

Thinking ASEAN

From Southeast Asia On Southeast Asia

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INFOGRAPHIC
UNSCR 1325
in ASEAN

*ASEAN Political Security
Cooperation: South China
Sea Issue & Counter-
Terrorism*

*Making Human Rights
Work in ASEAN:
Diversifying the Spaces,
Aligning the Systems.*

*Is Defending
Human Rights
in ASEAN
Possible?*



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A note from the editor

Dear readers:

Welcome to the December 2018 issue of the monthly Thinking ASEAN!

And so we reach the final month of what has been an eventful year. In the past 12 months we have seen the launching of a trade war between the world's two largest economies, a historic summit between the United States and North Korea, unprecedented changes of government within the region itself, and devastating natural disasters to name just a few.

Who among us could have imagined how the present day would have turned out just a year ago? And where will be this time next year? To answer some of these questions, in this year-end issue of Thinking ASEAN we provide a round-up of some of the major events that took place in several ASEAN member-states, as well as make a few outlooks for the year ahead.

Aside from that, we have our regular three articles for you to enjoy. Our lead article is by Pavin Chachavalponpun (Associate Professor at Kyoto University's Center for Southeast Asian Studies, Japan) on "Is Defending Human Rights in ASEAN Possible?" The article charts the progress of the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the reasons for some of the criticisms leveled at it. In particular the article argues that the crux of the problem is that the concept of human rights is alien to most governments in Southeast Asia. Our second article is by Yuyun Wahyuningrum (Senior Advisor on ASEAN and Human Rights at the Human Rights Working Group (HRWG), Indonesia) who writes on 'Making Human Rights Work in ASEAN: Diversifying the Spaces, Aligning the Systems.' Her article also explores AICHR calling for alignment of the various human rights systems and actors of human rights in the region that allows space to develop for human rights strategies to be formulated, implemented and evaluated.

Our final article is by Ng Zhong Yi (Masters in International Affairs AY 2018/ 2020, Lee Kuan Yew School of Public Policy, National University of Singapore). Titled, 'ASEAN Political Security Cooperation: South China Sea Issue & Counter-Terrorism', the article looks at the two hot issues that dominated ASEAN's political-security agenda in 2018, noting that they require a collective effort from all ASEAN countries to tackle.

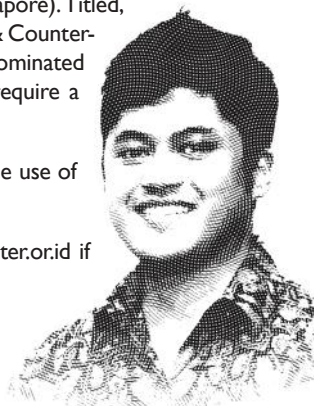
As usual, we present an infographic that this month looks at the use of social media.

Don't hesitate to drop me a line at thinkingasean@habibiecenter.or.id if you have comments, input, or prospective submissions.

To end, we wish all our readers a Happy New Year 2019!

Happy reading!

Best regards from Jakarta



From Southeast Asia On Southeast Asia

Thinking ASEAN is a monthly publication that aims to provide insightful, cogent and engaging perspectives on issues central to contemporary Southeast Asia and the ASEAN member states. It is a product of The Habibie Center, with the generous support of the Republic of Korea's Mission to ASEAN.

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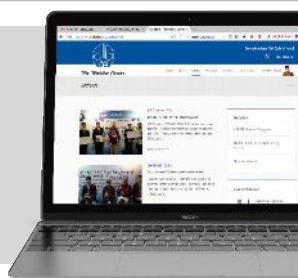
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The Habibie Center was founded by Bacharuddin Jusuf Habibie and family in 1999 as an independent, non-governmental, non-profit organisation. The vision of The Habibie Center is to create a structurally democratic society founded on the morality and integrity of cultural and religious values.

The missions of The Habibie Center are first, to establish a structurally and culturally democratic society that recognizes, respects, and promotes human rights by undertaking study and advocacy of issues related to democratization and human rights, and second, to increase the effectiveness of the management of human resources and the spread of technology.

Is Defending Human Rights in ASEAN Possible?



Statue

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Pavin Chachavalpongpun,

Associate professor at Kyoto University's Center for Southeast Asian Studies. He is currently a senior fellow at the International Institute for Asian Studies, Leiden University, the Netherlands.

Singapore took over the chairmanship of the ASEAN Intergovernmental Commission of Human Rights (AICHR) from the Philippines since the beginning of 2018. Almost immediately, Singapore's representative to the AICHR, Shashi Jayakumar, vowed to take an active role in protecting human rights within the Southeast Asian region. But after almost twelve months have passed, AICHR has continued to be criticised for its ineffectiveness in dealing with dire human rights situations in many ASEAN states.

Retrospectively, the AICHR was inaugurated in October 2009 as a consultative body of ASEAN on human rights protection. Its main responsibility is therefore to promote regional cooperation on human rights—an issue that has long been sensitive and still even considered a taboo among some ASEAN states.

As stipulated in the ASEAN Charter, AICHR meets at least twice a year. It is directed by a group of representatives, one per member state. Each member is nominated by and answerable to their government and serves a three-year term.

Since its inception however, AICHR has been mired in endless controversies, mostly due to the challenges it has faced in protecting human rights. The problem partly lies in the design of the AICHR. The AICHR is not truly independent because its members are appointed by state leaders. Rather often, instead of addressing human rights violations committed by the state, the commissioners are obliged to protect their government at the expense of the people. There are other related issues too, including the fact that there is no electoral mechanism that ensures the members' competency and qualification as human rights leaders.

Moreover, a more serious issue is the fact that the responsibilities of the AICHR are constrained by ASEAN's religious rule of non-interference. It has been a strict tradition in ASEAN to avoid criticising each other's internal affairs, particularly

those directly related to the issue of human rights.

From this perspective, the real function of the AICHR is then reduced to an educational and awareness-building role on human rights, rather than tackling the problem and finding the solution. Rodolfo Severino, the former ASEAN Secretary-General, once told me that, at this stage, it was expected that the AICHR acted merely as an "information center" for human rights protection, and nothing else.

Singapore, the current chairman of the AICHR and the holder of this year's annually rotating ASEAN chair, despite its earlier pledge to address human rights problems, is often itself accused of human right abuses in various forms. Press freedom and different political views from that of the state are still under threat nowadays, while hanging is still the main method of execution and caning of prisoners for various offences has become a standard practice. As it has shown, Singapore is reluctant to negotiate its agenda on human rights while upholding such practices that breach human rights.

