Foreword

Dear Readers,

Welcome to the third 2016 issue of CPG’s Online Magazine (COM). With it we are happy to feature eight contributions on a variety of issues concerning constitutional law, governance and politics provided by scholars and practitioners respectively. Topics are related to water resource governance in the Mekong area (Philipp Magiera), the information control under the precepts of the Panama Papers (Arne Hintz), the April elections in Serbia (Richard Stojar and Věra Stojarová), challenges and opportunities of the AEC (Alvin Ang), the Indonesian National Police’s struggle in combating terrorism (Eko Sudarto), the national assembly (MPR) in Indonesian constitutional law (Widodo Ekatjahjana and Gautama Budi Arundhati), and political violence in Myanmar (Jonathan Bogais). Furthermore, COM has taken up the introduction of the ASEAN Economic Community to collect and publish experts’ reflections and opinions on this major step towards the economic integration of Southeast Asia in our ‘opinion pool’.

Besides these presentations we provide you with some information on our Center’s activities during March and April 2016, namely two seminars on geopolitics pertaining to US-China relations and the governance of violence respectively, a seminar on legal studies in Germany, a special lecture on the latest developments in the field of compliance management systems and the selection of the participants of our upcoming Summer School.

For readers interested in nice locations to visit around Thammasat University, the host and home of CPG, we introduce in this issue two coffee shops close to the Phra Sumen Fort at Phra Athit Road.

As usual, some announcements on persons, events and scholarships related to the scope of CPG’s work and interest as well as information about related job opportunities round off COM 3, 2016.

By extending my thanks to all who have contributed to our activities in March and April and this issue of COM, I hope you will enjoy this issue!

Henning Glaser
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CPG Seminar on “The Governance of Violence in Geopolitics”

2 March 2016, Faculty of Law, Thammasat University

On 2 March 2016 CPG hosted an international seminar on the topic of geopolitics and international relations at the Faculty of Law, Thammasat University. Under the title “The Governance of Violence in Geopolitics” the event dealt with violence as an order-creating force in geopolitics. Following welcoming words by Prof. Narong Jaiharn, Dean of the Faculty of Law of Thammasat University, four experts provided insightful presentations. Prof. Klaus Larres, Krasno Distinguished Professor for History and International Affairs from University of North Carolina, Chapel Hill, opened the presentations with a historical overview on the relation between “War, Violence and International Governance: From the Cold War to the Present”. He was followed by CPG Director Henning Glaser with a paper on “Violence in the New Global Order After the End of the Cold War” in which he highlighted recent developments in international politics reflecting the governance of violence in geopolitical strategies in the aftermath of the 9/11 attacks. Prof. Dr. Hall Gardner, Chair of the Department of International and Comparative Politics at American University of Paris, continued with a presentation on “Post-Cold War Geopolitical Rivalries, Hybrid Warfare and the Threat of Major Power Warfare” which provide an assessment of potential major warfare based on insightful analogies between pre-World War I and II conditions and systems of international relations and the post-Cold War situation. The presentation was completed by a paper of HE. Kasit Piromya, member of the National Reform Steering Assembly and former Minister of Foreign Affairs of Thailand, on “Geopolitics, Multilateralism and the United Nations – The Role of the ASEAN Countries” dealing with the question of potentials and limitations of autonomy in international politics in the ASEAN member states. The insightful presentations were accompanied by lively discussions among all participants.
On 18 March 2016 CPG arranged a seminar on “Legal Studies in Germany” at the Faculty of Law, Thammasat, providing Thammasat University law students with information on possibilities and scholarship opportunities of studying law in Germany. Dr. Munin Pongsapan, Director of Thammasat University Faculty of Law LL.B. Program in Business Law, delivered the welcoming words followed by CPG Senior Research Fellow and alumnus of Bonn University Dr. Warawit Kanithasen who shared with the students valuable experiences of his time as a law student in Germany. Dr. Rolf Friedewald and Ms. Shen Dee Kobbelt from the Institute for Law and Finance of CPG’s partner University Frankfurt am Main introduced the Institute’s LL.M. International Finance Program and answered the questions of the participants on the scope of the program and on the admissions process. They were followed by Dr. Georg Verweyen, Director of DAAD Information Center Thailand, who provided information about study opportunities in Germany and on scholarships provided by the German Academic Exchange Service for Thai students. The seminar was completed by a presentation of CPG Project Manager Duc Quang Ly who introduced the students to CPG, its organization and work as well as to CPG’s engagement in the field of teaching and the promotion of young legal talents through a variety of law and language classes, academies and scholarships.
Special Lecture on “Recent Trends in Compliance”
19 April 2016, Faculty of Law, Thammasat University

On 19 April 2016, CPG hosted a special lecture on the topic “Recent Trends in Compliance”, at the Faculty of Law, Thammasat University, delivered by Prof. Dr. Bartosz Makowicz, Faculty of Law, European University Viadrina University Frankfurt (Oder), and CPD Senior Research Fellow. Prof. Makowicz gave an overview over latest developments in the compliance research with a special focus laid on compliance management systems. As Director of Viadrina Compliance Center and Head of the German Delegation in the Project Committee 287 (anti-bribery systems) at the International Standard Organization Prof. Makowicz was the very expert for the topic of the lecture which was complemented by an vivid discussion among all participants.

CPG Spring School 2016: Selection Interviews
21-22 April 2016, Faculty of Law, Thammasat University

On 21 and 22 April 2016 the selection interviews for CPG’s Spring School 2016 Scholarship took place. Based on an assessment of written application documents in the first application round, 24 shortlisted candidates were selected for these interviews the aim of which was to identify the candidates suitability in terms of the legal knowledge through their answers on legal questions. Due to unanimous decision of the selection committee the following candidates have received the scholarship to participate in this year’s Spring School to be held from 6 to 16 June at Goethe University Frankfurt:

Spring School 2016 Participants

- **Alicesala Jitjumnong**, 2nd year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Naphaphorn Saenphit**, 1st year Student, Master of International Law, Faculty of Law, Thammasat University
- **Wadtawan Wongrathpanya**, 2nd year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Tulsiri Wata**, 3rd year Student, Master of Business Law, Faculty of Law, Thammasat University
- **Ratirat Thongchai**, 4th year Student, Bachelor of Law, Faculty of Law, Chulalongkorn University
- **Firman Floranta Adonara**, Lecturer, Faculty of Law, University of Jember, Indonesia
- **Isaravadee Wongphasukchot**, 4th year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Songkrant Pongboonjun**, Lecturer, Faculty of Law, Chiang Mai University
- **Kirada Akrapreedee**, 2nd year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Phumiboon Pajongwong**, 4th year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Suviwat Jenvitchuwong**, 3rd year Student, Master of Law, Faculty of Public Law, Thammasat University
- **Kritaphat Thongpreecha**, 4th year Student, Bachelor of Law, Faculty of Law, Chulalongkorn University
- **Slinphat Rodjanaphinun**, 2nd year Student, Bachelor of Law, Faculty of Law, Thammasat University
- **Resti Dian Luthviate**, Lecturer Assistant and Secretary Assistant, Center of Democracy Study and National Security, Sebelas Maret University, Indonesia
## Upcoming CPG Events

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<td>Chulalongkorn University, Maha Chulalongkorn Building, Room 105</td>
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<td>3 June 2016</td>
<td>Seminar “The South China Sea – Current Issues and Future Prospects” in cooperation with Hanns Seidel Foundation</td>
<td>Faculty of Law, Thammasat University (Tha Prachan Campus)</td>
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<td>6-16 June 2016</td>
<td>CPG Summer School 2016 on German and European Law</td>
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<td>7 June 2016</td>
<td>Special Lecture on “Thai Constitutionalism – Fundamentals, Developments and Prospects” by Henning Glaser, Director, CPG, in cooperation with the Interdisciplinary Centre for East Asian Studies, Goethe University Frankfurt am Main</td>
<td>Interdisciplinary Centre for East Asian Studies, Goethe University Frankfurt am Main</td>
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<tr>
<td>Starting mid June</td>
<td>Certificate training program on “International Business Law” in cooperation with Lorenz &amp; Partners Bangkok</td>
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Rethinking Violence in Myanmar: A Confronting Imperative for Domestic and International Actors

Dr. Jonathan Bogais, Associate Professor (Adjunct), Department of Sociology and Social Policy, School of Social and Political Sciences, University of Sydney

Introduction

Exploitation, inequality, discrimination reveal the universal rights that violence denies. These three paradigms are central to the critical juncture Myanmar faces. The ability of the new government to address them will determine the success – or failure – of the transitional process from five decades of autocratic rule to democracy.

This article aims to explore violence in Myanmar and the gruelling task facing the newly elected president, Htin Kyaw, and National League for Democracy (NLD) leader, Aung San Suu Kyi. It examines the situation on the ground and the pressures from domestic and international actors. It looks at the complex environment in which violence evolves; the political ambiguity of the figures of violence and, symmetrically, the ambiguity of politics when it is confronted with violence. It concludes with a recommendation to all actors when looking at the way ahead for the new government.

Challenges

With a new government and parliament backed by a strong mandate, Myanmar has the opportunity to develop a comprehensive programme of legislative reforms in compliance with international human rights norms to protect the rights of the whole population. Involving civil society, reforming and strengthening the independence of the judiciary and improving access to justice will be indispensable to strengthen the rule of law and build trust in national institutions.

To address these objectives, the new leadership must first face its greatest challenge: violence, which is endemic at all levels of society. Partly a legacy of five decades of authoritarian rule under the previous military dictatorship, violence in Myanmar involves ethnic and religious conflicts, internally displaced people, incitement and discrimination, land grab, forced eviction and child abuse. Human rights violations are systemic and legitimised through a vast number of complex legislations enacted by previous rulers. The current Constitution (2008) was framed to discriminate against minorities and civil society. It also prevented Aung San Suu Kyi from contesting the presidency, obliging her to use a subterfuge – the specially created position of State Adviser – to effectively govern the country ‘above the president.’ Another form of violence, however, that is not a legacy and is deeply entrenched at all levels of Myanmar’s society is religious violence. So far, there has been no attempt to structurally address the serious human rights concerns it causes on the ground by any party, to the contrary.

The second challenge facing the new leadership is a need for an entire overhaul of the judicial system, without which the reform process will be obstructed. An independent judiciary capable of enforcing legislation fairly and consistently is necessary for the operation of the rule of law. The separation of powers and the independence of the judiciary in Myanmar are guaranteed by the 2008 Constitution yet are hindered by the control the executive
exercises over the judiciary. There is also widespread evidence of judicial corruption. A December 2015 report of the Judicial and Legal Affairs Complaints and Grievances Investigation Committee stated that the judiciary remains one of the country’s most corrupt institutions, confirming the existence of a chain of bribery involving judges at different levels taking instructions from their superiors. The report also stated that training given to individuals holding judicial positions was inadequate.

Issues at Stake

Violence in Myanmar falls into two main categories: (1) violence caused by conflict (ethnic and religious); and, (2) violence caused by development such as land grab and forced evictions.

Ethnic Conflicts

A Nationwide Ceasefire Agreement (NCA) was signed between the Government and eight armed groups on 15 October 2015. This follows the signature of a number of bilateral ceasefire agreements with 14 ethnic armed groups since 2011. However, violent confrontations continue in parts of Myanmar, including Kachin and Shan States, as well as Chin, Rakhine and Karen States. The conflict between two ethnic groups, the Ta’ang National Liberation Army (TNLA) and the Restoration Council of Shan State (RCSS) in Shan State, which first erupted in November 2015 has recently intensified.

