

ASEAN's Treaty of Amity & Cooperation and the Nobel Peace Prize: Nomination for 2015?

As the great and the good of the region gathered in Nay Pyi Daw last month for the 21st ASEAN Regional Forum, there was a rather predictable if not dull feeling to it all. They came (with bold promises). They talked (about the South China Sea as always). They went home (after the obligatory photo session of course).

For critics, the whole spectacle was nothing more than a 'Talking Shop.' As a former lecturer once joked to this author, the ASEAN acronym stood for 'all sitting, eating and nodding.' Yet as any diplomat (or sane person for that matter) would agree, talking is always better than fighting – and this is where ASEAN should be praised.

While there have been occasional outbreaks of violence in the region, including among ASEAN member-states themselves, the regional organization has always been consistent in its emphasis on dialogue, negotiations, and non-violent means to resolve differences between states in the region. Enshrining this belief is ASEAN's Treaty of Amity & Cooperation, which to date has 27 signatories including the United States, China, Russia, and the European Union. Among the key principles found in the Treaty of Amity & Cooperation are: (1) settlement of differences or disputes by peaceful means; and (2) renunciation of the threat or use of force.

While detractors may point out that the Treaty's High Council has never been utilized, only a few years ago Thailand and Cambodia came to deadly blows, and that the South China Sea issue continues to dog the region – they cannot deny that in the absence of ASEAN, the region would be a much darker place than the peaceful, stable and prosperous Southeast Asia that we find today. This speaks to the counterfactual value of ASEAN.

To demonstrate, one only needs to look at Indonesia. As the biggest country in Southeast Asia, Indonesia was not afraid to use force to get its way in the region in the past – launching military offensives in Malaysia, East Timor and West Papua in moves that destabilized the region. Fast forward to this year and Indonesia has signed historic agreements with the Philippines and just recently with

Singapore to settle their maritime border disputes after years of negotiations in the spirit of ASEAN and its Treaty of Amity & Cooperation.

Another interesting development to take place this year was news that Article Nine of the Japanese Constitution has been nominated for the 2014 Nobel Peace Prize. A win for the Article, which renounces Japan's sovereign right to wage war and use/threaten to use force to settle disputes, would build upon 2012 when the European Union was awarded the Nobel Peace Prize. Recalling that the European Union was awarded the Nobel Peace Prize in recognition of turning a 'continent of war' into a 'continent of peace', a question raised in the author's mind is: Why not ASEAN and its Treaty of Amity & Cooperation?

Certainly the above has demonstrated that ASEAN would be a fitting recipient. ASEAN has turned a region beset by war, conflict and violent political upheavals into one striving towards the ASEAN Community 2015. So if the 21st ASEAN Regional Forum had a predictable and dull feeling to it all, it is worth remembering that the so-called 'Talking Shop' spectacle illustrates the laudable fact that former enemies now trade with each other, governments now talk with one another at the negotiating table, and that young men are now no longer being sent to pointlessly die on the battlefield.

With December 31, 2015 being the date when Southeast Asia ushers in the ASEAN Community, the year 2015 may very well be a timely moment for ASEAN and its Treaty of Amity & Cooperation to be recognized for its achievements in securing peace for the peoples of the region: with a Nobel Peace Prize of its own!

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A month has passed since negotiators from the ten ASEAN member-states and its six Dialogue Partners gathered in Kuala Lumpur for the third round of talks on the Regional Comprehensive Economic Partnership (RCEP). With the aim of “achieving a modern, comprehensive, high-quality and mutually beneficial economic partnership agreement among the ASEAN Member States and ASEAN’s FTA Partners”, the series of RCEP negotiations are scheduled to be completed by 2015. If realized, the ten ASEAN Member-States together with its six current FTA Partners of Australia, China, India, Japan, Korea and New Zealand stand to benefit from an integrated market of three billion people and a combined GDP of US\$17.23 trillion.

Given the economic benefits it promises, it is unsurprising that the RCEP negotiation process is being eagerly monitored by others in the region. Taiwan and Hong Kong, for example, have expressed their interests in joining the RCEP so as not to miss out from the region’s expected windfall.