The worst human rights violations in Southeast Asia today are taking place in Myanmar. The military has embarked on ethnic cleansing operations against the Rohingya Muslims. Multiple reports have emerged illustrating the rather grim picture, with Burmese soldiers raping women and young girls, massacring the Rohingya children, and looting and burning their homes in the Rakhine state. The situation has forced more than 700,000 Rohingya Muslims to flee their community, and they have become refugees in Myanmar's neighboring states, including Thailand and Bangladesh.

In November this year, the third committee of the UN General Assembly in New York adopted a resolution on the situation of human rights in Myanmar. Members hoped that the resolution would play a significant role in ensuring sustainable rehabilitation of Rohingya Muslims. Meanwhile, they urged the Myanmar government to allow access to the UN agencies to ascertain the right environment for return.

A total of 142 countries voted in favour of the resolution and only 10 countries stood against it. Among these 10 countries, they included five ASEAN nations—Cambodia, Lao PDR, Myanmar, the Philippines and Vietnam). This shocked many observers at the UN given the fact that ASEAN has its own human rights body—AICHR. Yet, ASEAN has continued to ignore the gravest crimes committed by the Myanmar government under international law against the Rohingya.

Aung San Suu Kyi, the *de facto* leader of the ruling government, to this date still blatantly denies that ethnic cleansing of Rohingya Muslims is taking place in her own country. She has also rejected the U.N. inquiry into crimes against the Rohingya. In her infamous speech in September 2017, she questioned why so many Rohingya Muslims had left when others were living peacefully in the state, pointing to an accusation that the Rohingya themselves are "troublemakers."

Governments, international organisations and charity groups have begun to punish Suu Kyi for her indifferent attitude towards the Rohingya. Canada stripped Suu Kyi of her honorary citizenship. Malaysian Prime Minister Mahathir stated publicly that she has lost his support. Recently, she was also stripped of Amnesty International's highest honour over "shameful betrayal" of the values she once stood for. Previously an icon of democracy, Suu Kyi has fast fallen from grace. And up to this point, AICHR has remained silent about Suu Kyi's whitewashing her government's genocide against the Rohingya.

Human rights are in jeopardy elsewhere in the region too. In Thailand, since the coup of 2014, the military government has suppressed rights in various realms including freedom of expression, press freedom, and freedom of assembly. The junta has arrested opposition politicians, harassed political activists and punished academics. My case, as an academic now in exile, is itself a testament to the fact that the academia in Thailand is not free from state's intervention.

The adoption of the ASEAN Charter which comprises to follow the principles of democracy, the rule of law and good governance, and respect for and protection of human rights and fundamental freedoms in its preamble is one demonstration of this.

The military government of General Prayut Chan-o-cha has also censored the Internet, threatening to prosecute those who have been critical of the junta on social media. Right after the coup, it abolished the National Assembly and assumed law-making powers. Article 44 of a new constitution promulgated under the junta's watch also grants absolute powers to the military to undermine its opponents in the name of defending national security.

Thailand also has the most draconian law in the world designed to protect the royal institution. Known as *lèse-majesté*, or the crime of injury to royalty, this law is defined by Article 112 of the Thai Criminal Code, which states that defamatory, insulting or threatening comments about the king, queen and regent are punishable by three to 15 years in prison. The law has been exploited as a political instrument to undermine political opponents. Since criticising the Thai monarchy is considered as a severe crime, it is doubtful that regional organisations, like the AICHR, will be willing to challenge the law.

In Vietnam, things do not look much better. Political parties, aside from the ruling Communist party, continue to be banned. Press freedom is curtailed. A large number of political prisoners, whose only

crime is criticism of the government, are incarcerated, and they have been treated as enemies of the state. The Communist Party has striven to shrink any democratic space in society. Although it has introduced "elections" as a mechanism of recruiting non-communists into the parliament, the Party has threatened those who could potentially "dilute" the communist ideology.

While the previous chairman of the AICHR, a Filipino, was praised for initiating projects that raised human rights awareness during his country's tenure, the overall human rights situation in the Philippines is not bright either, which is a shame given Manila's previous role as an advocate within ASEAN on these issues. The current president, Rodrigo Duterte, has been accused of violating human rights, most clearly and prominently through his infamous war on drugs. Human rights groups have documented more than 12,000 extra-judicial killings as a result of the Duterte government's anti-drug campaign.

But there are other aspects of Duterte's record that deserve scrutiny too. In terms of freedom of the press, the country has emerged as one of the most dangerous places for journalists to work, with journalists being harassed and killed and some media outlets subject to state

intimidation, with *Rappler* being a case in point.

Given the severe human rights situation around Southeast Asia, one wonders if defending human rights in ASEAN is at all possible. The crux of the problem is not just the state of rights, but the fact that the very concept of human rights remains foreign to most states in the region. Human rights are profoundly connected to more comprehensive notions of security such as human security. Yet most Southeast Asian governments continue to perceive security as being limited to preserving the regime rather than securing their people. Until that reality changes, we are unlikely to see huge inroads made on this front.

That being said, there are incremental steps that can be taken by member states. This includes making the AICHR more independent from member states to ensure that human rights issues will be addressed more critically. This is no easy task, since it will require countries like Singapore to essentially allow more criticism of their own behavior alongside that of their neighbors. But if ASEAN states truly care about making ASEAN an effective organisation not just for themselves but for their people, there is no other option but to make defending human rights a top priority.

Making Human Rights Work in ASEAN: Diversifying the Spaces, Aligning the Systems.



Singapore building

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Seventy years after the adoption of the UDHR (Universal Declaration of Human Rights, 1948), the body of international human rights law as well as the institutions to promote human rights have become both vast and complex. The evolution and dynamic development of international human rights law have neither been linear nor static, and there seems to be no endpoint. Both substantively and institutionally, the United Nations (UN) has been an important international forum to protect and develop the concept of human rights from the time it was established in 1945.

As societies continuously evolve, so does the way in which human rights are internalized and manifested. Human rights values and principles are now codified and domesticated in the constitutions of most countries in the world. Not only that, human rights are also included as part of a regionalism project by establishing regional human rights mechanisms as is evident in the Inter-American Commission on Human Rights, the Inter-American Court on Human Rights, the European Court of Human Rights, the African Commission on Human and Peoples' Rights, and the African Court on Human and Peoples' Rights. In 2009, the Association of Southeast Asian Nation (ASEAN) joined the trend by establishing the ASEAN Intergovernmental Commission on Human Rights (AICHR).