Human rights violations are committed by all parties to the conflicts and civilians bear the burden of the ongoing fighting. Attacks against civilian populations, extrajudicial killings and torture, inhumane and degrading treatment, abductions of men, women and children, as well as looting, property confiscation and destruction, have been reported. Allegations of forced recruitment, child and underage recruitment - notably on the part of ethnic armed groups – are still made. Over 96,000 people remain displaced in Kachin and northern Shan States as a result of the conflict. 3,000 new displacements have occurred in February 2016 following fighting between the RCSS and the TNLA. In southern Shan State, many of those displaced by the clashes in late 2015 have reportedly now returned. However, 2,000 people remain displaced, some in camps lacking adequate drinking water and sanitation.

Religious Violence

Hundreds of protesters joined by some Buddhist monks demonstrated outside the US Embassy in Yangon on 28 April this year over its use of the term ‘Rohingya’ in an Embassy statement of concern following the drowning of dozens of people after their boat capsized off the coast of Rakhine state. The protest outlines community polarisation against Muslims fueled by hate speech and calls for extreme measures by radical Buddhist groups such as the Ma Ba Tha in the name of “protecting race and religion”. Attacks and threats are mainly directed at Muslim communities but also often target anyone offering a different perspective and speaking for non-discrimination.

The need to address the deeply entrenched human rights issues in Rakhine State and to take adequate steps to put an end to highly discriminatory policies and practices against the Rohingya and other Muslim communities constitutes a significant challenge for the new government. These restrictive policies, which deny the affected population some of their most fundamental rights, severely impact all aspects of their life, including access to livelihood. Restoring freedom of movement for all is of particular importance. Evidence on the ground suggests that on-going discriminatory restrictions to freedom of movement are largely used to contain the Rohingya population within and between townships and people there must obtain specific authorisation to travel outside Rakhine State.

Local orders in northern Rakhine State also require Rohingya to obtain permission to marry and seek to limit couples to two children. Consequently, additional children may not be included in the family household list and remain unregistered with detrimental consequences for the child. Children have the right to be registered at birth notwithstanding nationality, statelessness or legal status of the child’s parents. These local orders are the results of Ma Ba Tha’s local and national campaigns against Muslims that received bi-partisan support before the November 2015 election. The strong anti-Muslim feeling in the predominantly Buddhist (Theravada) country is unlikely to change and neither is the top-down rejection of the Rohingya’s existence. Aung San Suu Kyi still refers to them as Bengalis (not Rohingya) and labels them as illegal immigrants in Myanmar. Meanwhile, Ma Ba Tha has already indicated that it would strongly oppose any attempt to change the orders. In this highly polarised and discriminatory context, the Rohingya community is unlikely to receive the help it so desperately needs, leading to more departures by sea and more tragedies.

Internally Displaced People (IDPs)

Despite calls from the UN Special Rapporteur on Myanmar, Yanghee Lee, requesting the government to uphold the right to health of the entire population in Rakhine and ensure equal access and medical treatment to all in public health facilities, irrespective of religion, ethnicity or citizenship, reports of cases of preventable death due to lack of access to emergency medical treatment by Muslim patients are mounting. Restrictions on freedom of movement affect mostly Rohingya patients who also often fear for their safety outside communities or camps. The Special Rapporteur highlighted the increasingly dire housing conditions for the majority of IDPs, including some 95,000 located in Sittwe rural camps. Longhouses accommodating multiple families were initially designed to last only two or three years and many are now collapsing. Attempts by the Special Rapporteur to secure long-lasting solutions to displacement in accordance with international standards, including voluntary returns to places of origin and protection from continuous segregation of communities have failed. The reality on the ground suggests that such protection cannot – and very likely would not - be guaranteed.

According to the Special Rapporteur, the lack of access to IDP camps hampers much-needed information collection and reporting on conflict-related concerns and violations. Humanitarian access to over 1,000 civilians displaced in Sumprabum (Kachin State) remains restricted, despite reports indicating an urgent need for emergency shelter and medical supplies. An estimated 4,000 individuals reportedly remain in China displaced from the Kokang self-administered zone. Little information is available on the status of the fighting in this area nor on steps taken to investigate alleged human rights violations reported during the fighting in 2015. IDPs in camps in and around this area are apparently facing difficult conditions, with restrictions on movement, and no access to markets, education or livelihoods. Fighting has also flared in Rakhine and southern Chin States between the Arakan Army and the Myanmar army, displacing hundreds of people.

United Nations teams and their partners do not have regular, independent and predictable access to all those needing humanitarian assistance.

Land Grab and Forced Evictions

Land issues present another critical challenge for
the new Government. An estimated 70 per cent of Myanmar’s population live in rural areas relying on agriculture and related activities. Forced evictions, land-grabbing and land confiscations for development projects, mining and other natural resource extraction are increasing poverty, displacement and destroying livelihoods, with consequential effect on a range of other rights, including access to health and education, and a loss of cultural and traditional knowledge. There is usually little or no consultation with affected communities, limited or no compensation provided, and limited access to effective legal remedies. In an attempt to protect their rights, people are increasingly resorting to public protests against land confiscations. Unfortunately, some of those exercising their right to peaceful assembly, including farmers and land-rights activists, face intimidation, threats and criminal prosecution, as the complex web of legislations in place prevents them from exercising their rights. Arrests are frequent, a situation made worse by the lack of effective rule of law and a corrupt judicial system.

The Land Confiscation Investigation Commission reported to the Union Parliament on 25 January 2016 that many land disputes remain unresolved and that government bodies did not comply with relevant laws, procedures and recommendations from the Commission. The new National Land Use Policy, adopted in January 2016, could be the first step towards an overarching land law following a process of extensive consultation with all stakeholders to help protect the rights of farmers and rural communities across Myanmar, and increase the confidence of the private sector looking to invest.

Legal Provisions

The continuing application of vexed legal provisions (both historic and recently-enacted) to arrest, prosecute, and convict civil society actors, journalists, and human rights defenders needs to be addressed with particular attention to sections of the Peaceful Assembly and Peaceful Procession Laws, the Penal Code of the Unlawful Associations Act, the Official Secrets Act, the Emergency Provisions Act and the Telecommunications Act. Detention under these laws is incompatible with international human rights standards.

Myanmar’s UN Special Rapporteur, Yanghee Lee, has just presented the new government with a 100-day challenge. The task list includes lifting restrictions on freedom of movement in Rakhine State, meeting a 30 percent quota for women participating in the peace process and stopping the use of landmines. “How can you expect communities to recreate bonds if they continue to be segregated?” she said. Pressure is also mounting within the international community for the new government to find solutions to a whole range of structural, economic and human rights issues to help build investors’ confidence in the new Myanmar.

Conclusion

Myanmar in its current state is an overly complex environment and a broad challenge to the new government that requires a structural review of most institutions. Quick-fixes may appease international actors but are not the solution. Instead of trying to derive the three key-paradigms: exploitation, inequality, discrimination, logically from a single or from a superior essence of the political as many international observers and commentators do, one should problematise how they become articulated in different conjunctures and political practices. This topography has another function which is more analytical. It schematises the notion that modalities of violence are intrinsically heterogeneous and can never become reduced to a single, simple causality - and the idea that they continuously overlap and reinforce each other. Disjunction and fusion must be represented as complementary characteristics of violence, the understanding of which may be the first step towards a much needed cultural adjustment and the basis for an indispensable series of compromises.

Crisis? What Crisis? Mekong Water Resources Management in 2016 and Beyond

Dr. Philipp Magiera,
Programme Director
Mekong River Commis-
sion-GIZ Cooperation
Programme, Deutsche
Gesellschaft für Intern-
ationale Zusammenar-
beit (GIZ)

Since 2015, the Lower Mekong region is going through an extreme drought period, with high temperatures, less than average rainfall and reduced flow in rivers. Such extreme situations are litmus tests for the functioning and the resilience of water resources management strategies and water governance as such. In particular, they show whether agreed upon regional water governance arrangements work – or not. One just needs to open a newspaper these days in Cambodia, Laos, Thailand or Vietnam to see that the tests fail in the Lower Mekong region. The unmitigated impacts of the drought – reduced flow and therefore insufficient usable water as well as sea water intrusion into the Mekong delta – have repercussions in all Mekong countries. The drought is a risk to social coherence, food security, ecology, and economic activities beyond agriculture such as navigation. Even though there is scientific proof that in a strong El Niño year, droughts are to be expected in Southeast Asia, the 2015/16 drought seems to be catching the governments of the Mekong basin by surprise.

Actual responses illustrate that long-term, coordinated and joint management of the transboundary Mekong water resources, as necessary as it is in such a crisis situation, is still work in progress. While Vietnam prepares its Mekong delta communities for emergency response to the increasing salinization of its groundwater, canals and rivers, Cambodia had to start distributing emergency drinking water to some drought-stricken communities. Both countries expects severe losses in their rice production this year. And both countries are at the receiving end of the Mekong basin. This is especially relevant in a year like 2015/16 that saw too little rainfall to e.g. fill the Tonle Sap Lake and enable it to play its role as gigantic water buffer for the dry season needs. Laos seems to be torn between grappling with domestic drought impacts, showing responsibility by helping out Cambodia and Vietnam by releasing water from its Nam Ngum 1 Dam and others, and working with Thailand on a bilateral cross-border (and thus cross-Mekong) diversion of Nam Ngum water into Thailand’s dry Northeast, a project that yields little tangible benefits for Laos, apart from diplomatic credit by Thailand. Thailand itself has lately shown little consideration of transboundary accountability.
trying to quickly put into place massive diversion schemes for Mekong waters. Although such dry season diversions need to be notified under the Mekong Agreement of 1995, that Cambodia, Laos, Thailand and Vietnam are signatories to, Thailand has so far avoided this step.

The signing of the Mekong Agreement in 1995 created the Mekong River Commission (MRC), an intergovernmental organisation which provides a unique platform for its four member countries to tackle challenges connected to water resources management in a joint manner. The mandate of MRC is to “promote and coordinate sustainable management and development of water and related resources for the countries’ mutual benefit and the people’s well-being”. It has a regional flood centre that provides monitoring and forecasting services, but has only recently started to work on drought management.

Typical to crisis situations are attempts to divert attention from own shortcomings. Several national media outlets in the Mekong region have clearly linked the 2015/16 drought to water use and above all hydropower development upstream. In particular, Chinese dam building on the Upper Mekong has been linked to the current drought impacts. Hydropower development certainly has impacts on environmental quality, biodiversity and depending on the type of dam, also flow quantity, if international sustainability criteria aren’t followed in the planning and implementation. Although China has already built six Mekong dams, and is building or planning at least five more, the total water storage needed to actually cause a drought as massive as the current one in the Lower Mekong basin, has not been built so far. China contributes a long-term average of only 17% to the total annual flow of the Mekong River.


The LMC still needs to show whether it will have a lasting positive impact on a more coordinated management of the Mekong’s water resources between the MRC member countries and China and to some extent Myanmar. While it is a diplomatic effort, past Chinese cooperation with other neighbours e.g. in Central Asia make it unlikely that China has an interest to enter into a new binding agreement to coordinate the Mekong water use. The likelihood of entering the existing Mekong Agreement and thus becoming an MRC member country seems to be unrealistic so far. Proposed infrastructure investment projects in the region, possibly financed by the Chinese-backed Asian Infrastructure Investment Bank, might even lead to further challenges for the Mekong’s water resources. The MRC proactively pointed out their readiness to work with China in the LMC framework on ensuring regional cooperation in water resources management.