ASEAN itself has also left the door open for others to join by committing to an ‘Open Accession’ clause, so as to “enable the participation of any ASEAN FTA partner that did not participate in the RCEP negotiations and any other external economic partners after the completion of the RCEP negotiations.”

Unfortunately, this is where things start to become confusing. At The Habibie Center’s Talking ASEAN discussion in Jakarta, it was noted that “other external economic partners” was a new terminology that had never before been used by ASEAN. As such its meaning and more importantly its potential consequences remained as yet unknown.

A reference to Chapter XII of the ASEAN Charter on External Relations – and in particular, Article 44 – reveals five categories already adopted by the regional organization. Namely: Dialogue Partner; Sectoral Dialogue Partner; Development Partner; Special Observer; & Guest. Logically then, “other external economic partners” should be distinct from these categories and mean something entirely different. As such, it was unlikely for “other external economic partner” to mean the European Union or the United States as these were already ASEAN Dialogue Partners.

Instead it has been suggested that the ambiguity of “other external economic partners” was a creative and elegant piece of drafting by ASEAN that afforded the regional organization a degree of flexibility as it tries to manoeuvre itself through the sensitive and complex minefield that is the Asia-Pacific political sphere. One

such minefield is the One China Policy, which all member-states of ASEAN strictly observe. Could “other external economic partners” therefore apply to Taiwan and Hong Kong, enabling ASEAN to sift through the political minefield?

Certainly that is the hope among Taiwanese and Hong Kong officials. ASEAN too should seriously weigh the pros and cons of including Taiwan and Hong Kong as “other external economic partners.” For example, total trade between ASEAN countries and Taiwan stood at US\$88.08 billion in 2012 while total trade between ASEAN countries and Hong Kong stood at US\$94.08 billion in 2011. Such figures dwarf that of ASEAN total trade with current RCEP members such as India (US\$68.42 billion in 2011), Australia (US\$59.47 billion in 2011) and New Zealand (US\$8.24 billion in 2011).

It is unsurprising then that last year in June 2013, ASEAN foreign ministers announced that ASEAN would be working towards establishing an ASEAN-Hong Kong Free Trade Agreement. A further interesting development worth noting was the signing of a free trade agreement between New Zealand and Taiwan in July 2013 to go along with Wellington’s existing free trade agreements with China (2008) and Hong Kong (2010).

Significantly, the move has been defended by New Zealand as in keeping with the One China Policy – rather than in violation of it – by treating China, Taiwan and Hong Kong as one country. Moreover, the reaction of Beijing to New Zealand’s move was simply to state that China did not object to others “engaging in civil, economic and cultural exchanges” with Taiwan as long as they refrained from “official relations in any form.”

New Zealand’s rationale and China’s apparent acquiescence may show the way for ASEAN to sift through the political minefield. There are important lessons on how ASEAN could

Therefore while the term “other external economic partners” is an elegant and creative piece of drafting, the ambiguity of it would one day require exploring to once and for all address ASEAN’s unanswered question on the RCEP. By doing so, the challenge of “achieving a modern, comprehensive, high-quality and mutually beneficial economic partnership agreement” may become one step easier.

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ASEAN's Response to Climate Change

The world nowadays is not only facing political and economic issues but also environmental issues, namely climate change. Human activities directly and indirectly have made the world warmer due to the greenhouse gases they produce. According to the World Health Organization (WHO), the world temperatures have increased by 0.75°C for the past 100 years.

The danger of climate change has been acknowledged by the world leaders as it brings harms on various aspects such as economic growth, health, poverty, human right, forestry, agriculture, and fisheries. Besides, it also affects the most vulnerable groups, for example women, children, and indigenous people.

Based on that situation, in 1992, United Nations Framework Convention on Climate Change (UNFCCC) was established to address the climate change issue by emphasizing “common but differentiated” principle. Moreover, the world leaders have committed to reduce the impact of the climate change by adopting Kyoto Protocol. Through the Kyoto Protocol, countries have to commit to reduce their greenhouse gas (GHG) emissions, particularly developed countries since they produce high level emissions due to their industrial activities.