The inclusion of human rights as part of a regionalism project has been seen as building the region's identity of the regional organizations and establishing the image of being a group of modern states that uphold progressive values in the eyes of the international community. The roles of these regional mechanisms on human rights are commonly perceived to complement, assist, and act as an intermediary to the functioning of the UN human rights system. A regional system can support the protection of human rights by mediating the relationship and cooperation between the international and national systems. It also can function as a principal actor and as a site to develop regional human rights norms by and among the states participating in the regional system.

On the other hand, it should be noted that the formulation of a regional human rights system is usually as part of the broader political dynamics in the process of regional integration that is regulated by the member states. The scope of work and the power of the regional human rights systems were often decided by the interests of the states involved, regimes and levels of political or economic influence or both. The strength and the impact of a regional human rights system depends primarily on the extent to which it is embedded in the overall political regional structure and its contribution to conflict resolution and political transitions.

In this case, member states control the scope of work and the power of the regional human rights system. Because of this, as is evident in the case of ASEAN, the AICHR has been struggling with inadequate legal and institutional frameworks since its inception. As a result, AICHR has an inability to fulfil its mandates effectively, including the inability to respond to human rights issues promptly.

AICHR's effectiveness is dependent on consensus among a sufficient number of supportive and progressive member states. Besides, the regional circumstances and the pre-existing regional norms such as the ASEAN Way have been very often seen to shape the development of the structures, norms and human rights system framework.

The current ASEAN's regional normative framework on human rights is not a fixed product but to be recognized as a human rights development at particular points in history. Furthermore, AICHR is not the only human rights system in the region. The ASEAN Commission on the Promotion and Protection of the Rights Women and Children (ACWC) was established in 2010. Its primary purpose was to promote and protect the human rights and fundamental freedoms of women and children in ASEAN, with specific reference to the Convention on the Elimination and Discrimination of Violence against Women (CEDAW) and the Convention on the Rights of Children (CRC).

Indonesia's foreign policy incarnations are often renewed interpretations of the 'free and active' foreign policy doctrine originally promoted by Mohammad Hatta, one of Indonesia's founding father.

Although different in term of the scope of work and the level of independence, the functions of these NHRIs are varied slightly, and each is united around the process of monitoring, investigating, and promoting human rights awareness and protection within each state.

Also, there are six national human rights institutions (NHRIs) that have been established in Indonesia, Malaysia, Myanmar, the Philippines, Thailand and Timor Leste (though the latter is not yet a member state of ASEAN). Although different in term of the scope of work and the level of independence, the functions of these NHRIs are varied slightly, and each is united around the process of monitoring, investigating, and promoting human rights awareness and protection within each state. These six NHRIs formed a network that is called Southeast Asia's National Human Rights Institutions Forum or SEANF.

Another regional space in the region is the ASEAN Network for Witness and Victim Protection. This network was established during the Second Inter-Regional Southeast Asia Nations Meeting in Bali, Indonesia, in August 2014. At the moment, this Network comprised of members coming from all ASEAN member countries, except Singapore. It aims to promote international cooperation, among others, on witness protection, which includes strengthening national witness protection laws and program, multilateral and bilateral exchange on witness arrangements, and implement measures to protect the witness from retaliation by transnational criminal organizations.

As for the parliamentary network,

besides the ASEAN Inter-Parliamentary Assembly (AIPA), there is an ASEAN Parliamentarians for Human Rights (APHR), which its members comprised of the elected parliamentarians from Cambodia, Indonesia, Malaysia, Myanmar, Philippines, Thailand and Singapore. Since its establishment, APHR has conducted fact-finding missions to Lao PDR, in relation to the case of the disappearance of development activist, Sombath Somphone, in 2012; Myanmar, on the human rights of Rohingya in 2015, 2016 and 2017; Cambodia, on environmental and human rights impacts of large-scale investments, in 2016; Malaysia, on migrant workers' rights in 2017; and the Philippines, on the death penalty issue in 2017.

These regional networks have the potential to build a soft ground for intergovernmental negotiations on human rights to ease the negotiation at the regional level. As a political project, ASEAN's regional normative framework on human rights may evolve to become, hopefully, an authoritative forum for human rights-standard making over time. What is needed is alignment among the existing human rights systems. The urgency of alignment was also stated in the Terms of Reference of the AICHR.

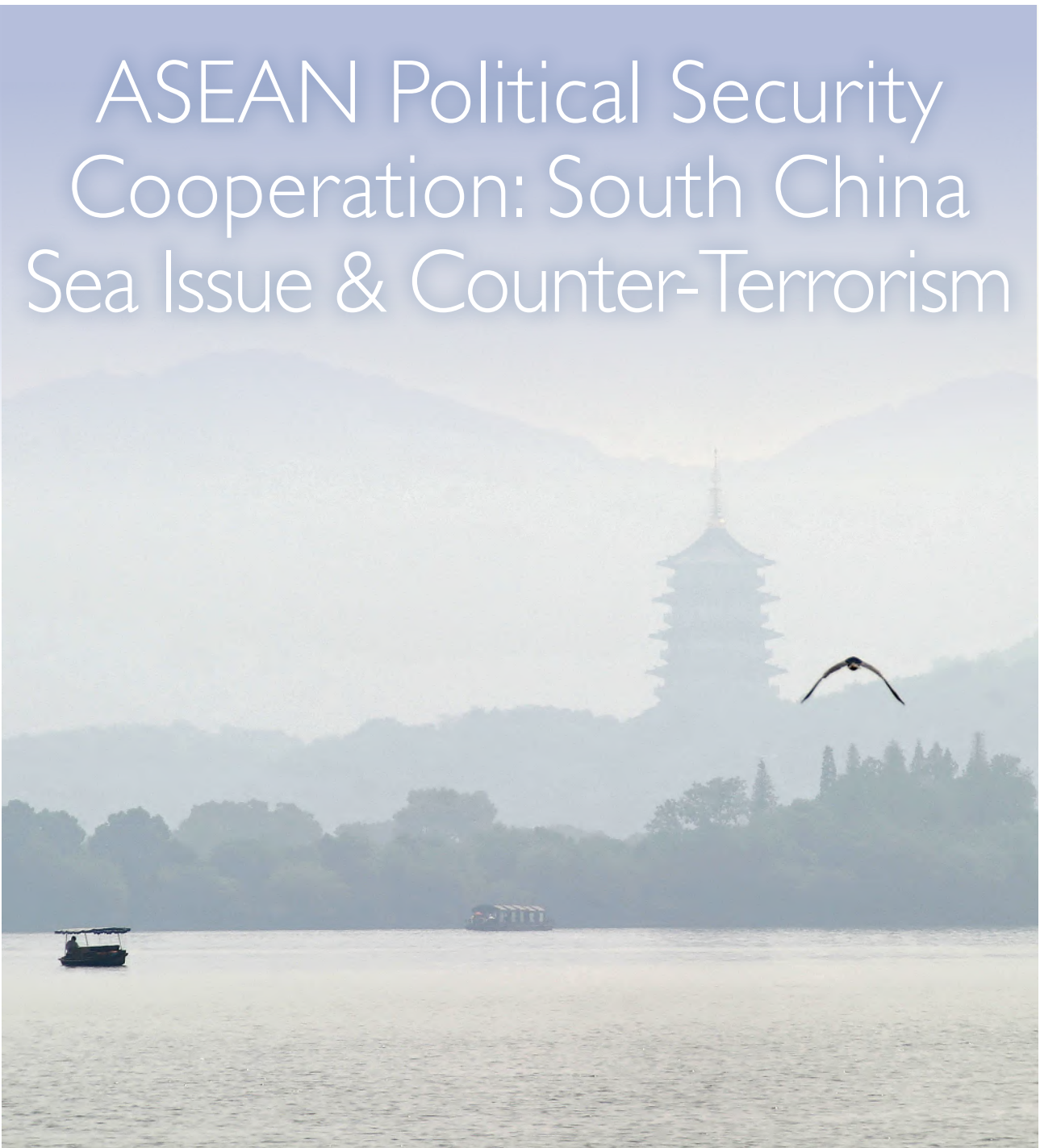
On the outset, the alignment arrangement involves inclusive participation and cooperation among human rights systems and actors of human rights in the region,