The MRC is certainly well placed to play a constructive role in regional water management, also involving cooperation with China and Myanmar which had previously expressed interest to enter the Mekong Agreement. The MRC could foster this interest. MRC has adopted five procedures that are regulating how the Mekong waters can be sustainably managed, focusing e.g. on flow maintenance, water quality and consultation on big infrastructure releases or the use of ecosystem-based adaptation mechanisms. Joint water resource management can first of all identify the national and regional benefits, and the possibilities to mitigate these impacts. Cambodia, Laos, Thailand and Vietnam clearly need to coordinate their responses to droughts (as well as other extremes such as floods). This surely can be triggered by the MRC Secretariat, which can call for meetings on issues of urgent mutual concern, such as the current drought crisis. Some of these possibilities will be transboundary in nature, like water releases or the use of ecosystem-based adaptation and/or mitigation measures. MRC member countries need to be transparent about the availability and use of the water resources and they need to enter into negotiations on water-related benefit sharing mechanisms. Joint water resource management can first of all identify the national and regional benefits, and then define approaches to ensure equal shares of these benefits for all member countries. In the medium-term, the countries can also develop joint (non-infrastructure or infrastructure) projects that will help them to cope with future drought situations and other extremes that climate change is likely to bring to the MRC. MRC actions and plans are always the result of partly very extensive consultation and negotiation processes among the four member countries. The Secretariat of MRC is thus the wrong addressee for criticism, which rather should address those member countries that are responsible for developments the MRC critics don’t agree to. The current crisis situation exemplifies the fact that some MRC member countries choose to rate their national agenda over a joint regional approach, if they see it necessary because of domestic challenges or political imperatives. What is actually needed is decisive action on both the regional and the national level, in order to cope with the impacts of the drought, and for sustainable water resource management in general.

2 The Sanya Declaration intends to „Enhance cooperation among LMC countries in sustainable water resources management and utilization […]“. The LMC’s Sanya Declaration on 23 March 2016 that made explicit reference to future cooperation on flood and drought management. Water resources management of the Mekong has thus reached the realm of regional geopolitics. Little is known outside foreign ministries on the actual content of the LMC concept note and management and utilization [...]."
region. All of these options are embedded in the Mekong Agreement. They need action by MRC member countries to be effective; hence MRC-led action planning in regard to the current drought would be a first step. The future Mekong Adaptation Strategy and Action Plan that is currently being developed by MRC is a very good starting point for further, mid-to long term responses and actions.

On the national level, policy decisions, whether permanent or restricted to drought years, need to be taken to manage water efficiently, specifically in sectors with a high degree of consumptive use. Sustainable solutions to drought management would inevitably have impacts on water and land use by economic activities such as irrigated agriculture. Should droughts occur more often due to climate change, decision makers will need to raise the question if e.g. Northeast Thailand can really afford to grow paddy rice, or whether it will have to shift to other crops and thus water management regimes? Or whether the pumping of groundwater for whichever economic activity in Vietnam’s Mekong delta can still be sustainable, or needs to be restricted to combat sea water intrusion and secure access to potable water?

Crisis times provoke crisis management. The MRC member countries have an organisation and the instruments at hand to move from crisis to sustainable and long-term management of the common water resources of the Mekong. Crises like the current one can be avoided by making use of the MRC and its instruments in a cooperative manner. Only joint action, agreed upon in a transparent way, based on the scientific expertise of the MRC Secretariat, will lead to sustainable solutions. It needs the political will of all four MRC member countries to realise them.

Beyond the Panama Papers: Leaks Activism and the Struggle for Information Control

Dr. Arne Hintz, Senior Lecturer, Director MA Digital Media and Society, School of Journalism, Media and Cultural Studies, Cardiff University

The Panama Papers have brought the powerful role of whistleblowers back into the public consciousness. Several years after WikiLeaks’ Cablegate and the Snowden revelations, the next big leak has not only caused the downfall of Iceland’s prime minister (and troubles to other political elites), but has demonstrated that the practice of exposing hidden information is very much alive. The struggle over controlling this kind of information is one of the great conflicts of our times.

WikiLeaks’ publication in 2010 of the Iraq and Afghanistan war diaries and of US diplomatic cables set the stage for recent leaks journalism, and Edward Snowden’s revelations in 2013 about mass surveillance programmes by US and British intelligence services confirmed the important role of the whistleblower in contemporary public debate. In public perception these may appear as rare and singular events. However leaks have become an ongoing phenomenon and, increasingly, a source of much information that was previously hidden.

To start with, WikiLeaks has continued to expose interesting information, including files on Guantánamo Bay operations, secret drafts of the controversial TPP trade negotiations, and more recently a recording of an IMF meeting that provides significant insights into current conflicts between the IMF, the EU and the Greek government in their handling of the eurozone crisis. Traditional media organisations have developed processes to deal with anonymous data leaks, too. The New York Times, The Guardian and Al Jazeera now use secure digital dropboxes for depositing files anonymously. Major publishers have established collaborations to share resources and expertise in order to analyse and make sense of huge amounts of data quickly and maximise international exposure. While WikiLeaks has been moved out of the public spotlight, we have seen the WikiLeaks-isation of mainstream journalism.

Beyond the major news organisations, a culture of “leaks activism” has emerged. Hacktivist groups such as Globaleaks have developed technology for secure and anonymous leaking. Local or thematically-oriented initiatives provide new opportunities for whistleblowers to expose secret information. Citizen Leaks in Spain, for example, acts as an intermediary that accepts leaks, reviews them, and sends them on to partner newspapers. Run by Xnet, an anti-corruption group, Citizen Leaks has helped uncover major cases of corruption in Spain that brought to court the former chairman of Spain’s largest bank, Rodrigo Rato.

Crucially, Xnet does not limit its activities to exposing malpractice but engages in its prosecution. The group has supported court cases against Rato and others, and regards this as an integral part of its leak activism. It is convinced that the mere exposure of corruption leads to disillusionment and defeatism rather than empowerment as it simply demonstrates the power of elites. Only by acting on the knowledge exposed in leaks to generate social, political or economic change does the emancipatory potential of leak activism unfold. This view puts the widespread celebration of the Panama Papers in perspective. Will the Panama Papers kill journalism? asked Greek journalist Costas Efimeros shortly after media coverage of the leaks started. As journalism has to affect society to be relevant, he concludes that the success of the leaks has to be assessed according to its impact on regulatory frameworks, conviction of those responsible, and new rules, rather a short-lived scandal.

To that end, groups like WikiLeaks have demanded the full disclosure of all the data from the Panama Papers whereas the media organisations involved in the publication of the leaks have been highly selective in what they exposed. This has highlighted ongoing controversies over the gatekeeping role of traditional media. While journalists maintain that filtering and processing of the news is essential for responsible news coverage, activists and critics have pointed to the biases inherent in such selection. And indeed, curious choices were made in the publication of the Panama Papers. The coverage started with a focus on Vladimir Putin, even though he was not mentioned in the leaked documents, and thus seemed to respond primarily to geopolitical agendas. Despite the enormous quantity of 11.5 million files of this, supposedly ‘biggest leak of all times’, media coverage subsided quickly and moved on to other topics.

So the ways leaks are treated differ a lot across the media sphere. This makes it even more significant that a wide range of organisations are now involved with processing and exposing leaks — from the New York Times to WikiLeaks to Citizen Leaks. As intermediaries rather than publishers, many of them remain invisible to the public, but their role is crucial to expose corruption and other wrongdoings, and they are an important feature of the changing media landscape. Following the WikiLeaks revelations in 2010-11, US scholar Yochai Benkler conceptualised...
this emerging news environment as a “networked fourth estate”, in which classic news organisations interact with citizen journalists, alternative and community media, online news platforms, and new organisations such as WikiLeaks and Citizen Leaks. In Snowden’s case, he (the whistleblower) worked with documentary filmmaker Laura Poitras, independent journalist and former lawyer Glenn Greenwald, and The Guardian, a traditional media organisation.

Yet as organisations become more vulnerable to leaks in the age of digitized data, those organizations put increasing effort in data control. The Insider Threat Program adopted for US public administrative agencies requires employees to report to their superiors any “suspicious” behaviour by colleagues. Under the Obama administration more whistleblowers have been prosecuted than under all previous Presidents combined. Chelsea Manning was sentenced to 35 years in prison, Julian Assange is holed up in the Ecuadorian Embassy in London, and Snowden lives in exile in Russia. So as leaks become more common, the response by states and corporations has become harsher.

Whistleblowers and leaks activists thus occupy a key position in contemporary information society where political and economic power rests, not least, on the strategic use of communication and the control of information. They possess tools to affect world politics but they are also exposed to serious repercussions. They demonstrate the struggle over the control of information at this present historical juncture.

**Electoral April in Serbia**

Dr. Richard Stojar, Department of Security Studies and Analyses, Centre for Security and Military Strategic Studies, University of Defence, Brno, Czech Republic

Dr. Věra Stojarová, Assistant Professor, Faculty of Social Studies, Department of Political Science, Masaryk University, Brno, Czech Republic

Serbian parliamentary elections were due to be held by March 2018, but Prime Minister Aleksandar Vučić decided to hold early elections being quite self-confident with opinion polls showing high ratings for his Serbian Progressive Party (SNS) and promising so a landslide win. The April elections were the third parliamentary elections in four years and the second consecutive elections to be called before the end of the parliament’s mandate. Vučić argued he needed a clear mandate from the voters for reforms to keep EU membership talks on track for completion by 2019 claiming that the elections should be “a referendum on whether Serbia wants to be a modern European country in 2020, whether it wants the future or the past”1. However, the real reason to call the early elections was to weaken the opposition, strengthen SNS position in the parliament, ridding the government of Socialists and last but not least to strengthen Vučić position within the ranks of SNS stemming from the expected victory on the regional and local level (early elections were called alongside already planned regional and local elections) and silence so the supporters of the Serbian president and SNS founder Tomislav Nikolić. However, only the last mentioned (strengthening of SNS on regional and local level) took place against all expectations.

Opinion polls showed, that SNS had support of almost half of the electorate and even at the end of the polling day on 24th April 2016, the ratings showed more than fifty percent of the votes for Vučić party which made him to declare a historic triumph for SNS. Nevertheless, the results announced later on ‘meant unpleasant surprising for the leading party as it lost 27 mandates (out of 250) and fell to 131 seats. Second came Ivica Dačić with the Serbian Socialist Party (SSP) with 29 mandates while third came SRS with its frontman Vojislav Šešelj, who recently had come back from The Hague being acquitted in a first-instance verdict on all counts by the ICTY pending appeal. Having in mind that Dačić was once an enthusiastic follower of Slobodan Milošević and that Vučić collaborated with Vojislav Šešelj till 2008, we must come to a conclusion, that all three winners of the elections had once flirted with nationalism (SNS and SNS followers) or constantly manifest xenophobia, nationalism, chauvinism (SRS). Pessimistic comments then talk about the return of the nationalist 1990s as more or less the same people won this race as in the first post-communist elections. Optimists would then see the ideological change of SPS and SNS founders (previously SRS members) turning it to be more pragmatic which in everyday life politics means less nationalism, more Europeanism.

What will change then in Serbia after the elections?

One of the results of the elections is that, Vučić has lost his strong mandate and bolstered up the opposition’s status. Socialists also incurred heavy losses falling down to 15 seats. And who are the winners of these elections? Definitely nationalist parties which again entered parliament and grew stronger – we have SRS back and also the national-conservative Democratic Party of Serbia (DSS) of Vojislav Koštunica accompanied with a new far right friend – Dveri. The second part of the opposition is made by the parties which do not play the nationalist card led by the Democratic Party (DS), new parliamentary party Enough is enough (DJB) led by the former Minister of Economy in the Vučić government Saša Radulović and the discredited political player Boris Tadić leading a Coalition for a Better Serbia (SDS, LDP, LSV). Out of the democratic opposition, the definite winner is DJB, which did not surpass the electoral threshold in 2014 but succeeded to triple its share in 2016. The results show that the post-materialist cleavage is still not important in Serbia, as the Green party (ZS, founded in 2014) gained only one seat. (The first time the post-materialist Greens of Serbia entered the parliament was in 2012 with one seat). Furthermore, the Green Party curiously registered as a party of the Slovak national minority in order to avoid the high requirements needed for registering (1 000 signatures instead of 10 000 signatures and also the fee is ten times lower; unless a party wins at least one seat within the period of 8 years, it is to be removed from the list) and so qualified as a party of a national minority not having to surpass the 5 % threshold and gaining one seat with only 0,64% clearly misusing the system of af

1 This article has been written as part of the specific research project: ‘Current Issues in Political Science’ (MUNI/A/1342/2014), undertaken at the Department of Political Science, Faculty of Social Studies, Masaryk University.

