#MeToo in India: What’s Next?  
*Shareen Joshi*  

Interacting with the State: The Success and Vulnerability of the Feminist Movement in China  
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Hong Kong’s Civil Society in an Age of Renewed Sino-American Rivalry  
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Rohingya Resistance: Utilizing Media to Combat Buddhist-Burman Nationalism  
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The Role of Dalit Civil Society in Combatting Caste-Based Discrimination  
*Subhash Nepali*  

Rights of Transgender Persons: A Case for More Regional Cooperation in South Asia  
*Gowthaman Ranganathan*  

Growing Voices  
Globalizing Civil Society  

with an introduction by Libby Liu  

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Editor’s Note

One cannot navigate contemporary international relations scholarship without discussions on globalization and its impacts on trade and politics. Globalization has had an even greater effect on civil society as our countries have become more seamlessly connected than ever before. Improvements to information technology have facilitated the spread of transnational human rights movements and fostered micro-level cultural exchanges. Improved internet penetration and the widespread use of social media have fundamentally changed industries like journalism. These developments have empowered individuals and groups beyond financial or geographic limitations and have drastically altered how the public interacts with the state.

Over the past twenty years, access to technology and infrastructure developments in Asia have made these trends more prominent. This increased connection with global civil society has served to empower marginalized communities throughout Asia and presented them with new tools for advocacy and political engagement. Information technology has helped these groups bypass state censorship, communicate rapidly across country lines, shed light on important humanitarian issues, and collaborate with international partners. These groups have learned advocacy techniques from similar groups overseas and even tapped into the resources of diaspora communities to garner international press attention.

On the other hand, technological advancements and global connections have made governments more sensitive to outside intervention. Authoritarian governments in particular have reacted to these changes by tightening control of civil society domestically. China uses its burgeoning tech sector to surveil millions of its own citizens and block certain websites in an effort to censor contrarian or potentially threatening views. Similar censorship policies have taken hold in Vietnam and Myanmar. Social media has become a battleground for controlling political narratives, and hacking has become a tool for the state to attack vulnerable civil society organizations. While globalization and the advent of information technology has helped to empower the individual, it has also expanded the capabilities of state control.

Considering this heightened level of societal connection and technological integration, the Journal’s Editorial Board is pleased to present our Policy Forum, “Growing Voices: Globalizing Civil Society.” Our goal for this issue is to showcase the power of civil society organizations and the changing relationships these groups have with their respective governments throughout Asia. In the introduction to the Policy Forum, Libby Liu expounds on her duties as a journalist and the challenges of reporting under authoritarian regimes in her article, “Manufactured Identity, Public History, and Technological Innovation in Asia.” She focuses on the information technology aspect of our theme and how recent innovations have allowed civil society groups and authoritarian states
Editor's Note

to achieve their respective goals. Ms. Liu places a particular emphasis on the ways in which China uses technology to intimidate journalists, dissuade protests, and surveil Uyghur activists. She also highlights the role of information technology in several of our other Policy Forum pieces.

In the first Policy Forum article, Shareen Joshi compares and contrasts the impact of transnational feminist movements like #MeToo with homegrown self-help movements in India. She examines how #MeToo spread quickly among Indian elites and challenged the patriarchy in a novel way, but she remains skeptical about long-term changes in Indian society. Instead, she focuses on the ways in which poor, rural women found empowerment through collective action and community building. Unless the #MeToo movement can be institutionalized like self-help groups, then equality for women of all classes and castes remains uncertain.

Jeffrey Ngo and Nathan Law of the Hong Kong pro-democracy organization, Demo-sistō, follow with an article titled “Hong Kong’s Civil Society in an Age of Renewed Sino-American Rivalry.” Ngo and Law show the connection between U.S. foreign policy on China and Beijing’s attempts to curb Hong Kong’s autonomy. While the Trump administration might claim “America First,” pro-Hong Kong legislation in Congress may be the tool Trump needs to send a serious message to Beijing on trade.

By examining the historical deficits suffered by Dalit or “Untouchable” communities, Subhash Nepali emphasizes the progress of modern Dalits. Governments throughout South Asia pay lip service to assisting the downtrodden, but caste-based discrimination remains a sizable obstacle for South Asia’s development. Dalits have found ways to help their communities through the establishment of civil society organizations and cooperation with international aid regimes. If they want to experience equality and live without prejudice, Nepali believes Dalits need to internationalize their message to bring change to South Asia.

The problems inherent in organizing civil society movements under authoritarianism are clear in Sile Chen’s article on the feminist movement in China. In the 1990s and 2000s, the aims of feminists and the government were aligned so the movement experienced success. However, Xi Jinping began curbing civil activism when he came to power, and it became clear that working with an authoritarian regime was a double-edged sword.

While we have examined the role of civil society groups in an age of globalization, a question remains: how does the state respond? Mary Marston’s thought-provoking piece touches on the online narrative wars between the government of Myanmar and the persecuted Rohingya minority. Social media has helped raise awareness of the humanitarian crisis, but efforts were met with resistance by the Myanmar government and its censors.

Finally, Gowthaman Ranganathan rounds out our Policy Forum with an analysis on the transgender rights movement in India and the potential it brings for cooperation with similar movements in other parts of South Asia. Although many countries in...
South Asia have cultural and societal histories of transgender persons, the community remains marginalized by contemporary criminal and penal practices. Ranganathan believes that victory in India could inspire movements and cooperation on transgender rights throughout South Asia.

Appearing alongside the Policy Forum are two incredibly thorough research articles submitted by promising scholars, Buer Su and Alexander Zhang. Both authors coincidentally wrote about the ways in which hip-hop music has established itself within the People’s Republic of China. One piece examines how Tibetans use hip-hop to navigate and negotiate their identities as an ethnic minority and a target of oppression. The other piece examines the commodification and mainstreaming of hip-hop subculture through a media studies lens. Both scholars utilized Chinese-language source materials and conducted field research by interacting with hip-hop artists in China. While some of our Policy Forum authors examined the transnational nature of social media and political movements, these scholars examined music as an international medium of connection.

Our traditional conclusion of the Journal includes a set of interviews that cover a wide variety of topics and countries. All of these interviews touch on the themes of Volume 5: globalization and civil society. First, we are pleased to feature Marites Vitug on journalism and the justice system in the Philippines under President Duterte. Next, renowned Taiwan scholar, Shelley Rigger, reflects on the LGBT marriage decision and the Taiwanese midterm elections of 2018. The third interview features Masako Kubota, a Japanese-language instructor who has fostered a cross-cultural connection between Hokkaido’s indigenous Ainu people and the Seminole natives of South Florida. Finally, Carlyle Thayer anchors the issue with his analysis of Vietnam’s domestic and foreign policy, including its record of oppression against religious and ethnic minorities.

I would like to take this time to express my sincere gratitude and appreciation to the Editorial Board of Volume 5 of the Georgetown Journal of Asian Affairs. All of you were indispensable and your dedication made this Journal possible. Senior Editor Amy (Sin Yan) Lau was instrumental in shaping the creative vision and direction of the issue, while Managing Editor Kelsey Hamilton kept our team on task and working efficiently. Our Associate Editors and Assistant Editors helped us refine our articles into the kind of thought-provoking scholarship we aim to provide to our readers. Our team worked on weekends, over holidays, and through finals to provide our readers with this carefully curated experience.

I would also like to thank Dr. Michael Green, Dr. Erwin Tiongson, Dr. Victor Cha, Dr. Diana Kim, Stephanie Adams, and Robert Lyons for providing advice and assistance along the way. The Journal is grateful for the anonymous reviewers whose thoughts and expertise were invaluable in developing the issue, and we would also like to thank our advisory board for their support and guidance. Finally, I would like to thank our publisher Caroline Yarber, who spent many long days advising our team and working to format Volume 5. Without her, this publication would not be possible.
Editor's Note

With that, I conclude both this Editorial Note and my time as the Editor-in-Chief of the Georgetown Journal of Asian Affairs. Over the past year, I have had the pleasure to work with some of the brightest and passionate editors in our Journal's history. Our team was blessed with amazing contributors and fascinating interviews. The lessons we have learned through this editorial cycle have challenged our ideas and helped us grow as editors. I look forward to reading future volumes crafted with the same passion as this one. I feel honored to present “Growing Voices: Globalizing Civil Society.” We wanted to focus on topics not often covered in academia, so we hope you find the contents as novel and fascinating as we did.

Troy M. Robinson
Editor-in-Chief
Introduction

Manufactured Identity, Public History, and Technological Innovation in Asia

Libby Liu

At Radio Free Asia (RFA), our job of keeping local people informed of news and information relevant to their lives has never been more challenging. Authoritarians understand very well the threat that the free flow of information presents to their control of citizens and have added innovative online tactics to their methods of intimidation, manipulation, and censorship. Monitoring, surveillance, interception, manipulation, sock puppets, and other bots are being developed and deployed. The criminalization of free speech threatens journalists. The subjects of our reports and our sources are digitally tracked, punished, harassed, and jailed. Sophisticated voice recognition software is allowing governments to target anyone who talks to a journalist, even their own family members.

At the same time, technological innovation has allowed unprecedented levels of civilian participation in the creation of public history and collective accountability with the advent of the modern nation-state in post-World War II Asia. These new platforms for participation have increasingly democratized the public sphere and, in their initial emergence, allowed largely unfettered commentary by the public on their governments, civil institutions, and social norms—places where the masses had previously been kept voiceless. Rapid technological advancement has allowed a global level of coordination and information flow that has exposed state surveillance, disregard for civil rights, and outright violence by governments against citizens. With new tools of engagement and the expansion of internet freedom technology, this globalizing civil society began to redefine ideas around freedom of expression, political ideology, and day-to-day social norms.

This issue of the *Georgetown Journal of Asian Affairs* examines the impact modern engagement technologies have had on civil society in both closed and open societies. The original optimism that digital technology and commerce would play a liberalizing role in authoritarian countries has dwindled as regimes misappropriated the open societal vision of a worldwide web to expand information controls. Authoritarians and other censorship advocates have readily adapted, re-tooled, and re-established their approaches to information control in the 21st century. But in what has become a dynamic cat-and-mouse game of circumvention and censorship, journalists, civil institutions, and human rights
activists have consistently managed to stay ahead and maintain their role in promoting public discourse on taboo issues including minority rights, freedom of speech, and a global democratic outlook.

Under constant surveillance and threat of retaliation, civil society has created a platform for new ideas about human rights focused on individual freedoms, consent, and bodily autonomy. Across Asia, these institutions have given individuals a broad field of political, social, and economic discourse by advancing technologies that allow greater access and engagement. While conversations about the role of the state and civil institutions have always existed in these societies, technological innovation has fueled a universal understanding of individual autonomy and community-based governance that transcends into political organizing on the ground. Public history has been redefined in the eyes of citizens to include otherwise erased stories like those of LGBTQ+ citizens in South Asia, the Rohingya population in Myanmar, and civil society in Vietnam.

In response, governments have set up uniquely complex systems in order to regulate content inside and outside their borders. Some democratic governments have navigated new technological platforms trying to focus on individual expression and transparency of sourcing, sometimes with major obstacles along the way. In India, discrimination against the Dalit caste has been perpetuated on the same platforms that have questioned the caste system at large. As civil institutions seek to broaden ideas of collective national identity and individual cultural identity through technological innovation, so do individual citizens who use those same vibrant platforms to reinforce tradition and target what they see as fundamentally changing societal relationships.

Alternatively, authoritarian regimes have launched an audacious global campaign to use technological innovations in order to suppress dissent domestically, promote politically-motivated narratives globally, and instigate false movements based on fake news. In 2016, Chinese President Xi Jinping laid out a clear vision for China’s media and online presence. Since the rapid rise of technological innovation has allowed faster and more comprehensive political expression, the Chinese Communist Party has taken every measure it can to regulate it. Xi declared that “All work of the party’s news and public opinion media must reflect the will of the party, mirror the views of the party… and achieve love of the party.”

The regime’s new vision challenges established human rights-based norms with global institutions working alongside civil society actors, and invokes the same rights to freedom of expression in order to advance authoritarian narratives. Authoritarian governments have always been at odds with the values and very existence of an independent, open, and critical civil society. Through coercion and violence, authoritarians consistently try to shape civil institutions to fit their geopolitical vision.

In Asia, these new technologies began as tools of empowerment through information. For a few years, that tide of freedom of expression and access seemed unstoppable. President Bill Clinton famously compared China’s attempts to regulate internet content to “trying
to nail Jell-O to the wall” as many believed that technological advances were going to naturally offset those restrictions. The internet was seen as flexible and too inherently based in freedom of expression to restrict and consistently censor.

That perception has since shifted, and several articles in this edition explore how the relationship between states and civil society institutions in Asia is much more nuanced. Across varying degrees of openness in Hong Kong, Tibet, Xinjiang, and other authoritarian regions, governments, civil society institutions, and everyday citizens are engaging in back-and-forth efforts to shape online spaces. These engagements form the core network that shapes the conversations around minority rights, individual freedoms, and consent in Asia. In each region, activists relied on a reinvigorated sense of universal justice supported by a larger network of global civil institutions.

The Chinese Communist Party has sought to undermine civil society leaders in Hong Kong by targeting their reputation and narrowing the field of “acceptable” speech through legislation and policing. Hong Kong is culturally and economically tied to both mainland China and the West. Its citizens have vicariously experienced both cultures through the lens of new media platforms that have empowered civil rights movements and created competing visions of an integrated or independent Hong Kong.

Nonetheless, online interactions are increasingly monitored and sometimes self-censored for fear of official or social consequences. With increasing restrictions, technological innovations that allow secure communications and anonymous public forums with diverse political expression have brought citizens of Hong Kong in a sphere engaging in nuanced debate over their political futures. As democratic movements in the city are consistently stifled by pro-Beijing elements, global civil society in democratic countries has connected with those movements. Bilateral engagements existed before, but their frequency, volume, and speed are newly-spurred phenomena shaping public history and the perception of Hong Kong’s role in the world.

Hong Kong’s relationship with the U.S. is defined by a continued Congressional commitment to the city’s core freedoms. Jeffrey Ngo and Nathan Law explore the effects of political commitments by the U.S. to Hong Kong’s autonomy and its influence on business leaders benefiting from Hong Kong’s global trade status. The technological innovations that gave rise to an interconnected civil society also brought substantial market growth that is harder to maintain with strict censorship regulations. But by using these same innovations to create controlled online spaces, China and other authoritarian regimes in Asia have been able to selectively nurture economic growth while actively restricting mass organizing and online criticism.

In Tibet, traditional civil society institutions are restricted as part of the Chinese Communist Party’s effort to restrict expressions of Tibetan identity. Buer Su’s article identifies at length how Tibetan youth use hip-hop in both physical and online spaces to reclaim discourse around their own identity and engage in those complexities with Tibetan and external audiences. Through hip-hop, Tibetan youth have found a
technologically-empowered outlet harder to regulate through traditional censorship mechanisms, and they have effectively connected it to their messaging around Tibetan identity, representation, and human rights.

The Chinese government has employed the same tools used by Tibetans to propagate its own image of Tibetan tradition and society and, as Su argues, “showcases Tibetan culture only to bolster its claim that China is a multiethnic country.” While online platforms can provide a space for freedom of expression for Tibetans, the Chinese government has utilized these same spaces to commodify and exotify Tibetans for its own benefit. This weaponization of technology allows the Chinese government to control narratives about Tibetans and demonize connections between civil society groups and the West.

China’s weaponization of information technology does not stop at controlling narratives. Through some recent in-depth coverage, Radio Free Asia’s Uyghur Service has exposed the drastic security measures, as well as the conditions, scale, and scope of repression faced by the Uyghur and other Muslim minorities living in China’s Xinjiang Uyghur Autonomous Region. The Chinese Communist Party has embarked on an expansive surveillance campaign to control and dominate the region. Under the leadership and policies of Chen Quanguo, the party secretary in charge of the region, Beijing has effectively jailed over a million Uyghurs, and violated basic human rights of the entire minority population.

At Radio Free Asia, our Uyghur service reporters have been targeted, harassed, and had their China-based family members detained as retaliation for their break-through reporting on the dramatic escalation of repression, mass incarceration, and implementation of a high-tech surveillance state in Xinjiang. China is utilizing technological innovations with deadly consequences for activists and critics.

Across borders, individuals who participate in civil society discourses around individual, social, or economic rights are threatened by pushback from authoritarian regimes and opposing interests. Through a complex apparatus of soft power that creates alternative narratives and sharp power that directly threatens those who fall outside of official talking points, authoritarian regimes have utilized technological innovations to target the increased globalization of civil society. While they recognize the economic benefits of globalization, authoritarians have effectively navigated those technologies in a way that largely restricts freedoms of their citizens while still allowing them to reap economic reward.

On the other hand, while authoritarian restrictions on information technology have prevented civil society groups from organizing, lack of infrastructure and access to technology has created the same problem in countries like India. Although India is a democracy with enshrined individual freedoms in its constitution, its experience with rapidly developing online movements has still met significant obstacles. Shareen Joshi’s examination of India’s recent #MeToo movement shows that progress remains stunted by the country’s limited information infrastructure. Through social media, women across
India have been able to address long-standing harassment and assault, and quickly
narrate their experiences to mass audiences. But by defining the movement’s core on
online platforms, Joshi finds that mostly wealthy, urban women have benefitted from the
#MeToo movement, leaving behind poorer, rural populations. India’s #MeToo movement
has forced a crucial reevaluation of consent culture and enforcement of sexual harassment
laws, but outside of proper context, these platforms have perpetuated class and urban/
rural divides between Indian women.

International civil society must consider access to technology as a central pillar of their
advocacy platforms. Access has been at the forefront of our work at the Open Technology
Fund, where we empower users and innovators who want to promote accessible, secure,
and socially-conscious communication technologies. By tracking censorship on websites
and mobile apps, we have been able to provide tools to help citizens circumvent the
ways in which authoritarian governments in Beijing, Hanoi, and other countries curate
particular political views and remove threatening ideas from various conversations online.

Journalists provide the bedrock of freedom of expression across the world, and Asia
has been increasingly dangerous for their work in the past few years. The projects of
censorship by governments have come at the cost of the lives of those reporting on
them. So far, 2019 has been one of the most dangerous years for journalists across the
world. Reporters Without Borders found that “the number of countries regarded as safe,
where journalists can work in complete security, continues to decline, while authoritarian
regimes continue to tighten their grip on the media.”

The glimmer of hope comes from two sources: audiences who continue to yearn for
truth, and the subsequent fear — as exemplified in the dramatic steps taken to control
information — sparked in the hearts of dictators and despots. Even as unbiased, uncen-
sored journalism threatens regime control, so too it remains a sought-after commodity
for their citizens. We can never forget that at the heart of this struggle is something
basic. People living under repressive regimes or in places where information-flow is
controlled still want to know, to understand, and even have an inkling of what is actually
happening in their cities, neighborhoods, and countries. When given a choice, people
will not let state-controlled media have the last word. My organization exists because
people in RFA’s target countries find ways to access and spread our news because it is
a rare, and often the only, lifeline to the truth.

While audiences largely know how to seek out answers on their own, all who safeguard
and propel journalists must shoulder the responsibility of finding ways to thwart disinf-
formation and provide access to uncensored media. In order to continue the global narrative
on universal human rights, we must be able to continue operating, securely following
up on sensitive leads, investigating stories, and sharing information with audiences that
need it. Although technological innovations have provided an effective mechanism for
both advancing freedoms and quelling them, technology also enables repressed citizens
to exercise their rights in the global online community.
Libby Liu became the President of Radio Free Asia in 2005 and transformed the organization from a radio broadcaster into a digital multi-media interactive news organization. She is an advocate for global internet freedom and her organization has led the fight against media censorship and internet firewalls in Asia through the Open Technology Fund.

With contributions from Nawar Nemeh, Policy Consultant at Radio Free Asia
#MeToo in India: What’s Next

Shareen Joshi

Last October, India was swept by the winds of the #MeToo movement. The first move came from the Indian film industry, when Tanushree Dutta, a prominent Indian actress, accused Nana Patekar, an established actor and filmmaker, of sexual harassment on the set of a movie in 2008. Days later, journalist Priya Ramani accused M.J. Akbar, a leading government minister, of sexual harassment. These moves opened the floodgates for many other women working in the Indian film industry, media, government, private sector, and academia.

The movement had some immediate impacts. Nana Patekar was removed from his latest movie, M.J. Akbar resigned, and a wave of other resignations and boycotts followed. Since then, however, the winds have calmed. Many of the accused have marshalled legal, financial, and government resources to protect themselves. Nana Patekar, who had denied the charges, issued a legal notice to Tanushree Dutta to withdraw her allegations. Dutta has also been accused of placing a “curse” on others who she named as enablers of her alleged abuse. M.J. Akbar has accused Priya Ramani of defamation. Actor Alok Nath, who is on trial for the alleged rape of writer-producer Vinta Nanda, will star in a new movie entitled #MainBhi (a Hindi translation of #MeToo), in which he will play a judge who takes a strong stand against sexual harassment in Indian society.¹

The arrival of the #MeToo moment was not a huge surprise. India is one of the most gender unequal societies in the world. India is ranked 130 out of 155 countries on the Gender Inequality Index, an aggregate measure constructed by the United Nations’ Human Development Report that takes into account reproductive health, empowerment, and economic activity.² India has one of the lowest female labor force participation rates in the world. Only 27 percent of Indian women work in the formal sector, and this number has been declining in recent years. India’s male to female sex ratio remains heavily male,


suggesting systematic discrimination against girls, even in the richest districts and states of the country.\textsuperscript{3} Moreover, India’s rape statistics, though low by international standards, appear to be rising rapidly.\textsuperscript{4} A recent, albeit controversial, report by Thomson Reuters argues that India is one of the most unsafe countries for women in the world.\textsuperscript{5}

On the surface, India’s #MeToo movement appears to bear many similarities to its Western counterpart. It was sparked by social media, and the early effects took aim at the Indian film industry, media, and politics. But the similarities end here. The reality is that the #MeToo movement in India is largely confined to urban, professional, English-speaking elites. Most Indian women are excluded on the basis of their class, language, and access to technology. Many of these women, however, are actually part of a different kind of movement altogether. For nearly three decades, 100 million rural Indian women have been steadily working towards empowerment and collective action through “self-help groups” (SHGs).\textsuperscript{6} The scale and transformative power of this movement have been well-documented: women’s collectives have raised rural household incomes, increased the participation of women in politics, and improved the agency of women in their communities.

The big question facing India’s #MeToo movement is whether it can achieve sufficient depth and scale to affect the long-term well-being of women. In the remainder of this essay, I will examine the underlying drivers of the #MeToo movement, comment on its deeper impacts on society, and compare it to the existing SHG movement. In summary, I argue that it will take a lot more than tweets and media firestorms to improve gender relations in India. Women will need to cross the divides of class, language, and caste to challenge age-old male privilege in Indian society. This effort will likely take time, but the new technologies of a globalizing society can be very helpful. The real significance of the #MeToo moment lay in demonstrating those possibilities.

#MeTooIndia – a Result of Globalization?

India is increasingly connected to the rest of the world. According to a paper from the Center for the Study of Developing Societies in New Delhi, among Indians aged 15 to 34, 57 percent watch TV news a few days a week, 53 percent read newspapers at the same frequency, and about 18 percent consume their news on the internet. India has the second largest number of internet subscribers in the world after China – it is actually ahead of the United States in absolute terms. As many as 230 million Indians use WhatsApp, making the country the messaging platform’s biggest market. Though Indian

users do face constraints of infrastructure, they freely access most types of information and actively participate in global conversations.\(^7\)

In recent years, urban, educated, and globalized Indians have successfully mobilized on issues of importance to them. In 2011, there was a widespread movement against corruption. A series of demonstrations and protests across India demanded stronger legislation and enforcement against corruption within the political system. In 2012, the rape of a medical student, now widely named \textit{Nirbhaya} (the Fearless), spurred thousands to pour onto the streets and sparked a national conversation about violence against women. The movement led to an attempted overhaul of the nation’s laws for dealing with rape crimes. India’s rape law (Section 375/376 of IPC) was expanded to include many types of harassment. Sexual assault laws were strengthened, and fast-track courts were created for the prosecution of rapes. At least four states introduced the death penalty for rapes of minors.

In the aftermath of the \#MeTooIndia firestorm, the conversation about gender equality in urban India has intensified. A particularly salient example of this is a recent demand for reform of the judiciary itself. The Indian judiciary has a serious deficit of women. Since independence, there have only been eight female judges in the Supreme Court of India, out of a total of 229.\(^8\) Almost no senior advocates are women. On March 8, 2019, Indira Jaising, one of the three sitting women judges, wrote an open letter to the Chief Justice of India about the challenges faced by women in the judicial system.\(^9\) She provided personal experiences with sexism and denounced the use of misogynistic language in both formal and informal channels of judicial communication. Jaising also requested concrete steps be taken to improve the working conditions for women in the judiciary including: (a) a gender audit of the culture of the court, discriminatory behavior, the availability of toilets and appropriate child care services; (b) a fact-finding committee to review court judgements and documents that contain sexist remarks; (c) greater scrutiny of appointed judges and senior leaders for past sexist behavior; (d) the issuance of clear guidelines to judges across the country to check the usage of sexist language by lawyers, litigants, and others in their courtrooms.

Shortly after the publication of Indira Jaising’s letter, on April 19, 2019, the Chief Justice of India was accused of sexual harassment. By May 1, 2019, the woman filing the case withdrew from the probe because of the general lack of sensitivity or respect from the in-house committee that was convened for a formal investigation.\(^10\) These events – Indira Jaising’s letter and the filing of allegations by a former employee – may

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have little real impact on the court in the short run, but they are symbolic victories in themselves. These efforts have sparked a deeper conversation about women and formal justice in India. Though neither were affiliated with the #MeToo movement explicitly, both were published in English and harnessed the power of the media to connect with Indian civil society. Indira Jaising’s letter was published primarily in an English-language newspaper, and then translated into other languages across the country.

An important criticism of all these efforts however, is that they are limited to India’s elites. The #MeToo movement itself is largely constructed by upper class, urban, English-speaking, and privileged women. What about the rest of the country?

Women’s Movements in Rural India

While the digital world sorts out the aftermath of #MeTooIndia, an entirely different story is unfolding in India’s villages. For at least three decades now, rural Indian women have been actively engaged in a battle for empowerment through coordinated action. Local organizations such as the Self-Employed Woman's Association in Gujarat, Jagori (in Hindi, “awaken women”) in Rajasthan, Lijjat in Maharashtra and Kudumbashree in Kerala have invested in grassroots mobilization campaigns that encourage women to form official collectives, or SHGs. These are small, voluntary groups of poor rural women who work together to save regularly and mutually contribute to a common fund, which would be spent based on group deliberations. In most cases, the groups consist of 10-15 members that meet weekly or bi-weekly to save a small amount of money.

In recent years, partnerships between the Indian government and these local organizations have actively invested in these groups. In 1992, the Reserve Bank of India established a pilot program that linked these groups to formal banks for the purpose of obtaining collateral free loans. The success of the pilot program has led to the mainstreaming of SHGs into the financial landscape. According to the most recent estimates, about 8.7 million SHGs, which include approximately 100 million women, have received subsidized loans. The poor and marginalized women who were once regarded as “unbankable” have mobilized 195.92 billion Indian rupees ($2.8 billion) and received loans worth about 756 billion Indian rupees ($11 billion). 11 The extent to which these funds are actually spent on business activities are unknown. Nonetheless, even the most conservative calculations suggest that these women in rural India control financial assets with an annual turnover that is much larger than many multi-national corporations in India. Academic studies now almost unanimously agree that efforts through SHGs have been effective in strengthening women’s agency in their homes and communities. 12

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Conclusion

This above example suggests that the road to equality, dignity, and security for Indian women will likely involve a lot more than tweets and social media campaigns. It will require women to bridge the class, language, and caste divides and work together to challenge the male privilege that is firmly encoded in laws and traditions. Actresses, journalists, lawyers, women in self-help groups, vulnerable domestic workers, and homebound women will need to find a common ground where parallel stories will converge. New institutional platforms such as SHGs or digital platforms will need to be strengthened and expanded.

In the short term, however, every effort has its place. The impact of #MeToo in shaming high-profile and powerful men challenges the conventional narrative about rights and responsibilities. It nudges Indian society towards a discussion about the underrepresentation of women in positions of power, and strengthens the voices of women in courts, legislatures, and other workplaces. Most importantly, it brings a country of a billion people to be part of a global conversation on how women are defying precedent, making change, and demanding equality. Given the scale of the population as well as the magnitude of gender inequality, the future of the global #MeToo movement may very well depend on India's own battle for gender equality.

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Hong Kong's Civil Society in an Age of Renewed Sino-American Rivalry

Jeffrey Ngo and Nathan Law

When President George H. W. Bush signed the U.S.-Hong Kong Policy Act into law on October 5, 1992, he made a commitment to recognize the British colony as a free-standing polity beyond the transfer of its sovereignty to China, which was then less than a half-decade away. His idea was to honor its renowned economic freedom by ensuring that, as a separate customs territory, it would not be affected by future sanctions against Beijing. For years thereafter, this legislation has contributed much to Hong Kong's continued prosperity, confidence, and close ties with the United States. Yet there is a catch: it authorizes the sitting president to terminate the special arrangement with an executive order whenever he determines that Hong Kong is no longer distinct from China. The scenario, once only hypothetical, is increasingly becoming the new reality.