including civil society organizations and human rights defenders. Substantive complementarity among human rights systems with the respect of their specific mandates is a crucial element of the alignment. It can also include identifying the purposes, the unique roles and authorities of each human rights system as well as their common areas of concern.

An alignment should not be seen as an end in itself, but a process, which allows space to develop a set of criteria and benchmarks for the formulation, implementation and evaluation of the agreed strategies. Seeing it as a process also enables the institutions to evolve into responsive human rights systems to address particular human rights concerns in ASEAN and articulate comprehensive recommendations for effective human rights protection. It is very important, however, to based the alignment on the principle of equality among the human rights systems regardless of the nature of being general or specific to particular rights or groups.

In other words, alignment is, indeed, a broad framework of synergetic relationships among human rights systems in ASEAN that should be designed to facilitate them to reach the common goals and interests: promoting accountability on human rights and creating a conducive environment where state obligations on human rights protection can be fulfilled.

ASEAN Political Security Cooperation: South China Sea Issue & Counter-Terrorism



Landscape

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The two hot button issues dominating the agendas for the Association of Southeast Asian Nations (ASEAN) this year were – firstly, the ongoing South China Sea dispute; and secondly, counter-terrorism within the region. Both issues represent the traditional and non-traditional aspects of the political security challenges for the region which require collective efforts from all ASEAN member states to tackle.

ASEAN & the South China Sea Issue

After several years of contention, the recent development on the South China Sea Code of Conduct between China and ASEAN is a significant step for confidence building, albeit a small one.

During the 51st ASEAN Foreign Ministers' Meeting (AMM) on 03 August 2018, the foreign ministers of the 10-member states of ASEAN and China jointly announced the agreement on a Single Draft South China Sea Code of Conduct Negotiating Text (SDNT). As ASEAN works by consensus, the language on the South China Sea will have to be derived through mutual evaluation by all its constituent members along with China.

Under the SDNT, the member countries have to agree upon key issues of its geographic scope; dispute settlement; and most crucially, the legality of the final Code of Conduct in the South China Sea. However, a broad consensus is hard to achieve, since most of these issues garner divergent viewpoints from the claimant countries. Cambodia's blockade of the ASEAN joint communique in 2012 is a prime example of the difficulty in achieving a united stance. Furthermore, under the Duterte administration, the Philippines appears to

be wavering under the influence of China and pivoting away from its traditional ally of the United States. China's growing regional hegemony is inadvertently splintering away the frail unity of ASEAN.

The ASEAN-China South China Sea Code of Conduct is not a new concept, having begun since 2002. However, there has been little traction for regional cooperation since then. Squabbles regarding sovereignty issues frequently sour the relations between the claimants. China's sweeping claim of the 'nine-dash line' has been the main driver of conflict with her neighbours, with overlapping claims of territory by several ASEAN countries.

Under the exclusive economic zone (EEZ) prescribed by the United Nations Convention on the Law of the Sea (UNCLOS), a state has sovereignty up to 200 nautical miles from its coast. In case of overlapping claims, the claimant states often chart the maritime boundaries through multi-lateral negotiations, if not through international arbitration. However, international arbitration has been ineffectual for the de-escalation of tensions and conflict resolution in the South China Sea thus far. The Scarborough Shoal dispute between China and the Philippines remains a thorny issue between the two countries despite the Hague tribunal's conclusion in 2016 ruling in the Philippines' favour.

Despite protests from the opposing claimant Vietnam, China continues with the construction of military facilities and thereclamation of land in the disputed northern Paracel Islands. Likewise, the southern Spratly Islands see similar military build-up by China, much to the ire of the multiple claimants, including Malaysia, the Philippines and Vietnam.

With an area of 3.5 million square kilometres, the South China Sea holds important geostrategic significance for the regional actors – in terms of maritime navigation, energy reserves, and fishery resources.

First, as a vital link between the Indian and Pacific Oceans, the South China Sea is a major passageway for global trade with about \$5 trillion worth of commerce passing through annually. Second, the South China Sea is an area filled with rich energy resources – it is reputed to contain high amounts of undiscovered hydrocarbons. Third, the South China Sea is an important region for fisheries, accounting for 12% of the global marine catch in 2015. Fundamentally, the South China Sea is a crucial source of protein and represents the food security of hundreds of millions across the region. Since the strength of ASEAN as a bloc is no match for China in the South China Sea, it is inevitable that the United States has to be mobilized across the vast Pacific to counter the burgeoning East Asian giant.

The advent of the Obama administration's 'Pivot to Asia' from 2012 has seen the region undergone heavy militarization from both China and the United States. Since then, the United States has also embarked on the 'Indo-Pacific' policy in tandem with the 'Quad' strategy along with Australia, India and Japan to counter China's growing influence in the South China Sea.