2 Serbian Premier Calls For Early Parliamentary Elections

3 This article was written on 29th April and the final results were still not announced. The counting of votes was dramatic namely for Coalition of Dveri and DSS and also Coalition for a Better Serbia (SDS,LDP,LSV) oscillating close to the threshold.
The attractiveness of membership is weak as it shows that the membership does not guarantee economic growth and ever-lasting stability. Neighbouring Bulgaria was caught, shortly after its accession, in long-term economic problems, similarly, Croatia underwent an economic recession in 2013 after joining the European Union, and, finally, the critical economic-political situation of Greece balancing on the edge of state bankruptcy shows that optimistic expectations from the past were an illusion. This development is reflected by the Serbian society, which is according to a public survey the most euro-sceptical in the Western Balkans: only 24% of survey respondents see EU membership as a good thing, 44% neither good nor bad while 27% see it as a bad thing (comparing it to euro-optimist Kosovo with ratio 89% good thing, 8% neither good nor bad, 2% bad thing). Around fifty percent of the respondents expect the accession to the EU to happen by 2030 while 33% think it will never happen 4. Therefore, EU accession is seen positively only by political pragmatists such as Vučić and the economic groups which would potentially profit from the EU subsidies, while the rest of the society sees EU accession rather with scepticism.

The return of SRS into the parliament is not that surprising as the publicity around the Šešelj acquittal and release from The Hague electrified the former firm SRS voters. The halo of national martyr and invincible defender of Serbian rights helped Radicals to surpass the electoral threshold. SRS hoped to achieve 20% and Vojislav Šešelj right after the election shared his disappointment with the result but said “in future debates we will show we are superior to our opponents”. Quite interesting is the development of the far right formation Dveri, which in the last two elections did not surpass the electoral threshold (missing only 0.67% of the votes in 2012 and 1.46% of the votes in 2013) and it seemed that the movement is on decline. Having in mind, that Dveri appeals to the similar electorate as SRS and partially also SNS, we can only talk about a partial success of nationalistic rhetoric in these elections. There is still a question mark whether the oppositional role of Dveri which pragmatically allied before the elections with DSS will help to strengthen or weaken the party.

And who will be in the government? Gaining 131 seats out of 250, there is actually no real need to search for a coalition partner. Nevertheless, in order to access the European Union, Serbia needs to approve a new Constitution (deletion of Kosovo from the preamble) for which 2/3 of the parliament are needed. When we count SNS mandates with the mandates of SPS, the 2/3 are not achieved. As Vučić announced, “he will not ally with the people who only wait to stab him in his back, but only with good people”. He affirmed to ally with the Alliance of Vojvodina Hungarians (SVM) but also said that he can have 190 MPs in 24 hours including Socialists and Radicals whose only condition is to leave the pro-European integration path and he quite amusingly added that he can have even 210 MPs but he does not want that, as that would mean the return of old and bad politics. This possible rapid shift from a pro-European politician into an anti-European describes entirely the chameleonic nature and pragmatism of Vučić. All in all, who will be in the government is now in the hands of only one person in Serbia. Whether with Radicals in the government, or in the opposition, Serbian politics will become again turbulent and it will be quite difficult to make an agreement virtually on anything.

To sum it up, if Vučić knew the results, he would have never called the early elections which turned out to be meaningless and can only serve as an excuse for the previous governments not having enough time to implement necessary reforms. Prior the elections, the opposition in the parliament was negligible (DS and SDS) which was completely changed by the April voting. The stronger opposition either in a form of the critics of partitocracy (DJB) or in the form of the nationalist SRS, Dveri and the national-conservative DSS will have a chance to impact political


Results of the 24th April elections in Serbia

<table>
<thead>
<tr>
<th>Party</th>
<th>Vote share</th>
<th>Seats</th>
<th>Change in Seats</th>
</tr>
</thead>
<tbody>
<tr>
<td>Serbian Progressive Party (SNS)</td>
<td>48.23</td>
<td>131</td>
<td>-27</td>
</tr>
<tr>
<td>Socialist Party of Serbia (SPS)</td>
<td>10.98</td>
<td>29</td>
<td>-15</td>
</tr>
<tr>
<td>Serbian Radical Party (SRS)</td>
<td>8.09</td>
<td>22</td>
<td>+22</td>
</tr>
<tr>
<td>Democratic Party (DS)</td>
<td>6.04</td>
<td>16</td>
<td>-3</td>
</tr>
<tr>
<td>Enough is Enough (DJB)</td>
<td>6.03</td>
<td>16</td>
<td>+16</td>
</tr>
<tr>
<td>Coalition for a better Serbia (SDS, LDP, LSV)</td>
<td>5.03</td>
<td>13</td>
<td>-5</td>
</tr>
<tr>
<td>DSS-Dveri</td>
<td>5.00</td>
<td>13</td>
<td>+13</td>
</tr>
<tr>
<td>Parties of National minorities which enter the parliament</td>
<td>4.20</td>
<td>10</td>
<td>-1</td>
</tr>
</tbody>
</table>

processes in the country, strengthen its support in the upcoming four years and also give a new trial for reviving the spectre of nationalism. Belonging to the everlasting optimists, we truly believe that the spectre will not be haunting the Balkans again and hoping that Vučić will not turn Serbia into a similar authoritarian regime as his Montenegrin counterpart Djukanović did in the neighbouring country. Good news is that the disappointment of voters with previous politics meant slightly higher turnout (56.34%) than in the previous elections in 2014 (53.09%) though still very low comparing to the 1990s. Only the future will show whether the elections started the proclaimed reforms in Serbia or whether Serbia will lose another four years in parliamentary quarrels.

‘AEC 2015’: Challenges and Opportunities for Local Governments in ASEAN

Alvin Ang, PHD, Department of Economics, Ateneo de Manila University

Introduction

At the start of January 2016, the ASEAN Economic Integration took effect in the ten countries in the region. This is a big step towards consolidating regional cooperation among member countries and providing support to each other towards a common goal of a trade block. Along this line, this presentation provides the general framework of what ‘AEC 2015’ is all about and what it will mean to the region and how countries like Vietnam can benefit from it and more importantly, how local governments within Vietnam can connect and adjust to this new economic environment.

I would like to commend the Tay Ninh Department of Trade and Industry, the University of Social Sciences and Humanities and the Konrad-Adenauer-Stiftung for coming up with this seminar. To my mind, this is the first that a local government is working ahead of the changing economic environment in the region.

Let me provide the context of my presentation. First, I will review ASEAN Integration and provide the framework on how this operates. Second, I will provide perspectives on the role of local governments in integration. Third, I will look at the different key entry points for local governments and its relationship for inclusive growth. Fourth, I will demonstrate how to improve local governance in relation to small and medium enterprise development and finally, what does it mean to measure the competitiveness of local governments.

‘AEC 2015’

The Association of Southeast Asian Nations (ASEAN) was established in 1967 with originally five countries composed of Malaysia, Indonesia, Philippines, Singapore and Thailand. In 1994, Brunei joined the group, followed by Vietnam in 1995, Laos and Myanmar in 1997 and Cambodia in 1999. In 2007, during the ASEAN Meeting hosted by the Philippines in the island of Cebu, the countries agreed to pursue the ASEAN Economic Community (AEC) by 2015 instead of the original target of 2020.

Before we can discuss the ASEAN Economic Community, we need to understand the three key pillars of the ASEAN. The ASEAN is a community of nations interconnected with the following pillars and objectives:

- ASEAN Political-Security Community (APSC) – enhance rules and good governance for ASEAN,
- ASEAN Economic Community (AEC) – enhance integration and competitiveness of ASEAN, and
- ASEAN Socio-Cultural Community (ASCC) – enhance the well-being and livelihood of ASEAN people. (See Figure 1 from the Philippine Department of Foreign Affairs).

Hence, it can be seen that the AEC, which is ASEAN 2015, is only one of the three pillars of ASEAN. However, it is one of the most influential and significant of the three pillars because it allows more connections and improves trade among member countries. Within the AEC, there are also sub-pillars that provide sectoral foci. These sub-pillars more or less provide a road map of the critical components that describe the completion of AEC. They also provide a guide for the different governments in ASEAN to gauge their current status and find how they can catch up with the requirements.

Figure 1: 3 Pillars of ASEAN Economic Community

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1 Paper presented at the conference “Ready or not? – Local Governments facing Economic Integration in Southeast Asia”, 1-2 December 2015 in Hanoi, Vietnam
The sub-pillars of the AEC are clearly provided for in the following table with their corresponding elements:

<table>
<thead>
<tr>
<th>Single Market and Production Base</th>
<th>Competitive Economic Region</th>
<th>Equitable Economic Development</th>
<th>Integration to the Global Economy</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Free Flow of Skilled Labour</td>
<td>5. Taxation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Priority Integration Sectors</td>
<td>6. E-Commerce</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7. Food, Agriculture and Forestry</td>
<td></td>
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<td></td>
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</tbody>
</table>

**Figure 2: Production Bases of Hard Drive**

Most of the accomplishments by the countries were based on the growth of production among the countries. Average growth has reached 5.6%, 80% of the measures proposed in the AEC plan has already been implemented: signing of the ASEAN Agreement on the Movement on Natural Persons (MNP), implementation of the ASEAN Single Window, work program for non-tariff barriers, financial inclusion and the negotiations for the Regional Comprehensive Economic Partnership (RCEP) with other countries in the Asian region.

To illustrate what happens in the AEC, it will be good to consider how the iPhone and hard drives are made. The iPhone is a product finished in China but produced using components from different parts of the world. The idea is produced in California, USA, and the components come from its own competitor Samsung of South Korea which produces the memory and processor, three other companies within the USA, and other key components from Italy, Taiwan, Japan and Germany. In the same perspective, the hard disk is produced from components in different parts of the world. In Fig 2, we can see the production of a hard drive with their key bases.

This high end production supply chain is the key idea of the AEC. To be able to have different countries contribute to the global supply chain, the AEC aims to address issues that limit the participation of each member country to the process. This is because ASEAN markets are small, there are large trans-action costs, and policies are inconsistent across countries and they are not stable. Similarly, it is important for the AEC to address the issues that relate to the priority integration sectors. There are eleven priority sectors, as follows: electronics, e-ASEAN, healthcare, wood-based products, automobiles, rubber-based products, textiles and apparel, agro-based products, fisheries, air travel and tourism. These sectors were selected on the basis of comparative advantage in natural resource endowments, labour skills and cost competitiveness, and value-added contribution to ASEAN’s economy. They account for about 50% of intra-ASEAN trade.

In terms of services, free flow of trade in services is one of the important elements of AEC. There will be substantially no restriction to ASEAN services suppliers in providing services and in establishing companies across national borders within the region, subject to domestic regulations. The priority sectors in services are air transport, e-ASEAN (IT), health, tourism and logistics. About 80 sectors are already open with only about 24 sectors remaining. In terms of Mode 4 or the movement of natural persons, there are already eight mutual recognition agreements (MRAs) signed in eight major professional services covering engineering, accountancy, nursing, dentistry, medicine, architecture, surveying and tourism.

All told, these are the major broad opportunities of cooperation under the AEC. From these, we can now try to connect to the other sub-pillars, particularly the initiative for more local government participation.

