

ernment. In 2012 the Rakhine state riots, which were sparked by an alleged case of rape, resulted in the killing and displacement of many Rohingya. While social media in Myanmar is full of agitated calls for the Rohingya to leave the country and "go home," their alleged place of origin, Bangladesh, has not welcomed the group either. An estimated 1 million Rohingya have fled Myanmar (with around 800,000 remaining), many of them staying in Southeast Asian countries. In contrast, the region's Muslim countries have been very outspoken in their support of the Rohingya, thus making their plight an ASEAN challenge and a natural cause for civil society. But the reluctance among the Burmese ACSC/APF participants to address the issue tarnished an otherwise impressive civil society gathering.

Hungry for Participation: The ACSC/APF in Yangon

While SAPA remains influential in the ACSC/APF, a comprehensive organizational structure for preparing the meetings has been established over the years. To sustain the regional character of the event, the conference is organized by the regional networks and facilitated by CSOs from the chair country. There are eight committees and bodies, which includes drafting and finance and regional and national organizing committees. Preparatory meetings are held at both the national and regional levels. The high level of interest in the national events held before the Yangon conference indicated that Myanmar civil society is "hungry" for a space in which it can participate and voice its concerns. Still, the attendance at the actual conference exceeded all expectations: more than 3,000 individuals and delegates from CSOs and grassroots organizations representing the ASEAN region and Timor Leste as well as observers from academic and international organizations came to the Myanmar Convention Center – twice the number expected by organizers. Out of these, 2,275 participants were from Myanmar, with participants from more remote regions often traveling for several days to reach Yangon.

Despite reports by participants and organizers that the government attempted to influence the agenda in the run-up and that secret police were present at the meeting, it still represents a landmark event for Myanmar civil society and the

⁶ Online: <www.uk.reuters.com/article/2014/10/08/uk-myanmar-prisoners-idUKKCN0HX0UG20141008>.

region as a whole. In her opening speech, May Pyone, chair of the ACSC/APF 2014 Steering Committee, described the gathering as a “showcase event for civil society” and a “vital component of the ASEAN project.” President Thein Sein sent a congratulatory message in which he spoke of a “watershed moment” for the peoples of ASEAN as well as goals such as a lasting peace, the transition to a true democracy, social justice, and protection of the environment – all endeavors in which “the role of civil society is paramount” (ACSC/APF 2014).

Critics of gatherings like the ACSC/APF may see their reliance on symbolic measures, workshops, and speeches as a weakness and the final declarations as outcomes with no measurable effect on actual politics. But from the perspective of the organizers, the act of formulating such a declaration is already part of the goal. For once, it enables activists from the ASEAN member countries to network and search for common ground and to develop strategies addressing issues that are often transnational in nature. In the specific case of Myanmar, national civil society has a lot of catching up to do in terms of organizing, funding, advocacy, and strategic action. The aforementioned joint action between the national and regional levels in exposing the shortcomings of the MNCHR can be seen as an example of such cooperation. Such meetings also provide regional networks with the opportunity to recruit and educate their members. The ACSC/APF also provides space for national and local activists to voice their concerns. For instance, in a plenary session titled “Myanmar in Transition,” Ko Moe Thwe, the secretary general of the National Youth Congress and president of Generation Wave (a prodemocracy Burmese youth movement) stated, “Our country is still under a military government, the military has total control of the administration and legislation.” He blamed the dictatorship for systematically destroying the country and leaving behind a deteriorating educational and economic system as well as endemic poverty.

Another function of the ACSC/APF is to provide visibility and voice to often marginalized groups. Maybe the most notable example was the strong presence of LGBTIQ (lesbian, gay, bisexual, transgender, intersex, and questioning) activists. Although not enforced in recent years, same-sex activity is illegal in Myanmar. The situation, however, is much worse in Malaysia and Brunei

– in the latter the sultan instated the death penalty for homosexuality shortly after the 2014 ACSC/APF. Also very visible in Yangon were sex worker activists carrying red umbrellas, signaling their cooperation with the Red Umbrella Fund, an initiative that came out of the Donor Collaboration to Advance the Human Rights of Sex Workers.

The event workshops were divided into four clusters (peace, justice and human rights, development, and democratization) and covered a wide range of issues, such as challenges in ceasefire and peace process negotiations, the promotion and protection of the rights of children on the move in ASEAN, and labor rights and migrant workers. The civil society–initiated Task Force on ASEAN Migrant Workers (TF-AMW) was among the hosts of these workshops. Its advocacy work is a prime example of alternative regionalism from below (Piper and Rother 2014), which refers to civil society’s attempts to address shortcomings at the national and regional levels. For example, the TF-AMW has come up with a proposal consisting of 192 specific recommendations for an ASEAN instrument on the governance of labor migration, while migrant-sending and -receiving countries remain in a gridlock over this issue.

Most Burmese speakers in the program seemed reluctant to address the issue of the Rohingya, so it was up to the delegates from other ASEAN member states to repeatedly bring up the topic in several rounds of discussions, sometimes being met with opposition from nationalistic Burmese monks. Considering that even Aung San Suu Kyi has been remarkably reluctant to talk about the issue, outside voices in the ACSC can help to give voice to a group that is marginalized even within national civil society. Still, the cause of the Rohingya did not find its way into the final document of the meeting.