Climate change affects all regions in the world and ASEAN is one of the most vulnerable regions to climate change impacts. In recent years, several ASEAN countries have suffered from natural disasters such as drought, sea level rise, and typhoon. Indonesia and Thailand were hit by tsunami in 2004, earthquake happened in Myanmar in 2012, and also Philippines and Vietnam suffered from Taiphoon Haiyan in 2013.

According to a study conducted by the Asian Development Bank (ADB) in 2009, there are three contributing factors to ASEAN's vulnerability: growing population, long coastlines, and high concentration of people and economics activities in coastal areas.

ASEAN has already addressed the issue in the ASEAN Socio-Cultural Community (ASCC) Blueprint. It is stipulated under section D which is “Ensuring Environmental Sustainability” along with key of actions to be taken to address the impacts of climate change. Moreover, in 2009 ASEAN established ASEAN Working Group on Climate Change (AWGCC) to implement the ASEAN Climate Change Initiative (ACCI) which is a

consultative platform to enhance region's capability in implementing mitigation and adaptation measures. ASEAN also has ASEAN Humanitarian Assistance (AHA) Center that deals with disaster management. In fact, ASEAN has already made a lot of instruments, in terms of policies and institutions, to combat the climate change impact.

Unfortunately, ASEAN has not yet made bold and clear actions. Affirmation and establishment of related institutions, such as the AHA Center, are not enough to overcome the climate change impacts. Even at the 24th ASEAN Leaders' Meeting in Nay Pyi Taw in 2014, President U Thein Sein said that AHA Center had not yet made sufficient response so far.

In September, The Habibie Center held a public discussion on this issue. Through the dialogue, it was suggested that ASEAN should have common position on climate change issue although it might not be easy for ASEAN to do so since each member had different priorities. Indonesia focus heavily on mitigation measures and forest fire, the Phillipines on adaptation measures, and Singapore on sea level rise. However, it was highly suggested that ASEAN should have common position at least on general issue.

In addressing the climate change issue, ASEAN should work together with other stakeholders such as NGOs, companies, and community to overcome the climate change impacts. However, the most important thing is ASEAN member countries should ensure that they really implement their strategies and policies. Afterward, ASEAN should give more informations to the people about what ASEAN has done so far and what ASEAN is going to do in the future. Sometimes, lack of informations make people wonder about ASEAN's effort in combating climate change impact.

In the end, ASEAN leaders should take concrete, coherent, and unified actions to reduce the impacts of climate change, otherwise, it could impede the implementation of ASEAN Community in 2015.

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Indonesia and the Problem of IUU Fishing: Why we should care more about our waters?

In recent months Indonesia has found itself drawn into a number of serious maritime disputes with her neighbors. The decision to name an Indonesian Navy frigate as KRI Usman Harun drew criticisms from Singapore which decried Jakarta's perceived lack of sensitivities. Jakarta was on the other side of the coin when it earlier criticized Australia's lack of sensitivity over Operation Sovereign Borders.

More seriously – though with less coverage – were incidents involving Papua New Guinea and Thailand. In the case of Papua New Guinea, media reports stated that five Indonesian fishermen went missing after their fishing vessel was stopped and set alight by Papua New Guinean forces, with the fishermen left to swim back to shore. In the case of Thailand, two Indonesian sailors were killed after they boarded a Thai fishing vessel that had been operating in Indonesian waters.

While the topic of illegal unregulated and unreported (IUU) fishing is often dismissed as being of little interest to the general public, the cases of Papua New Guinea and Thailand demonstrate the important and sensitive implications IUU fishing has on political and security matters. With countries such as China, Malaysia, the Philippines, Taiwan, Thailand and Vietnam conducting IUU fishing in Indonesia's Arafura, Celebes and Natuna seas, it is apparent that there exists a regional element to IUU fishing. It was in this sense that The Habibie Center held a Talking ASEAN public discussion on the subject inviting experts from the government, academic and private sector.