**Local Government in the AEC**

The key element of the entry of local governments in the AEC is in the aspect of sub-pillar 3 which is the framework for equitable economic development. It is understood that the process required by the sub-pillar on free flow of goods and services would impinge on the local economy and particularly at the local levels. Hence, the framework raised the perspective that AEC should not in any way benefit only the richer ASEAN member countries. Thus, the AEC has recognized the need to narrow development gaps within and between member countries. This is where local governments can start supporting the national objectives for the AEC. Specifically, local governments should ensure that there will be better access to opportunities for human development, social welfare and justice. This means that better investments of local governments to ensure education.
and health is accessible and affordable and also allow participation in the process of ASEAN integration by providing avenues for community building.

In addition to ensuring social support, local governments also need to provide equal opportunities among its constituents regardless of income, gender and size of enterprise. It also has to partner with the national governments to ensure that connectivity is done in physical infrastructure, human capital mobility, technology transfer and access to markets. Connectivity is not just a national concern. Localities must be ready to connect with the national network, hence, it must identify where and how the national government can further link the local governments to the national network and to the international networks.

Inclusive Growth

The discussion above clearly points to a concept that is commonly used nowadays in development. This is the concept of ‘Inclusive Growth’. According to the Commission on Growth and Development (2008), it is about equity, equality of opportunity, protection in markets and employment transitions. Iancovicihna and Gable (2011), meanwhile, suggest that it is raising the pace of growth and enlarging the size of the economy by providing a level playing field and increasing productive employment opportunities. Hence, the role of local governments in ASEAN and inclusive growth is to support national government particularly in providing productive employment opportunities. By working together with national governments, local governments can achieve economies of scale and integrate. We should not worry about the ASEAN regional identity at the moment, since the region has no common religion, language and land mass (Wu). The priority is to ensure that the member country has local economies of scale. What is important therefore is to ensure that economic growth is happening at the local level and reducing inequality and poverty at the same time. This is what member countries should focus on – ensuring domestic capacities to harness competitive advantages.

Since not all regions and localities are the same, local governments must be well aware of what is happening in their areas. It will require that preparation for the AEC must have area specific preparations. For example, provinces with high proportion of poor require social assistance programs, while those prone to hazards must have social insurance and income diversification. There must also clear knowledge on how to improve sectoral outcomes such as agriculture which requires improved food security, financial access and ensuring balance for the environment through sustainable and climate resilient localities.

Local Government Challenges in AEC

When the full force of the AEC is in place, there will be possibilities for firms from other local governments or from other countries to compete with the firms in the localities. Initially, it is expected that large firms from other countries will take advantage of the AEC. They will have more financial capacity and better technical products and services. Most likely they will also be supported by their national governments. Hence, local governments must know the firms and industries within their areas and help them win in the competition. The winners are those firms who link with the market, workers who are in the growing sectors leading to more choices for consumers and allowing local government to collect more revenues. But inefficient firms will lose out. Thus, local governments need also help small and medium enterprises (SMEs) in their localities. In particular, most SMEs lack access to finance, technology, skilled labor and inability to comply with local, national and more importantly with international standards. Most SMEs also have weak linkages to high tech sectors and therefore have difficulty penetrating the export market.

The following figures from the presentation of Widnaraja (2015) during the Philippine Economic Society (PES) Meeting clearly show the challenges of SMEs in the connecting with the global environment. Figure 3 shows that SMEs dominate the firms around the world. In Asia, about 62.2% of firms are small and adding the 30% of medium, it will already be about 92.2% of total. Figure 4 meanwhile shows the importance of SMEs in the economy and trade. In terms of total employment, SMEs have significant shares such as in Indonesia, Korea, Thailand and Vietnam of above 75%. In terms of share to GDP, it is highest in Indonesia, Germany and Japan. Finally, in terms of total exports, it is largest in Germany and Japan but low in ASEAN. This is where ASEAN is lagging behind in the global market making the AEC important in helping SMEs connect to the global economy. In Vietnam, for instance, SMEs provide 77% of employment, but contributes only 40% to GDP and only contributes 20% to trade.

LGU Strategy in Supply Chain Trade

According to Widnaraja (2015), it is important to consider how local governments can help identify firms in their localities and connect them to the supply chain trade. This is because the size of firms are important for joining the supply chain trade. It is based on scale of production, better access to technology, ability to pay for skilled labor and provide extra for marketing. The objective is to organize the small SMEs, prepare them to cooperate and provide help to each other until the SMEs can be considered a subcontractor to a foreign buyer. Local governments can also help in identifying the weaknesses and strengths of SMEs in their areas and find ways to support them in financing a common agenda like improving training or to get consultants to upgrade skills. Local governments can also help start business associations by clustering common agenda and help firms cooperate by coordinating common actions. Vietnam is already successful along this line. Major industrial clusters in

![Distribution of Enterprise Sizes across Regions (%)](image-url)
Ho Chi Minh have large firms supported by thousands of SME suppliers and subcon tractors making garments, agricultural machinery and electronics. In addition, local governments can help SMEs by assisting in providing better external fi nance. Most SMEs are internally funded, meaning they do not raise money from outside. They do so because banks are too tight in their requirements. However, without formal banking support, SMEs also cannot access export markets. LGUs can provide partial credit guarantees, scaled up microfi nance, expand collateral and fi nally teach fi nancial literacy.

To make these happen, LGUs must build capacities. The capacities include standardization of processes, aligning domestic laws and regulations with ASEAN commitments and provide constant information access through social media and the internet beyond the physical information campaigns.

In summary, LGUs need to provide the following policy environment for SMEs in the AEC mode according to Wignaraja (2015). Firstly, the environment for business must be predictable and transparent market institutions and transactions. This requires open trade and investment regimes. So LGUs must also implement market reforms in their localities. Second, the legal system must be good for the business sector. Third, business processes must be streamlined and easy to accomplish. Fourth, there must be affordable and high quality technical, marketing and other support. Fifth, LGUs must provide good financial backbone support for access to funds. Finally, infrastructure must be modern, cost competitive physical infrastructure in the aspects of ICT, transport and electricity.

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**Figure 4:**

<table>
<thead>
<tr>
<th>SME Share of total employment (%)</th>
<th>SME Share of GDP (%)</th>
<th>SME Share of total exports (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>United States 49.4</td>
<td>United States 46.0</td>
<td>United States 33.7</td>
</tr>
<tr>
<td>Germany 79.0</td>
<td>Germany 53.8</td>
<td>Germany 55.9</td>
</tr>
<tr>
<td>Pakistan 70.0</td>
<td>Pakistan 30.0</td>
<td>Pakistan 25.0</td>
</tr>
<tr>
<td>Bangladesh 40.0</td>
<td>Bangladesh 22.5</td>
<td>Bangladesh 11.3</td>
</tr>
<tr>
<td>Sri Lanka 35.0</td>
<td>Sri Lanka 52.0</td>
<td>Sri Lanka 20.0</td>
</tr>
<tr>
<td>India 40.0</td>
<td>India 17.0</td>
<td>India 40.0</td>
</tr>
<tr>
<td>Viet Nam 77.0</td>
<td>Viet Nam 40.0</td>
<td>Viet Nam 20.0</td>
</tr>
<tr>
<td>Indonesia 97.2</td>
<td>Indonesia 57.8</td>
<td>Indonesia 15.8</td>
</tr>
<tr>
<td>Philippines 65.0</td>
<td>Philippines 35.7</td>
<td>Philippines 20.0</td>
</tr>
<tr>
<td>Thailand 77.9</td>
<td>Thailand 38.7</td>
<td>Thailand 29.5</td>
</tr>
<tr>
<td>Malaysia 56.9</td>
<td>Malaysia 31.9</td>
<td>Malaysia 19.0</td>
</tr>
<tr>
<td>Republic of Korea, Republic of Japan 87.5</td>
<td>Republic of Korea, Republic of Japan 49.4</td>
<td>Republic of Korea, Republic of Japan 30.9</td>
</tr>
<tr>
<td>Japan 70.2</td>
<td>Japan 50.0</td>
<td>Japan 53.8</td>
</tr>
</tbody>
</table>

**Competitiveness in the LGUs**

One of the key processes to understand how to link to ASEAN is to ensure that the localities are competitive. The bottom line of the AEC is competitiveness of the ASEAN region. It therefore requires that the member countries are competitive and that local governments within the member countries are competitive too.

What is competitiveness? According to Porter (2004), competitiveness is based on location and is essentially the productivity that companies there can achieve. Location is the underlying source of the resources of a governance unit and productivity is how the LGU is using these resources. Related to this, I helped develop a Cities and Municipalities Competitiveness Index (CMCI) for the Philippines. See the snapshot of the CMCI website below.

The CMCI is a system that allows the government – national and local, private sector and the academy to evaluate the current state of competitiveness of an LGU in the Philippines. The process is voluntary and is implemented through the National Competitiveness Council (NCC) of the Philippines. The idea of the NCC is to assist the Regional Competitiveness Councils (RCCs) in the seventeen regions of the Philippines composed of provinces, cities and municipalities. This idea is based on a framework that competitiveness in a city or a municipality is the starting point of the competitiveness of a country. The competitiveness is just a summation of the cities then of the provinces, then of the regions, then of the country. The country competitiveness is then matched with global competitiveness of other countries. The essence of competitiveness is determined through three components which are: economic dynamism, government efficiency and infrastructure.

Each of these components comprised 33.3% of the total index score. Hence, the score of each local government is based on these three components.

The following show the elements of local competitiveness per component. The LGUs should be able to monitor and carefully analyze each of these components. Economic Dynamism refers to the acti-
– food, housing and human capital services are essential to sustain productive expansion.

- Financial deepening – refers to the channels by which expanding capital and investments can be dispersed quickly to business and productive units requiring them the most. Long term investments require more of financial institutions to support expansion.

- Productivity – measures the quality of the local labor force in relation to its total output. Low productivity imply high cost of labor and eventually, doing business.

- Presence of business and professional organizations – active localities need organized private sector groups to participate in the growth process. They signify the intention to stay longer in the locale and reveal their concern for implications of progress considering social, economic and environmental issues.

Government Efficiency refers essentially to the quality and reliability of government services and support for effective and sustainable productive expansion. Conceptually, this looks at government as an institution that is largely not corrupt; able to protect and enforce contracts; apply moderate and reasonable taxation and is able to regulate (La Porta et al., 1999).

- Transparency and accountability – As with the national government, it is expected that local governments exhibit behaviours that dissociate itself from corruption by opening processes and systems to all stakeholders and allowing openness in all its activities.

- Capacity to generate resources – LGUs able to raise their own resources will be independent and creative to find ways to generate further economic activities for its locale. With it responsible for its own resource, it will be prudent and will use said resource efficiently.

- Recognition of performance – the quality and reliability of LGUs have to be recognized through competitive standards and awards at the peer level, sub-national, national and even global competitions. It can be at specific services or as an aggregate measure.

- Responsiveness to productive expansion – A key measure of efficiency is the ease of process for existing and future business locators. Every new productive endeavour requires a number of interactions with LGUs from registration to renewal. A responsive LGU should be responsive in every step of its dealing with business.

- Basic government services – Efficient LGUs are also observed not only on the basis of its services to business but its basic provision of safety, natural and human security, human capital formation. The presence of such services affirms commitment to sustainable productive expansion by securing future resources both human and natural.

Infrastructure refers to the physical building blocks that connect, expand and sustain a locality and its surroundings to enable the provision of goods and services. It critically involves basic inputs of production such as energy, water; interconnection of production such as transportation, roads and communications; sustenance of production such as waste, disaster preparedness, environmental sustainability and human capital formation infrastructure.

- Provision of basic infrastructure – refers to the availability, reliability and predictability of infrastructure inputs needed for production, interconnection and expansion.

- Availability of technological infrastructure – These are group of physical networks that serves as the core communication links between and among value chains including basic knowledge and information transmission among households, business, production process and private services. These networks help faster connections between human, social, financial and natural capital.