Meanwhile, China grows wary of the 'freedom of navigation' rhetoric of the United States. As an example of the mounting escalation, a Chinese Luyang-class destroyer sailed within 41 metres of the USS Decatur in a 'freedom of navigation operation' or FONOP on 30 September 2018. This close encounter occurring under the backdrop of the trade

As ASEAN works by consensus, the language on the South China Sea will have to be derived through mutual evaluation by all its constituent members along with China.

war, underlines the increasing enmity between the two major powers. Caught between the cross-fire of this hegemonic struggle, ASEAN will require more than deft diplomacy to manoeuvre in the perilous waters of South China Sea. The ASEAN-China South China Sea Code of Conduct is a promising start, but needs to be hastened.

ASEAN & Counter-Terrorism

ASEAN, in recent times, has seen a spread of radicalization and has been hit with a spate of terrorist incidents. Therefore, it is opportune and paramount for ASEAN to establish concrete regional initiatives to stem out these clandestine terrorist activities, so as to safeguard the peace and stability that we have painstakingly achieved over the years.

Apart from the ASEAN Defence Minister Meeting (ADMM), and the ADMM-Plus (10 ASEAN member states and the other eight partners – Australia, China, India, Japan, New Zealand, South Korea, Russia and the United States), Singapore also hosted the ASEAN Chiefs of Defence Forces Informal Meeting (ACDFIM) in the year of 2018.

The overarching theme throughout these meetings is the crucial necessity for regional collaboration and capacity enhancement to counter terrorism within Southeast Asia. Under the '3R' approach of counter-terrorism – 'Resilience, Response, Recovery', the ASEAN member states have pledged to build resilience against terrorist attacks, to coordinate inter-governmental response to on-going threats, and to provide adequate post-attacks recovery.

To maintain regional peace, security and stability, ASEAN aims to reinforce transnational cooperation through joint exercises and dialogues, sharing information and best practices vis-à-vis counter-terrorism. A key initiative this year is improving ASEAN's capability to respond to chemical, biological and radiological (CBR) threats from terrorist groups and rogue states. With the civil war winding down in Syria, the influx of more than 1000 returning Southeast Asian combatants threatens regional peace and stability. These returning fighters have been tactically trained in guerrilla warfare, and are ideologically driven to inflict maximum damage to the society. Moreover, they have linkages with

the wider terror networks in Iraq and Syria through the years spent in the battlefield.

According to the Indonesian Ministry of Defence, within Southeast Asia alone, 63 groups have pledged allegiance to the Islamic State of Iraq and the Levant (ISIL) leader Abu Bakr al-Baghdadi since mid-2014. Regional terrorist organisations like the *Jemaah Islamiyah* (JI) in Singapore and Indonesia, the *Moro Islamic Liberation Front* (MILF), and the *Abu Syyah Group* (ASG) in the Philippines are known to have well-established cross-border links with Al-Qaeda and ISIL.

With multiple maritime chokepoints of the Malacca, Sunda and Lombok straits, Southeast Asia is particularly prone to piracy. In recent years, the *Abu Sayyaf Group* (ASG) has perpetrated several shipping attacks in the Sulu-Celebes Seas. Illicit maritime activities like piracy, kidnapping, narcotics and smuggling have funneled funds into terrorist groups through money laundering. Thus, inter-governmental initiatives like the Malacca Straits Patrol (MSP) and the Trilateral Cooperative Arrangement (TCA) can help combat maritime terrorism.

In 2017, the Marawi insurgency led by the ISIL-affiliated militant groups on the Philippine island of Mindanao caused more than 1.1 million civilians to be displaced during the 5 months of civil strife. Likewise, in the Rohingya refugee crisis in Myanmar, an ingrained sense of injustice and alienation can lead to the disenfranchised refugees and sympathizers being recruited into extremist militant groups.

In the Indonesian city of Surabaya, 15 civilians and 13 perpetrators were killed in the triple-church bombings and the attack on the police regional headquarters in May this year. The level of coordination and usage of military grade weaponry suggests the growing sophistication of the terrorist groups in Indonesia. Furthermore, the extent of radicalization is evident from the utilization of abhorrent tactics, like mobilizing children as young as nine years old, in the participation of these attacks. Underlining the threat of terrorism is the socio-economic dimension of polarized communities. Contrary to contemporary academia studies, sectarianism and ethno-religious fault lines can emanate from poverty and inequality in societies. Furthermore, social

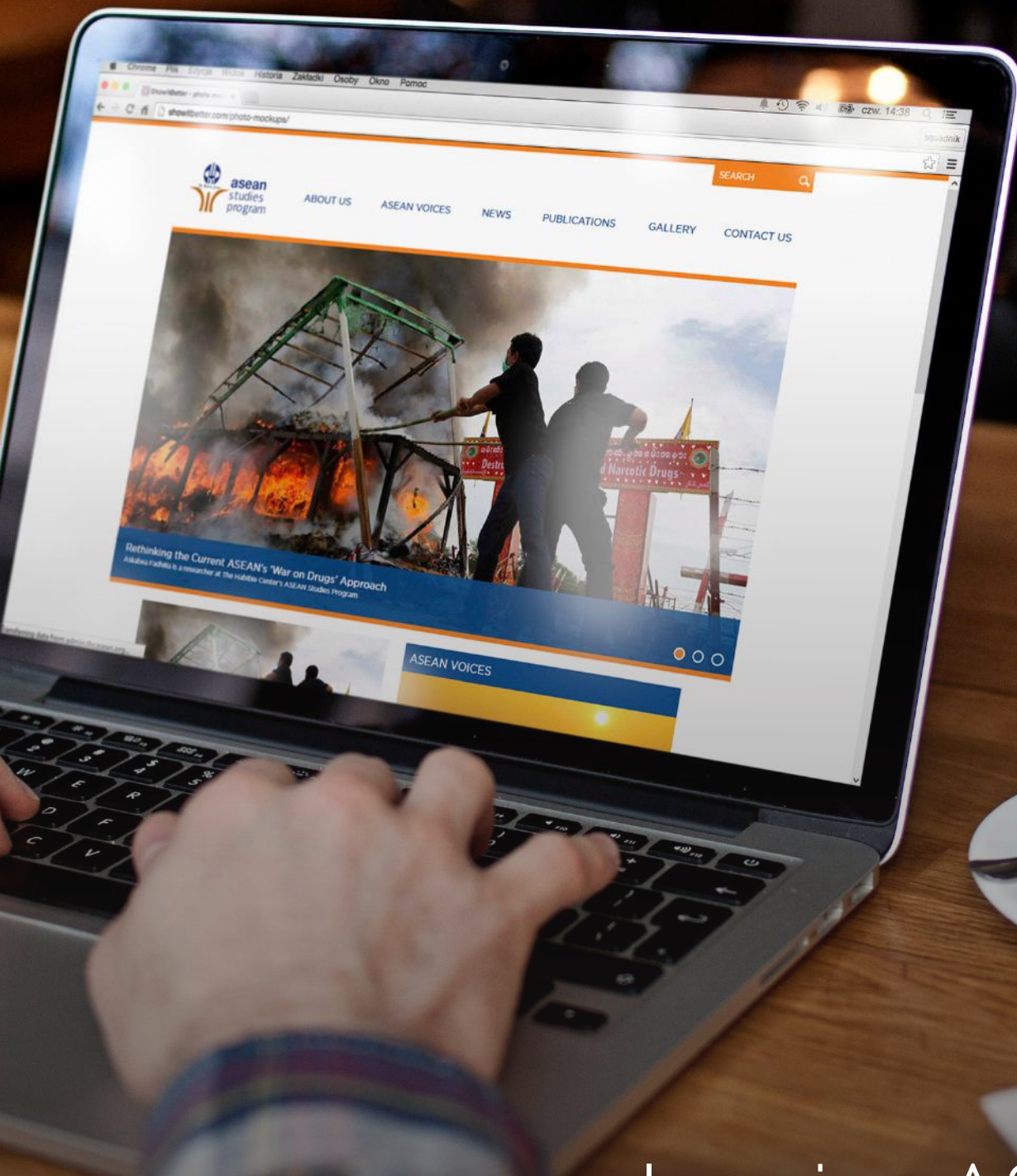
marginalization combined with ideological radicalization can lead to resentful individuals identifying with the terrorist organizations.