There, it was revealed that the global fishing industry not only drew USD 80 billion in fisheries revenue but moreover, it went on to generate USD 240 billion for the global economy. Interestingly, 31.4 million metric ton of fish products (or 21% of global production) was sourced from the ASEAN region with Indonesia supplying 33.8% of the region's fish products. Worryingly, IUU fishing meant Indonesia was losing out on USD 2-5 billion. Such costs did not yet take into account the environmental consequences of IUU fishing which not only resulted in pollution but also 71% of mangrove and 70% of coral reef to suffer degradation. Arguably if such environmental consequences were to be monetized, Indonesia's economic loss to IUU fishing would be far higher.

As such, it is clear that IUU fishing is a major matter that covers political, security, regional, economic and environmental concerns for Indonesia. Yet, as the country enters crucial legislative and presidential elections, one can hardly find IUU fishing being mentioned in any political debates or campaign rallies. This is demonstrative of the

lack of political will cited by the experts as contributing to Indonesia's difficulties in addressing IUU fishing. This in turn resulted in lack of funding, lack of capacity and lack of coordination.

Exacerbating this problem is what some refer to as the "changing fashion" of fisheries management. Over the decades, Indonesia has adopted poor and inconsistent fisheries management; a problem seen elsewhere in ASEAN. For example the 1970s saw Indonesian fisheries policy orientated towards economic growth. While the focus was still on growth, by the 1980s and 1990s there was an increasing awareness of the need to rationalize the level of fishing in Indonesian waters. In the 21st century, Indonesia witnessed mixed policies of industrialization on the one hand and ecosystem approach to fisheries management (EAFM) on the other hand or marine protected areas (MPA) on the one hand and regionalization on the other hand.

With the current government coming to an end, it will be interesting to see what direction the next government takes in terms of fisheries management. Will the country's new leaders bring about another change of policy? What quality will those policies be? Indeed, will they attach the level of importance that IUU fishing deserves?

Noting the soft and hard structure approaches taken by the Indonesian authorities to tackle IUU fishing, one suggestion offered during The Habibie Center's public discussion was to also introduce an economic structure approach. Such an approach meant addressing the current situation whereby the expected benefits from IUU fishing far outweighed the expected punishments if caught. Subscribing to the economics of crime and punishment theory, it is unsurprising if IUU fishing continued to take place in Indonesian waters if adequate economic disincentives were lacking (or poorly enforced).

Beyond adopting market and trade controls such as financial penalties, taxation policies and incentives, it was recommended that cost recovery be introduced so as to create a sense of responsibility for all players in the fishing industry to reduce IUU fishing. This would help generate a change in mindset whereby IUU fishing would no longer be seen as a problem for the authorities to tackle alone, but instead force fishing product companies to also make their own efforts. Lastly, it was also suggested that the benefit and cost of IUU fishing be incorporated into the country's macroeconomic indicators so as to convince policy makers, especially the new government and parliament to care more about the problem of IUU fishing.

IUU fishing is a major matter that covers political, security, regional, economic and environmental concerns. It is high time that Indonesia recognizes it as such and takes action.

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How ASEAN should respond to questions over its role in Regional Preventive Diplomacy

In his annual press statement at the beginning of 2014, Indonesia's Foreign Minister, Marty Natalegawa declared that Jakarta's key foreign policy priority for the year would be the maintenance of regional peace and security. Describing it as the most fundamental challenge before us, Foreign Minister Natalegawa noted the irony that as the ten member-states of ASEAN were entering the final stages towards realising the ASEAN Community 2015 (which aimed to bring peace, stability and prosperity to the concert of Southeast Asian nations), the wider East Asian and Asia-Pacific region was witnessing a rise in tensions and insecurity.

An obvious case in point is the ongoing tensions between China and Japan over island claims in the East China Sea. Tensions had ratcheted in recent weeks and months, especially with Beijing's sudden announcement of an Air Defense Identification Zone (ADIZ) over most of the East China Sea airspace, including the disputed islands. The immediate response of Japan and the US to openly challenge China's ADIZ by flying military planes through the zone did not help matters with Beijing pushed into deploying warplanes to patrol its ADIZ.