- Provision of social infrastructure – supportive of the provision of basic services for future and sustainable human and natural capital, social infrastructure focuses on the physical support for the development of social assets such as hospitals, educational institutions and housing, among others.

Last 2015, a total of 1,120 local governments participated in the CMCI. From its inception in 2013, the number of LGUs has consistently increased showing the importance of the competitiveness concept in the local areas. With only 285 in 2013, it increased to 534 in 2014 and to 1,120 local governments in 2015. For 2016, it is expected that 1,300 LGUs will participate leaving just about 300 LGUs not covered by the CMCI.

Conclusion

LGUs in the ASEAN region have to upgrade themselves and understand the rules and requirements of ASEAN Integration. The province of Tay Ninh is taking a critical step way ahead of other LGUs in the region in this regard. The LGUs should provide and lead the SMEs in their locality and cooperate with LGUs of other ASEAN countries. They could encourage businesses to cooperate and work within supply chains in their country and eventually connect with other countries LGUs and SMEs. To do this, LGUs should prepare programs that will ensure employment sustainability in the midst of increased competition through investments in trainings and in health insurance. In the final analysis, the LGU that understands these processes first will be the first to reap its benefits and that of ASEAN 2015.

The “Sarinah Thamrin” Bombing – Reflections on the Handling of Terrorist Acts by the Indonesian National Police

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Preliminary

Terrorism has become an increasingly interesting and challenging phenomenon in a world that is characterized by security instability. Acts of terror by Islamists are regarded as concrete actions out of dissatisfaction with the status quo. The effect of terrorism is no different from the communist threat that tried to launch revolutionary changes in the world under the ideology of internationalism. By the same token, it is hard to find acts of terror in Indonesia that are not related to terror events in other countries. For example, the terrorist bombing and gunshots on January 14, 2016 at the Police Station M.H road intersection Sarinah Thamrin in Central Jakarta, took place within a period of two months after the bomb attack in the city of Paris, France.

The fact that a series of terror in one country correlates with acts of terror in other parts of the world can also be seen from the historical record of terrorist bombings during the last two decades. The terror attacks on September 11, 2001, in New York, United States (US) or more commonly known as the terror of 9/11 has become viral for radical groups in Indonesia. In the year following 9/11terrorist acts in Indonesia include the New Year at the “home to eat chicken” in Bulungan Jakarta, the Bali bombings on October 12, 2002 that killed 202 people, and the terrorist bombings at a McDonald’s restaurant in Makassar on December 5, 2002. Terrorism in Indonesia claimed very many lives also in later years, including the terrorist bombings at the JW Marriot Hotel on August 5, 2003, the bombing in Palopo,
South Sulawesi on 10 January 2004, and the attack on the Australian Embassy in Jakarta on 9 September.

After the Bali bombing in 2002, the Indonesian National Police (Polri) received full support from the government to tackle the threat of terrorism. The police then formed a special anti-terror unit that was later given the name of Anti-Terror Special Detachment 88 (Densus 88 AT). Throughout the last two decades, the police performed very well in handling terrorism, including preventive measures against pockets of radical groups. The results of anti-terror police operations crippled some pockets of terrorists, who before 2010 were driven by Jemaah Islamiyah (JI).

By combating terror, Detachment 88 has weakened JI radicals. This is shown by the arrest of JI leaders. Some were killed in an ambush by the Densus 88 AT. One of the front men, Dr. Ashari Husin (involved in the first Bali bombing, the bombing of the JW Marriott 2003, and the Australian Embassy bombing) was killed on 9 November 2009 in a Densus 88 raid in Batu Malang one month after the bombings. Noordin M. Top (involved in the bombing of the Australian Embassy, the bombing of the JW Marriott hotel and the Ritz Carlton in 2009) died on 17 September 2009 in a Densus 88 raid in the city of Solo. Dulfatni (involved in two Bali bombings) was killed in a raid in Pamulang, South Tangerang on March 9, 2010. Meanwhile, Imam Samudera, Makhlas, and Amrozi who were member of JI and involved in the first Bali bombing were executed in mid-2008. Abu Bakar Ba’asyir, a JI spiritual leader and founder of the Indonesian Mujahidin Council (MMI), has been imprisoned since August 2010 up to the time of writing. Umar Patek, a JI follower with ties to Dulfatni, has also been arrested by the police in August 2011.

By combatting terror for one decade, the police has destroyed the power of terror groups in Indonesia. After 2009, radical groups were fragmented or split. Although there are still many cells that are quite dangerous in terms of ideology, the capacity to undertake radical action is lacking. Since 2009 until now for example there has been not one bomb that exploded in the way or with the effect as prepared or intended after the death of Noordin M. Top[1]. In the period after the death of the JI leader, radical attacks on behalf of JI has decreased.

In the last six years, radical attacks have changed their pattern. Acts of radical groups now show a tendency to directly attack police officers. This started with the attack on the police headquarters at Silver Overlay, North Sumatra on September 12, 2010, which was attributed to the network of Noordin M. Top. Another attack was the bomb book launched by Pepi Fernando in mid-March 2011 which exploded in Utan Kayu. The Cirebon bomb attack on April 15, 2011, was attributed to a group called Tawhid wal Jihad. Further attacks on the police occurred in Solo in the last two weeks of August 2012. In September 2012, attacks on the police also occurred in Tambahra and Depok. Suicide bombings that have occurred in Poso were attributed by the police to a group led by Santoso. In the same period, bombings were also conducted by radical groups against places of worship including churches, e.g. the attacks on the Bethel Injil Sepenuh Church in Solo and on the church in Poso.

Another pattern are robberies carried out by radical cells that have been separated from their mother organization. One of these incidents was the CIMB Medan robbery carried out by the network of Noordin M. Top in April 2010. Another bank robbery targeting BCA Palu was carried out in Poso by a group led by Santoso. In March 2013, a gold shop robbery occurred in Tambora which was attributed to a group led by Abu Omar. Preemptive police measures in the period between 2014 and 2015 also achieved success. These preventive measures include the prevention of money transfers to terrorist groups led by wanted terrorists. A total of 65 people have been arrested in East Java. Further terrorist attacks in Bekasi could be prevented by catching one person. During this period, the police arrested 74 suspected terrorists. A total of 65 people have been indicted. Since the emergence of terrorism about 15 years ago, the police have uncovered 171 cases of terrorism.

The terror bombing and shooting attack on police officers that occurred on January 14, 2016 at the police station M.H road intersection with Sariannah Thamrin, Central Jakarta, was as a special case, although it is within the pattern of attacks against police officers. The police was capable of handling the situation at the location of the scene quickly. In addition, the handling of this bombing involved the deployment of military troops. These terrorist bombings that took place at the central police offices also had a tremendous public impact as they went viral in social media. Many people documented the incident with their smartphone.

Other factors contributed to the efficient handling of bombing by the police. Particularly, Law No. 2 of 2002 on the Police, Article 15 point 1 letter g, states that the police authorities shall be the first to take action on the scene. With regard to the Sarinah Thamrin bombing in Jakarta, it shall therefore be assessed how the police handled these acts of terrorism. In this paper, the author uses a legal compliance approach to analyze the role of the police force in combating terrorism.

Analysis

employed by (semi-) clandestine individual, group or state actors, for idiosyncratic, criminal or political reasons, whereby - in contrast to assassination - the direct targets of violence are not the main targets."

Many countries of the world have adopted the U.N. definition of terrorism. In Indonesia, terrorism is addressed by the Government Regulation No. 1 of 2002 which was later ratified by Law No. 15 of 2003 on Combating Criminal Acts of Terrorism (particularly Articles 6 and 7). In addressing terrorism Indonesia has not changed the legal definition that has been developed since the early 2000s. But in the government regulation (Perpu) 1, 2002, terrorism was excluded from the category of crimes committed on political motives.

Thus, regarding the handling of terrorism in Indonesia, it is important to reiterate that terror is a crime that disrupts public order and that is placed under the category of an 'extraordinary crime'. Due to the fact that this understanding on terrorist acts puts aside any political element of terrorist offenses, these acts are deemed not to interfere with the country's political stability. When addressing the basic handling of terrorism in Indonesia below, this issue shall be viewed through the theory of criminal justice in accordance with model distinctions and war models. Ronald Crelinsten mentions that distinctions in handling terrorism can be made depending on the state monopoly on the use of force. In democratic countries, the handling of terrorist attacks is usually the task of non-military actors such as the police, with the assistance of other relevant institutions. This is because terrorism is regarded as a criminal act.

### Police Strength

Differentiating between war criminal justice models and regular criminal justice models is also in line with the implementation of national defense. In this regard, Art. 7, para. 3 of the Law No. 3 of 2003 on National Defense, states that, in the face of non-military threats the national defense system primarily relies on government agencies outside the defense sector, however, with the support by other state actors according to the scale and nature of the threat.

Thus, in the context of terrorism as an extraordinary crime and against the background of the growth of terrorism, the special police unit Densus 88 AT was formed. A similar development also has occurred in other democratic countries. Many governments establish organizational units functioning as an anti-terrorism police. The formation of the Special Detachment 88 has proved to decrease terrorism to the pockets of radicals. However, there are still followers of radical leaders who are separated from their mother organizations.

After observing the terrorist police in Indonesia for two decades, it can be said that radical cells that had managed to escape prosecution launched terror attacks after 2009. The targeting pattern changed into targeting the police as a form of revenge against the vigorous action by the police. Freda Adler explains that the motive for crime is always based on rational grounds. Rationality refers to the process of information processing and evaluation of alternatives regarding the crimes to be carried out and to making a choice by considering the existing information.

From the viewpoint of social conflict, Pruitt and Rubin (1986) describe that patterns of attacks against police officers can result in a form of conflict spiral. Terrorism continues in an asymmetric way and advances to the stage that the police is targeted.

One approach in countering terrorism that was followed throughout the last sixteen years is based on the theory of structural change. With the help of this theory it can be explained that terror committed by hostile radical groups, which oppose the status quo, and resistance by the state can result in a never-ending cycle and create new forms of crimes. The metamorphosis of the forms of crimes takes place along the escalation of the forms of handling the crime. In this regard, the model of structural changes introduced by Jeffrey Z. Rubin helps illustrate that there is a relationship of mutual influence between police response and radical terror.

### Terrorism (Party I) may result from differing opinions within the society. Differing views that are not resolved give birth to violence by radicals. As social life is protected by law which is enforced by the security forces, in this case the Police (Party II), it is important to counteract the actions that threaten the security of society. Radical acts of (at times large scale) terror have eventually led to the creation of the special unit Densus 88 AT which continuously takes action to combat all pockets of radicals. The increased preparedness of the police has also resulted in the eradication of terrorist leaders in Indonesia. Although the police managed to arrest and punish terrorist leaders, there are still followers of radical groups. However, the fact that the operations left these followers without a leader has weakened their abilities. Overall, the success of the National Police has created structural changes that affect the pattern of Party I (terrorists), resulting in further refined targets after 2009, namely the police.

The structural change model assumes a circle of escalation, as one of the conflicting parties uses hard tactics that then may lead to structural changes of the conflict: The other party is encouraged to perform hard tactics as well. The series of tough measures taken by one party is the cause of further escalation. The most important thing in combating terrorism is the ability of the police which, in the public debate, often escapes attention. The Indonesian National Police has progressed very rapidly after the separation of the TNI (Armed Forces) and Indonesia National Police (the abolition of dual function of ABRI-Army forces) on the basis of the People’s Consultative Assembly Decree No. VI / MPR / 2000. After the separation, the police has been increasingly focusing on providing services to the security sector. At the same time, the military has been increasingly focusing its attention on environmental change and disaster management. Police strength is the strength of the public security that is one of the essentials of statehood. The Sarinah Thamrin bombing incident is an example of a special case and showed that the police force has been enough to anticipate terrorism. An increased police strength can also be seen from the rapid handling of the bombing situation.

