

ASEAN and EXTRACTIVE INDUSTRIES

Situation and Advocacy Strategies

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Are Community Scorecards/Citizen Report Cards Viable Tools for Mainstreaming Social Accountability In the Extractive Industry?

A Regional Case Conference

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OBJECTIVES OF THIS SESSION

- To provide inputs on the current EI trends in the region for consideration in the planning sessions

BACKGROUND

- Extractive Industries projects are evident in all ASEAN member states
- ASEAN regional decisions impact on development agenda at national/local levels in 10 countries.
- ASEAN is capable of compromising vulnerable sectors → has no transparent and accountability mechanism in place
- A rules-based ASEAN might offer more hopes for productive/constructive multistakeholder engagements
- Strategic platform for CSO advocacies
- Strategic dialogue platform on extractive industries of governments, csos and private sectors of 10 countries

QUIZ

- When ASEAN??
- Which Countries that join ASEAN first?
- Founding Fathers of ASEAN?

ASEAN: OVERVIEW

- 8 August 1967 in Bangkok, Thailand, with the signing of the ASEAN Declaration (Bangkok Declaration)
- Founding Fathers of ASEAN: 5 Foreign Ministers - Adam Malik (Indonesia), Narciso R. Ramos (Philippines), Tun Abdul Razak (Malaysia), S. Rajaratnam (Singapore) and Thanat Khoman (Thailand)



ASEAN AT GLANCE



- 10 nations in South East Asia, \pm 580 million people covering 4.5 million sq km
- GNP of about US \$ 312 billion and per capita of US \$ 496
- Economic development:
 - HDI (2004): Rank 25 to 133,
 - HDI (2010): Rank 27 to 132
 - GDP (2006): \$208 to \$29,499
- Diversity: Political systems
- Power dynamics:
 - Traditional most influential member – Indonesia
 - The shift of power from 'older 5' to 'newer 4' (CLMV)?
- Shift from state-centric to people-oriented? (2008)

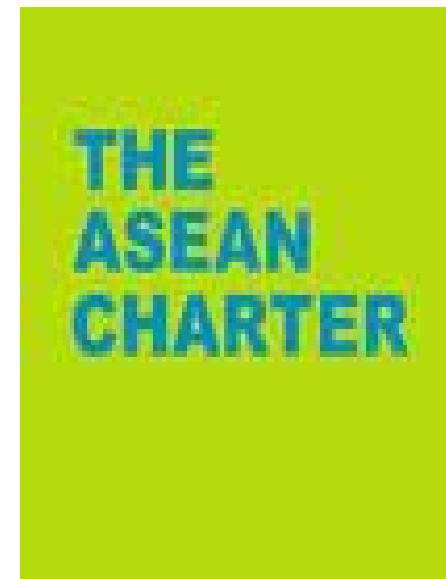
Bali Concord II 2003 declared that ASEAN aims to become a single market

ASEAN CHARTER 2005-2008



Have been together for 41 years.
Legalised the relationship

Courtesy of Yuyun Wahyuningrum's
presentation



ASEAN CHARTER?



- To gain more international recognition
- To have a legal personality (a constitution of ASEAN and a form of treaty)
- To ensure members implement agreements (in the past 44 years only 30 per cent of ASEAN agreements were ratified or implemented; 55 per cent of Hanoi Plan of Action have not implemented)
- To establish timeframe for cooperation, no procrastination
- To end the habit of loose-talk only, more professional
- To represent new ASEAN with new structure

ASEAN CHARTER (2005-2008)



THE ASEAN CHARTER

What' s new?

- The Charter
- Regional Vision
- Adhering to rule of law, **good governance**, respect for and protection of HR and fundamental freedoms
- Blueprints of Cooperation
- Human Rights Commission
- Recognition of civil society participation

What remain the

- **Non-interference principle and consensus**
- **Consensus vs collective responsibilities**
- No change to the equal sharing of the contribution to annual budget
- Equal rights = equal responsibilities
- Each member pays US\$905,000 per year
- ASEAN annual budget of US\$14 million

- Closely intertwined and mutually reinforcing
- Concrete actions, Binding Commitments

Rules-based Community of Shared Norms and Values

Single Market and Production Base

Cohesive, Peaceful, Stable and Resilient Region with shared responsibility for comprehensive security

ASEAN Security Community

Competitive Economic Region

ASEAN Economic Community

Equitable Economic Development

ASEAN Community (Vision 2015)

Dynamic and Outward-looking Region in an increasingly integrated and interdependent world

Integration into Global Economy

ASEAN Socio-Cultural Community

Human Development

Social Welfare and Protection

Social Justice and Rights

Ensuring Environmental Sustainability

Building an ASEAN Identity



- **ASEAN Political-Security Community** – peaceful process of settlement of intra-regional differences and it has the following components: political development, shaping and sharing of norms, conflict prevention, conflict resolution, post-conflict peace building, and implementing mechanisms
- **ASEAN Economic Community** - creating a stable, prosperous and highly competitive ASEAN economic region in which there is a free flow of goods, services, investment and a freer flow of capital, equitable economic development and reduced poverty and socio-economic disparities in year 2020;
- **ASEAN Socio-Cultural Community** - envisages a community of caring societies and founded on a common regional identity, with cooperation focused on social development aimed at raising the standard of living of disadvantaged groups and the rural population, and shall seek the active involvement of all sectors of society, in particular women, youth, and local communities