Since ASEAN and its constituent member states has always espoused pluralism and diversity, intolerance and exclusivism in this region must be confronted face-on. Similarly, the rise of hardline religious groups like the *Front Pembela Islam* (FPI) should be a grave concern for Indonesia whose national motto is 'Unity in Diversity'. Therefore, it should be the prerogative of progressive Muslim groups like *Nahdlatul Ulama* and *Muhammadiyah* to help bridge the ideological gap, and create a more moderate discourse for Islam in Indonesia.

Another troubling concern for the governments of the ASEAN states is the self-radicalization of individuals via the internet. Terrorist groups have even started to create their own social media platforms after crackdowns by Facebook and Twitter. Thus, positive messages of tolerance, moderation and inclusion can provide counter narratives to disrupt these extremist propagandas. At the broader level, authorities will have to enhance cyber security and surveillance with the evolving complexity of cyber terrorism.

Overall, the ASEAN bloc continues to face multiple challenges in the area of security. At the macro level, the South China Sea issue remains a divisive problem; yet, on the other hand, cooperativeness is evident in the concerted efforts for combating terrorism in the region. Nonetheless, the evolving landscape of the broader geopolitics and regional security necessitates the deepening of our shared values of goodwill, and our norms of peace and harmony.

We can seemingly draw a parallel between these troubling security challenges posed to ASEAN and its wide assortment of religion, ethnicity, language, culture, economy, et cetera. Indeed, it is difficult and time-consuming to find unanimity in all issues due to the diversity of our 650 million people. Yet, the ASEAN Way is resolute in overcoming differences – after all, our motto is 'One Vision, One Identity, One Community'. In spite of its tediousness, we have to keep our faith on this consensus-based system and collaborative approach to find the best solution for our political and security challenges.



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ASEAN ROUND-UP

Fina Astriana is an Economic Researcher of the ASEAN Studies Program of The Habibie Center



Singapore

In November 2018, Prime Minister of Singapore, Lee Hsien Loong, stated that he was ready to step down in the next couple of years. His mandate will finish in January 2021 and he expressed his hope that he could hand over the leadership role before he reached the age of 70 in 2022.

Lee Hsien Long is the eldest son of Singapore's founding father, Lee Kuan Yew and has served as Prime Minister since 2004. His party, the People's Action Party (PAP) has dominated Parliament for more than five decades. It currently holds 82 out of 89 elected parliamentary seats. Despite the fact the party has been ruling for so long, there have been some protests from the people calling for change. In 2011, the result of the poll showed that 40 percent of the voters were against the PAP. As in the case of any political shifts, the announcement by Lee Hsien Loong left Singapore shaky, especially for a country like Singapore that is known for its stability and predictability. After his statement, there was no initial indication of who were the potential candidate for his replacement. Nevertheless, on November 23, there was a news that reported the Minister of Finance, Heng Swee Keat would become PAP's first assistant secretary-general. Meanwhile, Minister of Trade, Chan Chun Sing was appointed to become the second assistant secretary-general. In Singapore's political system, the person appointed as the PAP's first assistant secretary-general is often seen as the frontrunner to be the next prime minister.

Heng Swee Keat is currently the Minister of Finance. He started his political career in 2011. He has proven to have an outstanding career experience. Before he served in the Cabinet, he was the Managing Director of the Monetary Authority of Singapore –

Singapore's central bank. He was deemed to be successful in securing Singapore from the negative impact of the Global Financial Crisis in 2008 – 2009. Also, he introduced several important initiatives, namely 'Our Singapore Conversation', the SG50 Steering Committee, and the Future Economy Council. One of the main concerns regarding his potential candidacy was the fact that he suffered stroke in May 2016. However, he assured that he has fully recovered from it. Indeed, three months after he suffered stroke, he was able to resume his job.

Despite the announcement about Heng Swee Keat, uncertainties still linger. Former Prime Minister Goh Chok Tong mentioned the transition as an "urgent challenge". In response to that, Prime Minister Lee stated that Goh was "speaking with the privilege of watching things rather than being responsible to make it happen". The contradictory statement of both prominent senior leaders of PAP was a rare thing.

In addition, a recent poll conducted by Yahoo Singapore showed that among 5000 respondents, only 37 percent believed that Heng would become a good prime minister, suggesting uncertainty among public. Bilveer Singh, a political scientist at the National University of Singapore, suggested that Prime Minister Lee should allow Heng to lead more often and appear more 'prime ministerial'.

Aside from the potential candidate for the next prime minister issue, PM Lee Hsien Long suggested that a general election may be conducted in 2019, instead of January 2021. Furthermore, on November 11, he also indicated that there will be a reshuffle in the cabinet in April or May next year

after the budget debate in March. In early November, the PAP held an internal party election. The result saw many 4G (fourth generation) leaders now sitting in the Central Executive Committee (CEC) - PAP's main decision-making body - while many senior leaders were stepping down. This transition was a sign that the senior leaders were paving the way for the 4G to take more roles and take on greater responsibility.