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5 See Article 5 of the Government Regulation No. 1 of 2002 which states that criminal acts of terrorism which are stipulated in the Government Regulation in lieu of law are excluded from political crimes, crimes related to political crimes, criminal acts with political motives, and criminal acts with a political purpose or which hinder the extradition process.
7 Ibid.
Police Response Times

The chronology of the terrorist bombings at the Sarinah Thamrin intersection began at about 10:30 am when the first bomb exploded. Terrorist shooting against traffic police ensued, for about 20 minutes. The bomb's aftershock lasted a few moments. In a state of uncertainty and panic among the people on the street, the traffic police managed to seal off the scene until 11:15 am. Meanwhile the herd of terrorists was seeking to find shelter. At the same time, the Jakarta Metropolitan Police squad led by Commissioner Krishna Murti was at the scene and preparing for a siege. Around 11:45 the shooting began to turn against the terrorists.

This incidents may remind us of the police operation in handling the terror at Sandy Hook Elementary School in Newtown, Connecticut, USA. In a Connecticut police documentation, which was published in several US media, it is stated that the Connecticut State Police responded in 0:11:09, from the first citizens' reports until the police arrived on the scene. The incident was reported via the 911 emergency number. Then, the police mobilized a Police Dog Tracker, a Tactical Unit, a Bomb Squad, and police helicopters. After a firefight, the single terrorist ended up committing suicide. The investigation of the incident was completed on November 25, 2013.

Meanwhile, regarding the Sarinah Thamrin bombing, a joint team of police arrived at the scene after 0:10:15. At around 11:45 am the terrorists were surrounded. The joint team was led by the Jakarta Police Chief Inspector General (Paramilitary Police). A Brimob (Pramiliter Police) unit. The operation at the scene lasted for 4 hours. At approximately 2:40 pm, the situation was under control. Thus, Jakarta Governor Basuki Purnama Tjahaja (Mr. Ahok) could conduct an inspection of the scene.

The website of “The Guardian” quoted the Islamic State’s website at 2:44 pm on the day of the incident, citing the Islamic State of Iraq and Syria (ISIS) claiming responsibility for the attack in Sarinah Thamrin, Central Jakarta. Within the following 24 hours, the combined Jakarta Police managed to chase down the places where the terrorists have lived, including their parents’ houses.

Terrorism is only one of the various alternatives that can be chosen by radical groups to pursue their goals. Martha Crenshaw shows that terrorism has a strategic concept based on ideas about the best way to benefit from the existing situation. With a range of possible actions that could be performed by radical groups in the future, the terrorist bombings of Sarinah Thamrin reminds us that the police should be continuously strengthened to be able to effectively combat terror.

Closing remarks

Police success in combating terrorism has led to more extreme forms of terror (cycle of terrorism). But at the peak of police success in handling terrorism around the year 2009, the only remaining group of followers with the ability to attack has become smaller. This is because the police has managed to arrest and prosecute the leaders of the radical group Jemaah Islamiyah (JI).

Terror attacks targeting police officers are evidence of a terrorist strategy to assess the strength of the security forces. The Sarinah Thamrin terror bombing near the National Palace demonstrates an advanced strategy of terrorist groups in the cycle of terror. Although the police can successfully handle bomb threats like the one at Sarinah Thamrin, according to the theory of the conflict cycle, there is the possibility of further attacks launched by radical groups.

In response to this problem, it is important for the government to continue to support the prevention of terrorism carried out by the Police. In the case of terrorism in Indonesia and with regard to the development of world terrorism, the task of countering the influence of radical groups from outside the country is recognized as a military task and a main component of the country’s defense. At the same time, the handling of terrorism within the country has been done by the police, especially by Densus 88 AT for the last sixteen years.

The Authority and Position of the People’s Consultative Assembly within the Constitutional Order of the Republic of Indonesia

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Introduction

The People’s Consultative Assembly or Majelis Permusyawaratan Rakyat (MPR) is one of the state bodies in the Indonesian constitutional system. The MPR consists of members of the House of Representatives or Dewan Perwakilan Rakyat (DPR) and members of the House of Regional Representatives or Dewan Perwakilan Daerah (DPD). The structure of the MPR is different from the Congress of the United States of America, which consists of the Senate and the House of Representatives. It can be said that their respective structures are obviously different as the MPR does not sit in joint sessions such as the Congress of the United States of America. The MPR is a more independent body than the U.S. Congress due to the differing membership structure. The consequences are unique and distinctive.

In fact, some problems and open questions exist regarding the position and structure of the MPR, because there are no detailed provisions in this regard in the 1945 Indonesian Constitution (Amended).

The Authority of the MPR

It is important to observe the constitution itself before scrutinizing how it is interpreted and how it works. Since 18 August 1945, Indonesia has had four kinds of constitutions in the five periods as follows:

a. the first period, the 1945 Constitution between 18 August 1945 and 27 December 1949;
b. the second period, the 1949 Constitution of the Federal/Republic of Indonesia between 27 December 1949 and 17 August 1950;
c. the third period, the 1950 Interim Constitution, between 17 August 1950 and 5 July 1959;
d. the fourth period, back to 1945 Constitution between 5 July 1959 and 21 October 1999.

In the period between 1999 and 2002, the 1945 Constitution had been amended by MPR in the Annual General Session in four sessions:

a. The first amendment was done between 14 and
21 October 1999; b. The second amendment was done between 7 and 18 August 2000; c. The third amendment was done between 1 and 9 November 2001; d. The fourth amendment was done between 1 and 11 August 2002.

Each time the result of the constitutional amendment by the MPR is referred to as the 1945 Constitution (Amended). 3

In order to reinforce the democratic system in Indonesia post Soeharto (also known as the New Order Regime) 4 the constitution was changed. The fall of the Soeharto regime in 1998 is the beginning of the democratization era in Indonesia. Before 1999, Indonesia was reigned by the 1945 Constitution (unamended), and after 2002, Indonesia was reigned by the fully amended Constitution. Both the 1945 Constitution (unamended) and the 1945 Constitution (amended) have similarities. The similarities of the nomenclature between the Constitutions are only based on the unchanged preamble that contained Pancasila as the state ideology, yet there are many changes in the arrangement of state bodies and the structural system of governance.

The dynamic change of the Indonesian constitution raises the unanswered question, whether all of the state bodies have an equal position or not, or whether the Indonesian Constitutional reform leads to a shift in the position of the MPR. That is one of the most important issues in Indonesia, because the MPR is one of the oldest state institutions which has the important function to offer a forum for the people’s voice. The concept behind the establishment of the MPR is an integrated system which can accommodate the people’s as well as the rulers’ voice.

To scrutinize how the constitution works especially in the matter of the position of the MPR, one should pay attention to the constitution clauses in accordance with their constitutional context. Article 2 Paragraph (1) 1945 Indonesian Constitution (amended) states that “Majelis Permusyawaratan Rakyat (People’s Consultative Assembly/MPR) shall consist of members of Dewan Perwakilan Rakyat (House of Representatives/ DPR) and members of Dewan Perwakilan Daerah (Regional House of Representatives/DPD) elected through general elections and to be further regulated by law.” Consequently, there are different sources of membership of the MPR. The members of the DPR and DPD, which are elected through general elections for this specific context and purpose, become the members of the MPR in some specific areas. Regarding the position of the MPR in accordance with its areas of authority, the constitutional text was changed. Article 1 Paragraph (2) of the 1945 Constitution (former) stated “Sovereignty is in the hands of the people, and performed entirely by the The People’s Consultative Assembly”, and it was changed into: “Sovereignty belongs to the people and is implemented in accordance with the Constitution” in the same article.

Changes in the provision of Article 1 paragraph (2) of the 1945 Constitution are generally assumed to have some implications on the MPR’s position, duties and authority. It is considered that the MPR no longer serves as the highest constitutional body, because it has been replaced by the people themselves. Article 3 of the 1945 Constitution states that the MPR shall have the authority to amend and stipulate the Constitution; 5 the MPR shall inaugurate the President and/or the Vice President; 6 the MPR may only dismiss the President and/or the Vice President during his/her respective term of office in accordance with the Constitution. 7

These authorities of the MPR can be qualified as the core of the MPR power. It therefore possesses an authority that is distinctive from the other state bodies. The MPR also has the authority to issue decrees. MPR Decrees are the legal products of the MPR that are, from an hierarchical point of view, under the Constitution but above the other laws. The hierarchical position of the decree in terms of Article 7 Paragraph (1) Chapter III regarding the types, hierarchy, content and materials of legislation, Law Number 12 of 2011 Concerning the Forming of Laws in the matter of type and hierarchy of legislation can be described as follows:

a. Constitution of the Republic of Indonesia Year 1945;

b. People’s Consultative Assembly Decree;

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a. Constitution of the Republic of Indonesia Year 1945;

b. People’s Consultative Assembly Decree;

c. Law/Government Regulation in Lieu of Law;

d. Government Regulations;

e. Presidential Decree;

f. Provincial Regulation; and

g. Regulation Regency/City.

The MPR also has the authority to issue ‘Pokok Haluan Penyelenggaraan Negara (PHPN)’ or the Guideline of Governance, pursuant to Articles 153 and 154 of the MPR Regulation Number 1 of 2014 regarding the rules of the MPR. The MPR has the task to respect political and regional aspirations in the course of the preparation of the Guideline of Governance. 9 For the preparation of the guideline, the public has the right to submit proposals to the MPR. 9 The MPR collects the aspirations of society and the regions as material for the preparation of the Guideline of Governance with the support of the Board of Assessment (Badan Pengkajian), 10 and sets a Joint Meeting for working out further provisions on the procedures for receiving and preparing aspirations 11. The MPR has the task to present the guideline to the state bodies which possess the relevant authority given by the Constitution 12. The Guideline should be performed by the state bodies in accordance with their powers, duties and functions 13.

In this context, the Guideline of Governance has some features, such as:

a. The PHPN, as the embodiment of the MPR, is not only binding for the President and the parliamentary system, but also for all state bodies which have been granted any authority by the 1945 Constitution in accordance with the powers, duties and function.

b. The guideline itself serves as a blueprint to govern the state, a task that has to be fulfilled by all state bodies that were granted power by the Constitution.

There is a consistency in terms of the commitment to strengthen the presidential system of government 14, due to the position of the Guideline, PHPN is not a package of measures to be implemented solely by the executive within the parliamentary system of government. The Guidance of Governance is further specified by the State Bodies Performance Report pursuant to the Article 155 MPR Regulation Number 1 of 2014 regarding the Rules of the MPR, Paragraph (1), which states that for maintaining and strengthening the sovereignty of the people, the MPR may hold its annual session between 14th of August and 16th of August each year, which is preceded by the submission of the Performance Report of the Assembly and which is closed by the Pres-

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2 There is no official and equal nomenclature in order to distinguish the old 1945 Constitution and the new 1945 Constitution in English, except in their official nomenclature in Indonesian. The nomenclature of the old or the original one is Undang-Undang Dasar Republik Indonesia Tahun 1945.

3 The nomenclature of the amended one is Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

4 General Soeharto had been the President of the Republic of Indonesia from 1968 to 1998.

5 Based on the third amendment which was done between 1 and 11 November 2001 and the fourth amendment which was done between 1 and 11 August 2002.