ASEAN Community

POLITICAL – SECURITY Blueprint

- Rules based, shared norms and values
- Cohesive, peaceful, stable, resilient with shared responsibility
- Dynamic and Outward looking

ECONOMIC Blueprint

- Single Market and production base
- Competitive economic region
- Equitable Economic development
- Integration into global economy

SOCIO- CULTURAL Blueprint

- Human Development
- Social Welfare and Protection
- Social justice and rights
- Environmental Sustainability
- ASEAN Identity

ASEAN Charter - One Vision, One Identity, One Caring and Sharing Community

ASEAN' S COMMITMENT FOR REGIONAL INTEGRATION



- 1976 – Bali Concord I – formally adopted political cooperation as part of ASEAN regular activities
- 1992 – ASEAN Free Trade Agreement
- 1997/98 – economic crisis – acceleration of economic integration initiatives – ASEAN Vision 2020
- 2003 - Bali Concord II – the launch of ASEAN Community by 2020
- 2005 – the launch of ASEAN Charter process
- 2006/07 – the acceleration of ASEAN Community to 2015
- 2007 – ASEAN Charter drafting and the ASEAN Economic Community Blueprint
- 2008 – ASEAN Charter ratification
- 2009 ASEAN Political Community and Socio-Cultural Community Blueprints



- **ASEAN Energy Cooperation**
 - ASEAN Charter: Article 1.5, 1.7 and 1.9 cover the issue of good governance as well as energy and minerals cooperation in ASEAN.
 - ASEAN Economic Community Blueprint as mentioned in Chapter B.4 Infrastructure Development, Article 53, 54 and 55 related to energy cooperation in the region.

MID-1970S-1980S

FOCUS ON OIL AND POWER GRID CONNE



- ASEAN Council of Petroleum (ASCOPE) in 1976
- ASEAN Petroleum Security Agreement (APSA). APSA, a binding treaty enforced in 1986, which obliged all six ASEAN economies to provide oil mutually in the case of sudden shortfalls in oil supplies in the ASEAN region.
- ASEAN Economic Ministers on Energy Cooperation/AEMEC 1st Meeting 1980
 - (AEMEC itself was amended into ASEAN Ministers on Energy Meeting (AMEM) in 1995)
- ASEAN (1981) established a task force involving the Heads of ASEAN Public Utilities Authorities (HAPUA) Oil and gas → establishing regular cooperation on power grid connections
 - 1966 begin the Southeast Asian power grid → Laos and Thailand concluded a power-exchange agreement.
 - 1978 → Malaysia and Thailand and between Malaysia and Singapore

THE 1990S AND THE ASEAN PLANS OF ACTION ON ENERGY COOPERATION (APAEC)



- ASEAN Energy Co-operation Agreement signed in 1991 to cooperate on a wider range of energy-related issues, with a view of fostering efficient development and the use of all forms of energy.
- ASEAN Program of Action for Enhancement of Cooperation in Energy (APAECE) endorsed in 1991
- December 1997 in Kuala Lumpur: ASEAN Vision 2020 called for cooperation activities to **“establish interconnecting arrangements for electricity, natural gas and water within ASEAN through the ASEAN Power Grid and a Trans-ASEAN Gas Pipeline, and promote cooperation in energy efficiency and conservation as well as the development of new and renewable energy resources”**. T

DETAILS ON ASEAN PLAN OF ACTION ON ENERGY COOPERATION (1999-2015)

Period	Program Area	Implementation Progress
1990-2004	ASEAN Power Grid	<ul style="list-style-type: none"> • Formulation of Trans-ASEAN Gas Pipeline Masterplan by ASCOPE in October 2000. • Formulation of the ASEAN Interconnection Masterplan Study (AIMS) in March 2003 by HAPUA. • The ASEAN Energy Roadmaps including the ASEAN Power Grid and Trans-ASEAN Gas Pipeline Projects. • The signing of MoU on the TAGP and establishment of ASEAN Gas Consultative Council (AGCC) in July 2002
	Trans-ASEAN Gas Pipeline	
	Coal	
	Energy Efficiency and Conservation	
	New and Renewable Sources of Energy	
	Regional Energy Outlook, Energy Policy and Environmental Analysis	

DETAILS ON ASEAN PLAN OF ACTION ON ENERGY COOPERATION (1999-2015)

Period	Program Area	Implementation Progress
2004-2009	ASEAN Power Grid	<ul style="list-style-type: none"> • MoU on ASEAN Power Grid on 23 August 2007 and establishment of ASEAN Power Grid Consultative Committee (APGCC) in May 2008. • Acceleration of the ASEAN Power Grid Interconnection Project. • Implementation of 8 gas interconnection project under TAGP Roadmap • Address energy issues pertaining to ASEAN dialogue partners/other relationship
	Trans-ASEAN Gas Pipeline	
	Coal	
	Energy Efficiency and Conservation	
	New and Renewable Sources of Energy	