Another case in point is Japan's announcement of a new national security strategy that sees it increasing the country's defence spending (the first after a decade of cuts). Together with Japanese Prime Minister Shinzo Abe's desire to revise the country's post-war pacifist constitution, his questioning of Japan's war-crimes during WWII, and his visit to the controversial Yasukuni Shrine last year, there are some who question whether there is a growing nationalist sentiment in Japan that may signal a possible return to Japanese militarism - an issue that remains sensitive for China, South Korea and others in the region.

These cases are indicative of what Foreign Minister Natalegawa described as a "trust deficit" in the wider East Asian region and highlighted a worrying trend for countries to adopt unilateral approaches to solving their disputes with one another. At the same time, it awkwardly placed the spotlight on ASEAN's preferred multilateral approach and called into question the role of ASEAN's regional preventive diplomacy.

In contrast ASEAN prefers multilateral approaches, subscribing to the liberalist school of international relations that international institutions provide a platform for increasing trust and faith among nation-states. As such ASEAN has introduced a whole raft of regional instruments that forms the regional organization's preventive diplomacy tools such as the Treaty of Amity and Cooperation of 1976, the ASEAN Regional Forum and the East Asian Summit. Significantly, these regional instruments include all the regional powers in the East Asian region.

A hallmark of these regional instruments is their ASEAN-led nature with the regional organization insisting that all parties recognize ASEAN's centrality. This has certain advantages but also opens up some challenges. On a positive note, ASEAN is seen as a neutral and objective party, large enough to have sufficient clout on the regional stage but small enough to not pose a threat to anyone. In this sense, ASEAN is more than qualified to position itself as a "bridge", bringing together all the disputing parties to the negotiating table. Moreover it has shown itself to have a good record with managing peace and security within the Southeast Asian region, prioritising diplomatic efforts to calm tensions such as the fallout at the 45th ASEAN Foreign Ministers Meeting over the South China Sea issue in 2012, the Thai-Cambodian conflict over the Preah Vihear temple in 2011, and even the Third Indo-China War of 1978-1991.

However, on a negative note, there are question marks over whether ASEAN's preventive diplomacy tools, which have largely worked well within Southeast Asia, can upscale in size to be as effective with the wider East Asian and Asia-Pacific region. Among others, these questions include: can a grouping of small-to-middle sized countries really influence regional powers (who also happen to be some of ASEAN's biggest financial contributors) and manage their tensions/disputes? Can a grouping of ten member-states each with their own national interests and concerns viz-a-viz the regional powers in the wider East Asian and Asia-Pacific region really adopt a single united ASEAN stance/position on the different tensions and disputes that exist? Can ASEAN's preventive diplomacy tools evolve beyond that

of confidence building measures (CBM) and preventative diplomacy (PD) to that of conflict resolution?

Dr. Connie Rahakundini Bakrie ended her presentation by answering the questions that had been presented to her in the Terms of Reference for the fifth Talking ASEAN. On the question of, “Can a grouping of small-to-middle sized countries really influence regional powers and manage their tensions/disputes?” she answered, “Yes, if they have one voice.”

On the question of, “Can a grouping of ten member-states each with their own national interests and concerns vis-a-vis the regional powers in the wider East Asian and Asia-Pacific region adopt a single united ASEAN stance/position on the different tensions and disputes that exist?” she answered, “Yes, if we believe we have same threats and enemy.”

Lastly on the question of, “Can ASEAN’s preventive diplomacy tools evolve beyond that of confidence building measures (CBM) and preventative diplomacy (PD) to that of conflict resolution?” she answered “Yes and No” depending on whether ASEAN had the political will to carry it out or not.

Having set out her foreign policy priorities for the year ahead, it is these questions that Indonesia must work together with its fellow member-states in ASEAN in order to achieve the peace, security and prosperity of the region at large as stated in the 2005 Kuala Lumpur Declaration on the East Asia Summit.