Since the Umbrella Movement — a series of massive pro-democracy protests that occupied the city's major throughways for three months in the fall of 2014 — the U.S. Congress has thrice introduced the bipartisan Hong Kong Human Rights and Democracy Act as a countermeasure. The bill is known for proposed mechanisms that target individuals who have undermined Hong Kong's autonomy, such as freezing their U.S.-based assets and denying them entry. Other provisions include a mandate for the Secretary of State to issue an annual report on the political situation in Hong Kong, and an assurance that Hong Kongers who have participated in nonviolent assembly would not be denied American visas on the basis of their arrest. Likewise, Washington lawmakers on both sides of the aisle have been eager to voice their unease about developments in Hong Kong through issuing statements, holding hearings, and convening meetings with key opposition figures.

Pessimists may well argue that the United States no longer has leverage over Hong Kong, as officials in Beijing can simply ignore Washington pestering over what they deem an "internal affair." This essay, however, suggests that events over the past year have indicated

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otherwise. At a time of escalating Sino-American rivalry, the extent to which the Hong Kong government cracks down on its civil society is closely tied with U.S. foreign policy on China. Congress does have a crucial role to play if it wishes to reaffirm its longtime commitment to safeguarding the territory’s rapidly waning autonomy.

Last July, local authorities were directed by Beijing to dissolve the small, secessionist National Party citing an obsolete colonial-era ordinance. Its founder, Andy Chan, then accepted an invitation to speak at the prestigious Foreign Correspondents’ Club (FCC) about Hong Kong nationalism. The Chinese Foreign Ministry intervened and pressured the organization to cancel the event; acting president Victor Mallet refused on the grounds that all voices were welcomed. Over the next two weeks, Leung Chun-Ying, Hong Kong’s unpopular former leader, blasted the FCC for “not draw[ing] any line against criminals and terrorists.” He went so far as to compare Chan with Holocaust and Nanjing Massacre deniers.

But to the surprise of many Hong Kongers, Chief Executive Carrie Lam merely called the controversy “regrettable and inappropriate.” She even contradicted Leung, her immediate predecessor, on several occasions. While he alleged that the FCC was paying the city “a token rent” for the historic, prime-location building it occupied, she refuted this by revealing that it had been paying the market rate since 1982; where he contended that the talk was a violation of a notorious national security law known as Article 23, which failed to pass 15 years earlier amid widespread local and international resistance, she acknowledged the FCC’s right to decide what and who to host. Indeed, President Xi Jinping’s unshakable hard line on separatism seemed at odds with the Lam administration’s relative restraint. Eager to downplay the whole incident, Bernard Chan, who convenes the Executive Council, lamented that the anti-FCC backlash would just give the independence movement unnecessary momentum. Elsewhere, Commerce Secretary Edward Yau continued to tirelessly underscore Hong Kong’s autonomy both in public and private.

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What may have caused this curious rift between Beijing and its puppet regime, unprecedented since Britain turned Hong Kong over to Chinese hands on July 1, 1997? The answer lies in the Sino-American trade war.

This may seem strange to many observers, as everything up to the summer of 2018 worked out exactly as Bush had intended. Hong Kong was barely wounded by the huge tariffs slapped onto China by the United States. In fact, it enjoyed various price slumps, most notably American-grown fresh produce, which at one point was 30 percent cheaper thanks to Chinese tariffs on American goods creating excess supply. The U.S., likewise, benefited from not dragging Hong Kong into the dispute; after all, the territory was an avid consumer of American goods that ranked ninth on the list of top U.S. trade partners by total exports, higher than Brazil or France. However, as Deng Xiaoping famously told his British counterpart Margaret Thatcher during their negotiations over Hong Kong back in the 1980s, Beijing would never hesitate to defend its notion of “territorial integrity” even at the risk of grave costs. The Hong Kong government, meanwhile, was most concerned with keeping the local corporate establishment content in exchange for stability, which translated into an underlying worry that too much political repression could lead to economic repercussions.

With this discrepancy in mind, Chan of the National Party ignored fierce Chinese opposition and delivered his sold-out speech with a scorched-earth approach. In a letter to the White House dated August 18, he urged President Donald Trump to “suspend the differential treatments between Hong Kong and China” and “push forward” the revocation of their W.T.O. memberships. The Commerce and Economic Development Bureau swiftly hit back, condemning efforts to sabotage Hong Kong’s standing. No “sensible, reasonable person,” Lam added, would condone this position.

Chief Executive Lam formally outlawed Chan’s party in late September, prompting criticism from Secretary of State Mike Pompeo, who, as a former member of Congress from Kansas, had co-sponsored an earlier version of the Hong Kong Human Rights and Democracy Act in 2015. “The U.S. supports the freedoms of expression, peaceful assembly, and association,” he declared in a statement. “These are core values we share

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10 Chan Ho-Tin to Donald J. Trump, Twitter, August 18, 2018, https://twitter.com/hknationalparty/status/103068077488483526.
with Hong Kong, and that must be vigorously protected.”13 In October, further pressure from Beijing led to the absurd deportation of Mallet, then the Financial Times Asia news editor. Following this, even the American Chamber of Commerce joined Hong Kongers to speak out in displeasure despite its usual silence on their democratic rights, citing “free speech” and the “free flow of information” as bedrocks of the territory’s success.14

Anxieties over whether Washington would alter its Hong Kong policy reached new heights on November 14, when the U.S.-China Economic and Security Review Commission on Capitol Hill published its 2018 annual report. “Beijing’s encroachment on Hong Kong’s political system, rule of law, and freedom of expression is moving the territory closer to becoming more like any other Chinese city, a trend that serves as a cautionary example for Taiwan and the Indo-Pacific region,” it noted. “President Xi’s maneuver to end presidential term limits alarmed the territory’s pro-democracy advocates due to the steady erosion of Hong Kong’s autonomy under his watch.” It recommended Congress to send official delegations to Hong Kong and to meet with Hong Kong “pro-democracy legislators, civil society, and business representatives” when they visit the United States. Most importantly, it suggested a reassessment of American export control policy by the Department of Commerce and other relevant government agencies. The report focused on dual-use technology, a category of commodities that comprises computers as well as other electrical machinery and equipment. This together constitutes a sizable share of U.S.-Hong Kong trade.15

The pro-establishment camp in Hong Kong broadly interpreted this as a sign that the trade war was now spreading into the territory. In a dramatic reversal, Felix Chung, leader of the pro-business Liberal Party, abandoned a non-binding motion to reintroduce Article 23, the controversial pro-Beijing national security ordinance, amid mounting fears of retaliation from the international community.16 The episode mirrored the party’s similar last-minute reversal in 2003, when its eight crucial swing votes managed to block Beijing’s first attempt to pass the same law. This unusual move was largely made in reaction to the business community’s concerns over damage to Hong Kong’s reputation.


But Trump and Xi called a 90-day truce on December 1 after they convened in Buenos Aires for the G-20 summit. As that deadline neared, the American president subsequently extended it to allow further talks between negotiators representing the two countries. The detente in effect alleviated the perceived immediate economic peril to Hong Kong, quelled local apprehensiveness, and thus allowed Beijing to resume its crackdown on the territory. In the first two months of 2019 alone, the Lam administration put forward the National Anthem Ordinance that would criminalize individuals who disrespected “March of the Volunteers,” as well as troubling extradition arrangements that would allow local authorities to send anyone deemed to have violated Chinese law for trial in mainland China, Hong Kong citizens or otherwise. Both, if passed, would have huge detrimental implications for Hong Kong’s civil society.

Since at least the elder Bush years, the prevailing wisdom in Washington had been that engaging with Beijing best served U.S. interests and that of Hong Kong. In the wake of the Tiananmen Massacre in June 1989, the president opted for a soft response for fear of thrusting China back to the more dangerous Maoist period. His successors followed more or less the same path. Notwithstanding human rights concerns, Bill Clinton championed China’s entry into the W.T.O. and George W. Bush granted it permanent normal trade status. Even when Barack Obama tried to counterbalance China’s regional clout with his signature “Pivot to Asia,” he was careful not to do anything that could be remotely misconstrued as subverting the Communist Party’s “One China” principle. He excluded Taiwan from the now-defunct Trans-Pacific Partnership Agreement and showed only timid support at best for the Umbrella Movement. “Our primary message,” he remarked on November 10, 2014, during his trip to Beijing, “has been to make sure that violence is avoided as the people of Hong Kong try to sort through what the next phase is of their relationship to the mainland.”

However, as of May 2019, the trade war has recommenced after Chinese officials failed to reach a deal with the Trump administration. No matter how things turn out in the end, Sino-American relations will have been altered for good. The old bipartisan consensus of tolerance and assistance, based on the assumption that a bigger role for China to play on the world stage would oblige it to respect international law, has given way to the new bipartisan understanding that China is an enormous threat. A recent Foreign Affairs article co-authored by Kurt Campbell, the former Assistant Secretary of State for East Asian and Pacific Affairs in the Obama administration, argued that American foreign policy had gotten China wrong for too long: “Diplomatic and commercial engagement have not brought political and economic progress. Neither U.S. military power nor regional balancing has stopped Beijing from seeking to displace core components of the U.S.-led system. And the liberal international order has failed to lure or bind China

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as powerfully as expected. China has instead pursued its own course, belying a range of American expectations in the process.”

The present U.S.-Hong Kong Policy Act of 1992 is inadequate in the face of previously unforeseen challenges. This legislation was, as its principal sponsor Senator Mitch McConnell admitted more than a quarter-century ago, never designed to tackle contentious issues and “pick a fight with China.” The result is a statute that provides two untenable options for the White House today: (a) curtail a mutually-beneficial trade relationship with Hong Kong when the state of its politics worsens, or, (b) as Lam hopes, pretend everything is still fine and do nothing. In other words, the only substantial way for Washington to respond to Hong Kong’s downfall is to cease viewing it and China as separate polities, but which in turn risks further sidelining the territory from the international community. There is no other way for Washington to deter Beijing’s encroachments on Hong Kong at the outset, and this is precisely where the deficiency lies.

Trump’s biggest frustration with Chinese leaders — with all their currency manipulation, unfair trade practices, and theft of intellectual property — is that they do not “play by the rules.” On this, he is not wrong, but Congress would do well to remind him not to neglect patterns that extend far and wide. One needs to look no further than Hong Kong, where, since the Umbrella Movement ended without attaining genuine universal suffrage, lawmakers have been disqualified, activists have been imprisoned, and foreign journalists have been vilified if not deported. Washington, however, still holds tremendous sway over how events play out in the territory, especially when it is able to drive a wedge between pro-Beijing hardliners and the local business community. The Hong Kong Human Rights and Democracy Act, not unlike temporary and selective embargoes, hence offers a new path forward. It would compel Lam to do more than pretend Hong Kong’s autonomy has not deteriorated, defend U.S. foreign-policy interests, and send an unmistakable signal to China and the world that despite Trump’s isolationist, “America First” rhetoric, Washington is still devoted to upholding universal values.

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Nathan Law, the founding chairman of Demosistō, became the youngest-ever member of Hong Kong’s Legislative Council when he was elected in 2016 at the age of 23. He is a former political prisoner and core student leader of the Umbrella Movement. He will begin his M.A. in East Asian Studies at Yale University in Fall 2019.

The Role of Dalit Civil Society in Combatting Caste-Based Discrimination

Subhash Nepali

Introduction

An estimated 260 million Dalits continue to face caste-based discrimination and practices of untouchability. According to available census figures of Dalits in India, Nepal, and Bangladesh, the Dalit population from these three countries alone totals 215 million. Bhutan, Pakistan, and Sri Lanka also have Dalits but they do not recognize caste on their census. Lastly, the Dalit diaspora from these South Asian countries makes up a significant portion of the global Dalit population. In spite of the legal ban on caste-based discrimination and the practices of untouchability, Dalits continue to face prejudice on the basis of their birth in the lowest caste.

Caste-Based Discrimination

Caste is a South Asian system that ranks social groups called castes (also called *jats* or *jatis*) based on their social status. Their social status is determined by the Hindu notion of ritual purity and pollution. Higher status is associated with purity and lower status with pollution. According to the Upanishads, a sacred Hindu text, a person whose conduct in a previous life was pious is born into a higher caste family while a person with foul conduct is born into a lower caste family. Those in the lower castes are known as *Dalits*, or Untouchables, in the present day. It is believed that destiny determined their caste and their birth restricts membership in the caste. They are even forbidden to marry outside their caste. If a non-Dalit marries a Dalit outside their caste, the non-Dalit loses their higher caste designation and becomes a Dalit.

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The caste system formally began around 3,500 years ago when King Manu codified caste rules, known as Manusmriti, or the Laws of Manu. Hindus upheld the rules as the gods’ words. As a result, Dalits could not find jobs even as cooks because they were forbidden to serve food to people of higher castes. If higher caste people consumed any beverage or meal served by Dalits, they became polluted and received the same treatment as that of Dalits. Dalits could not serve in temples or houses of higher castes because they were forbidden to enter these buildings due to perceptions of impurity. The Manusmriti also distributed social and political responsibilities based on caste. The responsibility of knowledge production and dissemination went to the highest caste, also known as Brahmans. Ksatriyas, were placed below the Brahmans and assigned with the responsibility as rulers and soldiers. The Vaisyas were peasants, merchants, and craftsmen. Sudra, now known as Untouchables or Dalits, were assigned to serve the caste groups above them in the service sector that is considered impure. For this, Dalits worked in roles such as scavengers, cleaners, sweepers, leatherworkers, tailors, goldsmiths, blacksmiths, and fishermen.

Hindu rulers continued with Manu’s caste rules. The rules provided a basis for adjudication of cases related to criminal, civil, commercial, and family matters. Even the British in India allowed caste rules to prevail on the family matters—marriage and divorce, adoption, joint family, guardianship, minority, legitimacy, inheritance, succession, and religious endowments. Nepal’s first written law, the Civil Code of 1854, “sanctioned and privileged functions of the Brahmans as spiritual teachers and priests,” and Chhetris, particularly Shah and Ranas “were members by birth of the highest legislative and judicial body.” Brahmans were also employed at court as performers of the state cult or as advisers to bhardari kausal (a council of nobles). Royal descents were secured for the Shah and Rana clans of the Chhetri caste. In addition, the Code arranged the justice system structured in a hierarchical order with severe forms of punishment for Sudra. It applied the caste rules to law in all areas, including food and beverages, sex and marriage, and property rights. Lower castes faced greater punishments than higher castes for the same crime. For example, as late as 1940, Tanka Prasad Acharya, a Nepali Brahmin, was imprisoned for protesting the autocratic regime as per caste-based justice. His four friends, who were non-Brahmin and charged with the same crime, were hanged and shot to death. This law continued to dictate Nepali society until 56 years ago.

The caste system formally ended in India and Nepal in the 1950s, only 70 years ago. In India, the post-Independence Constitution of 1950 “replace[d] the system of separate personal law with a uniform civil code”. It prohibited discrimination based on caste and

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6 Galanter, “Law and Caste in Modern India.”
the practices of untouchability. In 1955, India also enacted the Untouchability (Offences) Act, which was amended in 1976 and renamed as the Protection of Civil Rights Act, specified penalties for practicing untouchability. In Nepal, however, it was only in 1963 that the caste system was removed from law books. In 1990, the Constitution of Nepal made caste-based discrimination punishable, but in practice it was only symbolic. In 2011, Nepal passed a law calling caste-based discrimination a crime against the state.

Yet, Dalits face as many as over 200 different forms of caste-based discrimination and practices of untouchability even today. In rural South Asian societies, Dalits live a life as actual or perceived untouchables. Traditional restrictions on cooking or serving higher castes still apply. In some parts, they are not even allowed to drink milk and walk on the roads that lead to Hindu temples. In cities too, Dalits face widespread discrimination. Dalits are denied renting houses or apartments by higher caste landlords. Many higher caste people do not share apartments with them. Dalits are also barred from purchasing houses or lands in settlements dominated by higher caste residents.

Caste-based discrimination has even migrated to Western countries along with the South Asian diaspora. Many research studies have found that South Asian Hindu higher caste immigrants in countries such as Australia, the United Kingdom, or the United States have retained caste-based discrimination and practices of untouchability. They forbid their children to marry outside their caste. They do not share apartments or rooms with Dalit compatriots. In 2014, Dr. Mom Bishwakarma reported that he was denied sharing an apartment by a non-Dalit compatriot in Australia for his lower caste status. The United Kingdom has even passed a law that bans caste-based discrimination among its citizens after similar cases were reported and documented there.

As a result, Dalits lag behind in all Human Development Indicators, including health, education, and income. For example, the life expectancy, adult literacy, and per capita income of Nepal’s Dalits, who make up 14% of Nepal’s 27 million people, are 67.19, 52.27, and 755 as compared to 73.26, 81.89, and 1,247 of the most privilege group as per the Nepali Census of 2011. In India, the life expectancy, the highest education index, and the income quintile index of Dalits, who make up 17% of India 1.21 billion people as per the Census of 2011, are 49.8, 26.2, and 55.8 compared to 57.1, 67.5, and 73.4 of the Hindu high caste.

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8 Pariyar, “Caste Discrimination Overseas.”
Dalit Civil Society vs. Caste-Based Discrimination

Dalits have long formed civic organizations and mobilized to advocate for policy change. The origin of Dalit civil society can be traced as far back as 1873 when Dalit Leader Jyotirao Phule founded Satya Shodhak Samaj (the Society of Truth Seekers) in India. This organization mobilized to educate, protect, and liberate Dalits from the cycle of caste-based discrimination. In 1924, Dr. Bhimrao Ramji Ambedkar started an organization named Babiskrit Hitkani Sabha (Excluded Welfare Assembly) to support the moral and material progress of Dalit students. In Nepal, the origin of Dalit civil society can be traced back to the 1940s, when Bhagat Sabhajit Bishwakarma started an organization named Vishwa Sarvajan Sangh (World People Organization) in 1946; Saharshanath Kapali formed Tailors Union in 1947; and Jadubir Bishwakarma established Nepal Samaj Sudbar Sangh (Nepal Social Reform Organization) in 1947. In both India and Nepal, these organizations sought social reforms to end caste-based discrimination and practices of untouchability. They persuaded progressive higher caste people to publicly dine together with Dalits. They also organized programs for Dalits to enter temples and fetch water from public wells in mass. Such programs were symbolic and intended to raise awareness in communities against practices of untouchability.

In the 1990s, the economic liberalization of India and Nepal paved the way for a widespread emergence of non-political, non-religious, non-profit, and non-governmental organizations (NGOs). This was also the case for Dalit organizations. Several Dalit NGOs were founded in the 1990s and took the space of Dalit civil society in both India and Nepal. India currently has several hundred organizations working for Dalit rights. These organizations are active under the national networks such as the National Campaign on Dalit Human Rights and the Human Rights Forum for Dalit Liberation. In Nepal, Dalit NGOs work together through the Dalit NGO Federation. Currently, the federation has approximately 400 member organizations. Most of these organizations in Nepal and India have a South Asian transnational level network called Asia Dalit Rights Forum (ADRF).

Pervasive emergence of Dalit NGOs created opportunities for Dalits to shift the framework of their struggle from social reform to human rights.11 These newly established organizations mobilized Dalit communities to invoke international human rights instruments such as the Universal Declaration on Human Rights (UDHR), the Convention on the Elimination of All Forms of Discrimination Against Women, and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). In 2001, Dalit NGO delegates from South Asian countries, particularly India and Nepal, participated in the World Conference Against Racism in Durban, South Africa. They tried to include caste as a form of discrimination in the Durban Declaration but failed due to resistance from the Indian government. Nonetheless, the advocacy of Dalit NGOs in Durban successfully posed to international human rights advocates that Dalit rights

are human rights. As a result, the Western donor countries changed their policy towards an explicit caste-based or Dalit rights approach. They provided assistance to Dalit NGOs to strengthen their organizational capacity, monitor violation of Dalits human rights, and empower Dalit communities socioeconomically and politically.

Dalit NGOs have widely used human rights principles, conventions, and instruments to demand equal opportunities for participation in decision-making and access to public resources at national levels. They have successfully mobilized to allocate funding for Dalit empowerment and protect or secure quotas in bureaucracies and parliaments. At the grassroots level, Dalit NGOs have successfully mobilized landless Dalits to launch land rights movements to claim land and other natural resources. Because the caste rules forbid Dalits to own land, a majority of Dalits are either landless or hold nominal amount of land. The National Land Rights Forum and Land Rights Federation have been actively mobilizing for Dalit land rights. Their mobilization successfully secured a constitutional commitment for the distribution of land to Dalits in Nepal.

Dalit NGOs commonly agree that South Asian Hindu societies cannot achieve their development goals unless they eradicate the practice of caste-based discrimination. However, the NGOs have not yet been able to include caste-based discrimination explicitly in international human rights instruments or development agendas. The United Nations has passed many international treaties that prohibit discrimination on the basis of race, ethnicity, gender, and age; however, there is no international convention and human rights instrument that explicitly recognizes caste as a form of discrimination inhibiting progress in human development. The UDHR, the ICERD, and the World Conference against Racism, Racial Discrimination, Xenophobia, and Related Intolerance do not recognize caste-based discrimination. Dalit activists forcefully refer to provisions of “descent,” “social origin,” and “birth” in these treaties and human rights instruments. The Sustainable Development Goals (SDGs) have the most pressing universal goal of “leaving no one behind,” but they also miss caste on this list “of age, sex, disability, race, ethnicity, origin, religion or economic or other status.”

Lacking a comprehensive study, opinions vary on why Dalit NGOs have been unable to influence international human rights treaties. Dalit delegates from Nepal, India, and Bangladesh argue that resistance from South Asian governments, particularly India and Nepal, has prevented the inclusion of caste in international treaties. India and Nepal have long maintained that caste is a domestic matter and have formally outlawed caste-based discrimination. Change in practice requires changes in people’s mindsets and their behavior, which can only happen gradually. This position has been held since Mahatma Gandhi blocked BR Ambedkar from raising the issue of caste at a second roundtable meeting with the British in the 1931.

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On the other hand, independent researchers, such as David Mosse and Luisa Steur of the School of Oriental and African Studies at the University of London, argue that Dalits lack influential international networks and advocacy groups to take their agenda to international forums. Dalit NGO representatives also agree that they are not professional lobbyists. The ADRF’s grassroots mobilization is active mostly at the South Asian transnational level. While Dalits have the International Dalit Solidarity Network (IDSN) headquartered in Europe, most of its members come from Dalit NGOs in South Asia that are focused on local mobilization and advocacy. Program Officer level staff, who are contact persons for managing grants, represent the European donor organizations that are members of the IDSN. As a result, their international advocacy has reached out only so far to present shadow reports such as the Universal Periodic Review of Human Rights and they have only managed to have references to caste made in the concluding observations.

Conclusion and Recommendations

Dalit NGO activists, development professionals, and academics agree that caste is a development challenge for much of South Asia. Eradication of caste-based discrimination in society is necessary for achieving development goals, and preserving human rights and human dignity. Dalit NGOs have utilized international conventions on human rights such as the UDHR and the ICERD to advocate the treatment of Dalit rights as human rights. Framing their agenda within the human rights framework has also provided them powerful development tools to fight caste-based discrimination. However, ICERD has neither any explicit provision with reference to caste-based discrimination nor officially recognized the caste system. Internationally agreed development goals, such as the SDGs, also do not perceive caste as barrier for progress in human development. These instances indicate that Dalit voices are not heard enough in international forums as a result of their insufficient policy advocacy. To remedy this, I would like to draw two policy recommendations from a quick analysis of existing practices of caste-based discrimination and Dalit policy advocacy.

First, Dalit NGOs or Dalit civil society must improve their policy advocacy and focus on raising their voices through cooperation with international development organizations and human rights forums. The analysis shows that Dalit mobilization and advocacy are mostly focused at grassroots levels in their countries and with local governments. Now, the population of the Dalit diaspora in the developed world is rapidly increasing. Dalits can mobilize both their diaspora and human rights organizations in developed countries to engage with government representatives, who can eventually advance Dalit rights in international institutions.

Second, Dalit civil society must work to strengthen their capacity for international policy advocacy. Dalit civil society activists admit that they do not have adequate capacity to

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15 Steur, “Dalit Civil Society Activism.”
successfully play the roles of professional lobbyists. Yet, they have also worked to build networks with international universities and prominent human rights organizations. For example, the Indian Institute of Dalit Studies has partnered with universities in the United States to organize an international conference on caste in their efforts to reach out to international development organizations. Dalit civil society organizations must make use of these connections and send younger generations of activists to international universities for study and training. This investment in the future will help the movement develop a greater capacity to make change and raise Dalit voices globally.

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Interacting with the State

The Success and Vulnerability of the Feminist Movement in China

Sile Chen

Although social movements generally face suppression in non-democratic states, the dynamics of the feminist movement in China demonstrate how civil society groups may develop in an authoritarian state by utilizing the government’s agenda for their own goals. In the 1990s and 2000s, Chinese feminists seized opportunities to receive foreign funds, establish organizations, and develop a variety of programs on issues such as domestic violence and marginalized women’s empowerment. Activists’ aims dovetailed with the government’s goal of integrating into the international community. Nevertheless, the success of this tactic does not eliminate the vulnerability of movements when the state decides to reverse its tolerance of civil society groups.

As feminism became a politically sensitive issue in China in recent years, government harassment of progressive activists increased, and many programs were suspended under political pressure. Two major causes for these setbacks are as follows: First, the connections between the Chinese feminist movement and the government have diminished because prior activists have aged out and the younger generation has tended to be too progressive for the authorities. Second, the current Xi administration prefers conservative values and tends to revoke the political space for civil activism. As a double-edged sword, the interactive relationship between the state and Chinese feminists contributed to the initial success of the movement but also shaped the movement’s limitations.

Chinese feminists often refer to the 1995 World Conference on Women (WCW) as the start of contemporary feminist activism in China. The conference’s traditional appendant event, the non-governmental organizations’ (NGO) forum, boasted participants from feminist organizations across the world whose numbers exceeded those of the core meeting. Unlike their foreign peers who were more familiar with social movements, Chinese participants — including scholars from public universities, journalists from state-owned media firms, and clerks at the All-China Women's Federation (ACWF, an organization representing the Chinese Communist Party to deal with women-related issues but claiming itself as a NGO) — had promoted women’s rights only within the Leninist
framework of “women-related work.” At this forum, events such as demonstrations and bazaars provided unprecedented exposure to these women’s rights professionals and inspired them to see civil activism as a means to improve gender equality.

As the memory of the 1989 students’ protest was still fresh, and Chinese officials had no experience with NGOs, the authorities were concerned that the forum might cause political friction; however, they eventually allowed it in order to avoid giving the international community a negative impression of China. The officials decided to relocate the forum to the outskirts of Beijing, where it would engender fewer political risks if it triggered unrest. The Chinese government did not cancel the forum because the 1995 WCW symbolized much more than a women’s rights event. Since the 1989 Tiananmen Massacre, the international community had isolated China due to the regime’s civil rights abuses. To break this isolation, in 1992, Chinese President Deng Xiaoping went on his famous Southern Tour during which he claimed that the Communist Party should insist on the policy of opening up to international economy for a hundred years. As Deng signaled the future direction of China, the party-state waited to see if the international community, particularly the U.S., would resume diplomatic and economic relations with the regime. Therefore, because the 1995 WCW was the first global-level intergovernmental event that China hosted after 1989, the Chinese government begrudgingly allowed the NGO forum even though the event held some level of political and social uncertainty.

The 1995 WCW led to significant American re-engagement with China, provided a progressive image of the Chinese government, and aided in the eventual development of the Chinese feminist movement. U.S. First Lady Hillary Clinton attended the conference and gave a landmark speech in feminist history, “Women’s Rights are Human Rights.” Her appearance was the first instance of a high-ranking U.S. political figure endorsing a public event in China after the Tiananmen Massacre. Her trip also prefaced President Bill Clinton’s 1998 visit to China. In this case, the 1995 WCW marked a significant diplomatic breakthrough for the Chinese government. Echoing Hillary Clinton’s speech, Chinese President Jiang Zemin announced gender equality as a basic national policy of China at the conference. This announcement not only lent the Chinese government a progressive image, but also legitimized the later emergence and development of the Chinese feminist movement. This policy became the basis of interaction between the feminist movement and the government in China.

Beyond legitimacy, the 1995 WCW introduced critical resources for the Chinese feminist movement and civil society groups through the governmental approval for NGOs and foreign foundation support. In the wake of the conference, the authorities allowed NGOs and foreign foundations to support programs in China. Women’s rights professionals,

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1 Sipan Li, “中国版女权：从启蒙到自觉” [Chinese Version of Feminism: From Enlightenment to Self-Consciousness], Boke Tianxia, February 9, 2015.
2 Ibid.

inspired by activism and having established connections with foreign foundations at the NGO forum, became the first group of beneficiaries. They established approximately a dozen women’s rights NGOs, which were the majority of the first pack of officially-recognized NGOs supported by foreign funds. This policy-loosening also served as a prerequisite for the later birth and growth of China’s civil society beyond the feminist movement. A substantial component of Chinese civil society were the rights-advocacy organizations that emerged in the 2000s, such as the Open Constitution Initiative, which provides legal aid, the Beijing Yirenping Center, which combats multiple sources of discrimination, and the Transition Institute, an independent think tank. Since rights-advocacy NGOs could not raise funds within the country because of political sensitivity, most of them depended on funding from foreign organizations. The amount of NGO funding from foreign sources remains unknown, but it clearly had significant influence on Chinese civil society, as evidenced by the 2016 introduction of the Foreign NGO Law which allows authorities to punish NGOs for the acceptance of foreign funds.