The political change is happening at a time when the city-state is facing economic uncertainty due to the global trade tension between the US and China. As a country that is intensely connected to global trade, the implication of the trade tension will eventually hurt Singapore's economy. Furthermore, the next prime minister will also face multiple domestic challenges such as rising income inequality and living costs, rapidly ageing population, and immigration.

Young generations have started to raise their concern about the widening gap between the wealthy and the low-income Singaporeans. Singapore is considered to under-tax its wealthy citizens and corporations. Furthermore, according to the Credit Suisse, the top 20 percent of income-earning households owns 73 percent of Singapore's wealth. In 2017, Singapore's Gini coefficient was 0.459, considered as one of the highest in the region.

Both domestic and international issues may increase the demand of the voters on their next 4G leaders. Like any other country in the world, leaders and the public expect that the political transition will be smooth. Singapore has already had a number of challenges, the political transition should not become another burden.

ASEAN ROUND-UP

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Malaysia

The year 2018 will go down as a historic year for Malaysia, as for the first time in the country's history the dominant *Barisan Nasional* (BN) suffered its first electoral defeat, ending 61 years of unbroken rule since the federation's independence. 12.2 million Malaysians turned out to vote in the historic 14th General Elections that saw former Prime Minister, Mahathir Mohamad lead the *Pakatan Harapan* (PH) opposition to victory, seizing 121 out of the 222 seats in Malaysia's Parliament. For a country that had never experienced a transition of political power before, Malaysia entered an uncertain and uncharted period.

Fortunately, early fears of violence and chaos did not materialize, with the experienced Mahathir declaring two days of public holiday, giving the new government space to calm the financial markets and prevent panic amongst investors. At the same time, the defeated BN accepted the stunning results, with the losing incumbent, Najib Razak stepping down as BN chairman amid calls for deep soul-searching.

The reasons for PH's victory were not hard to find. Public anger at a 6% Goods and Services Tax (GST) introduced by Najib's BN government in 2015 pushed up the cost of living for many Malaysians, including crucially for rural Malays that had been a reliable vote-bank for BN. As the average Malaysian struggled with making ends meet, revelations emerged surrounding the IMDB scandal which alleged USD 700 million from the state development fund had found its way into the personal bank accounts of Najib. Further revelations suggested hundreds of millions of US Dollars had been misspent on overseas mansions, artwork, gifts for Hollywood celebrities, and even a yacht.

The new PH government has moved quickly after taking over the keys to Putrajaya. Prime Minister Mahathir first announced key Cabinet positions including for the roles of Deputy Prime Minister, Home Minister, Defense Minister and Finance Minister within the first week after the election. The key positions were divided amongst the component parties that made up the PH coalition and most notably PKR President Wan Azizah Wan Ismail (the wife of Anwar) became Malaysia's first ever woman to serve as Deputy Prime Minister. There were other notable announcements including Lim Guang Eng who became the country's first ethnic Chinese to hold the Ministry of Finance portfolio and Syed Saddiq who at 25 years old became the country's youngest ever minister responsible for youth and sports.

Mathathir also delivered on his promise to seek a Royal Pardon for his one-time nemesis Anwar Ibrahim who had been serving time in prison on what many believe were trumped-up charges of sodomy. The two had teamed up to oust their common enemy Najib in the 14th General Election and there is an understanding that Mahathir would step down within two years to make way for Anwar to become the eighth Prime Minister of Malaysia. Anwar was freed from prison on May 16 and later made a return to politics after he won the by-election for the vacant parliamentary seat in Port Dickson winning with a majority of 23,560 in October 15. To date, he has been happy to serve as a backbencher, stating he is in no rush to be next the next Prime Minister.

For the defeated Najib, Malaysian authorities reopened their investigations into his involvement in the aforementioned IMDB scandal and on July 3 arrested the former

leader having earlier conducted a number of raids on several properties linked to him. A reported USD 273 million-worth of luxury goods and cash were recovered by the police and Najib has since been hit with 32 different charges including money laundering and abuse of power.

Externally, the Mahathir-led government risked angering China after he cancelled joint projects worth USD 22 billion. Many observers had noted Mahathir's anti-Beijing sentiments during the campaign trail, with Chinese officials quick to subtly warn Putrajaya of the importance of their bilateral relationship. However, an official five-day visit to China by Mahathir was seen as a success, helping to clear up any misunderstandings about the cancelled projects and reassuring Beijing that the reasons were financial not political.

As 2018 comes to a close, a more worrying development has emerged in the Straits of Johor as diplomatic tensions with Singapore begin to heighten. On October 25, Malaysia extended the limits of a port in Johor state - a move Singapore says encroaches on its own territorial waters. Since then there have been no less than 14 cases of Malaysian government vessels entering the now disputed waters. Singapore has since warned it 'will not hesitate to take firm actions against intrusions and unauthorised activities in our waters' calling Malaysia's activities in the waters as 'provocative.' Malaysia has responded with an offer for the two sides to 'cease and desist' from sending government vessels to the disputed area, an offer that has been rejected by Singapore. A counter extension by Singapore of its own port limits threatens to escalate the dispute and it is clear that in 2019 the two sides will need to move quickly to ensure calm the situation.

ASEAN ROUND-UP

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Myanmar

When Myanmar first opened up after decades of isolation several years ago, optimism was abundant for the country. Aung San Suu Kyi was still the darling of the world as she stood triumphantly after her National League of Democracy (NLD) party won the democratic election. While she was constitutionally unable to run as Prime Minister, she is still the de-facto leader of the government as Myanmar's State Counsellor.

However, the country is facing unique challenges that is starting to put a lot of burden into the government.

Economically, Myanmar is still showing decent performance. Its Gross Domestic Product (GDP) shows strong performance growing from 5.9% in 2016 to 6.8% in 2018, with The World Bank estimating a healthy 7.2% growth average over the medium-term. Reforms on the country's economic infrastructure, most notably on tax and investment, is also underway. And, while the Kyat has not performed strongly on the market, export on natural gas, garments and agriculture is also showing signs of growth.

Myanmar's decent economic performance might help strengthen the government's domestic credibility amidst a lot of international pressures on human rights issues. Primary among this issue is the government's handling of the Rohingya refugee crisis.

Myanmar has not been responding well to international call to look into the atrocities that occurred in 2017 and have pushed minority Rohingya ethnic groups from Rakhine state to neighbouring Bangladesh. Moreover, the government is pursuing a return policy for the refugees with the government of Bangladesh, if not

refoulement, while still not succeeding in ensuring the safety for returning refugees. This has created a limbo whereby the refugees do not currently have a future where their safety is guaranteed.