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The ASEAN Economic Community 2015, Free Movement of Labour and Migrant Workers’ Rights

Save the date: Thursday, December 31, 2015. For it is on this day that the Southeast Asian region shall usher in the ASEAN Community. While the regional integration project has sometimes been dismissed as the reserve of the elites, there should be no doubt that the economic aspect of the ASEAN Community will widely affect the public. This is especially given the envisaged formation of an integrated single market characterised by the free movement of goods, services, investment, skilled labour, and freer flow of capital.

However, the specific use of the word “skilled labour” rather than labour in general, should be seen as indicative; revealing the sensitive and problematic issue surrounding the expected free movement of people in the region once the ASEAN Community is implemented. Currently there are 14 million migrant workers from ASEAN member states, with some 6 million of them working within the ASEAN region itself. Driven by push/pull factors – such as a regional economic gap whereby the GDP per capita of ASEAN’s richest member, Singapore is USD 60,000 whereas the GDP per capita of one of ASEAN’s poorest, Myanmar is only USD 1,325 – the number of ASEAN migrant workers will certainly rise once ASEAN member states are obliged to open up their markets, thus allowing a large number of ASEAN workers to move across the region in search of better wages and opportunities. This will be made all the more so given the demographics of ASEAN, where millions of young (and more mobile) people are entering the workforce, and with some ASEAN member states having an excess of labour supply and others having a high demand for labour.

Given the expected boom of ASEAN labour movement in general, and specifically that of migrant workers, it is worrying that 60% of ASEAN migrant workers are currently not offered protection by labour laws, representation by trade unions or the guarantee of a minimum wage in the region. Exacerbating the problem is the fact that 30-40% of total migration flows in the ASEAN region take place via unregulated (or illegal) channels. These trends exposed migrant workers to risks such as dangerous working condition, underpayment or withholding of payment, physical, mental and sexual abuse/exploitation, and lack of access to basic health and other social services. Even for those that are employed through the proper channels, there is always the element of “culture shock” especially given that a sizeable majority of migrant workers hold jobs in the informal sector and often lack the adequate training and knowledge to fully adjust to their new surroundings.

On the part of receiving countries, there are fears that the boom in migrant workers will place a heavy strain on public resources, drag down wages and increase the cost of living for locals. Last year, Singapore witnessed rare public demonstrations over the high number of foreign workers, which many blamed for souring housing and living costs. Meanwhile in Malaysia, a rise in crime has been blamed on migrant workers, with the government announcing a crackdown on undocumented migrant workers.

Aware of the issues involved, ASEAN has undertaken efforts at the regional level by introducing the ASEAN Declaration on the Protection and Promotion of the

Rights of Migrant Workers in 2007. More recently the ASEAN Human Rights Declaration of 2012 asserts: "The rights of...migrant workers... are an inalienable, integral and indivisible part of human rights and fundamental freedoms."

Despite these efforts, a major gap that remains is actual instruments to operationalize such declarations. Attempts to draft such instruments have stumbled with some describing it as "one of the longest negotiation processes in ASEAN." The ten member states of ASEAN are divided over polarizing issues of whether a regional instrument on migrant workers should, among others, be: legally binding or not; cover the families of migrant workers or not; and extended to undocumented migrant workers or not. In the absence of a regional instrument, the fate of migrant workers and their rights are dependent on bilateral agreements and memorandum of

understandings between individual sending and receiving countries which some critics suggest "do not work."

With the December 31, 2015 deadline less than two years away, the countdown is on for ASEAN and its member-states to speed up their efforts in developing the much needed migrant workers-related regional instruments. The sending and receiving countries of ASEAN must put aside their differences and work together for the greater good of the region so that when the ASEAN Economic Community is eventually realized, it is built upon a migration system that is integrated, safe and respectful of the human rights of migrant workers.

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What Indonesia's Regional Election Bill means for ASEAN?

On the morning of Friday, September 26, Indonesians woke up to the shocking news that their very right to choose their own mayors, regents and governors via direct elections had in effect been stolen from them.