The background of the first group of Chinese women’s rights NGOs determined their low-profile but effective approach to activism. This approach, however, suggests the founders’ lack of confidence in the durability of NGOs in the authoritarian state. The founders of these organizations tended to have various types of relations with the government, and they often collaborated with the ACWF on issues such as domestic violence, rural women’s rights, and providing services for migrant female workers. For example, Liang Jun, a former professor of the Women Officials College of Henan Province, took advantage of her extensive network among local female officials and established the Henan Community Education Research Center. Collaborating with the Henan branch of the ACWF, the center organized training programs, such as souvenir handicrafts production, to increase rural women’s income. Furthermore, the center assisted rural women to participate in formulating village-level regulations that lessened gender discrimination in the traditional succession system. Liang’s organization and other first-generation women’s rights NGOs were careful to keep low profiles and attribute achievements to the government or the ACWF. Considering the intrinsic relations between the veteran feminist activists and the government, this tactic suggests that the former officials felt that NGOs were not wholly compatible with the party-state.

Along with the subtle method of operation, the NGOs’ unique relationship with the government resulted in better development of Chinese feminist organizations, compared to other civil groups. Liang’s organization continued even when its work extended into political participation through the revision of village regulations, whereas rural women’s

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6 Li, “中国版女权.”
7 Ibid.
self-organized groups encountered suppression when requesting similar improvements.\textsuperscript{8} Feminist NGOs also grew gradually while organizations in other fields, such as HIV prevention and labor rights, faced constant harassment from the authorities.\textsuperscript{9} The comparisons indicate the effectiveness of feminists’ tactics as well as the inherent advantages of the feminist movement. If the veteran activists had not had initial relations with the government, they would likely have been unable to deliver grassroots change to society or would have been limited by the authorities in their advocacy.

The success of first-generation Chinese feminist NGOs, however, is not replicable or sustainable, as the younger generation of Chinese feminists become more progressive rather than inheriting their predecessors’ discretion and relationships with the state. As influential scholars and ACWF officials who attended the 1995 WCW have retired, feminist NGOs’ relationships with the government have declined over time and their influence over policy has diminished.\textsuperscript{10} Meanwhile, the younger generation of feminists would rather embrace modern activism than promote improvements via the rigid bureaucratic system. Born in the 1990s, young Chinese feminists grew up in the era during which the one-child policy was strictly enforced and the state was liberalizing. They had more opportunities to pursue education and acquire information from the rest of the world. This background tended to lower their tolerance for discrimination and made them more familiar with foreign social movements.

In 2012, Li Maizi, a college student, initiated the “Occupy Men’s Room” movement, which was inspired by “Occupy Wall Street” and called for an increase in the proportion of public ladies’ rooms. Li’s movement, which temporarily blocked men from the male bathroom and instead let women use the facility, was very small scale, but she increased its scope by notifying local media to report on it in advance.\textsuperscript{11} Mainstream Chinese media organizations were under censorship but still needed to attract readers. The image of young women advocating for a social issue supplied an interesting story with little political risk, so Li’s initiative was widely reported. Since then, young feminists have conducted similar actions on various issues, and a number of “feminist stars” have emerged due to media coverage.\textsuperscript{12} As these social movement-like actions seemed to have an acceptable cost-benefit ratio, this new approach to activism has the potential to motivate young women and propel Chinese feminist activism toward a more aggressive approach.

Simultaneously, Chinese authorities have turned in a conservative direction that suppresses civil society and undermines liberal values, including gender equality. Since


\textsuperscript{10} Li, “中国女权.”


\textsuperscript{12} Lin Yuan, “持剑的美人鱼” [The Mermaids Holding Swords], Boke Tianxia, February 8, 2015.
Xi Jinping ascended to the presidency in 2013, the new administration has launched a series of crackdowns on opinion-leaders, NGOs, and human rights lawyers. The authorities have passed laws to legitimize extensive control over the internet, foreign funds, and other activities that the authorities recognize as threats to the regime. At his first meeting with the ACWF leadership, Xi Jinping stated that the goal of the party’s “women-related work” should be “upholding Chinese traditional family virtues.” This assertion strongly affected the ACWF, with the group launching activities such as “The Most Beautiful Family Competition” to advertise stereotypical feminine values such as taking care of elders and children. This policy change, in addition to the declining presence of the progressive political camp, has made the Chinese feminist movement lose its inherent advantages and become more politically vulnerable.

Growing activism and increasingly conservative authorities have disrupted the prior balance between the state and the feminist movement in China, as evidenced by the “Feminist Five” case that occurred on March 6th, 2015, two days before International Women’s Day. Chinese police detained Li Maizi, along with four other feminist activists, because they planned to distribute anti-sexual harassment stickers in public transport stations. Shocked by Chinese police oppressing feminists due to mild tactics, activists across the world started to campaign for the Feminist Five. 2015 was also the 20th anniversary of the 1995 WCW, and President Xi Jinping was supposed to make his first speech at the UN headquarters in memory of the event. The international feminist community threatened to boycott Xi’s speech if the Chinese government refused to release the Feminist Five. Hillary Clinton, who was then about to announce her U.S. presidential candidacy, reprised her 1995 role through a tweet calling Xi “shameless.” Under extraordinary international pressure, Chinese police released the Feminist Five within a month, a short period of time compared to typical Chinese political prisoners, and President Xi made his speech in New York as planned. Although the history of the 1995 WCW once again put international pressure on the Chinese authorities and shielded Chinese feminists, it may be unlikely to reoccur in the future. In 2017, Song Xiuyan, the leader of the ACWF, announced that the institute should take political loyalty as the principle of its work and fight for the Communist Party against Western feminism. The feminist movement in China has ebbed as authorities force organizations to close and activists increasingly experience harassment.


The current struggle of the feminist movement in China demonstrates the vulnerability of social movements in an authoritarian state. The success of the first-generation of feminist NGOs depended on both their initial advantage of accommodating the state’s agenda and veteran activists’ efforts in maintaining a relationship with the state. This unique dynamic can hardly be preserved or recreated as the situation changes. The younger generation of feminist activists does not maintain the same connections with the government as their predecessors did and do not have the same modest approach to activism, having grown up in an era when society was gradually liberalizing. The progressive young generation has propelled the movement to more aggressive activism, alarming authorities. As the regime reversed its policies toward deepening reform, the feminist movement no longer enjoys the privilege of exclusion from state repression against civil society. The hardships of the Chinese feminist movement are inevitable as long as China remains an authoritarian state.

The feminist movement in China demonstrates how a social movement may develop in an authoritarian state by working with the government, but the history of the movement also suggests the potential limitations of such a relationship. Although activists can make use of the state’s agenda to obtain legitimacy, political space, and resources, the authorities may tolerate these activities as long as they are controllable and serve the regime’s interests. Once the movement is able to mobilize a population, incurring political risks, the authoritarian regime will revoke the space it previously acquiesced. As Chinese activists have failed to break the ceiling for civil society through interacting with the authoritarian state, it may be time for them to consider more fundamental changes.

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Rohingya Resistance

Utilizing Media to Combat Buddhist-Burman Nationalism

Mary Marston

Introduction

In the 2002 British romantic comedy, *About A Boy*, Hugh Grant’s character volunteers at a London Amnesty International call center to rally support for an unspecified human rights crisis in Burma.¹ In 2019, Amnesty is now capable of a more global reach simply through the use of the internet. But as technology aids human rights organizations in broadening capabilities and impact, it has also been wielded by oppressive states to promote their own agendas. For this reason, the expansion and accessibility of the internet has fundamentally changed the nature of engagement between domestic and international human rights movements and the state.

This dynamic is evidently being played out in Burma, now known as the Republic of the Union of Myanmar, where the Muslim minority Rohingya in Rakhine State have endured what economist Amartya Sen terms a “slow genocide.”² The military – formally known as the Tatmadaw – and government utilize transnational media to rationalize violence against Rohingya through a “War on Terror” narrative, stoking fears that they may be linked to pan-Islamic extremist groups.³ Proliferation of access to technology, however, has enabled Rohingya to take control of their narratives and resist erasure from history. To fully appreciate how they have managed this feat, it is necessary to first comprehend the numerous forms of violence that the civilian government and the Tatmadaw have enacted in an attempt to render Rohingya a stateless people.

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¹ *About a Boy*, Directed by Christopher Weitz and Paul Weitz, Performed by Hugh Grant, United Kingdom: Universal Studios, 2002, DVD.
The Illegal Status of Rohingya in Myanmar

Historically, Rohingya were often otherized for not practicing Buddhism, Burma’s predominant religion. In the 11th century, King Anwrahata of the Pagan Dynasty attempted to unite the various kingdoms of modern-day Myanmar through the use of Theravada Buddhism as the national religion. Rohingya were also subjected to forced displacement because of the strategic port area they inhabit. In fact, Captain Hiram Cox served on a mission from 1796 to 1798 to resolve the predicament of Arakanese refugees, who were mostly Muslims from the Chittagong Frontier of British India (now Bangladesh) and could not return to ‘Arakan’ or nowadays Rakhine State.⁴

When Britain incorporated Burma into British India following three Anglo-Burmese Wars, the Crown attempted to categorize and historicize the origins of numerous ethnic groups in the country. The most egregious display of this arbitrary decision is recorded in the 1911 British census. Rohingya were categorized as “Mahomedean” (Muslim) Indian immigrants to the Arakan Kingdom in Burma, thought to have been brought over as laborers from India.⁵ In the British census published a decade later, Rohingya were categorized as “Arkanese,” meaning that they were found to be native to the Arakan Kingdom, now Rakhine State.⁶ Additionally, the laxity in the establishment of official political borders between Burma and British India facilitated the rationalized misconception of Rohingya as migrants during the period of colonization.

Anti-Rohingya sentiment festered during World War II and the Burmese War of Independence. During World War II, many Burmese nationalists accused Rohingya of taking advantage of the British occupation of the region to flee Arakan to Bangladesh in numbers of approximately 22,000. When Burman nationalists asked the British for aid in expelling Japanese soldiers from the country, Rohingya were enlisted to join the British and Burmans with the promise that Muslims of the area would be given northern Arakan for their participation.⁷ This promise remains unfulfilled.

Following Burma’s independence in 1948, Rohingya, then known as “Arakanese Indians,” lobbied for their official categorization to be changed to Rohingya, as well as for integration into East Pakistan (Bangladesh) or even sovereignty. The government, however, refused to repatriate any Rohingya who fled during the war in 1942 and

those who did return were considered “illegal Pakistani (Bangladeshi) immigrants.” Accordingly, Rohingya civil servants were removed from government posts and groups of armed Rohingya men, the “Mujahids,” have called for independence from Burma. The dissolution of the central government was an outcome of the 1962 coup d'état that transformed Burma from a civilian government to a military dictatorship.

During the era of the military junta, General Ne Win implemented policies of Burmanization, which aimed to unite the country’s various ethnic groups under a singular ethnic identity. Under the 1974 Constitution, the junta claimed that all national races would enjoy various freedoms so long as “...the enjoyment of any such freedom does not offend the laws or the public interest.” In 1977, Operation Nagamin (Dragon King) was initiated in northern Rakhine State, an area with a high concentration of Rohingyas, to register members of the “national races” and remove foreigners from the area. Rohingyas who were made refugees as a consequence of this policy reported forced eviction, rape, and murder by the Tatmadaw, and by May 1978 nearly 200,000 Rohingyas had fled to Bangladesh. Although 180,000 of such Rohingyas were repatriated under the United Nations’ support, they were denied citizenship in Burma.

The 1982 Citizenship Law saw a further institutionalization of Rohingyas’ illegal status in the country. It officially recognizes 135 ethnic groups, also termed “national races,” that the government claims occupied the area of Burma before the British colonization. The manufacturing of this number, aside from excluding several indigenous groups, was also purposefully utilized to label Rohingyas as “illegal Bangladeshi immigrants” brought over from Bangladesh during the colonial period. Various academic and news outlets both in and outside of Burma at the time recognized the 135 designated ethnic groups, perpetuating a misconception that Rohingyas and other minorities were accurately represented in this number. In reality, the law barred them from obtaining

8 Hugh Tinker, _The Union of Burma: A Study of the First Year of Independence_ (London, New York, and Toronto: Oxford University Press, 1957): 357. At the time of this book's publication, the War of Independence in Bangladesh had not occurred. It was still considered Western Pakistan ergo usage of “Pakistani” versus “Bangladeshi”, which is currently used.
12 Thar Nu Won, “How Illegal Chinese and Bangladeshi Immigrants (Rohingyas) Flooded Myanmar,” February 23, 2013, Accessed March 5, 2019, https://www.facebook.com/notes/won-thar-nu/how-illegal-chinese-and-bangladeshi-immigrantsrohingyas-flooded-myanmar/438750709541317/. Rohingyas are often termed “illegal Bangladeshi immigrants” as a means to delegitimize their claims of ancestry in the Rakhine State. This article is an example of the proliferation of non-peer reviewed information taken from chat forums online and circulated on social media. As demonstrated by the use of “Mujahid” in place of “Rohingya”, there is obvious Islamophobia attached to these sentiments.
citizenship.\textsuperscript{13} This illegal status has since served to rationalize episodes of Rohingya ethnic cleansing perpetrated by the Tatmadaw and Buddhist-Burman nationalist groups in Rakhine State.

Direct Tatmadaw violence against Rohingya communities continued well into the 1990s. Nearly 250,000 Rohingya fled to Cox’s Bazar in Bangladesh from 1991 to 1992. As a result, Bangladeshi authorities began to force Rohingya repatriation, an action condemned by the United Nations High Commissioner for Refugees until a Memorandum of Understanding was reached in 1993 to alleviate the situation. Burmese hesitancy and reported cases of Rohingya’s seizure of control over the refugee camps, however, led to more forced Rohingya repatriation to Rakhine State in 1998. By 2000, it was estimated that there were still 100,000 undocumented Rohingya in Bangladesh.\textsuperscript{14}

In 2001, the government began to employ narratives primarily from the Global North’s media and in particular the “War on Terror” to vindicate police searches of Muslims in larger cities as well as Rohingya in Rakhine State.\textsuperscript{15} The most recent bout of violence spotlighted by transnational media began in 2012 when communal violence between Rakhine Buddhists and Rohingya broke out in relation to the alleged gang rape and murder of a Buddhist Rakhine woman, allegedly perpetrated by Rohingya men. Ko Ko Gyì, a Myanmar politician and former prisoner of conscience, outright claimed that Rohingya were not one of Myanmar’s national races and their actions were infringing upon Myanmar’s national sovereignty. Many continued to denounce Rohingya as “illegal Bengalis” or employ the word “kalar,” a slur in Southeast Asia used against persons of Muslim South Asian ancestry.\textsuperscript{16}

**Tatmadaw and the Buddhist bin Laden**

A strong supporter of Tatmadaw’s framing of Rohingya is Ashin Wirathu, the self-proclaimed “Buddhist bin Laden.” He was the head of the Patriotic Association of Myanmar or the Ma Ba Tha movement.\textsuperscript{17} He regularly utilized Islamophobic rhetoric with the intent of stoking communal violence against Rohingya and other Muslims in Myanmar, allegedly with Tatmadaw assistance. In a February 2013 sermon, he stated:


If you buy a good from a Muslim shop, your money just doesn't stop there... money will eventually be used against you to destroy your race and religion. That money will be used to get a Buddhist-Burmese woman and she will very soon be coerced or even forced to convert to Islam... once [Muslims] become overly populous, they will overwhelm us and take over our country and make it an evil Islamic nation.\textsuperscript{18}

The fear of Myanmar becoming an “evil Islamic nation” became semi-materialized with the creation of the Arakan Rohingya Salvation Army (ARSA) in 2013. Under the pretense that their operations were a matter of national security, Tatmadaw granted ARSA with control of the region outside of the purview of the government.\textsuperscript{19}

In 2015, twelve Rohingya men were arrested for joining the “Myanmar Muslim Army,” a group that defense lawyers and security experts could not verify existed, and five non-Rohingya men were arrested for publishing items that “... could damage national security,” such as calendars with the word “Rohingya” on them.\textsuperscript{20} In 2016, it was reported that jihadist insurgent groups attacked Tatmadaw outposts, leading to Tatmadaw’s use of extrajudicial killings, gang rape, and arson against Rohingya.\textsuperscript{21} After ARSA claimed responsibility for the attacks on the Tatmadaw, children as young as 10 were detained for complicity in ARSA violence.\textsuperscript{22} Continued anti-Rohingya violence in Rakhine State and their forced displacement led former United Nations High Commissioner for Human Rights, Zeid Ra’ad al-Hussein, to term these actions against Rohingya as “a textbook example of ethnic cleansing.”\textsuperscript{23}

Social Media as an Enabler of State Oppression and Ethnic Violence

The government, on the other hand, has attempted to take action against Buddhist-Burman nationalist violence. The State Sangha Maha Nayaka Committee took action against Ashin Wirathu by legally disbanding Ma Ba Tha in 2017, but the group was later reformed as the Buddha Dhamma Paraphita Foundation in May 2018. Its regeneration also followed Facebook’s ban of Wirathu from the social media platform, after Australian


\textsuperscript{20} Akbar, “Myanmar and the ‘War on Terror.’”


academics accused the company of being complicit in Rohingya genocide by providing Wirathu a platform to promote “hate-speech” via video and written sermons without consequence.24

This example of action from transnational human rights activists to de-platform promoters of hate speech is useful in putting international pressure on Naypyidaw. However, as Burmese activist Maung Zarni pointed out:

Burmese-language social media sites, which thrive out of the purview of international media watchdogs, are littered with hate speech. Postings of graphic images of Muslim victims, including Rohingyas, on Facebook—easily the most popular social media website in the newly opened Burma—have been greeted with approving responses from the country’s Buddhist netizens, both within the country and throughout the diaspora.25

Parallel to Wirathu’s ban from Facebook, pro-Rohingya content from Facebook was systematically deleted or disabled. Although the government and the Tatmadaw did not interact with these accounts and content in any official capacity, these cases have brought into question Facebook’s complicity in restricting freedom of expression and perpetuating state-sponsored violence against minorities.

Two examples of Facebook pages that were removed in 2017, Rohingya Community and Rohingya Today, substantiate this concern. Activist Shah Hossein from Saudi Arabia, who ran Rohingya Community, was forcibly logged out of Facebook and saw his content removed from the platform. Arakan News Agency, his YouTube news page that had nearly 60,000 subscribers, was also deleted.26 Mohammed Anwar, a Rohingya activist who ran Rohingya Today (formerly Rohingya Blogger), also met the same fate for allegedly violating Facebook’s community standards. Anwar reported the incident to the Director General of the Myanmar President’s Office, Zaw Htay, claiming that Facebook was collaborating with terrorists and terrorist sympathizers. Director of Burma Campaign UK Mark Farmaner concluded, however, that this was indeed a systematic effort by “racists in Burma” to “flag” Rohingya content, which automatically triggered Facebook’s user-reporting mechanism to remove posts and suspend associated accounts.27

The Tatmadaw then took a further step to instruct its “True News Information Unit” to publish *Myanmar Politics and the Tatmadaw: Part I* in August 2018, a book

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primarily built upon the illegal Bengali Muslim/War on Terror narratives. However, a Reuters investigation discovered that a photograph captioned “Bengalis intruded into the country after British Colonists occupied the lower part of Myanmar” was actually that of Rwandan Hutus fleeing Rwanda for Tanzania. The book also misused a photograph of bodies in Dhaka, Bangladesh retrieved after a massacre in 1971 to supposedly portray “Bengali” (Rohingya) killing “local ethnics brutally.”

The Tatmadaw has valued this form of narrative control as a means of delegitimizing international scrutiny into Myanmar affairs, affirming misinformation spread by Buddhist-Burman nationalists, and countering the influence of Rohingya civil society.

Their clever dependence upon third parties, like the Buddhist Bin Laden, lack of evidence of direct orders in regards to online activities, and simple promotion of anti-Rohingya information has enabled the government and the military to evade punishment by international bodies thus far. Current laws are lagging behind in regulations regarding the use of social media. This not only creates a significant predicament regarding hate speech and human rights, but a broader legal issue of regulating social media norms across borders.

**Civil Society’s Battle for “True News”**

Although the government and the Tatmadaw have not taken direct actions against Rohingya civil society online, their influence on the broader Buddhist-Burman nationalist community has served to silence Rohingya advocates while promoting hate speech and genocidal rhetoric on social media platforms.

Rohingya civil society has confronted this reality by creating transnational spaces outside of social media in which these groups can proliferate pro-Rohingya messages. Among websites dedicated to providing historical documents, news, peer-reviewed reports, and various forms of pro-Rohingya advocacy are Online Burma/Myanmar Library, Arakan Rohingya National Organization (ARNO), Kaladan Press Network (KPN), Free Rohingya Coalition (FRC), and Rohingya Today. Although it may seem redundant to operate multiple sites, each of these sites serves a different purpose in engaging local and global civil society.

The Online Burma/Myanmar Library was founded in 2001 to document the human rights situation in Myanmar and states that it is “…dedicated to the people of Burma, who have been the last to know what has been written about their country.” It serves as a database that hyperlinks and houses full text documents related to Myanmar. To date, it has more than 100,000 documents sourced from books from the time of the British

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colonization, and also includes publications from the United Nations, the Myanmar government, and an assortment of non-governmental organizations.\(^{30}\) The library provides invaluable first-hand documents that discuss numerous iterations of how Rohingya were labeled, beginning with the “Mahamodean Indian” categorization when Burma was part of British India, to “Arakanese” that reflects their indigeneity to Arakan (Rakhine State), and to Rohingya in the 1960s.\(^{31}\) Publishing this information in an accessible format effectively challenges measures by the state to limit such knowledge within Myanmar, such as banning the study of political science from 1988-2014.\(^{32}\) More importantly, it provides evidence that directly counters the common narrative of Rohingya illegality.

Rohingya-operated organizations have also played a key role in providing both documentation of their livelihood in Rakhine State and the means by which they seek self-determination. ARNO, for instance, was found as a merger between the Arakan Rohingya Islamic Front and the Rohingya Solidarity Organization in 1998 to tackle the “...rapidly deteriorating situation of the Rohingyas threatening their very existence and daunting challenges thrown upon them by the military junta.” The unification of these two organizations granted ARNO sufficient standing to assert 21 core tenets to Rohingya and the international community about the goals of its institution, which include the right to Rohingya self-determination, solidarity with non-Rohingya Muslims in Myanmar, and the boycott of all companies in business with the “military regime.”\(^{33}\)

Thus, ARNO combats false narratives by publishing press releases to demonstrate its approval of actions and/or statements by transnational human rights groups, and by compiling reports from secondary sources that are in line with ARNO’s tenets. The two most recent press releases on their website affirm solidarity with a number of Myanmar minority organizations to support European Union sanctions against military business in the country\(^{34}\) and the Jewish Rohingya Justice Network’s statement “against the genocide of the Rohingya people and the persecution of all ethnic minorities in Burma.”\(^{35}\) The latter statement particularly has important implications and impact for two reasons. First,
it links the human sufferings of the Holocaust to the current predicament of Rohingya and other ethnic minorities in Myanmar. This reference denounces the human abuses perpetrated by Tatmadaw and state narratives and can be regarded as a victory in alliance across ethno-religious boundaries. Secondly, although the statement does not directly address this issue, official recognition of Rohingya as victims of abuse directly counters joint efforts by Israel and Myanmar to portray a different story in history books, especially regarding the states’ poor treatment of Palestinians and Rohingya, respectively.36

KPN, alternatively, does not serve to espouse any particular group agenda. It was founded as the first Rohingya news agency in 2001, but to term the organization as such would be inadequate. KPN’s founder Razia Sultana uses the site to publish editorials, Rohingya scholarship, histories of Rohingya and Arakan (Rakhine State), transcripts from conferences related to Rohingya, and videos, the majority of which can be accessed in English, Burmese, and Bangla.37 Sultana has also made accessible on the website in English and Burmese her published research, Witness to Horror: Rohingya Women Speak Out About Myanmar Army Rape in Maungdaw (2017) and Rape by Command: Sexual Violence as a Weapon Against the Rohingya (2018). This scholarship has illuminated the extent to which rape was utilized as a form of intimidation and ethnic cleansing, even though the Tatmadaw has repeatedly denied its credibility.38 Sultana’s documentation of Rohingya women who spoke out makes it more difficult for Myanmar to restrict access to information or obstruct the entry of human rights observers into Rakhine State.39 Additionally, the recognition of Sultana as an International Woman of Courage by the U.S. Department of State has constituted another triumph for Rohingya by validating her efforts to uncover hidden atrocities, which could be used as evidence for international investigation and prosecution of perpetrators, including members of the Myanmar government and military.

In comparison to the Online Burma/Myanmar Library, ARNO, and KPN, FRC focuses more resources on information sharing and global outreach. FRC, a transnational network of both Rohingya activists and allies, seeks to promote a Rohingya leadership that can broker a peaceful resolution on matters of contention in Myanmar.40 Different from


37 Sultana is also a coordinator of the Free Rohingya Coalition and ARNO’s women’s section.


other organizations, FRC’s representatives regularly attend and engage in international conferences for the purpose of building transnational support for the Rohingya cause and centering Rohingya voices within it. This coalition has enabled the creation of a more transnational Rohingya-focused civil society as its coordinators, which encompasses a broad scope of prominent human rights activists. It also understands the importance of creating accessible means for advocacy, such as social media campaigns, in order to inform and mobilize the general public about Rohingya issues. Additionally, its focus on generating international pressure from governments and multilateral organizations to take action against the state and military diverges from 20th century actions where organizations like Amnesty International and Human Rights Watch would be the only organized groups with the capacity to advocate internationally. The FRC’s consistent engagement with the international human rights community on this issue ensures that the Rohingya crisis remains in the spotlight; otherwise it would be incredibly challenging to hold individuals or groups accountable for the suffering that Rohingya have endured.

Lastly, Rohingya Today, which has been a target of attack by Buddhist-Burman nationalists online, focuses its attention on integrating news relating to Rohingya onto one platform. What is both notable and impressive about the site is its social media reach, which boasts approximately 61,000 and 65,000 “likes” on its Facebook pages in Burmese and English, respectively. Its Twitter, @rohingyablogger, has roughly 16,200 followers and averages dozens of retweets per post. The demonstrated popularity of the site in both English and Burmese is hard evidence of the widespread global interest in the Rohingya crisis in spite of the state’s counter-efforts. Rohingya Today stands on the frontline of proliferating the most timely Rohingya-centered information to domestic and international audiences. If this platform ceased operations, Rohingya civil society stands to lose a significant amount of sustained social capital both domestically and internationally from one of the most prominent news organizations. Consequently, anti-Rohingya news sites may fill this void.

Conclusion

In the effort to resist erasure from the global consciousness, Rohingya civil society has invented multiple mechanisms through which local and transnational organizations can engage with their cause more effectively. This is partly in response to, and inspired by, the political reality on the ground where Buddhist-Burman nationalists still occupy the highest offices of the Myanmar government. For example, Islamophobic and anti-Rohingya sentiments remain prevalent among members of the National League for Democracy.

This however has led younger members of the party, including interfaith activists, to splinter off in hopes of forming new coalitions that will accommodate the needs and desires of all people in the country.\textsuperscript{46} Social media platforms like Facebook and Twitter have also actively pushed back against anti-Rohingya content by banning military officials who have a history of promoting anti-Rohingya propaganda.\textsuperscript{47}

Regardless of these actions, as Maung Zarni stated, the majority of anti-Rohingya content online remains outside of the purview of non-Burmese speaking persons. Whereas the majority of the international community believes that past actions taken against Rohingya constitute ethnic cleansing or genocide, the domestic Myanmar population remains divided. While some sympathize with the Burmese journalists who were detained for reporting on the Rohingya crisis, Wa Lone and Kyaw Soe Oo, others believe that their arrest was justified.\textsuperscript{48} In fact, Rohingya supporters in metropolitan cities like Yangon tend to avoid discussions surrounding Rakhine State due to the sensitive political climate that has successfully framed Rohingya as illegal Bengali terrorists.\textsuperscript{49}

While international civil society cares about Rohingya issues, it cannot address the problem at its root if it fails to acknowledge the context for more nuanced anti-Rohingya sentiments and political views, especially those expressed in Burmese and in non-traditional spaces like social media. While it is a critical task to identify and prosecute state officials who are responsible for human rights violations, advocates must continue working to combat false, deceptive, and hurtful narratives that negate the humanity of the Rohingya. These are often tied to the broader Global North Islamophobic rhetoric seen around the world.