Furthermore, two Reuters journalists who are covering the violence against Rohingya were arrested and are facing a maximum 14 years in prison. This signals that the government does not put a priority on freedom of the press. U Sein Win, training director of the Myanmar Journalism Institute have stated strongly that, "Daw Aung San Suu Kyi doesn't appear to care much about the media."

Myanmar's challenging human rights records have prompted Amnesty International, a prominent international human rights NGO, to revoke their Ambassador of Conscience award from Daw Aung San Suu Kyi. In a strong statement against Myanmar's treatment of the Rohingya, the organization stated, "Her denial of the gravity and scale of the atrocities means there is little prospect of the situation improving for the hundreds of thousands of Rohingya living in limbo in Bangladesh or for the hundreds of thousands of Rohingya who remain in Rakhine State. Without acknowledgement of the horrific crimes against the community, it is hard to see how the government can take steps to protect them from future atrocities."

Finally, the civil-military relations in Myanmar, while does not show any signs of worsening that might lead to the military taking over, also does not show any signs of improving. The government cabinet is carefully created to ensure that there is power sharing arrangements between the civilian and military by allotting three positions to military generals.

It is also interesting to note that at the latest 21st Century Panglong Union Peace Conference, Tatmadaw Commander-in-Chief Senior General Min Aung Hlaing has mentioned that any amendment to the 2008 Constitution had to be according to its provisions. At least according to him there seem to be two suns in Naypyitaw.

This power sharing arrangement is not without merit. It did manage to ensure that there was a peaceful election and a transition into a more democratic government. It is politically understandable that the NLD had to make concessions to the Tatmadaw by ensuring that they will not be completely shunned from the policymaking process. Similar example can be seen in Indonesia during Reformasi, where the military the civilian government worked together with the military in ensuring that there was peaceful transition into democracy.

However, this does create a challenging environment for Daw Aung San Suu Kyi and the NLD. With the Tatmadaw still dominant in the country, many strategic actions that they might want to take will have to consider how the Tatmadaw come into the picture.

Myanmar is a complex country whose history is coloured with years of colonialism, authoritarianism, and hopes of democracy. During the 43rd Singapore Lecture, Daw Aung San Suu Kyi perhaps reflected on this history when she remarked that Myanmar's perceptions of democracy can be "varied, incoherent, and inconsistent." Amidst all these, there are still hopes that Myanmar can still answer all the challenges that they are facing and continue walking in the path of democracy, no matter how varied, incoherent, and inconsistent they might be.



Indonesia

Indonesia has faced a challenging year in 2018.

Indonesia is currently facing significant economic challenge in 2018. Rupiah has been negatively affected by global economic situation and fell to its weakest level in 20 years. While the rupiah has strengthened again in the later part of 2018, the government has reacted to this by approaching its infrastructure development projects more cautiously. While the government continues to ensure that the fundamentals of its economy is strong, it also has shown itself to be relatively vulnerable to unfavorable global economic conditions such as trade wars and slowing global economic growth.

Furthermore, Indonesia also faced multiple natural disasters. This year the archipelago was struck by earthquakes and tsunami, first in the island of Lombok, West Nusa Tenggara, later in the Minahasa Peninsula, striking the city of Palu and Donggala regency, Central Sulawesi. Thousands were killed and displaced.

Natural disasters were nothing new for Indonesia. The country is located along a line of tectonic plates that are prone to earthquakes, the so-called Ring of Fire. Indeed, the 2004 Indian Ocean Tsunami that struck Aceh in northern part of Sumatera, was also the result of undersea earthquake.

However, the disasters did take the country by surprise. The post-disaster relief efforts were considered to not be able to respond to the needs of the people quickly enough. There were also criticism that the government failed to sufficiently notify the people of Palu and Donggala on the land bound tsunami, signalling poor disaster preparedness.

Nevertheless, President Joko Widodo or Jokowi managed to cruise through this challenge relatively unscathed. With relatively high approval rate compared to his competitor in the upcoming presidential election, Prabowo Subianto, Jokowi is likely to continue into his second term as president, accompanied by conservative Muslim cleric, Ma'ruf Amin, as vice president.

Jokowi's decision to run with Amin is a politically motivated one. Amin is a senior Muslim cleric within the prominent Nahdhatul Ulama organisation, one of the largest mass based Islamic group in the country. Additionally, Amin also has clout among the conservatives that posed the most significant challenge for Jokowi and his supporting coalition parties. Indeed, Amin was at the the forefront of the campaign that defeated former Jakarta governor Basuki Tjahaja Purnama or Ahok. A politician of Chinese descent that was backed by Jokowi's PDIP party.

Amin's rise as vice presidential candidate has sparked concern that Jokowi will further neglect issues of human rights and racial intolerance in the country. It is worth noting that although in his initial run as a president, Jokowi tried to portray himself as a progressive candidate by ensuring voters that human rights would be one of his priorities. He has faced criticisms from civil society groups on his human rights commitment. For example, *Setara Institute claims that the Jokowi administration does not have a clear view and roadmap on the promotion and protection of human rights despite having a National Action Plan, as the document lacks clarity to provide justice for the Indonesian people.* Another organization, KontraS, also states that Jokowi's human rights policies neglect important issues such

as capital punishment, extrajudicial killings, and the freedom to practice religions.

However, amidst all these criticisms it is important to give credit where credit is due: Jokowi's focus on economic issue that has been the targets of criticisms by some CSOs have also been credited as human rights success. Oxfam has cited Jokowi's economic policy as a good example of progress in eradicating economic inequality, mentioning its increase of minimum wage and its attempt to secure sustainable spending for national healthcare system. While they realize that Indonesia still has some ways to go in realizing a universal health coverage, Oxfam states that Jokowi's focus has made Indonesia stand out among other countries in the fight against inequality.

Indeed, if Jokowi is successful in realizing his policies to strengthen economic connectivity, increase minimum wage, access to education, and establish national healthcare system, then he would have helped address economic poverty and inequality by lifting people who lives in the margin of development toward greater and more holistic participation in Indonesia's economy. He would also help more people to live in dignity by being free from hunger and want. This would be a significant human rights achievement.

Jokowi's first term has received its fair share of assessment from civil society organisations. It is not too late to bring human rights back into focus. Jokowi's high electability means that he possibly has five more years to be a consequential president that does not only deliver economic development but also realizes the Pancasila vision of social justice for all of the people of Indonesia.



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The objective of the ASEAN Studies Program is not merely only to conduct research and discussion within academic and government circles, but also to strengthen public awareness by forming a strong network of civil society in the region that will be able to help spread the ASEAN message. With the establishment of ASEAN Studies Program, The Habibie Center aims to play its part within our capabilities to the ASEAN regional development.

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