In a massive setback for the country's ongoing democratization journey, the ironically-named People's Representative Council (DPR) decided to make local leaders appointed by and therefore accountable to regional legislative councils instead.

While the immediate impact of the Regional Election Bill's passage will be felt hardest by the Indonesian people whose democratic rights have now been taken away, the DPR's decision undoubtedly has far wider implications on the ASEAN region itself. Following the country's *Reformasi* of 1998 – and especially during the Yudhoyono Years – Indonesia has prominently positioned itself as a democratic role-model to the world and has consistently pushed its democratic agenda on to the ASEAN region. Jakarta's championing of the Bali Concord II, its support for Myanmar's democratization and its annual hosting of the Bali Democracy Forum are demonstrative of this.

Significantly, Indonesia's political experiment with decentralization and directly-elected local leaders has drawn much interest and admiration from fellow ASEAN member-states. For example, Prof. Peter Warr recently wrote an article in the *East Asia Forum* (2014, September 22) entitled, 'Why Thailand Must Decentralise?' in which Indonesia was specifically highlighted as a case study and was described as "the success story of Southeast Asia." Meanwhile, Stanley Weiss in *The Huffington Post* (2014, March 8) argued that Indonesia's "experience setting

up a decentralized state contains valuable lessons for Myanmar."

Although the DPR's decision does not remove the decentralization system, it nonetheless weakens it. Gone is the possibility of future capable leaders, responsible to their constituents, and responsive to the people's concerns in decentralized regions. It should not be forgotten that it was through this directly-elected system that popular reformists emerged in the nation's consciousness. These include Bandung's Mayor Ridwan Kamil, Surabaya's Mayor Tri Rismaharini and most notably Joko Widodo who rose from Mayor of Solo, Governor of Jakarta and now President-elect of the Republic of Indonesia.

It is this new breed of local politicians, marked by their achievements in office and familiarity with the people that have inspired others in the ASEAN region, frustrated with the status quo and the continued rule of ineffective, corrupt and distant political elites. For example, an article in Malaysia's *Free Malaysia Today* (2013, February 20) was entitled, 'Wanted Badly: A Malaysian Jokowi' while Myanmar's *Irrawaddy* (2014, July 24) ran a piece, 'For Burmese, Little Hope for a Jokowi of Their Own.' Thus, with the scrapping of direct elections for local leaders, pro-democracy activists in the ASEAN region may have to look outside of Indonesia for inspiration, support and encouragement.

Worryingly, the DPR's decision comes at a time in which the ASEAN region is witnessing what some analysts call a democratic reversal. Most illustrative is the military coup in Thailand. In addition, Associate Prof. Thitinan Pongsudhirak in the *Bangkok Post* (2014, July 25) notes

“Cambodia, Malaysia and Myanmar have exhibited signs of regression” whilst Zachary Keck in *The Diplomat* (2014, May 29) adds that more authoritarian ASEAN states such as Brunei Darussalam, Lao PDR and Vietnam “have halted all reforms and have in some instances also begun rolling back previous reforms.” Arguably, the DPR’s decision completes this democratic reversal in the ASEAN region, undermining any future efforts by Indonesia to promote its democratic agenda onto its neighbors, and leaving Southeast Asia with few if any democratic bulwarks.

Reacting to the DPR’s decision to pass the regional election bill, Indonesians were quick to turn to social

media to voice their anger at the country’s democratic setback. “#RIPDemocracy” became a trending topic in Twitter with many mourning a sad day for Indonesia. However, it is clear that Friday, September 26 was not only a sad day for Indonesia but also for the ASEAN region as a whole.

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The Main Problems Of Haze

After almost 12 years of an unclarity regarding the status of ratification, Indonesia finally became the last country in ASEAN to ratify the ASEAN Agreement on Transboundary Haze Pollution (AATHP), on 16 September 2014.

From a legal perspective, the ratification of the AATHP is a significant achievement that shows the Indonesian government’s seriousness in tackling the transboundary haze pollution. But in essence, implementation of the agreement’s mandate had been implemented even before it was ratified.