Means of accomplishing the aforementioned goals and establishing a broader base of support include Rohingya domestic and international civil society allying with other ethnic minority groups in Myanmar and the global Muslim community. Groups like the U.S. Campaign for Burma, Burma Link, and others coalesce information regarding the structural and physical violence facing ethnic minorities in Myanmar. Coordinating with these groups, alongside organizations dedicated to advancing the rights of ethnic minorities in Myanmar, Rohingya civil society would more effectively wield the cultural capital of human rights-focused international organizations and international governing bodies to place pressure on Myanmar’s government, foreign governments, and companies.


\textsuperscript{49} Than Toe Aung, “Neo-Colonialism and Anti-Rohingya Sentiments in Burma,” E-mail interview by author, October 25, 2018.
that engage in practices that violate global human rights standards.

Tapping into the global Muslim community is an additional means for Rohingya civil society to coalition-build especially regarding information sharing and demonstrating spiritual and financial solidarity, like the act of giving Zakat. Additionally, a significant Rohingya diaspora is forming as refugees are forced to flee to Muslim-majority areas in the Gulf, South Asia, and Southeast Asia. It is plausible that Rohingya civil society could leverage influence in their new countries of residence to take action against Naypyidaw. More likely, Islam could be used as means of enculturating Rohingya into their new communities as they wait for governing bodies to take action against the state for its human rights abuses. Until then, Rohingya civil society continues to command social media as a weapon to combat Rohingya’s erasure from Myanmar and global history.

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50 "Zakat," Islamic Relief USA, Accessed May 20, 2019, http://irusa.org/zakat/?gclid=EAIaIQobChMI1Z7t4KSq4gIVhkGGCh1YzwyFEAAYASAAEgLdgPD_BwE; "The Rohingya Need Our Help," Zakat Foundation of America, Accessed May 20, 2019, https://www.zakat.org/en/rohingya-need-help/. Islamic Relief USA and Zakat Foundation for America have provided resources for Muslims to give Zakat, an obligatory alms-giving during Ramadan, to support Rohingya living in refugee camps.
Rights of Transgender Persons

A Case for More Regional Cooperation in South Asia

Gowthaman Ranganathan

Introduction

This article makes a case for a regional convention on the rights of transgender persons in light of the legal developments in transgender rights across key member nations of the South Asian Association for Regional Co-operation (SAARC). It focuses on the right to self-identification of gender. An overview of key legal developments in South Asia on transgender rights is provided and, in light of this, it suggests that a regional convention on the rights of transgender persons by SAARC will be a step in the right direction. Such a step would achieve a twofold purpose. First, it would enforce the internationally-recognized rights of transgender persons throughout societies in South Asia and provide an opportunity to address regionally specific concerns. Second, it would enable the strengthening of SAARC by realizing some of its key charter goals mentioned in Article 1 (a) and 1 (b) of promoting “welfare of the peoples of South Asia…to improve their quality of life,” and providing “all individuals the opportunity to live in dignity and to realise their full potential.”

Rights of Transgender Persons

In 2014, the Supreme Court of India affirmed the rights of transgender persons in the landmark case, *National Legal Services Authority (NALSA) v. Union of India.* It provided specific directions to the Central and State governments to implement policy recommendations, which were created by an expert committee, within a period of six months. This decision upheld the rights to equality, non-discrimination, freedom of expression, and right to life with dignity for transgender persons. Most importantly, it also upheld the right to self-identification of gender.

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2 *NALSA v. Union of India,* WP 400 of 2012.
3 Ibid, Para 130.
Despite certain inconsistencies, the judgment is unambiguous about these rights. In paragraph 76, the court holds, gender identity “forms the core of one’s personal self, based on self-identification, not on surgical or medical procedure. Gender identity, in our view, is an integral part of sex and no citizen can be discriminated on the ground of gender identity, including those who identify as third gender.”

Further, on paragraph 20, it is held that, “no one shall be forced to undergo medical procedures, including SRS (sex reassignment surgery), sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity.” The court concludes on paragraph 129 that, transgender persons have the right to “decide their self-identified gender” and that local, state, and national governments must “grant legal recognition of their gender identity such as male, female or as third gender.”

In making their decision, the Court relied on judgments from various jurisdictions, including the Yogyakarta Principles, to arrive at its conclusion. These are a set of international principles on sexual orientation and gender identity, drafted by international human rights experts at Yogyakarta, Indonesia in 2006. These principles set out international legal standards that States must comply with. Principle No. 3 of the Yogyakarta Principles states, “Each person’s self-defined sexual orientation and gender identity is integral to their personality and is one of the most basic aspects of self-determination, dignity and freedom. No one shall be forced to undergo medical procedures, including sex reassignment surgery, sterilization or hormonal therapy, as a requirement for legal recognition of their gender identity.”

Despite being only a set of best practices compiled by civil society organizations, the Yogyakarta Principles have since been incorporated in India’s domestic legal code. These principles are in line with international law and draw primarily upon the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), and other international human rights conventions.

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4 Ibid, Para 76.
5 Ibid, Para 20.
6 Ibid, Para 129.
8 Ibid, Para 22.
10 Ibid, 879.
11 Ibid, 821.
The NALSA judgment has been enforced by various High Courts throughout India, which are required to abide by the decisions of the Supreme Court. There have been legislative attempts, through multiple iterations, to ensure the rights of transgender persons. These efforts started with a private members bill that was unanimously approved by the Upper House. Even as this bill was pending discussion in the Lower House, a different bill was introduced by the Ministry of Social Justice and Empowerment. Civil society organizations criticized the Ministry’s bill as it was contrary to the NALSA judgment and did not demonstrate any understanding of the lives of transgender persons. Subsequently, the bill was referred to a Standing Committee and a further revised draft was approved by the Lower House. These competing legislative efforts created much confusion. Now, the most recent version awaits passage in the Upper House and has been met with severe resistance by transgender persons for being against the spirit of the NALSA judgment.

Various individuals, organizations, and networks of transgender persons have publicly condemned the bill. Sections 5, 6, and 7 of this pending legislation would establish screening committees that issue certificates of identity to transgender persons. The committee would include a medical officer, the District Social Welfare Officer, a psychiatrist or psychologist, a transgender person, and an officer appointed by the government. This process, in requiring various procedures, including a determination by medical officers, is antithetical to the right to self-determination set out in the NALSA judgment. Some other key criticisms include the absence of affirmative action provisions, inadequate penalties or an absence of consequences for non-compliance of certain provisions, and the criminalization of begging, which many transgender women rely upon due to lack of livelihood options. All of these proposed components of the legislation stand against the spirit and directions of the NALSA judgment.

15 Ibid.
Even without this pending legislation and despite the NALSA judgment, there has been mass incarceration of transgender persons for begging.\(^\text{17}\)

Even as the legislative path has faced sharp resistance, the judgments of the High Courts have been welcomed by the transgender community. The most recent judgment that follows the NALSA decision is the case of *Arunkumar v. The Inspector General of Registration* from the Madras High Court.\(^\text{18}\) In this case, the court upheld the right to marry of the transgender petitioner and affirmed that the word ‘bride’ in section 5 of the Hindu Marriage Act includes transgender persons who identify as women. It is noteworthy that the marriage was between a man from an oppressed caste and a woman from a dominant caste. This was a welcome move by the court especially following a high-profile incident of an inter-caste couple being burnt alive.\(^\text{19}\) This is the most recent case where NALSA has been affirmed but there are many other cases in which the High Courts have progressively applied the principles in the NALSA judgment to grant admissions and services of transgender persons.

**Developments Across South Asia**

In the rest of the region, progress has been made in Nepal, Pakistan, Bangladesh, and Sri Lanka on recognizing transgender persons. Including India, this means that five out of the eight member states of SAARC have recognized the rights of transgender persons. Unfortunately, there have been no substantial developments in Afghanistan, the Maldives, or Bhutan.

In 2007, the Supreme Court of Nepal affirmed the rights of transgender persons in the case of *Sunil Babu Pant v. Nepal Government.*\(^\text{20}\) On page 283–284, the court held:

> It cannot be construed that the legal rights and fundamental rights as well as human rights provided to the individuals by the Constitution and other human rights related international instruments to which Nepal is a party, may be enjoyed only by men and women merely because the term ‘sex’ — meaning male and female — is mentioned in the Constitution. As the people with third type of gender identity other than the male and female and different sexual orientation are also Nepali citizens and natural person they should be allowed to enjoy the rights with their own identity as provided by the national laws, the Constitution and international human rights instruments. It is the responsibility of the state to create appropriate environment and make legal provisions accordingly for the enjoyment of such

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\(^{18}\) *Arunkumar v. Inspector General of Registration*, WP (MD) No. 4125 of 2019 and WMP (MD) No. 3220 of 2019


\(^{20}\) *Sunil Babu Pant v Nepal Government*, Writ No. 917 of the year 2064 BS (2007 AD)
rights. It cannot be construed that only ‘men’ and ‘women’ can enjoy such right and other people cannot enjoy it only because they have a different gender identity and sexual orientation.\textsuperscript{21}

It is important to note that, like in India, the Supreme Court of Nepal also relied on the Yogyakarta Principles, the ICCPR, and the ICESCR. Subsequent to this decision, there have been many developments including the inclusion of a third gender category in the voter rolls, census, immigration forms, and applications to the civil service examination.\textsuperscript{22} The Asia Pacific Transgender Network and the United Nations Development Program conducted a detailed survey of these developments in the report titled “Legal Gender Recognition: A Multi-Country Legal and Policy Review in Asia” in 2017.\textsuperscript{23}

In the case of Dr. Muhammad Aslam Khaki v S.S.P. (Operations) Rawalpindi, the Supreme Court of Pakistan has recognized various rights of transgender persons including the right to identity and rights of inheritance.\textsuperscript{24} Subsequently, in 2017, the Lahore High Court recognized the right of a transgender person to receive a Computerized National Identity Card (CNIC). In this case, Mian Asia v. The Federation of Pakistan, the court held that, “gender identity is one of the most fundamental aspects of life which refer to a person intrinsic sense of being male, female or transgender. Everyone is entitled to enjoy all human rights without discrimination on the basis of gender identity. Everyone has the right to recognition everywhere as a person before the law.”\textsuperscript{25} Pakistan’s Senate has also passed the Transgender Persons (Protection of Rights) Act in 2018. The emphasis on self-perceived identity in the law has been praised by the transgender community.

Bangladesh has recognized the right to gender recognition of transgender persons through a Cabinet decision in 2013.\textsuperscript{26} The implementation of this right, however, has been unsatisfactory. Nevertheless, recognition in-principle allows for the possibility of full realization in the case of a judicial challenge.\textsuperscript{27}

Sri Lanka has recognized the right to gender identity through a circular of the Health Ministry issued in 2016, which requires medical determination and does not live up to the threshold of self-identification of gender.\textsuperscript{28}

**A Case for More Regional Co-Operation**

The brief overview of legal developments on the rights of transgender persons in the SAARC member states allows us to come to certain conclusions. The development of
the right to self-identification of gender identity can be observed at various stages of realization in all five of the countries analyzed. Pakistan’s recent law remains a progressive step forward but its implementation in the days to come will have to be observed. India’s legislative efforts are not in line with its Supreme Court’s decision, but the transgender community remains vocal in guiding the new legislation. Nepal has made significant progress as well through various cases. Bangladesh and Sri Lanka have attempted reforms through executive measures, although they lack judicial affirmations and legislative efforts to support these reforms. However, Bhutan, the Maldives, and Afghanistan have yet to initiate the process of recognizing transgender persons. A regional convention on transgender rights might be the mechanism for change needed in these countries.

As noted earlier, the decisions of the Supreme Court of Nepal and India significantly draw upon the Yogyakarta Principles, which are based on the ICCPR and the ICESCR. Except Bhutan, all other SAARC nations are signatories to both covenants and hence agree to affirm the rights of transgender persons. Though this article has focused primarily on the right to self-identification of gender, various other rights of transgender persons including the right to health, inheritance, family, employment, housing, and protection against violence and discrimination. All of these rights must be advanced in South Asia. The Yogyakarta Principles can be used as the guiding force for a regional convention on the rights of transgender persons by SAARC. The regional organization has conventions on promotion of welfare of children, combating and preventing the trafficking of women and children for prostitution, suppression of terrorism, and mutual assistance on criminal matters. Therefore, it is feasible to also establish a SAARC convention on the rights of transgender persons.

There has been a lot of writing on the many things that divide South Asia given its complex history. These differences have often justified the mild nature of SAARC, which is the only regional organization in the world with no enforcement mechanism. Given the significant progress in some SAARC member states on transgender rights, it is important for SAARC to come together on this issue to further its charter goals. Such an effort will also bring a unifying factor in the now vastly different processes for recognition of rights of transgender persons.

Transgender persons, in particular, trans women, have been recognized in various socio-cultural contexts in South Asia for centuries. This ranges from mentions in mythology to prevalence of socio-cultural groups like the Hijra, Khwaja Siras, Kinnar, Jogappas etc. Many variants of the transgender identity exist in different parts of the region and these identities are often subsumed into the larger transgender umbrella. An umbrella identity is important for legal recognition; however, it is also crucial to ensure that

30 “SAARC is world’s only regional organization not having human rights body to tackle issues related to International Covenants” Counter View, August 30, 2017 https://counterview.org/2014/08/26/saarc-is-world%E2%80%99s-only-regional-organization-not-having-human-rights-body-to-tackle-issues-related-to-the-intern%E2%80%98A6
socio-cultural identities are not erased and are explicitly recognized under the transgender identity for legal purposes. These socio-cultural identities are not present in the West. Therefore, this will be a significant opportunity to bring recognition of rights specific to these identities into regional and global conversations. The fact that SAARC has no enforcement mechanism may be helpful to convince members countries like Afghanistan, the Maldives, and Bhutan, who do not have laws for transgender persons, to agree on a regional convention. This would allow them the pace to bring forth suitable legal changes and also provide them with regionally specific guidance through the form of a convention.

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This paper uses the lens of hip hop to examine contemporary Tibetan youth identity in China. Based on an analysis of the hip hop scenes in four Tibetan cities, as well as online virtual space, the study finds that the Tibetan hip hop scene is a site for Tibetan young people with diverse opinions and outlooks to negotiate their identities under the larger social structure in the People’s Republic of China. A large number of Tibetan hip hop artists use hip hop as a tool to redefine Tibetan identity for a mainstream Chinese audience. They do so by expressing pride for their cultural and religious traditions, challenging the stereotype of underdeveloped Tibetans, advocating for inter-ethnic equality, and revealing the flaws and injustices of certain government policies. This growing nationalism, however, can sometimes be counterproductive as ethnic identity becomes essentialized and commercialized. Debates surrounding the issue of language and ethnic identity point to the diversity of opinions on the relationship between Tibetan identity and the Tibetan language. The contestations surrounding identity within the Tibetan hip hop scene reflects the complex intersection of the various forces at play in Tibet today and the ever-shifting nature of “Tibetan-ness.”

The return of Tibetan students from schools in coastal China marks the start of Lhasa’s vibrant summer night life. During a rap concert one evening in August 2017, a group of college-aged Tibetan rappers sang *Made in China*, a well-known song by the Chengdu-based Han Chinese rap group Higher Brothers. “Yin and yang, feng shui, made in China. From Tai Chi to I Ching, made in China. The Great Wall, made in China… I welcome you to the nation that makes magic from 5,000 years of culture. Made in China will amaze you,” they rapped. The mostly Tibetan audience sang along, danced, and waved their hands in time with the beats.

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This paper uses the lens of hip hop to examine contemporary urban Tibetan youth identity in the People’s Republic of China (PRC). Specifically, it explores how, through hip hop, young Tibetan artists perceive and negotiate their relationship to the Han-dominant society and how they facilitate discussions within the Tibetan youth community about the meaning of their identities given the growing national consciousness and diversity of the Tibetan experiences. The Tibetan hip hop scene offers producers and consumers of this genre a space to reflect on and make sense of their positions within a larger state-dominated Chinese society. On the one hand, Tibetan artists communicate their ethnic and cultural pride through hip hop as a response to the state’s representation of Tibetans. On the other hand, the essentialization of Tibetan identities, fueled by nationalism, sparks a discussion within the Tibetan youth community on the meaning of being Tibetan in Tibetan regions in the PRC today.

Fifty-eight years ago, in 1959, the fourteenth Dalai Lama fled to India and the Chinese Communist Party took over the administration of central Tibet. More than half a century has passed, and Tibetan identity continues to shift and transform in response to domestic and international forces. In her study on the rock music scene in the Tibetan exile community in Dharamsala, Keila Diehl argues that “the ways various song traditions are loved, debated, rejected, tolerated, or ignored…can be analyzed as embodiments or performances of the challenges and paradoxes of maintaining an ethnically-based community in diaspora.” Similarly, the Tibetan hip hop scene in China may seem confusing and paradoxical at first, but its dynamics precisely reflect the inherent contradictions and complexities of articulating what it means to be Tibetan in China today.

The data for this study was collected during fieldwork conducted in Shanghai, Xining, Rebgong, Gyalthang, and Lhasa from June to August 2017. A major component of this fieldwork involved semi-structured interviews and informal conversations with twenty Tibetan rappers, as well as artists specializing in other genres of music, producers, creative industry entrepreneurs, and audience members at hip hop performances. Another component of fieldwork was participant observation in bars, livehouses, studios, and restaurants where music and social events took place. In addition to onsite fieldwork, this study also draws on analyses of social media content, music videos, posters, and song lyrics. While Tibetan hip hop artists produce works in different languages, the scope of this paper is limited to Chinese and English language songs or Tibetan language songs with Chinese translation because the author cannot speak or read Tibetan.

Although a few young Tibetans started to experiment with rap more than ten years ago, it was not until recently that Tibetan hip hop began to enjoy large-scale popularity in

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2 This paper refers to Tibet as cultural Tibet, which comprises of Amdo (Northeastern Tibet), Kham (Southeastern Tibet), and U-tsang (Central Tibet). The scope of cultural Tibet is different from that of political Tibet, which includes only the Tibetan Autonomous Region.


4 This essay uses Tibetan names for Tibetan cities. The Chinese name for Rebgong is Tongren (同仁), and the Chinese name for Gyalthang is Shangri-La (香格里拉).
Tibet. The Rap of China, a 2017 national hip hop TV talent show, contributed to hip hop’s popularity in China, and during the past year, the number of aspiring rappers and hip hop lovers has grown quickly. “Tigga” has become a buzzword among many Tibetan hip hop enthusiasts. From “Lhatlanta” to “Gologfornia,” Tibetan rappers in Tibetan areas of China strive to put their cities or towns on the hip hop map of the world. Tibetan hip hop is growing into a subculture in which an increasing number of young Tibetans engage and from which they claim their identities. The Tibetan hip hop scene is growing and maturing, with patterns taking shape and stabilizing.

Music is a powerful and creative lens for studying identity and many scholars have written about the relationship between Tibetan identity and contemporary Tibetan music within China. The vast majority of this scholarship creates a dichotomy between the state and the Tibetan people and portrays the Tibetan music scene as a form of resistance towards the state. This study contributes to this body of work by highlighting how the Tibetan hip hop scene has become a space where Tibetan youth negotiate their identities in the face of heightening Tibetan nationalism.

The Origin of Hip Hop and Hip Hop’s Significance in the U.S.

In the 1960s, various policies and initiatives in the United States, such as the encouragement of middle-class suburbanization, urban renewal projects, highway construction, and the loss of manufacturing jobs, produced high concentrations of poverty in the South Bronx, New York. Hip hop arose from social activities such as graffiti and DJ-ing in which young African Americans and Puerto Ricans engaged. The social context of the South Bronx at the time was a key determinant of hip hop’s popularity. As sociologist Joseph Ewoodzie explains, South Bronx youth found hip hop meaningful because it was

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5 Some of the earliest Tibetans who started experimenting with hip hop and gained some level of local or regional recognition include Mr.Jin and his Jing Group (镜团体).
6 Tigga is appropriated from “nigga” to refer to Tibetan nigga.
7 “Lhatlanta” combines “Lhasa”, the capital of the Tibetan Autonomous Region, with “Atlanta”, the capital of the state of Georgia, which is known for its trap rap music scene. The term was first coined by Lhasa rapper Nature Motor (马自然达). “Gologfornia” combines “Golog”, a region in Amdo, Tibet, with “California”, the home of the West Coast hip hop scene.
based on their own aesthetic preference. The subjects of rap songs largely center on the ghetto experience which resulted from structural racism and long-term economic, social and political disempowerment. Rap originated as an art form that African American and Latino youth have utilized to give voice to their experience in the “systematic matrix of racial, spatial, and class discrimination that has defined black city life. Central to hip hop is race politics in urban America. Over the past six decades, hip hop has become widely popular around the world; it has particularly been embraced by disadvantaged and marginalized members of various societies.

**Tibetan Hip Hop and Ethnic Identity Negotiation in China**

According to Tony Mitchell, a Cultural Studies scholar, as cited by social linguist Alastair Pennycook, “Hip hop and rap cannot be viewed simply as an expression of African-American culture; it has become...a tool for reworking local identity all over the world.” The spread of hip hop to Tibet should not be viewed as Americanization or global homogenization. Instead, how hip hop becomes localized and adapted says a lot about the dynamics in Tibet. What makes Tibetan hip hop Tibetan is not the language, the style, or the beats per se. As in the case of Japanese hip hop documented by anthropologist Ian Condry, Tibetan hip hop is Tibetan because it offers a space where Tibetan young people convene, either literally or metaphorically, to make sense of their position within the mainstream PRC society, amidst the forces of state-led economic development and the dominant discourse on ethnic relations. As Lhasa-based rapper Lobsang concluded, “We are all products of the era.” The forces of state policies and discourses, the Tibetan cultural and religious heritage, and capitalism collide in the Tibetan hip hop scene, producing complex and sometimes paradoxical re-imaginations of Tibetan ethnic identities. The Tibetan hip hop scene, therefore, offers a snapshot of China’s ethnicity politics. The Tibetan hip hop circle serves as a space for young Tibetans to reclaim their agency by redefining Tibetan identity in response to mainstream Chinese audiences’ stereotypes. Tibetan nationalist sentiments reflected in the hip hop and creative culture scene, however, can promote the essentialization of Tibetan identities, which can in turn stunt innovation and alienate Tibetans who may not fit the traditional perception of what being Tibetan entails. Thus, the Tibetan hip hop scene becomes an avenue for Tibetan youth from diverse backgrounds to deliberate over the essence of Tibetan youth identity.

Tibetan hip hop artists are influenced by a variety of sources: American hip hop artists like Tupac and Eminem, Han Chinese hip hop artists such as Higher Brothers and

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11 Ibid.


13 Lobsang, interview by author, August, 2017. All names used are pseudonyms.
GO$H, Taiwanese and Hong Kong pop artists such as Jay Chou and Beyond, as well as Tibetan rappers and singers like Deyi Tsering and Shapaley. Besides these direct sources of influence, Tibetan hip hop artists, by virtue of growing up and living in Tibet or other places in China, have been subject to the state discourse of ethnicity in various forms.

Previous scholarship has highlighted how pop music, a grassroots art form, has been used by Tibetans and other ethnic minorities alike to subvert or add nuance to the state representation of their identities. The official principles guiding interethnic relationships in China are equality and autonomy, as implied by the Chinese Constitution and the Seventeen Point Agreement. In reality, however, paternalism and exoticism dominate the Chinese government's approach to ethnic minorities, and the Chinese state tends to promote a secular and ahistorical image of Tibetan culture. Primarily concerned with claiming authority over Tibet, the PRC “simply presents Tibetan performing arts, not mentioning tradition or history.” In other words, because the Chinese government showcases Tibetan culture only to bolster its claim that China is a multiethnic country, united under the Chinese Communist Party, state-sanctioned or state-sponsored representations of ethnic minorities often disregard the complex dimensions of the culture, such as regional differences, religion, and history. For example, state performing art troupes perform Tibetan dances in the state style, which is modeled after ballet. Furthermore, the subjects of the dances and songs center around either ahistorical and apolitical folk traditions, such as celebrating the harvest, building houses, and tending herds or selected historical moments that are consistent with the Chinese government's narrative, such as the so-called emancipation of serfs in March 1959 and the construction of the Qinghai-Tibet railway in 2006. Examples include classic songs, including Xi Yi Ge (洗衣歌 or Clothes-Washing Song) commending the People's Liberation Army and the Chinese Communist Party, Beijing De Jin Shan Shang (北京的金山上 or On Top of Beijing's Golden Mountain) praising Mao and Chinese socialism, and Tian Lu (天路 or The Road to the Sky) eulogizing the Qinghai-Tibet railroad which was, in fact, an extremely controversial construction project.

Tibetan young people consider hip hop a space for responding to the state narrative of Tibetan identity partly because of its position outside of direct state control and its connection to liberal ideas, including “a general language of justice-based politics,”

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15 For more details on the official PRC policies on interethnic relations, the portrayal of Tibetans in the state's performing arts realm, and the Chinese government's nation building effort through the performing arts, see TIN, *Unity and Discord*; Van Vleet, “The “Righteous Power” of Modern Tibetan Music Within the PRC”; Morcom, “History, Traditions, Identities, and Nationalism.”

16 Morcom, “Drawing and Redrawing the Musical Cultural Map of Tibet,” 395.
“freedom of expression,” and “community-building and service to the community.” Through hip hop, Tibetan young people express pride in their cultural and religious heritage, break the stereotype of the backward ethnic minority, promote respect for the particularities of ethnic minorities, and communicate Tibetan nationalism.

Incorporating references to and expressing pride in Buddhism and Tibetan folklore in rap songs serve not only as indirect resistance towards the socialist capital market economy and the materialist mindset that comes with it, but also as a response to the state effort to secularize and make Tibetan culture ahistorical. *Born in GL,* a song by Amdo rapper KZ YAK, illustrates this rapper’s pride in Tibetan folklore and religion:

Though there are both bitterness and happiness in life
King Gesar’s people my Tigga do da dope shit
We are motherfucking young but don’t like bullshit
Because Buddha Dharma hip hop

... Loving kindness spreads all over in the most direct way
Golden roofs and white stupas make up the freest architectures
(first verse written in English and second verse written in Tibetan)\(^\text{18}\)

King Gesar is the central character in *The Epic of King Gesar,* a mythical Tibetan king of heroic character. By referring to King Gesar, the rapper expresses his pride in the depth and richness of Tibetan culture. Furthermore, KZ YAK expresses his high regard for Buddhism by praising the Buddhist value of loving kindness and describing the beauty of religious sites.\(^\text{19}\) The artist’s translanguage use is particularly noteworthy. Rapping one part in English and incorporating hip hop-specific vocabularies such as “do da dope shit,” and curse words, such as “motherfucking” and “bullshit,” locate the artist within a global and modern culture. By performing his Tibetan identity as cosmopolitan and modern, the artist suggests that Buddhism and Tibetan traditional culture are progressive and fashionable, contrary to the government’s view that they are obsolete and inferior. Here, we should understand the artist’s use of English as an attempt to take on a global identity not only for its own sake but also for the sake of refashioning Tibetan identity within the power dynamics of the PRC.

In a song called *Drokpa $wag,* the rapper and songwriter Tenzin D the Dreamer characterizes religiosity as a key characteristic of a *drokpa,* or nomad, and conveys his pride for cherishing and celebrating Buddhist principles:

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\(^{17}\) Rose, *The Hip Hop Wars,* 107.


\(^{19}\) Monasteries typically have golden roofs and a stupa is mound-like or hemispherical structure containing relics of the Buddha or accomplished Buddhist masters.
This is nomad swag
Golden teeth are implanted into our mouths, karma is kept in our hearts
Wealth is not given, my brother
So we need to keep working hard
……
There are only family, friends, the Buddha, the sky and the earth in my view
……
On high mountains and beside clear rivers, we respect samsara
(lyrics written in Tibetan)\(^{20}\)

When asked why this song was popular with Tibetan audiences, he asserted that it had “the smell of tsampa.”\(^{21}\) By that, he meant that his songs were relatable to Tibetans, especially those from nomadic backgrounds, because of his lyrics and his use of the nomadic dialect. In this song, the artist affirms the importance of Buddhist principles, such as karma and samsara, for his audience as well as himself.

By expressing cultural and religious pride through hip hop, a modern and foreign art form, Tibetan hip hop artists make it clear that not only do religious and cultural traditions matter in their own lives, but they are still highly relevant to modern society. A number of rappers shared their understandings of Buddhism in their lives. “Religion should not be equated with superstition, as the government often claims that it is. Rather, religion is about truth,” Lobsang said.\(^{22}\) By studying and taking pride in Tibetan Buddhism, these young Tibetans resist the underdeveloped status attributed to them and develop a “collective self-perception of morally superior agency.”\(^{23}\) Several rappers mentioned that they were proud of being born as Tibetans because of their religious inheritance.\(^{23}\) They emphasized the importance of cultural and religious traditions in modern life and expressed pride in their religiosity, precisely because Buddhism is no longer an integral part of mainstream Han Chinese society.