DETAILS ON ASEAN PLAN OF ACTION ON ENERGY COOPERATION (1999-2015)

Period	Program Area	Implementation Progress
1990-2004	ASEAN Power Grid	<ul style="list-style-type: none"> Continuing and accelerating → ASEAN Power Grid Interconnection Projects expected to be completed by 2015 (3 APG projects are under- construction and 8 APG projects are started to be constructed. Creating pipeline JVC to undertake implementation of gas pipeline project as mentioned on the MoU in TAGP. Undertake detailed feasibility study for East Natuna Gas Field Development especially cases related to the production sharing contracts. Conduct capacity building ; strengthen public information and public education on nuclear power generation. Accelerating the Interconnection Projects with the development of ASEAN Economic Community 2015.
	Trans-ASEAN Gas Pipeline	
	Coal and Clean Coal Technology	
	Energy Efficiency and Conservation	
	Renewable Energy	
	Regional Energy Outlook, Energy Policy and Environmental Analysis	
	Regional Energy Policy and Analysis	
	Civilian Nuclear Energy	



- **ASEAN Cooperation in Minerals**

- Bangkok in December 1995 approved the Program of Action for ASEAN Cooperation in Minerals 1996-1998.
- 1996 → establishment of a formal forum of discussion on ASEAN minerals cooperation to be known as ASEAN Senior Officials Meeting on Minerals (ASOMM)
- 2005 → ASEAN Ministerial Meeting on Minerals (AMMin) and the Second Forum on Private Sector Cooperation in Minerals
- ASEAN mineral cooperation action → AMCAP 2011-2015 “*Dynamic Mineral Sector Initiative for Prosperous ASEAN*”

EXTRACTIVE INDUSTRIES COOPERATION IN ASEAN



- Joint Statement AMMin 2011, include capacity building EITI in the ASEAN Minerals Cooperation Action Plan (AMCAP) 2011-2015
- ASEAN Minerals Trust Fund
 - Since ASEAN Minerals Action Plan 2005-2010.
 - Still considering the establishment of the ASEAN Minerals Trust Fund to support implementation of priority cooperative projects and activities in the ASEAN minerals sector
 - Thailand and Malaysia committed
 - Indonesia still not

CURRENT STATUS: ACCESS TO INFORMATION IN ASEAN COUNTRIES



- Thailand → 1st in ASEAN, FOI law (1997) but express opinion has been limited through Leste Majeste Act.
- Singapore: the Internal Security Act permits detention without trial, time limit or possibility of judicial review which create a climate of fear in the country.
- Malaysia → has discussed it , >< the Sedition Act, the Official Secrets Act, the Internal Security Act, Defamation Law and the Printing Presses and Publications Acts (1984) are most often used to restrict freedom of expression, assembly and association of human rights defenders.
- Filipino constitution guarantees access to information but the Human Security Act (2007) allows warrantless arrests, surveillance and interception and recording of communications.
- Indonesia' s information law, signed 2008, effective April 2010
- Cambodia is keen to have one

CURRENT SITUATION: MEMBER STATES OF ASEAN



- Engaging civil society: Indonesia, Thailand and Philippines
- Interest on energy security: Vietnam, Indonesia, Thailand, Malaysia
- Interest in EI Transparency: Indonesia
Cambodia? Philippines? Vietnam? Myanmar?
- There has been a precedent of civil society engagement on security energy (CETDEM)
- CPR is now drafting ASEAN guideline to engage CSO
- Existing guideline

CURRENT STATUS: ASEAN MEMBER STATES ASSOCIATE TO EITI



- **Indonesia** joined EITI 2010
- **Philippines:** new EO (included EITI)
- **Vietnam:** supportive (research on EITI scooping by CSO and VCCI)
- **Cambodia:** adopt the values and principles but do not want to join EITI
- **Myanmar** → commit EITI (recent situation)
- Thailand?
- Laos?
- Brunei?
- Malaysia?



TARGETS IN ASEAN



- MEMBER STATES
 - Start from Indonesia
- ASEAN Organs:
ASEC, AICHR,
ACWC, ASEAN
Center for Energy,
ASEAN SG, CPR
- ASEAN Community:
AEC Council, ASCC
Council
- AMEM: ASEAN
Ministers on Energy
Meeting
- SOME: Senior Official
Meeting on Energy
- ASOMM: ASEAN
Senior Official
Meeting on Minerals
- AMMin: ASEAN
Ministers on Minerals

RWI ASEAN EI STRATEGIES



- Since 2009: working with Indonesian NGO (Inst Essential Service Reform/IESR)→ advocacy on
 - “Regional Strategic Planning Workshop” was held in October 2010
 - 2010, IESR established the “Southeast Asia EITI Initiative Network” which consists of CSOs participating in the promotion of EI good governance and EITI in Southeast Asia
- 2011: IKAT US→Indonesia NGO experience to NGOs in SEA
 - Subnational, National, Regional
- SAC in EI→ next step???



**UBRIGADU
BAYARLALAA**