For instance, Singapore in collaboration with the Indonesian government has provided a Hotspot Detector based on satellite images since 2007. Besides, Malaysia has also worked concretely in the sub-regional framework to give assistance in preventing forest fires by providing firefighter equipments and other technical cooperation since 2008.

Therefore, the ratification of AATHP can be predicted to only increase effectiveness on prevention, supervision, and also management of forest fires, which are the main causes of transboundary haze pollution. Significantly, this ratification is reflected through the establishment of the ASEAN Coordinating Center for Transboundary Haze. In other words it simply means that it will increase the coordination effectiveness among ASEAN member states, and creates an ASEAN Transboundary Haze Pollution Control Fund, which is a voluntarily-based membership in terms of providing funds.

Despite the AATHP being ratified, the main problem of transboundary haze pollution is not being resolved. The main argument of this proposition is because the transboundary haze pollution problem is rooted at the national level.

There are at least two main problems of haze at the national level. First, haze problem was a consequence of government policy that has a proclivity to exploit the environment, where this kind of policy is also led by weaknesses in forest management. Second, poor government approaches to the haze problem made public awareness in this case to be low.

Exploitative Policy

The government’s exploitative policy has a close reciprocity to the haze pollution, particularly the government’s choice related to the land clearing in opening the new palm oil plantation area. In this case, an effort to clear land by slash and burn methods for conversion into the palm oil plantation is the main cause of haze pollution.

Nevertheless, the economic benefits have been used as a justification for the land clearing for palm oil plantation. Based on the field compilation data, as quoted by Mongabay, there has been increasing number of land clearing for palm oil plantation accounting to 92% from periode of 2001 untill 2010, where Riau and Jambi –as the biggest provinces that contribute significantly to land clearing amounting to 185% and 107%.

The high number of demand from palm oil commodity as biofuel energy and global food production has also promoted land clearing and pushed the Indonesian government to increase palm oil productivity. These developments get a warm welcome from the Indonesia government because the palm oil commodity also contribute highly to state budget revenue. According to Indonesia Business of Crude Palm Oil Association (GAPKI), palm oil contributed for almost Rp 200 Billion or more than 10% of the total state income. The numbers place Indonesia as the biggest palm oil producer.

Transboundary haze pollution problems appeared because of the weakness of forest management. The lack of transparency, weakness on the rule of law, and weakness on entitlement rights as well as land conflicts are also others factors that encourage haze problems.

The corruption case of Riau Province Governor, Rusli Zainal, where he gave legitimation to the goverment annual year plan (Rencana Kerja Tahunan –RKT) to 12 corporations, inflictedstate financial loss of almost Rp 500 Trillion and is one example of forest management weakness. Moreover, lackness in strengthening rule of law mechanism in regulating corporate behavior towards the law has also been neglected by the government, where mostly the corporations come from Singapore and Malaysia.

Too Politics on Government Approach

The Indonesian government has to underline that the haze problem is not merely a political bargain process in local, province, and national, moreover in ASEAN. This political approach is not solely a negotiation process between parties with different interests, such as relations between government and local people, between government and corporate, and even between corporate and local people.

In addition, the government should also prioritise other aspects such as environmental and conservation- based approach. With this kind of approach, other consequences to protect the forest, nature habitat, and biodiversity can be implemented in preventing environment degradations and ecological damage, such as what was happened with nature habitat to the Sumatera Tiger and Elephant that are possibly extinct because of land clearing for palm oil plantation.

Without environmental-based approach, haze problems will not only cause financial loss consequence in the long-term but also to various other environmental degradation. It will also deny the local people involvement to protect nature and implement conservation efforts. It is indispensable to solve the haze problems that the local people's involvement is ensured.

The main problem of haze should be understood not merely as the success or not in the ratification process of the AATHP in ASEAN. Essentially, the two main factors should be taken seriously. First, the government's exploitative policy and lackness of forest management. Second, political approach that tend to fail in tackling the haze problems.

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