Another dimension of Tibetan identity that Tibetan hip hop artists promote is a sense of equality with members of other ethnic groups in China. Through hip hop, Tibetan rappers present a modern image of Tibet, challenging the prevalent Chinese view of Tibetans as backward. A large number of urban Tibetan young people have had the opportunity to travel to other parts of China, either for education, travel, or work. Encountering people from outside of Tibet helps them understand how they are perceived by others. Even for those Tibetans who have not had the opportunity to travel, through the Chinese media, government policies, and in public education, they have got to know the sense of the paternalism and exoticism that characterizes the mainstream Chinese perception of

\(^{21}\) Karma, interview by author, June, 2017. Tsampa is a Tibetan staple made from barley flour.
\(^{22}\) Lobsang, interview by author, August, 2017.
\(^{24}\) Interview with Tashi, Norbu, Jigme respectively.
them. Lobsang’s experience attending a national talent TV show when he was thirteen echoes this impression:

The directing team dyed my hair golden and asked me to wear a hat and a traditional Tibetan dress on the outside. The plan was to set up a contrast [between the traditional and the modern]. They instructed me to say some prayers before I started my act. And as soon as the music started playing, I was supposed to take off the Tibetan dress and the hat [to show the modern outfit underneath].

In the eyes of many Han Chinese, Tibet and Tibetans are synonymous with tradition and backwardness, as if modernity were a quality exclusive to Han Chinese. They assume that Chinese is to Tibetan, as modernity is to underdevelopment. Only by setting oneself apart from any Tibetanness and embracing the Han Chinese norm, as represented by the physical act of taking off the Tibetan dress and exposing the dyed hair and western dress, is a Tibetan deemed sufficiently modern and at the same level of Han Chinese. A song written and performed by an Amdo duo for a national hip hop TV show points to the same issue:

When I was in my teens,  
The kids around me asked me “Hey, who are you?”  
Beijing’s sky is not as beautiful as the sky back home  
I want to eat tsampa and drink butter tea  
But here I can only find wine and wine glasses  
[People asked me] whether Tibetans showered only once in their lives  
Whether Tibetans had horse-riding and archery as part of the university entrance exam  
Whether your home place Qinghai was in Qingdao

(lyrics written in Chinese)

Based on the real life experiences of the members of this hip hop duo, these lyrics exemplify what linguist Mary Louise Pratt terms as “arts of the contact zone.” Pratt defines contact zones as “social spaces where cultures meet, clash, and grapple with each other, often in contexts of highly asymmetrical relations of power.” Norbu, one member of the duo, spent a lot of time in such contact zones, as he left home for middle school in central China and only returned home after college. Deeply aware of how ignorant the vast majority of Han Chinese are about Tibetan society, he wrote this song as a response. By “not answering directly the questions people have for [them], but rephrasing them into rhetorical questions for the audience,” Norbu and his partner appropriate

26 Qinghai is the name of the province that covers most areas of Amdo, while Qingdao is the name of a city in the northeastern province of Shandong. A lot of people mix Qinghai and Qingdao together because their names start with the same syllable. 2UNCLE and Xu Zhenzhen, “Stay,” accessed November 25, 2017, http://www.9ku.com/geci/863693.htm.
28 Ibid., 34.
and adapt pieces of the representational repertoire of mainland Han Chinese audiences to create self-representations and to raise questions about mainstream understandings of Tibetans. Furthermore, by constructing a “parodic, oppositional representation of [the Han Chinese’s] own speech,” as illustrated by making light of the ignorant and absurd questions many Han have towards Tibetans, these Tibetan hip hop artists mirror back to the audience an image of Tibetans often unrecognized by the mainstream Han community. This is intended to reverse the paradigm of Han paternalism and exoticism. Exhibiting features of autoethnography, critique, and parody, this piece is an example of how a marginalized group seeks to intervene in the dominant modes of perception.

Equality with different ethnic groups goes hand in hand with a sense of Tibetan modernity, since modernity is often viewed as a prerequisite for equality. By engaging in hip hop, a global art form, Tibetan hip hop artists demonstrate that Tibetans are also participating in and influencing the course of modernity. In an interview in August 2017 in Lhasa, Dorjee, a Lhasa rapper who has experience interacting with a lot of rappers from all over China, stated:

I do hip hop because I want to change the stereotypes that people have about Tibet and Tibetans. I want to tell people from outside [Tibet] that Tibet has an underground too, not just snow mountains, grasslands, and drolmas (the term for girls or young women in Tibetan). I hope that when I introduce myself as from Tibet, people [around me] won't be surprised and will treat me as equal to everyone else.

Snow mountains, grasslands and drolmas are some stereotypical elements that Chinese mainstream audience members often associate with Tibet; These stereotypes are partly perpetuated by the Chinese-facing Tibetan commercial pop music. While these images do represent some aspects of Tibet, the picture of Tibet they depict has the danger of patronizing Tibetans as simple and naïve. As a response, Tibetan hip hop artists emphasize modernity, pride for their ethnic particularity, and equality with other ethnicities. They claim that not only are Tibetans modern, but the specificities of Tibetan culture should be respected and maintained, rather than discarded in order for Tibetans to be assimilated into mainstream Chinese society.

The third strategy Tibetan hip hop artists use to respond to the state representation of Tibetans is denouncing social injustice, which is linked with ethnonationalism. This trend is in line with the emergence of what political scientist Ben Hillman characterizes as “a pan-ethnic awakening among Tibetans in China” after the 2008 protests. By embracing modernity through a modern musical aesthetic, Tibetan hip hop artists

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29 Norbu, interview by author, June, 2017.
30 Pratt, Arts of the Contact Zone, 35.
31 Dorjee, interview by author, August, 2017.

implicitly critique the authority structures driving the ethnic dynamics in China. The lament over ethnicity-related social injustice and the expression of ethnonationalism are based on pride for Tibetan cultural and religious traditions. Some Tibetan hip hop artists strive to go beyond merely eliciting these feelings in their audience, by transforming pride into a sense of responsibility and action. The song, *My Tigga*, by a duo from Amdo illustrates this sentiment:

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My Tigga, My Tigga
Now you need to look at my Tigga
Coral and amber on the neck
[My Tigga are] warriors from the plateau who came down
The Tibetan knives on our waist have new blood
There is so much misunderstanding towards us, you’re all wrong
Too many killings of the physical bodies and souls, [with what’s left is] all bone
I have yaks under me, wolves behind me, eagles on my shoulders and sheep all over the mountain
[Our] ancestors come from the Yarlung Tsangpo River
[We are] nomads with wounds on our bodies
Ghosts and monsters go away, I am a descendent of King Gesar
No matter if you are nigga, chigga, or tigga, there should not be discrimination,
yep my tigga
You ask me who I am, why I swipe away my tears in my eyes
....
Tigga, maybe you understand me [or] maybe you are just passing by
Maybe you never cared about me
....
Thanks to my mother and father
I will follow your steps
My Tigga, please wipe your tears away
My Tigga, the sky’s getting dark but [we] shouldn’t sleep
The disappeared Tibetan prince, the dead kings and warriors.
(lyrics written in Chinese)33
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The first aspect of this song features a primordialist approach to Tibetan national identity, the second aspect laments the loss and pain the Tibetan people have gone through, and the third is a call to move forward. From coral, amber, and Tibetan knives, to yaks, the Yarlung Tsangpo River, and King Gesar, the artists refer to aspects of a common Tibetan identity ranging from clothing, accessories, lifestyle, mythical origin, and folklore. In doing so, they create a sense of primordial Tibetan identity, which is distinct from a Han Chinese identity. These artists point out the existence of “so much misunderstanding,” “too many killings of the physical bodies and souls,” and “discrimination” in the current social context. During an interview in Xining in June 2017, Norbu, one member of the duo, explained that misunderstanding stems from stereotypes that many Han Chinese

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people have about Tibetans, which are in turn caused by the lack of contact and interaction. One result of the misunderstanding is the “killings of the physical bodies and souls,” namely, self-immolations and other tragic acts. Another product of misunderstanding is discrimination. According to Norbu, he juxtaposed nigga, chigga and tigga in these lyrics, because: “Many Han Chinese face racial discrimination abroad. Therefore, in China, they shouldn’t discriminate against us Tibetans. We should be kind to each other.” In the last verse, the artists call on Tibetans to overcome grief and sorrow and follow in the footsteps of previous generations by passing down their Tibetan heritage. Full of imagery and coded language, the song reveals the pain many Tibetans feel, but also their resilience and sense of nationalism.

Growing nationalist sentiment, together with the rise of a consumer economy, itself a product of state-driven economic development, has paradoxically led to the essentialization of Tibetan identity. Anthropologist Gerald Roche finds that the theme of Tibetan nationalism is ubiquitous in Tibetan pop, and that in Tibetan pop songs, “a single Tibetan language...is portrayed as the essence, soul, or life-force of the Tibetan geobody.” The perceived strong tie between the Tibetan language, Tibetan nationality, and the Tibetan landscape is found in both pop and rap songs. Rapping or singing in Tibetan is seen as a gesture of nationalism, regardless of the song’s content. An Amdo rapper Pema commented on the recent success of Fly, a song by ANU, across the Tibetan plateau: “If they had not sung this song in Tibetan, it wouldn’t have gone viral because there are already so many similar types of songs in Chinese and English.” The perception that choosing to sing in Tibetan displays one’s ethnic pride goes hand in hand with the view that those who sing and rap in Chinese are using the oppressor’s language. A presumably Tibetan audience member made the following comment about a music video of two Tibetan artists’ Chinese-language song: “If this were a Tibetan rap song, the MV would definitely have gone viral and there would have been many positive comments from Tibetan compatriots. [However,] it’s a pity that this song is in Chinese, since there are so many Chinese-language rap songs by Han Chinese that are better than yours, and therefore this song of yours is not unique.” Some Tibetans seem to base success and recognition on how much Tibetanness one exhibits, rather than simply the qualities of the works themselves.

The essentialization of Tibetan identities has manifested itself not only in language use, but also in dress. In recent years, contemporary Tibetan-style clothing and accessories have become popular in Tibet. These products usually incorporate Tibetan elements such as Tibetan patterns, traditional designs, colors, or the Tibetan script into their design.

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34 Norbu, interview by author, June, 2017.
35 Ibid.
Apart from clothing, caps, bags, and other accessories are sold. While much of this merchandise is popular among Tibetan young people, the lack of creativity and the simply profit-oriented goal may be harmful to the Tibetan community itself. “Anything that is coined as ‘Tibetan’ is very profitable now,” said an Amdo rapper, “In a lot of the cases, they (the designers or the fashion companies) just print the English word ‘Tibet’ onto a shirt and market it as Tibetan. What’s worse, they sell the products at a high price, which does not match the quality.” This rapper maintains that only if the design and style of a product are Tibetan, should it be considered authentically Tibetan.

A few young Tibetan hip hop artists claimed that some Tibetans’ narrow-minded ethnic pride has led to an essentialization of Tibetan identity. Several young Tibetan hip hop artists disapprove of this narrow-minded view on ethnicity, and advocate for broader expressions of ethnic pride. Some of them translate ethnic pride into having the ability to excel in cultures different from their own. Most Tibetan rappers acknowledged the fact that there were many more Chinese speakers than Tibetan speakers in the audience. To them, singing and rapping in Chinese is a practical act that allows Tibetan artists to capture a larger share of the market and should not be viewed as an act of ethnic betrayal. Norbu explained that:

> Around 80% of the people in China understand Chinese. Why should we [Tibetans] consume our own culture [by singing only in Tibetan] instead of letting others help us promote our work [to a wider audience]? What is the point of earning our own people’s money? Doing so is no different from asking one’s own mum for money.

In this instance, Chinese language use by Tibetan hip hop artists is transactional. The source of ethnic pride, according to this understanding, stems from the ability to master language skills that belong to others (Han Chinese), and potentially profit from them, but it does not necessarily involve a mission to transform the way Han Chinese and Tibetans understand each other.

Other hip hop artists believe that ethnic pride should reflect positively on the Tibetan nation instead of conforming to static, reified perceptions about being Tibetan. Norbu said: “Someone who wants to do something for the Tibetan people doesn’t do it by wearing Tibetan dress every day, but by actually doing things for the cause.” Lhasa-based rapper Lobsang’s opinion resonated with Norbu’s: “I hope that Tibetan audiences will increasingly celebrate Tibetan artists’ achievements regardless of the style of their work and the languages in which they sing.” According to this understanding, rapping in Chinese helps break apart the exoticized stereotypes of Tibetans, as it allows

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39 See Figures 1-4 in the Appendix for examples.
40 Thondup, interview by author, June, 2017.
41 Interview with Norbu, Lobsang, and Thondup, respectively.
42 Norbu, interview by author, June, 2017.
43 Ibid.
44 Lobsang, interview by author, August, 2017.
these Tibetan hip hop artists to avoid “[appealing] through localization” and “[being] condemned to the ‘world music’ scene” rather than the mainstream popular music scene.\textsuperscript{45} In the words of Dorjee:

What is unique about Tibetan hip hop is that we have the Tibetan language. However, we (Tibetan artists) shouldn’t be ethnicized. No one can represent a whole region [or nation] but only oneself. Singing Tibetan is only a way to show one’s state of life [instead of a way to label one’s ethnic identity].\textsuperscript{46}

Almost paradoxically, de-ethnicizing themselves by rapping in Chinese frees Tibetan hip hop artists from others’ stereotypical views of them, and thus affirms Tibetans’ equality with other members of the PRC. Unlike the first view, this more open-minded take on Tibetan ethnic pride is based on merit and excellence in all fields, not just how well one fits the Tibetan label, which is liberating for Tibetans themselves.

Other young artists contended that a real sense of ethnic pride involved an open-mindedness towards cultures different from one’s own. Dorjee, who raps well in both Chinese and Tibetan, stated that the relationship between rapping in Chinese and Tibetan is not a contradictory one. He claimed:

As a Tibetan, rapping in my mother tongue is a responsibility. However, I didn’t choose to be born Tibetan. The Buddha decided it. Therefore, I should have the freedom to determine how I want to live. The world is so big, one shouldn’t limit oneself to just one spot.\textsuperscript{47}

In other words, the sense of responsibility that he feels as a Tibetan is not undermined by the freedom to explore things beyond his own cultural sphere. In the words of Norbu: “The greatness of any nation lies in its tolerance and openness [towards differences].”\textsuperscript{48} Having respect towards other nations implies that one’s pride for one’s nation is based on pure joy and not on arrogance. Though this view of Tibetan identity is not shared by everyone, it has been gaining resonance for more and more young Tibetans, as they balance embracing their common Tibetan identity on the one hand and staying true to their diverse individual lived experiences pertaining to geography, language, education, and religion on the other.

**Conclusion**

Tibetan hip hop artists resist the dominant Chinese state’s representation of Tibetans by using hip hop to redefine what it means to be Tibetan. In response to the Chinese state’s tendency to present Tibetan culture as unsophisticated, exotic, secular, and ahistorical, Tibetan hip hop artists communicate pride for their cultural and religious traditions,

\textsuperscript{45} Pennycook, “Teaching with the Flow,” 35.
\textsuperscript{46} Dorjee, interview by author, August, 2017.
\textsuperscript{47} Ibid.
\textsuperscript{48} Norbu, interview by author, June, 2017.
challenge the stereotype of underdeveloped Tibetans, promote diversity and particularity, and reveal the flaws and injustices of certain government policies in Tibet. As this study demonstrates, heightened Tibetan nationalist sentiment also has led to a tendency for some Tibetans to essentialize their identity. The Tibetan hip hop scene provides a space for young Tibetans to address this issue and create a more inclusive Tibetan identity.

“Why did you sing Made in China instead of Made in Tibet?” After the concert that evening, someone asked this to a member of the rap group. The rapper grinned, shook his head, and responded: “We don’t have such a song yet. We are working on it.” What messages will this forthcoming Made in Tibet tell? What language(s) will it be in? Will it feature Han Chinese rappers in addition to Tibetan hip hop artists? Who will be the target audience? The answers to these questions are hard to predict. Far from being immune to the outside world, hip hop on the roof of the world absorbs and responds to the diverse social forces that collide on the Tibetan plateau. Tibetan hip hop artists creatively work with and against these different social forces and produce their own ever-shifting “Tibetan” works of art.

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Appendix

Figure 1. A cap with the print “Pretty Tibetan”.

Figure 2. T-shirts with the prints “Samsara”.

50 Taobao, accessed November 25, 2017, https://item.taobao.com/item.htm?spm=a1z10.5-c.w4002-15766495915.34.4a987ae95Vibo0&id=535444166875.
Figure 3. ANU’s Tibetan style top.\textsuperscript{51}

Figure 4. ANU’s Tibetan mastiff print top.\textsuperscript{52}

\textsuperscript{52} Ibid.
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Keep It “Skr”

The Incorporation of Hip-Hop Subculture through Chinese Talent Shows and the Online Battle for Authenticity

Alexander Zhang

Despite entering mainland China in the 1980s and achieving early mainstream success in the West, hip-hop remained a relatively underground subculture over the past few decades, experiencing bursts of popularity that were quickly overwhelmed by mainstream media or suppressed by government intervention. However, this changed in 2017 with the appearance of an internet-based talent show called *The Rap of China* (有嘻哈), which became one of the most popular programs of the year and introduced hip-hop culture to a massive general audience. This paper takes a media anthropology approach to analyze the rapid development of Chinese hip-hop since 2017, applying Dick Hebdige's subculture theory as a framework for understanding hip-hop's evolution. This study draws from various examples of hip-hop representation in Chinese online entertainment platforms as well as its incorporation within dominant culture in both the commodity and ideological forms to critique the fundamental “authenticity” of mainstream, state-regulated Chinese hip-hop. Despite that, using Stuart Hall's theories on encoding/decoding and Michel de Certeau's theories on consumer production, this paper ultimately concludes that consumer participants in Chinese hip-hop can implement large-scale, online oppositional decoding methods to construct authentic meaning outside of mainstream media, even if they had no prior understanding of hip-hop culture.

Introduction

There is a dilemma present within many subcultures in that their inherent opposition to the mainstream is always contradicted by their own growth. In particular, hip-hop culture has always been explicitly rooted in the principles of authenticity and resistance to authority while also becoming a global commercial phenomenon far removed from its origins in urban America. Originally imported from the West, hip-hop in China had gradually developed into its own robust subculture over the course of a few decades through underground channels and individual bursts of mainstream exposure, but it had yet to face the challenge of a major mainstream transition. However, with society's
entry into the internet and mass media era, the dynamics of subcultural evolution have dramatically changed, and online cultural content is now capable of being shared on the scale of millions practically instantly. With this new media landscape as its backdrop, Chinese hip-hop culture as a whole finally experienced mainstream exposure during the summer of 2017 with the premiere of an internet-based talent show called *The Rap of China* (中国有嘻哈).

Produced by online video platform iQiyi, *The Rap of China* quickly became a national phenomenon, attracting over 2.7 billion views over the course of its three-month inaugural season.¹ Similar to other competition shows, *The Rap of China* follows a round-by-round elimination format, starting with an “open” audition and putting contestants through a series of challenges, such as head-to-head rap battles, team performances, and audience voting.² The show primarily focuses on live performance, including various on-screen visuals that complement each rappers’ delivery, as well as interspersed scenes of day-to-day activity intended to provide character development for contestants and judges. Because of its heavy focus on imagery, the show presents not only the sonic components of hip-hop, but also the style of hip-hop culture to a broader audience.

Despite the show’s massive success, the State Administration of Press, Publication, Radio, Film and Television (SAPPRFT) issued a set of regulations just months after the conclusion of the show’s first season “banning” hip-hop from mass media. They stated that television “should not feature actors with tattoos (or depict) hip hop culture, sub-culture and immoral culture,” resulting in the censorship of various successful contestants and leading many to believe that the show would be cancelled moving forward.³ Some media reports have speculated that this “ban” was initiated because of the overwhelming mainstream success of a particular Western cultural form, representing a threat to state ideology.⁴ Since then, the Chinese government has remained relatively quiet on the subject of hip-hop in mass media, and a second season of *The Rap of China*, under a new Chinese name (中国新说唱 or New Rap of China instead of 中国有嘻哈 or China has Hip-Hop), aired during the summer of 2018 with similar levels of public attention.⁵

Accordingly, hip-hop has continued to take the mainland by storm, whether it be through live concerts and music festivals, street fashion, streaming, internet discourse, or even a new iQiyi hip-hop production on street dance, *Hot Blood Dance Crew* (热血街舞团).⁶

² The word “open” is in quotation marks since there are reports of rappers being directly invited to participate on the show.
³ Liu, “Hatin’ on hip hop: China’s rap scene frustrated by crackdown.”
⁴ Ibid.
At this point, it is undeniable that hip-hop culture has entered the Chinese mainstream. However, this raises the question of how hip-hop was able to make that transition and what role online media platforms, such as iQiyi, have played in a transnational youth subculture’s integration into Chinese dominant culture. More importantly, the mass media marketization of Chinese hip-hop calls into question its authenticity as a distinct cultural artistic product, as it often appears that current Chinese presentations of hip-hop are simply commodified reproductions.

Situating its discussion within the contemporary online era, this paper starts by using Dick Hebdige’s research on youth subcultures in Britain as a framework for understanding the ways in which internet-based talent shows have facilitated the evolution of Chinese subculture. In doing so, it presents various examples of hip-hop representation in Chinese online entertainment as well as hip-hop’s incorporation within dominant culture in both the commodity and ideological forms, making note of China’s particularly stringent state and industry regulation. This leads into the paper’s central dilemma, which is Chinese hip-hop’s authenticity and faithfulness to subcultural first principles amidst dramatic commercialization. Applying Stuart Hall’s theories on the production and dissemination of messages and Michel de Certeau’s theories on consumer production, the paper argues that while Chinese mass media’s own depiction of hip-hop falls into the category of inauthentic cultural reproduction, consumer participants in Chinese hip-hop have been able to implement large-scale, online oppositional decoding methods to construct authentic meaning outside of mainstream media, even if they had no prior understanding of hip-hop culture. That is, the evolution of Chinese hip-hop even through inauthentic means can expose a new, critical audience to many of the culture’s authentic principles, preserving its subcultural origins within the collective consciousness.

The Evolution of Hip-Hop through Chinese Mass Media

Using *The Rap of China* and *Hot Blood Dance Crew* as its primary case studies, this section analyzes the role of internet-based talent shows in developing Chinese hip-hop from subculture to mainstream spectacle, taking Hebdige’s study of youth subcultures as a key framework for understanding such mechanisms. Focusing on shows as sources of style as well as their facilitation of commodity and ideological recuperation, the paper demonstrates the key mechanisms by which hip-hop culture has entered dominant culture, making special note of the collaboration between state and entertainment industry within the Chinese context.

Hebdige’s Subculture Framework

Within the contemporary Chinese media landscape, visual entertainment on internet platforms allows for the rapid consumption of hip-hop cultural signs (music, performance, dress, etc.). In that regard, one of the most powerful sources is currently video streaming platform iQiyi with over 400 million monthly active users (MAUs) as of late
As mentioned previously, iQiyi’s most notable engagement with hip-hop is The Rap of China, a symbol of hip-hop’s success in general. iQiyi itself even issued a press release following the conclusion of the first season stating that the show helped it “go mainstream in China.”

Despite the state media regulator’s soft ban on hip-hop culture, a second season of The Rap of China and the debut of street dance competition show Hot Blood Dance Crew continue to further the subculture’s development in dominant culture.

While such market analysis can help us understand the media actors involved in hip-hop’s development, a cultural studies framework can better inform a critique of the mechanisms by which hip-hop culture is transformed. Written in 1979 about British youth subcultures, like skinheads and punks, Hebdige’s landmark work Subculture: The Meaning of Style provides an analysis of transition that remains relevant to the contemporary Chinese context. As detailed in later sections, the principles of hip-hop are rooted in an antiauthoritarian resistance, much like that of Britain’s postwar youth. More importantly, this paper finds the most value not in Hebdige’s classification of subculture, complicated by the unique cultural history of China, but in his analysis of mass media, wherein he provides two key conceptual frameworks to understand the role of media in facilitating mainstream transition. Since these media mechanisms are generally useful to consider, this study applies the two concepts to the development of Chinese hip-hop through online talent shows.

**Shows as Sources of Hip-Hop Style**

The first concept is that of the sources of style. Hebdige writes that, because of the way that mass media like press, television, and film provide such a strong basis for image-making and class-construction, “much of what finds itself encoded in subculture has already been subject to a certain amount of prior handling by the media.” That is, outside of simply constituting the mainstream media that signifies when a subculture has begun to break into dominant culture, components of media help circulate the meanings and practices that constitute the social fabric of a subculture itself. Alluding to Hall, Hebdige also suggests that, in perceiving these mediated images of themselves, members of a youth culture engage in a discursive process of agreement and contestation with “dominant definitions of who and what they are” in which “there is a substantial amount of shared ideological ground.” This indicates that the media boundary between subculture and mainstream is quite nebulous.

Having watched the entirety of both seasons of The Rap of China and several episodes of Hot Blood Dance Crew, it is clear that iQiyi’s highly successful hip-hop programming

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10 Ibid., 86.
acts as a major source of style for a national audience of hip-hop consumers. These shows bring together artists from various backgrounds onto a single set, presenting narratives of competition and dialogue between characters as well as generating images of class that define identity within the subculture. One narrative strongly presented in the first season of *The Rap of China* is the tension between underground rappers, who generally gain recognition through local rap battle scenes, and “idol” rappers, who are signed to entertainment agencies at a young age and developed as “trainees.” For example, one idol rapper, J.zen (朱星杰), is shown being booed by several underground contestants during one of his first performances, reflecting the disdain many such rappers have for trainees, who they believe have lived a privileged and inauthentic hip-hop lifestyle. As the season progresses, the show’s judges eventually eliminate each of the idol contestants, leaving only rappers developed within China’s own underground community. Thus, the ideological discourse surrounding underground versus mainstream talent is reflected in a major media platform itself, which re-encodes it into the subculture and, ironically, pushes the principles of the hip-hop subculture further into the mainstream. Audiences, even often as new participants within the discourse, pick up on these cues. In a street interview, one fan who stated that she had only started listening to hip-hop music after watching *The Rap of China* also noted that because of the show, “the underground scene has slowly gained public acceptance.”

Media Incorporation of Chinese Hip-Hop

The second concept Hebdige applies to mass media regards his theory on the actual process of incorporating subcultures into popular discourse, wherein he argues that “it is the subculture’s stylistic innovations which first attract the media’s attention,” but subsequent “deviant behavior or the identification of a distinctive uniform (or more typically a combination of the two) can provide the catalyst for a moral panic.” With Chinese hip-hop, media fascination with the subculture’s stylistic innovation has been exemplified by the inclusion of hip-hop artists in variety shows that do not specifically focus on hip-hop, in which case a hip-hop performance represents an anomaly and actually benefits the contestant. For example, *The Rap of China’s* season one co-champion, GAI, was invited to participate on *Singer*, one of China’s most popular reality shows, shortly after his victory.

13 Hebdige, 93.
selected to compete. However, despite GAI’s initial appeal to audiences of the show, the SAPPRFT hip-hop media ban, issued later that month, resulted in his immediate removal from the show. In fact, the moral panic described by Hebdige can be seen occurring cyclically through crackdowns like a 2015 Ministry of Culture blacklist of songs with vulgar lyrics as well as this most recent hip-hop ban, which explicitly criticizes the moral deviancy of hip-hop and prohibits uniform-like signifiers, such as tattoos.

However, as Hebdige notes, it is through a constant cycle that subcultures are “incorporated as a diverting spectacle,” a process which takes two forms: the conversion of subcultural signs (dress, music, etc.) into mass-produced objects (i.e. the commodity form); the ‘labelling’ and re-definition of deviant behavior by dominant groups – the police the media, the judiciary (i.e. the ideological form).

Since much of hip-hop style is already communicated through commodities obtained through commercial industries, such image and performance-focused talent shows inherently present subcultural looks and sounds to be further popularized and profited upon. Beyond commodification on screen, iQiyi has boasted that it turned The Rap of China’s slogan ‘Rising! Chinese Hip-Hop’ or ‘R!CH’ into a trademark and developed more than 200 lines of merchandise including clothes, accessories, earphones, cell phone cases, and VR goggles. Hip-hop has turned into a mass-produced commodity.

At the same time, such media has participated in the ideological incorporation of hip-hop subculture through the redefinition of meaning, a necessity given the Chinese state’s heavy involvement in media affairs. Under his system of “socialism with Chinese characteristics,” President Xi Jinping strongly emphasizes the regulation of culture industries through the “promotion of Chinese culture […] as a foundation for soft cultural power, socialist culture and Chinese identity.” Furthermore, Xi’s 2014 landmark speech at the Beijing Forum on Literature and Art directly states that “many art forms arise from overseas, such as hip-hop, breakdance, etc., but [China] should only adopt them if the masses approve of them, while also endowing them with healthy, progressive content.” As Appadurai argues, while states inevitably give way to the forces of globalization, there are certain intrusions “that the state cannot tolerate as threats to its own control over

16 Fan, “Rapper GAI Abruptly Removed from Reality Show Following Reported New Hip-Hop Ban.”
18 Hebdige, 94.
19 iQiyi, “IQIYI Talent Show Contributes to Hip-hop’s Phenomenal Rise in China.”
The process of incorporation in China is thus incredibly dependent upon collaboration between state and culture industry, which is the only condition that would have allowed for a second season of *The Rap of China* or the debut of *Hot Blood Dance Crew* to occur. Whereas in the first season, the self-proclaimed aim of the show was to “transform hip-hop from a Chinese subculture to a mainstream genre,” a noticeable shift occurred in the messaging of the second season following the state’s new media regulations. The most obvious change is that of the Chinese name itself, from “China has Hip-Hop” to “New Rap of China,” suggesting a push to rebrand the culture as distinctly Chinese and hide its transnational origins. Additionally, during a press conference prior to the start of filming for the second season, the show’s production team stated that *The Rap of China*’s new mission was to “justify rap music among young people — it can be young, uplifting and full of positive energy.” Notably, the term “positive energy” echoes President Xi’s speech at the Beijing Forum on Literature and Art in which he advocated for art to support the Communist Party’s “core socialist values” and to spread “positive energy.”