Barring the exclusion of the Rohingya, the final declaration sought to be inclusive, which came at a price: ensuring that every group in attendance felt represented saw the discussion over the preamble alone take up a large portion of the time reserved for adopting the final statement. Still, the document makes several clear statements on the challenges of Myanmar’s transition, ASEAN’s shortcomings in following its own blueprint, and specific issues related to the four clusters debated at the conference. Among those clusters were calls to guarantee the rights of all workers including migrant workers, to address the widespread

discrimination of women, to establish an environmental pillar in ASEAN, and to democratize ASEAN by providing space for civil society, particularly within ASEAN human rights institutions.

The limited time to debate the final resolution, the central role of the drafting committee, and the trade-off between inclusive and concise statements are common challenges for all civil society conferences (e.g., World Social Fora) and events held parallel or counter to state-centric global governance meetings (e.g., WTO or the Global Forum on Migration and Development) (Rother 2012a).

The Power of Youth?

These challenges were also faced by the ASEAN Youth Forum (AYF), which held its sixth meeting at Yangon University directly before the ACSC. Established in 2009 by the ASEAN Youth Movement, the AYF has in the past rather flown under the radar of ASEAN observers and researchers – something that is very likely to change after the Myanmar gathering. Youth issues are of particular relevance in a region that includes countries like Cambodia, where around 40 percent of the population is less than 20 years old. Because of the lack of prospects, these young people are often forced into migration. For example, it is not uncommon for underage women from the Philippines or Indonesia to use fake identification documents or criminal recruitment agencies to find employment as domestic workers in Singapore or Malaysia. These young women obviously constitute an especially vulnerable group.

The Yangon AYF declaration contained topics similar to those on the ACSC agenda (of course, explicitly discussed from the perspective of young people), such as democracy, good governance, anti-land grabbing, anti-trafficking, migrant rights, the situation of sex workers, corruption, and LGBTIQ rights. The three-day meeting marked a significant step forward for the AYF in two regards: First, they managed to negotiate their own interface session with government representatives for the first time. Second, their call to be represented in the ACSC/APF Steering Committee found widespread support in September 2014. After all, the network claims to represent about 60 percent of the total population (based on the AYF defining youth as including those up to the age of 35) in the ASEAN region.

ACSC, AYF, and the ASEAN Interface: Two Steps Forward, One Step Back?

After the euphoria created by the Yangon meetings, the networks had to face some harsh political realities. Although Myanmar seemed determined to organize an inclusive 30-minute interface session on 11 May during the 24th ASEAN Summit in Naypyidaw, the governments of Cambodia, Malaysia, and Singapore demanded to substitute three civil society delegates with their own nominees. As a result, the whole ACSC delegation withdrew from the interface, citing a clear breach of the principles consistently reiterated by civil society (i.e., meaningful dialogue, advancement of people's voices and advocacy, mutual respect, and self-selection). The Regional Steering Committee and interface delegates emphasized that they had been flexible and would even have been willing to accept the rejection by governments of some civil society delegates as long as those delegates' seats remained vacant. Replacing these delegates with GONGO nominees was not seen as an acceptable proposition. (Obviously, in authoritarian countries such as Vietnam all NGOs are GONGOs, but their representatives had been accepted beforehand by the ACSC.)

In contrast, the AYF chose a different strategy. Although only three countries (Philippines, Indonesia, and Myanmar) were genuinely represented by selected delegates, the organizers still attended the meeting. This decision was made on the basis that all delegates, including government-appointed youth, embraced and endorsed the Yangon Declaration. The opportunity to deliver its fairly progressive agenda to the states representatives outweighed the challenges of time, space, and genuine representation. Mark Barredo, an organizer from the Philippines, considered the meeting a success because "it was the first time that young people shifted their discourse from mere actors of cultural exchange to active and relevant stakeholders for a youth-driven, rights-based, people-centred, sexuality-embracing, open, transparent and accountable ASEAN community."

Glorifying Civil Society?

ASEAN has formulated an ambitious goal that aims at establishing a "people-centered" community. But these declarations ring hollow when seen

in the light of the actual space provided for civil society participation. Despite the secretariat of the organization appearing to be open to engaging in dialogue, member countries such as Malaysia, Singapore, and Cambodia are sabotaging these efforts by insisting on only talking to GONGOs – and thus pretty much to themselves. There may be many justified doubts about the sincerity of the reforms in Myanmar, but in a climate where civil society is seen as hostile, disruptive, and unpatriotic by many ASEAN member countries, the former pariah state's proclamations of support for civil society engagement at the regional level is still remarkable.

It is important, however, to refrain from overglorifying civil society, especially when contrasting civil society advocacy with the bleak situation in the respective home country. Like anywhere else, civil society in Southeast Asia is very heterogenic: legitimacy and internal democratic structures are contested, while groups often have conflicting interests and compete with each other in the donor market. But as the Yangon meetings have shown, Southeast Asian civil society is also able to create a sense of ASEAN community and solidarity – something the states in the region have yet been able to achieve. Thus civil society can play an important role in the region-building project by establishing alternative regionalism from below. Civil society networks also represent a largely untapped source of knowledge, input, and control measures for ASEAN.

The Yangon meetings have demonstrated that the organizational level of ASEAN civil society has evolved significantly. The next summit, which is scheduled for March/April 2015 in Malaysia, might thus prove to be a litmus test for the willingness of ASEAN to engage with its regional constituency – especially since Malaysia has, on the one hand, initiated the ACSC process but, on the other hand, proven its unwillingness to accept civil society as a legitimate counterpart. As Debbie Stothard, coordinator of the Alternative ASEAN Network on Burma and secretary general of the International Federation for Human Rights, remarked during the Yangon conference, “We need to send a message to our ASEAN leaders that if you want a more people-centered ASEAN, please listen to the people.”

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