Aside from his comments echoing Xi’s speech, *The Rap of China*’s head producer, Chen Wei, clarified in an interview that “hip-hop was never actually banned in China” but rather that media outlets were informed not to “distribute any rap or hip-hop content that has bad influence on the youth via mass media because it may produce negative results.”

Indeed, the second season of the show takes on a conspicuously nationalistic air and a particular emphasis on positive messaging without any noticeable change in the commodity representation of hip-hop style. For example, the five judges perform a hip-hop cypher as the first musical act of the first episode, a spectacle that includes an instrumental segment using traditional Chinese percussion instruments, imagery of red flags and other red set design (Figure 1), a hook from Kris Wu that repeats the line “I’m from China so I represent this land,” and positive encouragement for youth to use hip-hop as a platform for their dreams. Despite the change in messaging, the judges’ physical styles are exactly the same as in the first season. Just as Hebdige posits, the recuperation process of the second season of *The Rap of China* necessitated both a continuation of subcultural commodification as well as labelling by dominant groups, articulating “some of the preferred meanings and interpretations, those favored by and

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24 Fan, “‘Rap of China’ Primer: All You Need to Know As the Hit Hip-Hop Show Returns.”
26 VICE News, “China (Mostly) Loves Hip-Hop Thanks To This ‘American Idol’ Style Show (HBO).”
27 *The Rap of China*, Season 2, Episode 1, directed by Che Che, produced by Chen Wei, iQiyi, July 14, 2018, 04:40-09:31.
transmitted through the authorized channels of mass communication."^{28}

Similarly, *Hot Blood Dance Crew* also reflects the commodity and ideological forms of recuperation, although its approach to ideological conformity is much simpler than that of *The Rap of China*. The focus on hip-hop dance instead of rap eliminates the potentially subversive messaging of hip-hop lyrics,^{29} posing less of a redefinition of meaning and more of a normalization in which, as Hebdige would describe, “difference is simply denied (‘Otherness is reduced to sameness’).”^{30} Meanwhile, cultural signifiers are still heavily present within the imagery of the show, primarily demonstrated through dress.

Yet in its role of incorporating hip-hop into the mainstream, mass media depictions still present a fundamental problem for the subculture. As Hebdige points out, the dominant culture tends to replace “a subculture engendered by history, a product of real historical contradictions, with a handful of brilliant nonconformists.”^{31} That is, the success of contestants in shows like *The Rap of China* or *Hot Blood Dance Crew*, does not necessarily mean that society is primed for the entirety of the subculture, leaving open the possibility that the culture could simply become recast and removed from its authentic origins. Indeed, commercial success itself can be contradictory to the base principles of a subculture. Thus, the changes Chinese hip-hop is currently undergoing pose a massive danger to the true essence of the culture, calling for a deeper critique of the nature of its transition.

**The Online Struggle for Authenticity**

This section addresses authenticity in Chinese hip-hop as an area of heavy contestation between controllers of mass media and existing members of the subculture. After summarizing the historical development of Chinese hip-hop and the origins of hip-hop’s principles, this paper explains how the commodification and redefinition of hip-hop signifiers in shows like *The Rap of China* and *Hot Blood Dance Crew* runs contrary to those cultural origins. However, taking into consideration viral online movements spearheaded by members of the hip-hop community old and new that push against dominant representations of hip-hop, it becomes clear that many have derived oppositional readings and generated authentic hip-hop resistance to mainstream commodification and ideological appropriation.

**First Principles of Hip-Hop**

When considering hip-hop authenticity in the Chinese context, it is essential to look at Chinese hip-hop’s origins. Given that the study of global hip-hop history and culture is

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^{28} Hebdige, 86.
^{30} Hebdige, 97.
^{31} Hebdige, 99.
an expanding and still contested area of academia, this paper is primarily concerned with identifying key principles which undergird all four original elements of hip-hop: MCing (rap), DJing (production), breaking (dance), and graffiti (graphic art), each of which are heavily mediated through the imagery of China’s hip-hop talent shows. Unlike their Western counterparts, which started in underground scenes, these elements were first introduced to the Chinese mainland in the form of dance through American television shows and films. They quickly grew in popularity among young people and expanded to encompass rap music with the development of dakou culture. De Kloet describes dakou as an adoption of Western popular culture through illegal, cut CDs smuggled to China from the West. From there, the growth of China’s own underground rap battle scenes, street dance culture, and general hip-hop style throughout the 1990s and 2000s paved the way for individual industry success stories like Taiwan’s MC Hotdog and Beijing rap group Yin Ts’ang (隐藏). Even pop stars like Wang Leehom (王力宏) and Jay Chou (周杰伦) incorporated aspects of rap and hip-hop into their music, growing its mainstream popularity. With the development of the internet, hip-hop – particularly in rap form – spread quickly through online communities and forums specifically dedicated to discourse and media on the culture. It is this interconnected underground and virtual network of hip-hop that serves as the backdrop to today’s internet-based talent shows.

Similar to many subcultures, the most important principle in hip-hop, across all elements, is authenticity through the notion of the “real.” In the context of American hip-hop, Neal writes that “mantras like ‘keepin’ it real’ (resonant through the 1990s) and the more contemporary ‘I’m just trying to do me,’ have expressed the ambivalence of black hip-hop artists and audiences with the commercial success and widespread visibility afforded the genre.” While perceptions of “realness” have often taken root in a focus on authentic personal identity, this view has been complicated by scholars like Ronald Judy, who conceives of authenticity within a collective black identity that has adapted “to the force of commodification.... Authenticity is hype, a hypercommodified affect

36 Xiao, 205.
37 Xiao, 198, 212.
39 Xiao, 217.
40 Murray Forman (Ed.) and Mark Anthony Neal (Ed.), That’s the Joint!: The Hip-Hop Studies Reader, (New York, Routledge, 2011), 64.
whose circulation has made hip-hop global.”\textsuperscript{41} On the topic of rap in particular, Dyson writes that it is “a form of profound musical, cultural, and social creativity… [projecting] a style of self into the world that generates forms of cultural resistance.”\textsuperscript{42} Thus, hip-hop is fundamentally a transnational, counterhegemonic force that, like many subcultures, explicitly resists capital influences and misrepresentations of the self while simultaneously indulging in its own commodification.

**Mass Media as Inauthentic Commodification**

The greatest contradiction of hip-hop’s sudden popularity in China lies in the competing principles surrounding its promotion and commodification through online entertainment, implicating its authenticity as a distinct cultural product. Indeed, the incorporation process thus far in shows like *The Rap of China* and *Hot Blood Dance Crew* seems to make great sacrifices in originality for the sake of mainstream appeal. For example, *The Rap of China* appears to have plagiarized the popular Korean rap competition program *Show Me the Money*, which features uncannily similar production formats, styles, graphics, and sets (Figure 2).\textsuperscript{43} Ironically, of its five celebrity judges (one was added in the second season), only one of them, MC HotDog, is widely considered to be a reputable hip-hop artist, reflecting the focus on the commercial over the culture.\textsuperscript{44} This contradiction is compounded in both *The Rap of China* and *Hot Blood Dance Crew* by the fact that the shows do not hold a completely open audition process, inviting already well-established artists and micro-celebrities to participate in the show based on their existing popularity.\textsuperscript{45} These examples suggest that because of the industry’s overwhelming focus on mainstream appeal, such a show inherently, as Adorno and Horkheimer would argue, “rejects anything untried as a risk,”\textsuperscript{46} even at the expense of the originality of content.

The state’s enforcement of safe and positive messaging also leads the show astray of any type of cultural resistance endemic to hip-hop. A quick look at the lyrical content in the second season of *The Rap of China* confirms this. As noted earlier, unity and patriotism became recurring themes in the second season, and beyond the words of the producers and judges, contestants themselves were also clearly influenced or even

\textsuperscript{41} Ibid., 66.
\textsuperscript{42} Ibid., 75.
\textsuperscript{44} Yin, “Hip-Hop Lovers Say China’s First Rap Talent Show Is Out of Tune.”
\textsuperscript{46} Theodor Adorno and Max Horkheimer, “The Culture Industry: Enlightenment as Mass Deception,” *Dialectic of Enlightenment* (1944), 50.
encouraged to perform with such themes in mind. In one particularly cringe-worthy performance partway through the season, contestants Al Rocco and LIL-EM (那吾克热) rap a high-energy song called “Rep That Culture” focused on the unification of all Chinese people and representing Chinese rap, with lyrics such as “We all made in China,” “Actually you and I aren’t different,” and “It’s all about you and all about me.”

Ironically, Al Rocco was actually a contestant in the first season of *The Rap of China* who, after being eliminated, publicly criticized the show as not having real hip-hop culture. Thus, his return and dramatic shift in messaging imply a significant influence due to outside factors. It is likely that both the draw of commercial success and the strictness of government regulations pulled him in and led him to conform to the producers’ will.

In addition, such talent shows are ostentatiously sponsored by corporations like McDonald’s and Vivo who are not only given logo and product placement throughout each episode, but also allocated air time for commercial rap and dance videos performed by contestants themselves (Figures 3 and 4) under contractual obligation. Thus, the mainstream presentation of Chinese hip-hop thus far seems to corrupt the culture at large given hip-hop’s roots in resistance against such influences as well as in genuine presentations of the self. In fact, in a press release on the success of its integrated advertising in *Hot Blood Dance Crew*, iQiyi stated that one of its core brand principles is that “[a]dvertising is content, and content is advertising.”

The show also won an Asian Academy Creative Award for “Best Branded Programme or Series” at the end of 2018. In this way, iQiyi’s approach to hip-hop reflects a degree of commercialization that results in what Sandel might describe as the “degradation of certain attitudes, practices, and goods,” a corruption inherent to the marketization of society. In the process of incorporation through mass media, all of hip-hop’s signifiers and uniforms have thus become tied to commercial and state interests in an inherently disingenuous manner that delegitimizes the entire cultural representation. That is, the signals and images presented to consumer audiences are very much not authentic to original hip-hop culture.

**Oppositional Decoding in Social Media**

However, there is a distinction and tension between hip-hop culture as presented through the commodified lens of reality shows and hip-hop culture as embodied by consumer

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49 iQiyi, “iQIYI’s ‘Hot-Blood Dance Crew’ Smashes Industry Records for Total Advertising Revenue.”


participants. This separation arises partly through the oppositional decoding process described by Hall and de Certeau, wherein media consumers take a dominant or preferred meaning encoded by the producer during the recuperation process (in this case the producers of a talent show who incorporate commercialized dress or “positive energy”) and generate their own counterhegemonic interpretation of the media. Indeed, as Hall notes with regards to encoding and decoding, “the former can attempt to ‘prefer’ but cannot prescribe or guarantee the latter, which has its own conditions of existence.”

Furthermore, de Certeau’s work contributes the notion that, even in an all-encompassing regime wherein the Chinese state and industry of dominant culture seem to be working in collaboration, mass media itself cannot command the entire culture, as a public message alone does not tell us how people receive messages in private.

Perhaps the strongest example of this lies in the appropriated use of hip-hop lingo in The Rap of China, which has quickly caught the attention of the broader hip-hop community and become recast and weaponized against mainstream media, reflecting an authentic collective resistance to dominant culture. During the first season of the show, terms like “freestyle,” “diss,” and “battle” quickly became viral buzzwords on social media, although a quick internet search reveals that they’ve become so only through their controversial use. The earliest example is “freestyle,” which judge Kris Wu frequently used during auditions to ask contestants, “Do you have freestyle?” (“你有freestyle吗?”). Freestyling, which is the improvisation of dance moves or rap lyrics, serves as a demonstration of one’s mastery of the skill and has its roots in authentic hip-hop culture. However, the fact that Kris Wu, a pop star who many do not consider a rapper, questioned so many “real” rappers on the subject of freestyling, rubbed many netizens the wrong way, resulting in a viral onslaught of memes mocking Kris Wu and questioning his legitimacy. Recalling the earlier discussion of the tension between underground battle rappers and mainstream idol rappers within the show itself, it is also possible to see where such principles of authenticity could be decoded.

A similar phenomenon occurred during the show’s second season when Wu coined the slang term “skr,” which originated from American hip-hop culture and is frequently used as an ad-lib in rap music, as the season’s popular buzzword and used it to describe anything that he found “cool” or “real.” As was the case with “do you have freestyle?”, “skr” quickly became an internet joke due to the Wu’s perceived illegitimacy, propelled by a Weibo post from a large online community, Hupu Pedestrian Street (虎扑的步行街),

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54 iQiyi, “iQIYI Talent Show Contributes to Hip-hop's Phenomenal Rise in China.”
that satirized a recording of Kris Wu rapping and called it quite “skr.” This resulted in a war of words between Hupu and Wu, culminating in a diss track released by Wu entitled “Skr” and a Hupu counter diss that gathered over 120,000 likes and 70,000 shares.

Indeed, the concept of a “diss” has also been widely used as a weapon against the show, such as when Al Rocco was eliminated in the first season for his poor Chinese. Shortly after his departure, he released a diss track titled “The Rap of China Diss” (中国X嘻 哈, where the X crossed out the character for “has” in the Chinese show title “China has Hip-Hop”). This song was targeted at the show and the judge who kicked him off, Chang Chen-yue (张震岳). In the track, Al Rocco calls out Chang, rapping “You singing motherfucker man you made me lose it / Now tell me what you did for hip-hop you didn’t do shit / … And I bet that you sold your soul to the China devil,” echoing the internet community’s mockery of the judges’ qualifications and their ties to the mainstream industry. Another publicly released diss track on ZHONG.TV, one of the primary curators of Chinese hip-hop content, argues that most rap in China has always been underground, not mainstream and homogenized like in the show, hence “fuck 中国有嘻哈 [The Rap of China],”

Countless fans have posted their own critiques as well; for example, one Weibo user sided with Al Rocco in calling Chang’s judging “really awkward from beginning to end.” In fact, Weibo posts with the hashtag #rapofchinaldiss were read over 10 million times before the first season ended (with each of those likely generating hundreds or even thousands of additional impressions), and certain diss tracks even gained more traction online than songs that were actually performed on the show. Thus, members of the Chinese hip-hop community not only decoded The Rap of China in oppositional ways that reflected hip-hop’s anti-establishment core, but also pushed their counterhegemonic message through a viral online audience that had never truly been exposed to the original principles of hip-hop before.

In that sense, the evolution of hip-hop through online talent shows represents a constant battle between inherently inauthentic mass media producers and the “real,” critical, and oppositional hip-hop subculture. Although not every commodified signal within a show is explicitly called out, with some programs also being subject to greater critique than others (The Rap of China has proven much more controversial than Hot Blood Dance Crew), hip-hop artists and consumer participants have been quick to challenge dominant narratives at viral scales, demonstrating a legitimate resistance against the mainstream rooted in authentic cultural principles. This alternative frame of reference appears to stem from global and localized understandings of hip-hop culture originating from

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58 Ibid.


61 Yin, “Hip-Hop Lovers Say China’s First Rap Talent Show Is Out of Tune.”

62 Ye, “Hip hop in China bounces back as new show gives next-gen rappers mainstream appeal, despite censorship.”
decades of subcultural development outside of the control of the Chinese state and culture industry that are simply given a new platform due to the massive success of shows seeking to capitalize on hip-hop. Thus, the growth of hip-hop subculture in any form tends to expose its principles of “realness” and opposition to the commercial mainstream to larger online audiences despite the commodifying and ideologically compromising influence of reality television thus far, collectively preserving hip-hop’s subcultural form.

Conclusion

This paper has sought to trace the incorporation of hip-hop into Chinese dominant culture while simultaneously making a case for its authenticity. The paper argues that the wave of successful online hip-hop entertainment has incorporated the subculture in both commodity and ideological forms in line with Hebdige’s theories on youth subculture and also that Chinese state and culture industry necessarily collaborate in this domination. This is fundamentally appropriative and inauthentic. However, applying theories on the production of meaning, the paper demonstrates that mass media appropriation alone does not corrupt the entire subculture, as oppositional internet movements, largely through social media, against such depictions have allowed for principles of hip-hop to develop within massive online communities that include participants who are new to hip-hop. In this way, viral internet-based talent shows have enabled members of the subculture to drive authentic growth of Chinese hip-hop culture despite the mainstream’s commodification and ideological appropriation. Thus, there should be faith in the future of hip-hop in China – as long as the culture’s masses are able continue voicing their opposition.

Alexander Zhang is an undergraduate student at Harvard University, joint-concentrating in Social Studies and East Asian Studies. His research focuses on the development of hip-hop culture in contemporary China. He also works for 88rising, a mass media brand that manages and promotes Asian music artists from around the world. He is currently based in Shanghai studying, researching, and working in the field.
Appendix

Figure 1. Still frame from the opening cypher of the second season of *The Rap of China*.\(^6^3\) Note the judge's hairstyle, which emulates braids/dreadlocks from black culture.

\(^6^3\) *The Rap of China, Season 2, Episode 1, Directed by Che Che, Produced by Chen Wei, iQiyi, July 14, 2018*
Figure 2. Side-by-side comparison of stills from *The Rap of China* and *Show Me the Money*.  

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Figure 3. Still frame from *The Rap of China* featuring a rap by contestant Imp (小鬼) about the various sponsors of the show.65

Figure 4. Still frame from *Hot Blood Dance Crew* featuring contestant Su Lianya (苏恋雅) performing a vogue dance to promote Vivo smartphones.66

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65 *The Rap of China*, Season 1, Episode 2, Directed by Che Che, Produced by Chen Wei, iQiyi, July 1, 2017

References


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INTERVIEWS

The Philippines under Duterte

*How Journalism, the Judicial System, and Politics have Changed*

An Interview with Marites Vitug

After her January 18 book talk at Georgetown University, Marites Vitug sat down with the *Journal* to share her views on Philippine political affairs, justice, security, and foreign policy. As one of the Philippines’ most accomplished journalists, Vitug also explained how the field of journalism and freedom of press has evolved under the Duterte administration. Other major conversation topics include the War on Drugs, the Moro conflict, and political prospects for the Philippines.

*Journalism*

*Journal:* You are the Editor-in-Chief of Newsbreak Magazine and the Editor-at-Large of Rappler, both of which are cutting edge investigative news organizations in the Philippines which are recognized worldwide. As a co-founder and decorated journalist, what are your missions at these news institutions and how are those missions connected with the Journalism for Nation Building Foundation that you lead?

*Vitug:* I think, first of all, we want to shine a light on the darkest corners of government. That is our obsession. We want to unearth secrets. Why? Because we want these institutions and public officials to be held accountable. It is a duty, I think, of journalists. It is not just to inform. When I started journalism as a reporter more than three decades ago, my publisher kept telling us that you know you do this to inform, inform, inform, inform. But through the years, I thought it should be beyond informing, it should be to hold institutions accountable, to scrutinize the government as well as maybe institutions in the private sector, so that there will be unfettered exchange of ideas and there will be reduced corruption. We have a difficult duty and mission. I hope I do not sound like we want to save the world but part of it is maybe just making a difference in our community. Maybe if we are just a community newspaper or a national publication, then hopefully the government will listen if we expose corruption or maybe we write about inequality in society. We call it public interest journalism. That is what we are trying to do.
Journal: Throughout your career, you have won multiple awards for your journalism and published many books on social and legal issues in the Philippines. How has the field of journalism changed since you first started out? Could you discuss more in-depth about the status of press freedom under President Duterte’s administration?

Vitug: I think the mission remains the same. Our goals remain the same. But the form has really changed. When I started as reporter, there was no internet. We would all write our stories which appeared the next day and there were no cellular phones. No internet data. I said, “Wow, there is just really a lot of legwork.” Of course, our deadlines meant we had to be up the next day, so I had to adjust. When the internet came and Newsbreak also had to start our own website, I was like a zombie. Every minute was a deadline. Then I thought, “Oh no, I cannot do this.” I was fascinated by the way the young reporters would carry a smartphone and then they would video something and then interview, upload, and tweet. I asked, “How do they do this?” That has changed — the speed and the form. Still, the goals are the same. I asked a young reporter about this, because during my time, since we did not have all of this, we had time to spend with our sources. We could linger. We could ask more questions. This young journalist said, “Yeah, we sort of miss that,” but after they have to file, if they have time, they stay longer with their sources. I think that is what needs to happen. They need to adjust because they are always in a hurry. So, it is just the form. The rules are the same.

Under Marcos, press censorship was very defined. There was state censorship during the martial law years. It was very clear. You did not write articles critical about the president, the first family, and the military because the military was implementing martial law. But since Business Day was an independent newspaper, the market was the business community, and we wrote political stories. Marcos did not give a lot of attention to us because he said we were a “mosquito press” due to our small scope. He gave attention to the mass newspapers because they had a larger influence, but he did not know that Business Day was influencing elites, the middle-class, embassies, and governments which shaped policy toward the Philippines. That was the lay of the land.

Fast forward to Duterte and press censorship is more nuanced. There is no state censorship. He publicly threatens news organizations and individual journalists, and his men go after critical news organizations by charging them with libel or tax evasion. In the case of Rappler, he wanted us to stop operating by withdrawing our certificate, which is a type of license, by questioning our ownership. In the Philippines, foreign entities cannot own the media. It should be 100 percent Filipino owned, but Rappler has shares bought by a foreign group. However, this is not ownership, it is just shares. They do not participate in management. The government really rammed this case and Rappler almost lost its certificate, but we won the case on appeal. So, the environment is very nuanced now.

Of course, social media has changed the environment because any journalist can receive threats just on Facebook, maybe on your phone. I asked the young journalists in the office, and it is common. One young woman in her mid-20s who reports on human rights violation and human rights policy said that she received rape threats and death threats.
I said, “Oh my god” because when there was no social media, there were death threats, but they would call you on a landline, or later they would text you for consecutive days. Social media is like bees swarming, you keep getting them. I asked the young reporters, “What do you do?” They say get off the grid. Then, as long as they are not stalked physically, they continue their jobs. It has changed, really.

*Journal:* Given the current administration’s hostility towards and persecution of the press, what are the implications for civil rights and civil society in the Philippines more broadly? Not just the press but maybe everybody?

*Vitug:* There is a climate of fear. People speak up, continue to write — to write poems, or write news reports. Artists continue to write poetry and sing songs against this autocratic president. But it is so difficult to mobilize people against him because he remains popular. He has been doing “swift justice.” He has undermined the judicial system, and there is low public confidence in the judiciary. Instead of reforming the judicial system or reforming the courts, which takes longer, how do you speed up the resolution of cases? Instead of doing all this, with his cabinet discussing this, he just has people killed, and has given direct orders which are public. He has changed the political climate. We have not had this fear of the president since martial law. All of the presidents after that, even if they were upset at the press, they would get angry and give a statement, but they never banned reporters. They never threatened them publicly. Again, President Aquino was very upset with some of the reporting against him or about him, but he never followed it up. He would just say something airing his frustration, but that is all. This is the first time since Marcos left.

*Journal:* Do you fear that the administration might resort to imprisonment or violence against journalists that speak out against President Duterte?

*Vitug:* He has sent a rival to prison, a fierce critic who was a senator. Somehow, I do not think he will do that to journalists because his resistance or anger against certain journalists is not that intense compared to his resistance and resentment against certain politicians who are very outspoken. He is now trying to go after another senator. I do not think he will do this to journalists. No single journalist would come up and say, “You are corrupt.” We only report this. It is not like a single journalist or two journalists are really going after him. I do not think he will resort to that. It is just that this is intimidation, and he knows that he is effective because of the toning down. The *Inquirer* was forced to sell to a crony of Duterte, but it was never pushed through. They are looking for a new buyer, but imagine intimidating an entire news organization that also has the largest news TV network.

*Journal:* Duterte’s 2016 presidential election campaign allegedly utilized fake news and troll armies in social media to spread false stories and attack political rivals. This is a problem we have been facing in the United States as well as many other countries. Do you think there is a solution to this problem without compromising the principle of a free, open internet?
**Vitug:** Yeah, gradual steps. For example, in the Philippines, universities are very active. They invite journalists and invite academics to speak on how to detect fake news. This has been going on now for more than a year. Now, after a year, a group of journalists have united under this cause. It is not the entire spectrum, but many of the journalists are now working together which has not happened in recent years. There is a group called the Democracy and Disinformation Consortium. It is very informal. They go to campuses and give seminars on how to detect fake news. In many newsrooms there are fact checking groups. It is so frustrating. It is like fighting fire. After they put out one fire, another hoax or misleading post comes up. I would never have this job, even if I was young. I would not. I will never do that. It is easier to report rather than killing all these misleading stories.

**Philippine Drug War & Judicial System**

**Journal:** Could you provide us an overview of the current state of President Duterte’s War on Drugs and its progress since 2016? How has this campaign disenfranchised Filipino citizens and contributed to the rising level of violence in the country?

**Vitug:** This is a centerpiece of Duterte’s administration, and we have a theory on why he continues to believe in the War on Drugs. Every country – Thailand, Colombia, and other Latin American countries – that experienced it has shown that killing drug suspects or dealers does not really work. But why does he keep doing it? In fact, the former president of Colombia wrote an op-ed in the *New York Times*, saying do not follow our example. He said, “You are an idiot.” Why, despite scientific evidence, does he continue to do it? My belief is that this is a means of control, to intimidate us, so he can rule more easily because we are scared. So, that is the thing: make us scared, and he can get away with other programs.

There are officially 4,000 plus who were killed outside of legitimate police operations. In many cases, families of the victims are too scared to file cases. That is why there are lawyers and groups which are helping them. But so far, since Duterte came to office, there has only been one conviction, which was against two policemen who killed this young suspect who was never into drugs. You know why this happened? It is because CCTV cameras caught this boy, who was hanging out in the store, and they just got him because they needed to fill the given quota that required this many suspects killed. Given this first conviction, I am not too hopeful about other convictions because this just happens to be caught on CCTV, but others are not. It is very difficult. I think you know that a number of human rights groups in the Philippines have filed complaints against Duterte’s War on Drugs in the International Criminal Court (ICC). We are really watching that because if the ICC decides to investigate, it will really be helpful to the country by showing cases with evidence of extrajudicial killing.

**Journal:** Your book *Shadow of Doubt: Probing the Supreme Court* sheds light on cases of corruption and nepotism that stem from a complex web of relationships between the judges and other political actors in the country. Your work is widely considered to have
exposed the critical weaknesses of the judicial branch in the Philippines. Do you believe the Supreme Court can change to better uphold civil rights and check executive power?

**Vitug:** The Supreme Court leads the judicial branch in the Philippines. The appointment process is very political — it is the president who appoints justices. But the tendency in the Philippines, and I think maybe other countries, is for these appointees to be indebted to the president. In cases brought before the court, where the executive department is involved, they tend to vote for the administration in power.

Therefore, the first reform should be that the process of selecting judges be more insulated from politics. It is a long-term process and it is so difficult because in the Philippines everything is personal. Second, make it more open. The judiciary is the least scrutinized branch. Some improvements have been made by putting up information online, but how they arrive at the decisions remains inaccessible. It should be made more transparent. On the citizen side, unlike here in the United States where legal academics really weigh in by writing blogs that criticize or analyze court decisions, in the Philippines it is very difficult because most lawyers and legal academics are not full-time. They practice law so they do not want to offend the judges. Overall, there is a lot of reform to be done.

**Journal:** The Drug War has been widely condemned by the governments of the Philippines' long-time allies and human rights organizations around the globe. How has foreign reporting or governmental condemnations affected public opinion in the Philippines about President Duterte's policy? Has opinion changed over time?

**Vitug:** You know that is the thing. He remains popular with a 60 percent approval rating, as recorded by a credible public opinion survey. Respondents say they support the War on Drugs, but the suspects should be arrested alive. So, while they like that the government goes after drug suspects, retailers, syndicates, or users, they do not want them killed. Yet, the killing continues and he remains popular. There must be other issues because he is known to be charismatic — a small town mayor who goes to their village, who is seen to be decisive. He acts right away. He will fire you because you are corrupt and then a month later you are in another office. He is seen as a decisive leader who goes after bad people, so it is okay. But that is the thing – it warps the values of Filipinos. It is really a puzzle why he remains popular. I torture myself and listen to him live. He gives hour long speeches. He does not follow the text. He just tells jokes which are reported later. He can be funny. This is what the people want. We are missing good speeches. It is the same here in the United States with the tweets, except our president goes live.

**Moro Conflict**

**Journal:** Back in 2000, you published *Under the Crescent Moon: Rebellion in Mindanao* with an in-depth investigation on the Moro conflict in Southern Philippines. Have things changed since then? How would you characterize the current state of the conflict now?

**Vitug:** Before we wrote the book, we supposedly only had one terrorist group, the Abu
Sayyaf. Now, because of the international environment they have several groups, and they move freely from Indonesia to Mindanao. Now, there is funding for these groups and they use social media to recruit unlike when we wrote the book when it was much simpler. We just had the Moro National Liberation Front, the split group, and it was clear what each wanted. Now, it is more complicated. Plus, the non-Muslim indigenous groups also wanted their voices to be heard. There is a sort of demand or request for us to update it. I do not think we have the time to do it, my colleague and I.

**Journal:** What do you think caused the Marawi Siege and was this a continuation of the larger Moro conflict?

**Vitug:** In this case, the military was going after just a single terrorist. This single leader of the terrorist group had support from the community. It is not so much that they believed in what he is doing, but personal ties are so strong in Muslim Mindanao that one is related to the other and they wanted to protect him. This also couples with, sometimes, very ineffective local government—they are unable to respond to basic issues of jobs and alleviation of poverty. It started with a hunt for this guy and then then it became big because they fought back against the military. It opened up a very complex situation. Personal ties, weak local government—that is why the rebuilding of Marawi is trying to address this problem of local government.

**Journal:** Is there a positive impact that globalization can have on this conflict and the region?

**Vitug:** Because they use social media to recruit, other groups can also use social media to discredit them, to build a real story. They fact check them, so it can also be used for good. I do not know if there are groups actively using social media to fight terrorists in Mindanao, in the Philippines. I am not aware of but it might be interesting to look at that.

**Journal:** Are you optimistic about the creation and maintenance of self-governing Bangsamoro?

**Vitug:** Monday is the plebiscite and it looks like the opposition has supported it. There is a lot of support from civil society and congressmen. I am not too sure about how the Christian population, who feared they will be dominated by the Muslims, feel. I have not been there recently, so I cannot say. Duterte has really pushed for this because he came from Mindanao. He wants this to be a part of his legacy even though there was groundwork already done way before. He may be able to influence local government leaders to make this plebiscite a successful one. I am more optimistic now because no one is challenging this in the Supreme Court.

**Philippine Politics & Foreign Policy**

**Journal:** Ever since the election of President Donald Trump in the United States, pockets of civil society, a “resistance” of sorts, has emerged in response to his policies and
administration. Has the Philippines experienced a similar response, and do you envision it translating at the ballot box?

**Vitug:** There are pockets of resistance from civil society. There are protests, speak-up sessions, social media, opposition, and Catholic church protests as well on the killings. There are also groups that protest his policies that seem to appease China. But it is very difficult now to unite or mobilize people because he is still very popular. I think the opposition and anti-Duterte forces are looking at more creative ways to express their disapproval of him. The difference here in the U.S. is that you have strong institutions – your courts can decide against Trump's orders. This would not happen in the Philippines – maybe once, very rarely – because citizens are scared. Second, the media here has been quite united. I think most major news organizations are united together, supporting each other and really, the investigative reports tend to be very in-depth. The institutions are strong. That is why there is pushback against Trump because of the courts and media.

**Journal:** In the context of the upcoming May 2019 midterm elections, do you foresee any fundamental challenges to the current political system and President Duterte’s stronghold?

**Vitug:** I do not think there will be a major change after the midterm election. Out of 24 senator seats, only 12 will be up for grabs. They tend to side with who is in power but when they see that there is disappointment or defection then they will go against him. It is the same. It is business as usual. But for the military, it is a stable institution. After the election, they will just go on maintaining their control of Congress and the Executive Department. No, it is not going to happen.

**Journal:** Given how fake news and troll armies have complicated the electoral process in the United States and many other countries, is there suspicion of foreign influence in the election campaigns?

**Vitug:** We are watching that. That is why social media — Rappler in particular and maybe other news groups — are looking if there are concerted messaging efforts from Russia or China. It is very difficult to prove the funding. There are no paper trails. But at least on social media, Rappler can do analyses of messaging and where these accounts come from to see if they are fake or tied to Russia. Maybe on social media we will look at the potential of foreign influence.

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**Marites Danguilan Vitug** is one of the Philippines' most accomplished journalists. She is also a bestselling author and has written eight books on Philippine current affairs. She is the former editor of Newsbreak Magazine and is currently editor-at-large of the news website Rappler. Her latest book, Rock Solid: How the Philippines Won its Maritime Dispute against China, was released in July 2018.
Taiwan’s Changing Political Landscape

A Reflection on the 2018 Midterm Election

An Interview with Shelley Rigger

In recent years, Taiwan finds itself at a crossroads. A small island of 23 million people is now facing many challenges, from economic transformation to a struggle over its national identity. In this wide-ranging interview, Shelley Rigger, the Brown Professor of East Asian Politics and Chair of Chinese Studies at Davidson College, deconstructs Taiwan’s political culture by offering her thoughts on the 2018 midterm election, Taiwan-China relations, the LGBT Referendum, and the 2020 presidential election.

Taiwan and Academic Interests

Journal: You have said that your interest in Taiwan goes back to the aftermath of the 1989 Tiananmen Square protests. What was it like studying the democratization of Taiwan in the 1990s and how does that compare with the Taiwan of today? What about your interest in Taiwan has changed over the years?

Rigger: I was interested in Taiwan before 1989, but I was redirected back to Taiwan by the Tiananmen Crisis. Actually, my first visit to the island was in 1982. It was the summer after my junior year of college and I had been assigned to write a history of Taiwan for a seminar on Sino-American-Taiwanese relations. At the time, this was right after the United States had normalized relations with the People’s Republic of China (PRC), so we really thought that Taiwan’s future was not bright and the seminar focused on how the U.S. could help direct the future of PRC-Taiwan relations.

For the assignment, I had to write a portion on Taiwanese history and it was really striking to see all of the research on the Japanese occupation. Now, you could write a whole thesis on any number of specific topics within Taiwan’s history using only English language sources, but at that time, there was very little about Taiwanese history written in English. There were only these big picture books that the Japanese colonial government produced to show what a great job they were doing in governing Taiwan.
In these picture books, the aboriginal people of Taiwan were a very important theme as was the subduing, suppression, oppressing, and repressing of them. I had never learned about that before, so I became very interested in Taiwan's aboriginal people. However, when you get to all of the post-45 era research, there is literally not one single mention of indigenous people in any source. I was curious to know what happened to Taiwan's indigenous people after 1945, so I ended up spending that summer in Hualian finding out what had become of the yuanzhumin (原住民 or indigenous people). In those days, we called them gaoshanzu (高山族), which in English means “mountain people,” but now we know that they do not prefer to be defined that way.

1982 was still the authoritarian era, so things were very different in the early 80s than even the early 90s, and extremely different from the late 90s. During my research, I had encountered George Kerr's Formosa Betrayed about the 228 Incident where the government killed many Taiwanese critical of the Kuomintang. As a young college student, I stupidly asked people in Taiwan about it. At the time, I was living in Hualian with a family. The father was a doctor and the grandfather had been a doctor, so they were exactly the kind of people — Taiwanese people or benshengren (本省人) — who were targeted in 228. But being naive and not understanding the sensitivity of the issue, I asked the grandfather about it and he acted as if he had no idea what I was talking about. At the time I wondered if the problem was a language barrier because he spoke Taiwanese and Japanese, and I was speaking Mandarin to him, but now I realize that he was scared to death.

Another thing I did that scared my host family a lot was whistling that song, molihua (茉莉花), and the kids always said, “Stop it!” The song is politically sensitive and it was almost as if I had been whistling the national anthem. During that summer, there was a foreign affairs police officer who was assigned to me. There I was, a college student, but I had a foreign affairs police officer assigned to watch me. Every couple of weekends we would go do something fun and somewhere along the way he would ask me questions, but his English was worse than my Chinese and my Chinese was pretty awful at the time. He never got any good information out of me at all, but I got quite a few fun afternoons at the beach baking sweet potatoes in the sand with a bunch of young people. It was really fun, hanging out with my police officer. Before I got ready to leave back to the United States, the father in the family took me aside and said, “I think you should know, not only are we not the same country as China, but we are not the same nationality.” That was as close as anybody got to saying anything politically incorrect the whole summer.

Fast forward to 1991 when I was doing my dissertation research and there was a line of flags down the middle of Zhongxiaodonglu (忠孝東路 or Zhongxiao East Road) advertising the World United Formosans for Independence slate of candidates in the 1991 national assembly election. So, in 9 years, 1982 to 1991, Taiwan had gone from not acknowledging any of its authoritarian history to openly advocating for Taiwan independence in politics, and that was okay.
Journal: Your research on Taiwanese youths suggests that they are more pragmatic than conventional assumptions. And now, polls show that young Taiwanese are more in favor of Ko Wen-je, a politician who is relatively pro-China, as a candidate for the next president. Do you think this situation supports or contradicts your previous research?

Rigger: First of all, I think it is really important to recognize that my previous research is very old. When talking about youth politics, 12 years is a long time. All of those young people are old people now, or at least they are not young people anymore. I am actually hoping to repeat a similar kind of research next year to learn about this generation of young people in Taiwan. However, my preliminary impression is that I may not find much of a difference. It seems to me that young Taiwanese still think of themselves as Taiwanese. That is, the whole idea that they have in their minds about whether they are Chinese or Taiwanese is not relevant. But they are not necessarily anti-China and they are not as hostile toward the mainland in the way as older Taiwanese people. My feeling is that young people have a preference for Ko Wen-je because he is also walking that line of not making a big deal about national identity but also not excluding the possibility of interacting with the mainland. It does not surprise me then, that young people are drawn to him.

Journal: What do you think about Tsai Ing-wen’s performance in foreign policy? Has her hardline stance against Beijing helped or hurt Taiwan’s reputation and diplomatic opportunities abroad?

Rigger: I would not characterize her stance as hardline. I would characterize it as very moderate, but not moderate enough to satisfy Beijing. Thus, the way I describe her policy is asymptotic to the “92 Consensus” or as close as you can get, but never actually touching the words “92 Consensus.” And the reason for that is that first of all, “92 Consensus” has always been a problematic phrase for the Democratic Progressive Party (DPP), and second of all, the meaning of “92 Consensus” is very slippery and Beijing is changing it constantly. I think now it is really impossible for Tsai Ing-wen to accept the “92 Consensus” because the content has been redefined as the PRC has acted on the One China principle. But in every other way, I would characterize her position as very moderate and also impressively steady. I think it needs to be steady because of the environment that she is in, and especially in regard to her cross-strait or external/international policies. They are quite healthy for Taiwan because they are predictable, consistent and other governments know what to expect from her.

Midterm Election

Journal: In your 2011 book, Why Taiwan Matters: Small Island, Global Powerhouse, you make the case that Taiwanese domestic politics has shifted to a Taiwan-centered strategy. How much of this strategy impacted the midterm elections where Tsai Ing-wen’s party was thrashed for their stance towards the mainland and the country’s stagnating economic growth?
Rigger: I do not think that President Tsai’s stance towards the mainland was why the DPP did poorly in this election. I think they underperformed because of domestic policy factors, which made sense as those policies were unfolding and as Tsai Ing-wen was enacting her programs. But in retrospect, this was destined to have really bad consequences in the midterm election. I think a lot of us have recognized this all along and perhaps have been overly willing to congratulate Tsai Ing-wen for doing it. A lot of her policy positions were calculated from the very beginning to have long-term benefit but short-term costs. I think that we need to recognize that leaders sometimes have to do that. Our leaders in this country are running up a jaw-dropping deficit in order to avoid short-term sacrifice or pain. That is, cutting everybody’s taxes, raising all the spending, guns, butter, all of it, and a still delivering a tax cut. This is a recipe for catastrophe in the future, but it looks great in the short-term.

Tsai Ing-wen did not do that. She said that Taiwan could not afford to support pension levels at the level that they have been, so they needed to find a way to reduce the government’s spending on civil servant and military pensions. They needed to figure out solutions to some of their environmental problems. They needed to figure out how to make the labor laws more flexible and how to recalibrate their economic policies so that they have a long-term outlet for production — but none of these things were going to pay off in the short-term. But we did not understand how much they were going to hurt people in the short-term.

I learned only after the election that there were people who were simultaneously seeing their pensions reduced and their spending increased. If they were retired, they had their income cut, or if they were working, they saw their hours cut because they were not allowed to do as much overtime as before. They were also being required to upgrade their vehicles because they were being asked to trade in old motorcycles for the more energy and environmentally friendly motorcycles. Thus, for many people, their incomes were reduced but their obligations to spend money increased. When you look at it from that perspective, it is unsurprising that the DPP did not do very well in the midterm election. The DPP leadership always had their eye on the long-term benefits of their economic policies and maybe they paid less attention to the short-term costs. There were some really interesting Kuomintang (KMT) candidates as well and I think Han Kuo-yu, in particular, created a wave of enthusiasm that was timed very well. He did not peak too early but right on time. He lifted some other KMT candidates with him as well.

Journal: Do you think that the DPP will be able to recover their position before the 2020 presidential election?

Rigger: I believe that it is very likely. Taiwan’s presidents often have terrible approval ratings all through their presidencies but are reelected. A politician, for example, can have very high approval ratings — Chen Shui-bian had around 70 percent approval ratings when he was mayor of Taipei City, but he lost the reelection to Ma Ying-jeou. I am interested in thinking about how the Taiwanese use polling, perhaps as a messaging strategy more than as an indicator of future action. We tend to think that when people
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are asked about what they think of Tsai Ing-wen, that their answers would be a one-to-one correspondence. However, I sometimes think that Taiwanese voters say, “Well, Tsai Ing-wen is president now, so what is what is she likely to do?” If voters believe that her policies were a little too extreme, they might express interest in the other party as a way of moderating her. But if Ma Ying-jeou was president, they might express interest in Tsai as a way of moderating him.

I have actually charted this kind of data before. Some of the questions asked participants if the pace of cross-strait relations was too fast, too slow, or just right. There are always weird fluctuations. For a while, the survey data might show that participants thought relations were moving too fast, but then all of a sudden it would change to too slow and then back to too fast again. If you account for the change of president, all of a sudden, it becomes clearer. For example, when Chen Shui-bian was president, respondents thought the relationship was moving too slow, but when Ma Ying-jeou was elected, suddenly it became too fast. Now, Tsai Ing-wen is president and respondents think the pace of cross-strait relations has slowed down again. I think we have to be careful how we interpret polling in Taiwan so I think it is possible that Tsai Ing-wen could come back. I think the DPP will not do as well in the next round of legislative elections because the KMT has repaired some of its local organizational structures in ways that will allow it to be a more robust support network for 2020 candidates. However, I still think Tsai Ing-wen has a chance at reelection.

Journal: What can we learn from the results of the 2018 midterm elections about the Taiwanese people’s opinions, especially with regard to Taiwan-China relations?

Rigger: The results were not so much something new, but rather a confirmation that Taiwanese voters are very conservative. They do not like politicians who move too quickly in any particular direction. Something like the marriage equality referendum is not necessarily comfortable terrain for a lot of Taiwanese people, especially rural and older Taiwanese. If we go to Taipei, one would feel as if they are in a very progressive, liberal and international city. If one were to go to Puli, Nantou, or Alian [district] in Kaohsiung, they would see some more traditional communities there. The DPP in this election also got out ahead of the electorate in terms of being characterized or even stereotyped as associated with post-materialist issues — environmental, economic, social — which outpaced the comfort level of a lot of voters.

LGBT Referendum

Journal: The referendum that the Taiwanese government conducted with the midterm election was highly controversial. Some people argued that the issue related to human rights, such as the rights of LGBT citizens, and that it should not have been brought up as a referendum. What are your thoughts about the referendum?

Rigger: First of all, referenda are not a good way to make decisions in a democracy. A certain faction within the DPP has had a strong preoccupation with referenda for a long
In part, it comes out of a democratic impulse, such as direct democracy. They think that if democracy is good, then direct democracy is better. But it also comes out of a tradition of imagining or believing that the solution to Taiwan’s fundamental problem, which is a problem of national identity, is a referendum or a plebiscite on independence. The idea of a referendum has been linked with the DPP and deep green thinking. It has also been linked with independence from day one. Referenda are not only fraught in the way that they are fraught in every country, but even more so in Taiwan because they are connected to many other factors. Because of this preoccupation, the DPP made it easier to put a referendum on the ballot. This allowed competing referenda on the same ballot and that leads to a lot of crazy of things. There was a possibility that two things would pass that are contradictory, and then what would happen?

On the ballot, we had a marriage equality referendum and an anti-marriage equality referendum at the same time. What if they had both passed? Given the threshold for what qualifies as passing, they could have both passed. That does not make sense and that is not how you make policy. Social movement organizations that were aligned with the DPP, but were not under the control of the party actually put the referendum on the ballot, and that is important because the DPP saw this train wreck coming. What ended up happening was that the anti-gay marriage side did all the dirty tricks that you would expect them to do and successfully muddied this issue. I just read today that the DPP is proposing legislation. If they had done that two and a half years ago, it would have been no problem. Because they did not do it two and a half years ago due to timidity and indecision, now there is this referendum that says that the public does not agree with this. It is just a big mess. The way to avoid this mess would have been to just pass the legislation at the beginning of the new legislative yuan session when the DPP had the votes. Maybe it would not have been an easy vote but it would have been forgotten. Either that, or the DPP should not have let the referendum happen. Marriage equality was an opportunity for Taiwan to put itself forward as the most progressive country in East Asia. If they had passed it as a law, it would have been fine and the anti-marriage equality side would not have had the opportunity to run such an ugly campaign against LGBTQ people.

Journal: Taiwan has been lauded as the most LGBT tolerant place in Asia. The results of the referendum were shocking for many international observers. Could you explain a little more about why you think the referendum failed? Do you think the referendum has negatively impacted civil society and human rights organizations in Taiwan? Lastly, although the referendum failed in regard to amending the Civil Code, on February 20th, the Executive Yuan and Legislative Yuan passed a new bill that offers LGBT equality in marriage rights, complying with the ruling of the Supreme Court. This will make Taiwan the first country in Asia to adopt marriage equality for LGBT citizens. How do you think the Taiwanese public will react to this new law given their disapproval of the referendum?

Rigger: 63 percent of people voted “no” and 30 percent voted “yes” on marriage equality. Neither one of them was a resounding majority of all voters, and that is part of the
problem with referenda: the threshold is so low that you can get a meaningful result even though it is not a very large percentage of voters. It is similar to how Donald Trump was elected in the United States. If you look at all eligible voters in the country, how many of them actually pulled the lever for Donald Trump? It is a pretty small percentage. This is the same kind of problem.

I will say, I do not think it is the end of the world. I think the Taiwanese government is doing the right thing. They are repairing the mistake that they made for not taking care of this right away when they first came into office. I am sympathetic to Tsai Ing-wen for not doing it when she could have, so maybe I will tell that story too. I think why she did not make it a priority at the beginning was because it was never her priority. It was something that was pushed on her by activists who had worked on her campaign and helped her get elected, but she was really focused on bread and butter survival and economic issues. So, the fact that she did not want to spend her political capital in that first year on marriage equality makes sense to me, but I think given the amount of pressure she was under, maybe that was the time to do it.

In any case, the referendum was a self-made disaster for the DPP. The easing up on the referendum rules was something that happened because you have people in Taiwan who just do not understand how conservative a lot of ordinary voters are and they do not get it that you can get a result you do not want. For example, now, a group is pushing for a referendum on independence. Here is what will happen if they ever succeed in getting it on the ballot: someone else will put a ballot measure for unification, and I think it is just as likely that the unification one will pass as it is that the independence one will pass. You are playing with fire when you do these things, and I think that is what really went wrong. There was no discipline. People did not get the seriousness of what they were doing. I think it is easy if you live in Taipei to imagine that everybody agrees with you, but go visit your grandparents and their neighbors before you decide that everybody agrees with you. Lastly, in my personal experiences, I just want to clarify my earlier statement about rural and older voters. A lot of elderly people in Taiwan would not have voted against gay marriage or marriage equality except that they were fed some nasty propaganda by the other side.

Journal: What do you think of the new Permanent Partnership Law?

Rigger: The Permanent Partnership Law is disappointing to marriage equality activists who wanted real marriage equality. However, I think it is a good compromise and the best that people are going to get at this point. If I were advising politicians in Taiwan, I would tell them to move on.

The Future of Taiwan

Journal: Some veteran politicians, for example those of Formosa Alliance, recommend a referendum on Taiwanese independence. And the American Institute in Taiwan openly opposed it. What stance and strategy do you think the United States should adopt if
the Taiwanese decide to pursue independence in a referendum?

**Rigger:** If they decide to pursue independence in a referendum, the U.S. will not stand behind that.

**Journal:** Tsai Ing-wen has declared that she will run for reelection in 2020, but polls show that she could defeat no potential competitors. We did discuss earlier about polls, but also including Ko Wen-je and Han Kuo-yu. What do you think about Tsai’s chances of pulling off an upset win? Will her incumbency help her?

**Rigger:** Xi Jinping helps her, for one thing, by redirecting the focus of the conversation in Taiwan away from domestic issues to cross-strait issues where people are fairly favorable toward her position. I definitely do not count her out. We could have said similar things about Ma Ying-jeou at a similar point in his presidency. As such, there are a lot of ways that the KMT can mismanage the situation and there are a lot of ways that the DPP can mismanage it too, however I am not calling this election now.

**Journal:** The KMT has shown strong pro-China inclinations recently. What strategy do you think the U.S. should adopt if a pro-China candidate wins the 2020 Taiwanese presidential election? What should the U.S. do if the next Taiwanese president accepts Xi’s invitation to negotiate a reunification with the mainland?

**Rigger:** Those things are not very likely. If you look at the people who are on the list of potential KMT candidates, none of them are even as sinophilic as Hong Xiuzhu, so we are talking about people to the right of Hong Xiuzhu. There will not be anybody who is looking to complete a unification deal.

**Journal:** With China adopting a more assertive stance with Xi Jinping’s leadership, leaving only 17 countries that still recognize Taiwan, in what direction do you think the Tsai administration will lead Taiwan’s foreign relations in the future?

**Rigger:** Her interview with CNN was quite interesting because, in some ways, it was the first deviation from the straight, consistent, and moderate line she has held. She did not say it directly but implied that Taiwan was the canary in the coal mine. What happens in Taiwan is indicative of how the PRC government is likely to deal with other issues, so she issued a warning for other countries to be careful, and pay attention to what is happening. That is more of an assertive position than I have seen her take previously so I found that interesting, and that what she recognizes is that the tide is turning against Beijing in a lot of places — certainly in Washington, but to some extent, in the region as well. There seems to be an opportunity to say that the Chinese juggernaut is not absolutely unstoppable, and she wants us to think about how we might change the trajectory a little bit.

**Journal:** This year marks the 40th anniversary of the Taiwan Relations Act. What should we expect to see from Taiwan this year in regards to its relationship with Beijing?
Rigger: With Beijing, there is going to be very little activity because the PRC decided early on in its relationship with Taiwan, but now it is firmly entrenched, that they cannot deal with Tsai Ing-wen. Indeed, they are waiting for the next president and they are certainly hoping it is not her again. At the moment they feel quite confident that they can afford to wait, and that the situation is not deteriorating. Their leverage is at a minimum consistent and steady, and at a maximum, increasing. Beijing does not feel any pressure to “get on it” with Tsai Ing-Wen, so I do not think there will be much change this year.

Shelley Rigger is the Brown Professor of East Asian Politics and Chair of Chinese Studies at Davidson College. She has a Ph.D. from Harvard University and a B.A. from Princeton University. She is the author of three books: Politics in Taiwan: Voting for Democracy; From Opposition to Power: Taiwan’s Democratic Progressive Party; and Why Taiwan Matters: Small Island, Global Powerhouse.
Hokkaido’s Indigenous People

Connecting with the Outside World

An Interview with Masako Kubota

Japan is known for being one of the most homogenous societies, with a strong sense of nationalism, and little to no ethnic and cultural diversity. This is because Japan has made an extensive effort in eradicating the cultural distinction posed by ethnic minority groups, such as the Ainu people. After decades of forced assimilation and discriminatory policies, the Japanese government has finally taken major steps to fully recognize and protect the indigenous Ainu people. The Journal is honored to have Masako Kubota, an adjunct professor at Florida International University (FIU), to highlight the untold story of the Ainu people.

Academic Interest and Ainu History

Journal: You have previously stated that your encounter with the Ainu people began in 2010 when you visited Akan Kotan. Was there any particular point during your visit that you were inspired to learn more about the Ainu people?

Kubota: For my graduation essay, I read Hokkaido newspaper articles and I interviewed many Ainu people of different classes and occupations. There were several people who I was so interested in meeting. When I was a student, since it was just a graduation essay, there was no need for me to go all the way to Hokkaido. However, I decided to go and meet them after I graduated and received my master’s. As I have written, I felt as though they were my friends. The newspaper people contacted the Ainu, and they were very happy to meet me. So, I met most of the people I wrote about and learned more about their lives. That was the beginning for me.

Journal: What knowledge did you have of the Ainu prior to your visit? Were Ainu rights and recognition part of the public discourse or was it largely ignored?
Kubota: I did not know anything about the Ainu before my visit. I think I only knew of spectacular things like Ainu iyomante which is the ceremony to “send off the bear” (kuma okuri no odori). Iyomante is the Bear Festival, and it is a part of Ainu bear worship. So, I knew about all of the very exotic things but I did not know much more about Ainu people. For the most part, they are just regular Japanese people living regular lives. However, they are facing poverty and a lot of discrimination. I did not know much about that. We are both Japanese, but I learned so much about reciprocity from them—not only between people, but between people, animals, and nature. Iyomante, this kuma okuri no odori, the Festival of the Bear, is about respecting animals and respecting nature. It was a lesson I was glad to learn.

Journal: How has Ainu society adapted and changed over time in response to discriminatory policies by the Japanese government?

Kubota: In 1899 the Japanese imperial government enacted kyu dojin hogobō (旧土人保護法) which is the Hokkaido Ainu Protection Act. Kyu dojin – dojin is a very segregated term, and then at that time they said hogobō (保護法) – which means “we will protect you” but they did not actually protect Ainu people. The Japanese imperial government controlled them instead. They transformed the Ainu into farmers and woodsmen. Traditionally, Ainu people are hunters and gatherers, not farmers. Then the government enacted assimilation policies. They wanted Ainu to get married to Japanese people and also to receive universal education in Japanese. From that time on, they have been gradually losing their language. In 1989, there was the construction of the Nibutani Dam and many Ainu people protested the construction. That was the first time I realized, “Oh there are Ainu people, and they are protecting their sacred land!” Many indigenous people from all over the world gathered to protest with the Ainu and protect them. They had a big demonstration to protect their sacred land and stop the construction. But the Japanese government still built the Nibutani Dam. I was very shocked and saddened. In 1997, the government replaced the Hokkaido Ainu Protection Act, but the new law only protected Ainu culture. It did not help with the poverty or daily challenges of Ainu communities. In 2007, the United Nations Declaration on the Rights of Indigenous Peoples was introduced. This declaration helped convince the Japanese government to officially recognize the Ainu as indigenous people who had their own language, religion, and culture in 2008. Although the Prime Minister’s Office made that recognition over a decade ago, now in 2019, a new law was finally enacted.

The government is planning to spend lots of money for tourism in Hokkaido. When they said tourism, I became so afraid that Ainu people will be some kind of sightseeing items for tourists. They will not become shuyaku (主役), or in other words, I am worried that they will not have control over their role in the tourism industry. They are not the people who control that government money or tourism, but other people will like hotels or advertisement agencies. I am so afraid that very little will actually end up going to the Ainu people. Those kinds of things happen all the time, right? They happen even in the United States.
In the Western part of Hokkaido there is a city called Tomakomai, which is one of the five different places where the Japanese government is allowing gambling, officially. Within one hour of Tomakomai they have a big museum called the kokuritsu ainu minzoku hakubutsukan (国立アイヌ民族博物館 or the National Ainu Museum). This will be opened in 2020 because the government expects high volumes of tourists because of the Olympics. The bunka-chō (文化庁 or the Agency for Cultural Affairs) is invested in it and they made it a kokuritsu (国立) or national museum. Here in Florida, the Seminole people are doing excellent in business through casinos and they have all of the domestic and international rights to the Hard Rock Café. This has been really beneficial for the economic status and resources of the Seminole people. However, I am unsure if this same tactic will be good for Ainu people or not. The government is building an integrated resort, which is essentially a casino, in Tomakomai. They are spending a lot of money, but I do not know if any of that will help the local Ainu community. I think now is the time that Ainu people really must have their own identity and they also have to clearly say what are their rights. They are a very nice and quiet people, who have suffered greatly and that is the reason that until now they have not had a chance to declare their rights. Now, they can clearly say that they are indigenous people who have rights and deserve respect.

Perceptions and Scholarship on the Ainu

Journal: There seems to be a lot of literature on discrimination by the government. Could you tell us about how Japanese society views and treats the Ainu people?

Kubota: There is a scholar called Harumi Befu, who is a Professor Emeritus at Stanford University. He wrote about Nihonjinron (日本人論 or theories about the Japanese people) in his 2001 book, Hegemony of Homogeneity: An Anthropological Analysis of “Nihonjinron.” In this work, he said that Japan is not the mono-ethnic country that people think it is. It clings to the idea that there are pure Japanese and non-pure Japanese who are ranked accordingly. This definition emphasizes the homogeneity of the Japanese in genetic and cultural terms, ignoring the reality of heterogeneity and us being xenophobic, patronizing, and discriminatory against those who are not pure. Elderly Japanese people, maybe over the age of 60, still think that being pure Japanese is good and they do not believe that Ainu people are pure Japanese. In many cases, their beliefs focus solely on ethnicity. Ainu people are Japanese though! They are the original Japanese! These beliefs are changing now. Young people today do not have any of those same feelings. When many Japanese people hear that I am studying Ainu people and how there are many of them in Hokkaido – they say, “Oh I did not know! I thought they all disappeared!” That kind of attitude is not stupidity, merely ignorance. They simply do not know about Ainu people, because they never learn about them.

Journal: What is the state of scholarship on the Ainu in Japan? Are there many prominent academics who study Ainu culture and language? How have they helped the Ainu community?
**Kubota:** Most of the people who are studying the Ainu live in Hokkaido. Hokkaido University has an Ainu Institute and there is a very famous professor called Kitahara Jirōta. He is not one of those archaeologists who study Ainu, but he is actually Ainu. He knows much about the culture and daily lives of Ainu people. He learned the language from his grandmother and he is one of the very few young people – I think he is a little bit over 40 – who speaks the Ainu language fluently. His work on the Ainu has been incredible. The government even consulted him about the new national museum because of his heritage and his groundbreaking research.

Then, there are many archaeologists. The Ainu have a long history of living in Japan. Archaeological evidence shows that they have resided in Hokkaido since the Jōmon period (1000-300 BCE). There is another very significant scholar, her name is Yuko Honda. She is a professor at Sapporo University and she started an organization on campus called “Urespa” that has helped Ainu people greatly. She created a shōgakukinseido (奨学金制度 or a scholarship system) for Ainu people who want to go to university. She has also asked many industries in Hokkaido to donate money to Urespa and she has helped them develop new jobs for Ainu people. This organization, Urespa, has helped redefine Ainu rights in Hokkaido. It emphasizes that Ainu people are good, and that they should have pride in their fascinating culture. I think this kind of movement is empowering for Ainu people, and I am so lucky to have met both Honda Yuko and Kitahara Jirōta.

**Crosscultural Exchange**

**Journal:** What value do the intercultural exchanges you organize have for your students and for Ainu people?

**Kubota:** Honestly, I am still learning the value. I want them to influence my students. This year, we started to study Seminole Native Americans. Before we go to Japan, we must learn about the Florida Seminoles and Miccosukee. We went to a pow wow the other day and all the students volunteered and learned about Native Americans – their dancing, what they think, their philosophies. Then, during our trip to Japan, I lead the students to an Ainu village where I hope they can learn more about indigenous people. When they went previously, they felt so welcomed. When we went to a mountain, Ainu people showed us that we have to appreciate the mountain god. We brought many things on our journey, like nice water and tobacco, to show our respect and appreciation to the mountain god. We brought over some cigarettes, rice wine, and a few sweets to distribute. Then, we prayed to the mountain god and picked up some edible plants. Through those rituals, my students learned how important it is to these villagers to protect the mountain because they harvest edible plants there. At the same time, we appreciated the lesson and learned that we must also protect the mountain. Intercultural exchanges like this help my students and Ainu people learn about each other, and it gives them a chance to teach others about their own culture.

**Journal:** What were the Ainu able to learn from your students and from the Seminoles when they visited Florida?
Kubota: Ainu people were very surprised when they came to Florida. We went to a charter school for Seminole people, and they learned that the Seminoles are doing very well with the Hard Rock Café and the casino. They allocate their new resources to elder care and improving the charter school so that the tribe’s children can receive a great education. Until recently, just like the Ainu, members of the Seminole Tribe did not have the same access to higher education. Ainu people were also interested in the immersive language classes that the Seminole have for their children. Some of the children, maybe 8 months or so, come in the morning and they will stay with elders. They immerse themselves in the language in everyday life. This immersive language class is quite new, but it helps to perpetuate the language and prevent it from dying off. Another thing the Ainu were impressed with was how much the Seminoles allocate to elder care. For young Ainu, they say their elder people have really helped them. Young Ainu say that elders have shown them their culture and helped to develop a sense of pride in being Ainu. They want to safely care for elders in return as thanks. During this trip, some young Ainu learned that the Seminoles have excellent 24-hour care for their elders. They also learned that the U.S. government does not supply any of the resources for this, but that the Seminoles themselves are doing it.

Journal: The Endangered Language Project puts the number of native speakers of the Ainu language at just 10. Do you believe that there will be a revival of the language if they start these immersion language classes with young Ainu people?

Kubota: Yes, I do. When Honda Yuko was young, she went to an Ainu village and she learned from Kayano Shigeru, who was a very famous Ainu activist and elder. He was the first Ainu ever elected to be a politician in the Diet. She went to his village and she became like his daughter. She learned the Ainu language from him. Now, she is the one who is trying to start an immersion language movement in Japan. Ms. Honda has written many papers on the Ainu language and developed many resources for language learning. Now she is contributing to the national museum and her work is respected by both Ainu leaders and officials in the Japanese government, which is very important. Hopefully, the government will see the value in preserving the Ainu language and devote some resources to it.

Journal: The government recently approved a bill recognizing the country’s Ainu minority as an “indigenous” people for the first time, granting them a significant amount of money each year. This is certainly a major step forward on policies toward the Ainu people. What implications do you think this will have on cultural and linguistic preservation and do you think the government will fully commit to this new bill?

Kubota: I think so. I hope so. They are doing it just before the Olympics and similar things have happened in other countries as well. The Olympics are a time when many people come from across the entire planet, so the government is under heavy scrutiny and wants to impress all of the visitors. But I hope this money will be allocated for the Ainu people, not just for tourism. This new law is a step forward, sure. However, the amount of money the government will give to Ainu people annually is small
compared to how much they are spending on the new integrated resort in Tomakomai or the new national museum. I was talking to Ainu people the other day and they said they are going to have some kind of an illumination display near the integrated resort so that they can also benefit from the tourism. In Akan, they are going to highlight the forest so when people go there, they will see singers and storytellers. I really want Ainu people to have a part in all of this, not just the people who are providing the money and pulling the strings.

Journal: What role has FIU played in raising awareness about the lives and cultures of the Ainu people and other indigenous people around the globe?

Kubota: When the Ainu people came, they learned that Native Americans share the same ideas about reciprocity between people and nature. They also learned many best practices about community care and language preservation. Sadly, our Ainu guests could not speak English, so I became the volunteer guide and I had my Japanese language students assist in translating during the visit. Our job was to play an intermediary role between our Ainu guests and the Seminoles of South Florida but through that role, we also learned much about Seminole and Ainu culture. We even presented what we learned to FIU’s Global Indigenous Forum. The forum allowed our Ainu guests to perform and share their culture as well to the local community. Through this forum, FIU has played an important role in promoting the cultures and voices of indigenous people. I am thinking about inviting the Ainu once again to visit Florida and I am also thinking about taking my students to learn about the Seminoles and Miccosukees.

Masako Kubota is an Adjunct Instructor of Japanese in the Asian Studies Program at the Steven J. Green School of International & Public Affairs, Florida International University. Masako received an M.A. in Asian Studies in 2009 and she specializes in the Ainu, the indigenous peoples of northern Japan. Her research focuses on the cultural preservation efforts among elderly Ainu women.
The government of Vietnam continues to monitor and repress non-registered ethnic-religious groups. While the Communist Party of Vietnam (CPV) has made some changes in response to international attention, individuals continue to be imprisoned or detailed for reasons related to peaceful religious activity or religious freedom advocacy. Given the recent wave of persecution targeting ethnic minorities and indigenous communities, the Journal has invited Carlyle Thayer, Emeritus Professor at the Australian Defense Force Academy, University of New South Wales, Canberra and Director of Thayer Consultancy, to explain Vietnamese domestic politics and foreign policy.

Vietnam and Academic Interests

*Journal:* You first went to Vietnam in 1967 with the International Voluntary Service during the Vietnam War. What was it like? How has the experience shaped your professional interest since then? What has kept you interested in the region for so long?

*Thayer:* My intense interest in Vietnam pre-dated my employment with the International Voluntary Services (IVS). During my undergraduate years at Brown (1963–67) the Vietnam War was an existential fact of life. I majored in political science and took a course on Southeast Asia that set my academic orientation for life. During my senior year, I enrolled in an independent study project and wrote a thesis on the National Liberation Front of South Vietnam (commonly referred to as the Viet Cong).

When I first arrived in South Vietnam in 1967, I spent three months in Saigon studying Vietnamese and practiced teaching at the School of the Holy Spirit, a Catholic girls’ school. Saigon was a bustling city with streets crammed with Honda Vespa motorbikes and military vehicles. Armed soldiers guarded government office buildings, and military buses had screens over their windows to ward off any grenade attacks.
Otherwise, there was no sign the country was at war. At night, you could see artillery flashes in the distance from the rooftop of the Caravelle Hotel.

After my orientation, I was asked to open a new IVS Station in An Loc, the provincial capital of Binh Long province. Binh Long was dissected by Route 13 that went from Saigon to the Cambodian border. I taught English as a second language at the local high school to classes overflowing with students. I returned to Saigon in January 1968 for the extended Lunar New Year (Tet) holidays. I stayed at the IVS compound outside the central business district near Tan Son Nhat Airport. On January 30th, the communists launched the Tet Offensive and Tan Son Nhat was shelled by rockets. All of us at the IVS compound were evacuated to a billet in the center of town where there was sporadic gunfire.

When things settled down, I returned to the IVS compound and assisted in resettling Vietnamese displaced by the fighting. In May 1968, the communists launched another offensive. It soon became clear that the educational system was dysfunctional. IVS offered to assist volunteers in finding another job and I wound up teaching in Botswana with the Unitarian Universalist Service Committee.

I never lost my interest in Vietnam. After a year in Africa, I won a U.S. National Defense Foreign Language Scholarship to study Vietnamese at Yale in its M.A. program in South-East Asian Studies. In November 1971, I took up a Ph.D. scholarship in international relations at the Australian National University in Canberra. I wrote my dissertation on “The Origins of the National Front for the Liberation of South Vietnam, 1954-60.” This was a study of communist decision-making employing three levels of analysis. It was published as War By Other Means: National Liberation and Revolution in Vietnam.

My move to Australia was fortuitous. In December 1972, the Australian Labor Party came to power. After the Paris Peace Agreements were signed in January 1973, the Labor Government treated South and North Vietnam equally. This opened opportunities for me to meet visiting delegations and students on scholarships studying in Canberra. After reunification, Vietnam established an Embassy in Canberra and I soon made contact with diplomats. In August 1981, I was invited to Hanoi to meet the Foreign Minister and the heads of a range of research institutes. I have returned almost annually ever since.

Journal: In February of this year, the U.S.-North Korea summit was held in Vietnam. What do you think is the role of Vietnam and of the region in denuclearization and nuclear nonproliferation? What do you think is the significance of the summit being held in Vietnam?

Thayer: A decade before the second Trump-Kim summit, Vietnam quietly hosted talks between Japan and North Korea on the family reunion issue. On various occasions, Vietnam has hosted delegations from North Korea interested in studying Vietnam’s reform program or renovation (doi moi).
Vietnam has always supported nuclear nonproliferation and United Nations sanctions on North Korea while at the same time urging dialogue between the United States and North Korea. Vietnam was delighted to be asked to host the second summit because this would showcase to the world Vietnam’s remarkable economic development and constructive foreign policy. While many observers pointed to the obvious symbolic significance of Vietnam hosting the summit – Vietnam had fought a war with the United States and later achieved reconciliation with them – the real significance of the summit was international recognition of Vietnam’s constructive role in regional security as a member of the Association of Southeast Asian Nations (ASEAN) and ASEAN-related institutions.

Next year, Vietnam will become ASEAN Chair and the following year is highly likely to be elected a non-permanent member of the United Nations Security Council. In sum, Vietnam will have a continuing diplomatic role in encouraging North Korea and the U.S. to continue their dialogue as well as share its experiences in reform and opening up with Pyongyang.

Journal: How would you describe the Sino-Vietnamese relationship and its place within the broader U.S.-China dynamic? As a mid-sized power, what do you think is Vietnam’s best strategy for navigating contentious great power dynamics to maximize and advance its own interests?

Thayer: Vietnam has a declaratory policy of “diversifying and multilateralizing” its foreign relations and being a “reliable partner and friend to all.” Vietnam seeks to maintain an equilibrium in its relations with the major powers by offering each equity in Vietnam’s development, such as trade, investment, and aid. In return, Vietnam offers to play a constructive and independent role in regional affairs. In other words, each major power is given an economic stake in Vietnam to counter-balance adversaries. Vietnam promises to maintain strategic autonomy by not aligning with any major power.

In 2003, Vietnam adopted a policy of “cooperating and struggling” in its relations with major powers. Vietnam will cooperate when its interests converge with another major power, and Vietnam will struggle against a major power when it threatens Vietnam’s interests. It wants to avoid having to pick sides. It wants to convince each major power that it must support Vietnam or otherwise Vietnam might be forced into the orbit of a rival. Vietnam seeks to gain leverage off Sino-American tensions. One senior Vietnamese diplomat summed up this policy as the Goldilocks formula “not too hot (close), not too cold (confrontation), but just right.”

Vietnam has also developed a wide network of strategic partnerships with middle powers and regional states. Its strategy of “active, proactive international integration” keeps Vietnam participating in a web of multilateral institutions, such as the ASEAN Regional Forum, Expanded ASEAN Maritime Forum, and the East Asia Summit. Government leaders have their eyes wide open to ASEAN’s deficiencies but believe strongly in multilateral diplomacy based on the legacy of their long struggle against
French colonialism and U.S. intervention. Maintaining this strategy will help Vietnam advance its interests internationally.

**Journal:** What do you think is Vietnam’s most pressing geopolitical or foreign policy challenge? How do you think Vietnam should address China’s influence in the South China Sea?

**Thayer:** Vietnam’s most pressing geopolitical challenge is to avoid Chinese domination over Southeast Asia and its maritime heart, the South China Sea. Vietnam should build on its current program of force modernization by improving interoperability and networking among its Army, Navy, and Air Force. Vietnam should become even more active within ASEAN and ASEAN’s Defense Ministers’ Meeting to promote regional military interoperability. Vietnam should make clear that the legal option of using the compulsory dispute settlement mechanism in the United Nations Convention on the Law of the Sea, is still on the table. Vietnam should overcome its reticence about engaging in military exercises with the United States, Japan, and other powers to increase its capacity to provide maritime security in the South China Sea.

**Vietnam’s Domestic Politics and Society**

**Journal:** The Vietnamese public views China’s increased assertiveness negatively. However, the current President Nguyen Phu Trong and those closest to him in the Communist Party of Vietnam (CPV) are known to be more lenient with the People’s Republic of China (PRC) than others in the party, for example former Prime Minister, Nguyen Tan Dung. How much does public sentiment or discontent factor into the rhetoric and decision-making of the CPV?

**Thayer:** Vietnam shares a land and sea border with China. In population and economic terms, it ranks as a middle-sized Chinese province. The relationship is highly asymmetric. No one in Vietnam’s leadership is necessarily “pro-China.” Leaders differ over how to manage bilateral relations, how to stand up to China when Beijing’s behavior affects Vietnamese interests, and how close to lean towards other major powers without arousing China’s ire or undermining Vietnam’s independence and autonomy.

Public opinion is now playing an increasing role on foreign policy decision-making in Vietnam. The first public anti-China demonstrations took place in 2007 and grew in intensity the following year over Chinese bauxite mining in Vietnam. A major turning point was reached in 2014 when China parked a mega-oil drilling rig in Vietnamese waters. The ensuing confrontation at sea witnessed the ramming of Vietnamese Coast Guard ships and the use of high-pressure water cannons. These actions provoked violent anti-China demonstrations across the country. Party leaders were assailed by a major petition from retired officials to “exit China’s orbit” and to turn to the United States. It was clear that party leadership was divided when then Prime Minister Dung suggested possible legal action. China diffused the situation by removing the mega-oil rig.
In 2016, the divide in leadership approaches seemed to end when Dung lost his bid to become party leader at the 12th National Congress of the CPV. Nguyen Phu Trong emerged as the first among equals in the nineteen-member Politburo. He restored collective leadership his powers were then enhanced with the loss of two Politburo members, Dinh The Huynh and Dinh La Thang, due to ill health and dismissal for mismanagement, respectively. In October 2018, in an unprecedented development, Trong concurrently assumed the presidency when Tran Dai Quang passed away.

Secretary General Trong faced a major challenge in 2017 and 2018, when China pressured Vietnam to halt oil exploration by Repsol of Spain in waters near Vanguard Bank in the South China Sea. Vietnam complied and halted oil exploration in the area. Expecting public backlash and in an effort to prevent public protests, Vietnam’s one-party state imposed a complete news blackout. In March 2019, Tran Duc Anh Son, a historian on the South China Sea, was even expelled from the CPV for posting on Facebook a criticism of the government’s inaction.

Journal: What methods have the CPV used to maintain party control? Do you believe that the CPV operates similarly to other authoritarian governments? Are there ways in which it operates differently from other authoritarian regimes?

Thayer: Vietnam’s present-day Ministry of Public Security received training and support from the East German Stasi in its early days. Vietnam’s security authorities also maintained fraternal ties with their counterparts in the Soviet Union and the PRC. Historically, Vietnam modeled itself on these communist states. Vietnam, however, has had to adjust to changes in society as a result of its domestic reforms and opening up.

The CPV has maintained power through a combination of institutional methods and repression. Vietnam is a one-party state that may be broadly characterized as a mono-organizational socialist state. That is, the party maintains dominance over the government, the legislature, the military, and mass organizations under the umbrella of the Vietnam Fatherland Front through a parallel system of party committees. The Fatherland Front comprises mass organizations for women, peasants, and workers as well as other authorized people’s organizations.

The party pursues a mantra of “three no’s” – no political opposition, no political pluralism, and no multi-party system. Unlike other authoritarian systems, Vietnam today is a soft-authoritarian state that permits a certain degree of freedom of expression with red lines. For example, those who make common cause with political activists abroad to promote democracy, religious freedom, and human rights are arrested, given perfunctory trials, and imprisoned.

Journal: Are there anti-CPV domestic movements that have civil support? If so, who are these groups and what attracts segments of the population to them? What methods does the CPV employ in order to make sure public political outrage does not foment into disorder?
Thayer: In 2006, when Vietnam hosted the Asia Pacific Economic Cooperation (APEC) summit, a comparatively broad-based anti-government movement emerged known as Block 8406, named after its founding date April 8, 2006. It was heavily repressed after the summit.

In 2009, when the government announced plans to issue leases to Chinese companies for bauxite mining in the Central Highlands, a widespread protest movement broke out. Initially it was fueled by environmentalists and later joined by retired party cadres, government officials, and military officers, deputies in the National Assembly, and Catholic and Buddhist activists. No less than the legendary General Vo Nguyen Giap, who defeated the French at Dien Bien Phu, came out in support on national security grounds. The protests were diffused when the National Assembly was charged with reviewing the matter.

Since that time, there have been a number of quite smaller groups that emerged to challenge the one-party state but there is no discernable evidence that they have widespread support from society at large. These groups included Catholic activists demanding the return of confiscated church land and property, human rights activists, and journalists. Generally, Vietnam’s high rate of economic growth coupled with a growing private sector, tolerance of public expression that does not challenge one-party rule, widespread internet penetration, and a more proactive National Assembly, have served to dissipate pressures from below on the CPV.

In 2018, when the National Assembly simultaneously considered two laws, one law on cyber security and the other on Special Economic Zones (SEZ), widespread national protests erupted. The protestors mainly feared that China would dominate the SEZs and undermine national security; there were also protests that the Law on Cyber Security would undermine media expression. In one instance, the protests turned violent and government offices were burned to the ground. The government responded by passing the Law on Cyber Security and postponing the Law on SEZs. This law is scheduled to be re-introduced this year.

Journal: In response to the mass protests you have mentioned, has the CPV implemented systematic methods of adaptation to more efficiently manage and respond to public opinion?

Thayer: Vietnam’s one-party state has been continually adapting to changes in society since renovation was initiated in 1986. In 1992, Vietnam adopted a new Constitution and Electoral Law that mandated that during an election each constituency must be contested by more than one candidate. Although the procedures for candidate selection are stringent, elections have produced some independent-minded deputies. Sessions of the National Assembly are broadcast on national television including the interruption of ministers by deputies. National Assembly deputies hold regular meetings with their constituents to discuss issues of concern. Government ministers occasionally hold live sessions with the public on the internet and respond to questions.
In addition, National Assembly deputies regularly participate in a “vote of confidence” on the performance of about fifty high-level government officials. Deputies are asked to express high confidence, confidence, or low confidence on each minister or equivalent. The results are broadcast on television and in the press. Members of the Central Committee conduct a similar “vote of confidence” in their top leaders which is not made public.

In the lead up to quinquennial national party congresses, key policy documents are issued in the press and the public is called upon to comment on them. This process of public consultation is paralleled by focus group discussions by specialists on particular issues.

Vietnam has a formal system whereby “letters of denunciation” can be submitted to investigate complaints by the public. Vietnam also tolerates – to a certain extent – petitions and open letters penned by retired party cadres, government officials, and the military on topical issues, such as bauxite mining, China’s actions in the South China Sea, and the massive poisoning of fish in 2016. In some cases, particularly disputes over land rights, senior party officials intervene when it becomes apparent that local governments exceed their authority.

In addition, the Vietnamese one-party system is flexible to a certain extent. Strikes in the garment industry, for example, are illegal by law. These strikes are resolved by dismissing strike leaders while at the same time forcing foreign owners to take remedial action to address workers’ complaints. Editors of newspapers are informed of central guidelines but given a degree of leeway in how to interpret these guidelines.

In sum, controlling public opinion and allowing public opinion a certain amount of latitude is a continual work in progress. Vietnam’s one-party state is responsive when mass protests break out on particular issues. At the same time, it is repressive towards groups and individuals who are critical of one-party rule or who transgress the “three no’s” redline.

Civil Society in Vietnam

Journal: Although the Constitution formally allows for freedom of religion, the government of Vietnam limits which religions can be practiced and what ideas be advocated by religious leaders. What is the status of religious freedom in Vietnam?

Thayer: All major religions are permitted to practice their faith subject to the caveat that they are loyal to the Socialist Republic of Vietnam. For example, Buddhist and Catholic associations are members of the Vietnam Fatherland Front. Religious sects such as the Cao Dai and Hoa Hao, Islam, various Christian denominations including Evangelical Christians, and Protestant house churches, are permitted to practice their faith.

However, the regime takes a hardline against religious groups or individuals who refuse to come under government control and/or take what is perceived as an antagonistic stance towards the one-party state. The Unified Buddhist Church of Vietnam, established in
South Vietnam in 1964, is outlawed because of its refusal to come under government control. The government continues to crack down on Protestant groups comprised of ethnic minorities in the Central Highlands that advocate separatism or fail to comply with government regulations. The government takes action against individual Catholic priests who are active in land protests.

*Journal:* In the beginning of this decade, there were several Hmong religious leaders persecuted or killed by Vietnamese police. Within the past few years, the government has made some progress regarding religious and ethnic rights to the point that the United States no longer considers Vietnam a ‘country of particular concern.’ Why do you believe the government has been slow to change despite international condemnation for human rights violations?

*Thayer:* The key issue among the Hmong minority was their conversion from animism to Christianity that brought them into conflict with local authorities. The conversion of some Hmong to Christianity resulted in the emergence of a small number of millennial cults who believed that a messiah would come. Local authorities have long viewed animism as superstition and were intolerant towards the Hmong. Their conversion to Christianity was viewed suspiciously by local officials as due to outside influence and a challenge to authority.

Vietnam’s central government was responsive to international public opinion and pressure. A new law on religion was adopted. However, the implementation of the law was resisted at the local level due to entrenched negative attitudes by local officials against the Hmong. It took Vietnam some time to overcome this prejudice.

*Journal:* Despite an overwhelmingly negative public opinion towards LGBT people, the Vietnamese government has shown a willingness to work with and support the LGBT community. What do you think of this contradiction in Vietnam’s human rights record?

*Thayer:* Human rights is a broad term that encapsulates civil, cultural, economic, political, and social rights. In other words, homosexuality and lesbianism is viewed by the government as a social issue not a social right. Since the first gay rights parade in Vietnam in 2012, the government has taken a lenient line towards the LGBT community.

Vietnam is overwhelmingly a Buddhist country. Vietnamese Buddhism does not contain the same pejorative moral sentiments against LGBT individuals as found in Christianity. Same-sex marriage is not necessarily illegal in Vietnam, but Vietnam lacks a legal system that affords the same rights to marriage for same-sex couples that it affords to heterosexual couples. Members of the LGBT community report violence against them and discrimination at the workplace. However, this discrimination does not come from the Vietnamese government, which is focused more on repressing advocates of international civil and political rights.

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Future for Vietnam

Journal: What are some major challenges to the future stability and prosperity of Vietnam? What are some key ways the CPV needs to change to manage these challenges?

Thayer: The major challenge to Vietnam’s future stability lies in reform of Vietnam’s Communist Party and its internal processes. The CPV has a membership of around only three percent of the total population. It has a hierarchical structure that places emphasis on orderly, generational change while privileging seniority. This system has become sclerotic at the top. At the last party congress in 2016, top leaders manipulated party rules to prevent delegates from nominating new candidates for the election to the Central Committee. The highest leadership positions are reserved for members of the Politburo who have served at least one five-year term. The CPV needs to give more power to party delegates and open up the process whereby men and women of talent can quickly rise to the top.

Vietnam’s economic prosperity depends on continued high economic growth of over six percent annually. To achieve this target, the government needs to reform and privatize its state-owned enterprises to make them more competitive internationally. It also needs to build the regulatory framework and invest in training its workforce to take full advantage of digitization, artificial intelligence, and mega data. Additionally, while Vietnam ranks near the top in addressing climate activities, it still faces major challenges due to sea level rise and its slow progress on achieving the seventeen Sustainable Development Goals. If Vietnam wishes to experience steady economic growth while continuing to address climate change, it should pay special attention to sustainability and environmentally-friendly business practices.

Journal: Given the openly competitive nature of U.S.-China relations, what do you think Vietnam’s military and foreign policy future looks like? Will the more openly antagonistic Sino-U.S. dynamic have fundamental consequences for Vietnam’s foreign and military posture?

Thayer: Vietnam is well-placed to deal with the Sino-American strategic rivalry. Vietnam currently allocates about two percent of GDP to defense spending, with Russia as the main supplier of modern military technology and equipment. As a proactive member of ASEAN, Vietnam goes out of its way to cultivate good relations with other middle and major powers through strategic partnerships. It continues to focus on developing depth and raising the level of its relationships with all members of ASEAN.

The idea of “three no’s” translates to Vietnam’s defense policy as well – no alliances, no foreign military bases, and no use of relations with one country directed at a third party. This conservative strategy means that Vietnam is unlikely to change the current trajectory of its foreign affairs and defense policies unless it is subject to coercion or an armed attack. In this case, Vietnam will cooperate with whomever lends support.
**Journal:** In February 2017, the Ministry of Planning and Investment (MPI) proposed the establishment of three new Special Administrative and Economic Zones (SEZs) with the stated goals of supporting “green, high-tech, and knowledge-based” businesses and industries. Public sentiment and critics have noted holes in this logic due to fears of repeated government corruption and misuse, as seen in other SEZs across the country. Do you believe these new SEZs offer a way to achieve Vietnam’s economic goals?

**Thayer:** Vietnam has used SEZs to good effect in promoting industrial joint development, worker training, and technology transfer. In the past, they have contributed positively to the growth of Vietnam’s economy. MPI’s proposal to create three new SEZs was designed to achieve specific goals focused on sustainable economic development. For example, Van Phong in Quang Ninh province, one of Vietnam’s busiest transit seaports, could focus on logistic development; Van Don in Khanh Hoa province could focus on healthcare and education; and Phu Quoc Island off Kien Giang province could focus on tourism, including golf courses and casinos. Each of the three SEZs would incorporate a set of specific policies in its development guidelines relating to land use, immigration, finance-banking, and infrastructure development. The new SEZs do offer the prospect of contributing to economic growth due to streamlining their administrative structures and the grant of long-term leases. These features should attract stable long-term foreign investment.

There is concern, however, that the SEZs could perpetuate crony capitalism by privileging state-owned enterprises and lining the pockets of local government officials. According to Transparency International’s Corruption Perceptions Index, Vietnam ranked 117th out of 180 countries and territories surveyed, a drop of ten places compared to 2017. The problem of corruption is not unique to SEZs as evidenced by a series of high-profile trials involving officials in Vietnamese banks and state-owned enterprises. Vietnam’s efforts to tackle large-scale corruption would be enhanced if the investigative agencies, courts, and media were permitted to exercise an independent role free from political interference by the CPV. This is unlikely to occur in the foreseeable future.

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Front cover photo: International Women’s Day march in Bishkek, Kyrgyzstan on March 8, 2017 (UN Women Kyrgyzstan).
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