6 Based on the third amendment which was done between 1 and 11 August 2002.

7 Ibid.

8 MPR Rule Number 1 of 2014 regarding rules of the MPR, Article 153 Paragraph (1).

9 Ibid Art. 153 Para. (2).

10 Ibid Art. 153 Para. (3).

11 Ibid Art. 154 Para. (5).

12 Ibid Art. 154 Para. (1).

13 Ibid Art. 154 Para. (2).

14 Ibid Art. 154 Para. (3).
ident17, in order to assess the performance of the state bodies in the context of the implementation of the 1945 Constitution18. The aforementioned state bodies shall include the MPR, DPR, DPD, the President, the Supreme Court, the Constitutional Court, the State Auditor, and the Judicial Commission19. The performance report (accountability report) of the state bodies on the annual MPR session is a consequence of the Guideline of Governance. Therefore, it is natural that the MPR has the responsibility to conduct the session. The Guidance of Governance has to be executed by all state bodies that have been given any state authority by the Constitution, including the MPR itself.

The Consequences of the MPR Authority

There are some consequences based on the powers and the position of the MPR. Article 3 of the 1945 Constitution states that the MPR shall have the authority to amend and stipulate the Constitution, shall inaugurate the President and/or the Vice President, and may only dismiss the President and/or the Vice President during his/her respective term of office in accordance with the Constitution, however, undoubtedly the MPR remains the highest state body, as this does not contradict the principle of popular sovereignty:

a. The sovereignty of the people is still retained, the people is still in the highest position of the country, yet the implementation of it is only governed by the Constitution;

b. The 1945 Constitution (amended) is the supreme law of the land that arranges the way how the implementation of the sovereignty of the people is executed;

c. The Constitution as the supreme law of the land is made by the MPR, the state body that is mandated by the highest authority, the people of Indonesia, through the constitution.

Based on the aforementioned terms, the highest law should be made by the highest authority. The MPR is the one and only state body that has those qualifications. The indisputable position of the MPR can be clarified in the terms of Article 4 of MPR Regulation Number 1 of 2014 regarding the rules of the MPR, which states explicitly: “The MPR as a consultative institution should have the highest authority”. The recognition of the MPR as the highest authority should usually not result in any problems as the MPR should not exercise its authority excessively due to the following reasons. First, the Constitution limits the MPR. Popular sovereignty is supreme. Thus, the MPR does not replace the people’s sovereignty, but the people’s sovereignty should be reflected in the MPR competences. The MPR competences are entrenched in its tasks which are to implement the Constitution and also fulfill the popular and regional expectations.

Secondly, the MPR Decree is the legal product of the MPR. It is situated under the Constitution but above any other laws. It indicates that the MPR has the highest position amongst the other state bodies. It has a salient position, higher than any other state body or the combined state bodies.

Thirdly, regarding the Guidance of Governance, this guidance should be related to the position of the MPR. The MPR can be qualified as the highest ranked state body, because it plays the central part in the governmental process. The guidance functions as a bridge between state ideology (Pancasila), the objectives of the state and also the people’s expectation. This guidance can therefore also be classified as the governmental road map. For further explanation: Pancasila as the state ideology is the foundation of the state, it is the foundation of life of the nation. This means that every move of an Indonesian must always be guided by the precepts contained in the Pancasila. At the same time, all acts of citizens and officials should be based on the law, whether written or unwritten law that is based on the state ideology14. In order to realize the objective of the state, Indonesia needs to agree on a road map, which has been forgotten, so that Pancasila (the ideology of the nation) will not halt at the abstract level.19

But, it must be translated into valid law. Legal validity can be reached at least by two alternatives: It can be poured into the substance of the law, through a constitutional amendment or the convention by mutual consent of the state institutions, or it can be established by the Assembly itself as substantive MPR regulations.20

The best way of implementation in Indonesia nowadays is the constitutional convention. The convention, generally speaking, is formed based on the constitutional practices that are considered binding and legal. In a comparative perspective, international customary law is formed if it has been through certain stages, both the duration of the practice and the number of countries that practice it.

However, it must be noticed that customary international law is formed in the practice of inter-state relations which incidentally have a parallel position (coordinate). It will therefore be different from the constitutional convention in Indonesia which is formed by the practice of governing the state by the various branches of sovereign power.

The function of the constitutional convention is to provide flexibility to the Constitution itself, the Constitution should be a living document. The MPR as the state body that creates the Constitution can also provide constitutional interpretation through its practices to run the state based on consensus. This has been done through some of the MPR legislation and it has been termed ‘constitution in practice’. Constitutional conventions can also fill legal gaps of the Constitution. Though the Constitution itself ideally embraces all questions, as a matter of fact there are limitation clauses in it and, in some parts, it is too general to be implemented. Constitutional conventions also have the striking function of extending the constitutional norms by constitutional practices in a justified manner.

The requirement to reach a consensus needs to be observed. The consensus can be reached only if a relationship between the political suprastructure and the political infrastructure can be established.

The relationship between the political suprastructure and the political infrastructure, i.e. the interaction between the government and the DPR and the government and the MPR is significant in order to establish the structure of the governmental system. The establishment of the governmental system cannot be separated from the influence of the government (as the superstructure) and the political parties (as the infrastructure) in the DPR and the MPR. It can be seen that in the time before October 19 of 1999 or prior to the constitutional amendment, the MPR had the position as the highest institution.21

The Existing Problems on the Issues of the Law Making Power

There are some unexpected consequences regarding the vagueness of the MPR’s position which can be seen in the law making power. The MPR has the power to create constitutions, but if one looks at how the MPR exercises its power based on its position, it becomes a problematic issue. First, regarding the MPR position, if there is no clear distinction in the classification between the DPR, DPD and MPR, this...
could result in problems. This falls within the context of the joint session as the MPR is the gathering of both DPR and DPD members. Consequently, the MPR’s position is equal to the DPR’s and DPD’s position. Both the DPR and the DPD have their own members while the MPR does not have any members itself, but its members come from the DPR and the DPD.

If it is assumed that the MPR has an equal power with the DPR and the DPD, the institution that has a similar level to the president and the supreme court as well as the constitutional court will be able to establish the constitution. It can also be compared to the regular law making procedure which involves the President representing the executive branch. So, three of the five state institutions of the executive and legislative branch of the government make regular law. Article 20 of the Constitution states:

1. The President shall be entitled to submit a bill to the House of People’s Representatives.

2. The Regional House of Representatives shall submit to the President within thirty days as of approval of the bill, the bill shall be lawful to be law and enacted.

3. The Regional House of Representatives can supervise and implement laws of: regional autonomy, central and regional relationship, management of natural resources and other economic resources, implementation of national budget, taxes, education, and religion and submit the supervisory results to the House of People’s Representative for follow-up.

4. The President shall ratify a jointly approved bill to be law.

5. In case the jointly approved bill is not ratified by the President within thirty days as of approval of the bill, the bill shall be lawful to be law and enacted.

Then, Article 22D states:

1. The Regional House of Representatives can submit to the House of People’s Representatives a bill relating to regional autonomy, central and regional relationship, formation and development and merger of regions, management of natural resources and other economic resources, and those relating to proportional budget.

2. The Regional House of Representatives shall also discuss a bill relating to regional autonomy, central and regional relationship, formation and development and merger of regions, management of natural resources and other economic resources, and those relating to proportional budget; and give considerations to the House of People’s Representative on bills relating to national budget and taxes, education, and religion.

3. The Regional House of Representatives can submit to the President for follow-up.

4. The Regional House of Representatives can submit to the President for follow-up.

5. The Regional House of Representatives can submit to the President for follow-up.

This regard. Firstly, this can be proved by Article 25 which states that an information from the President is an official governmental statement either orally or in written form, on the subject of a petition as the result of the coordination with a Minister and/or an Institution/Agency related to the government. Secondly, under Article 26 of the guideline, it states that an information from the DPR is an official statement either orally or in written form that contains the facts that occurred during the discussion and/or minutes relating to the subject matter. Thirdly, Article 27 of the guideline states that in the matters of law review, when the relating law in its formation process involved the role of the DDP, the Court must hear and/or request the information from the DDP. If the sub-

The Role of the Constitutional Court

The Constitutional Court denies the supreme position of the MPR. In the Constitutional Court Regulation Number: 06/PMD/2005 on the Guidelines on the Proceedings of Judicial Review, there is no recognition of the existence of the MPR as the Constitution maker. The regulation only recognises the existence of the President, the DPR and the DPD in the guideline states that in the matters of law review, when the relating law in its formation process involved the role of the DDP, the Court must hear and/or request the information from the DDP. If the sub-

22 The first amendment which was done between 14 and 21 October 1999.
23 Ibid.
24 Ibid.
25 Ibid.
26 The second amendment which was done between 7 and 18 August 2000.
27 The third amendment which was done between 1 and 9 November 2001.
28 Ibid.
29 Ibid.
30 The first amendment which was done between 14 and 21 October 1999.
political consultation with the people has the function of collecting and distributing the aspirations of the people to be poured into the formulation of basic legal norms in the constitution. After these norms have been established in the constitution, the Court has the role as the guardian of it and also as its interpreter. But it should be taken into account that the implementation of the constitution can be problematic because of its lack of legal certainty.

It can be assumed that a clear description of an authority’s powers and of its boundaries, as well as the legality of the laws can lead to the transparancy and accountability of the institution. A government or organization that performs its tasks in a transparent and accountable way will earn the trust and support of the whole society.

Conclusion

The growing complexity of the Indonesian governmental system that is inevitably influenced by the raise of various popular expectations, the political dynamic, and the ideological value that is entrenched in the Indonesian culture, needs to be well arranged in the expression of the political will. The determination and recognition of the position of the MPR is the continuation of politics in another form. The state bodies should act in a concerted manner when acting within the established system based on the political will. Conventions are the most plausible measures to do so, except when the Constitution provides otherwise. Consequently, the absence of concerted practices of state bodies that could result in a consensus recognising the MPR as the highest State Body amongst the other State Bodies leads to a lack of capacity of the MPR and will lead to a confused governmental system. Now it is time for the state to take the role, the role not only for the MPR but for all state institutions (executive, legislative and judicial). Because it can only be realized if the actors have the passion to realise the objectives on which the Indonesian state was founded. It needs a fair order in which the compliance is not entirely handed over to the society, but should also be implemented and enforced by the public authorities whose existence and power is accepted by society.

33 Sulastomo, Cita-cita Negara Pancasila, Redupnya Pancasila Hilangnya Jati Diri Bangsa, Kompas 2014, P.42.

Experts’ Opinions on ASEAN Economic Community
ASEAN Economic Community (AEC)’s Opportunities for Trade and Investment for MSMEs (Micro, Small and Medium Enterprises)

ASEAN Department, Ministry of Foreign Affairs of Thailand

An Overview on the ASEAN Community

ASEAN have a combined population of approximately 625 million people, accounting for 10% of the world’s population. In 2014, ASEAN’s GDP reached more than US$ 2.6 trillion, while average GDP per capita grew by almost 80% to over US$ 4,000. On 31st December 2015, the ten ASEAN members officially launched the long-awaited ASEAN Community, which consists of three pillars, namely ASEAN Political-Security Community (APSC), ASEAN Economic Community (AEC), and ASEAN Socio-Cultural Community (ASCC). With this important milestone, ASEAN has set the target towards further heights of development and a wider and deeper integrated region, in order to increase global competitiveness.

ASEAN’s Success on the Implementation of AEC Blueprint 2015

The key measures under AEC Blueprint 2015 that have been accomplished and are being undertaken by ASEAN are as follows:

On free flow of goods, ASEAN-6(!) so only 4 MS? Who? have virtually eliminated the intra-regional tariffs, with 99.2% of tariff lines at 0%, while the figure of CLMV stands at 90.86%, giving an ASEAN average of 95.99%.

On Trade facilitation, several measures being carried out. They include ASEAN-wide Self-Certification scheme, ASEAN Trade Repository, and ASEAN Single Window system.

To reduce technical barriers to trade, efforts have been placed on the development of Mutual Recognition Arrangements (MRAs) for electrical equipment and electronics, cosmetics and medicinal products. In addition, the harmonization of standards has been harmonized in ASEAN for the sectors on electrical and electronic equipments, automotive, cosmetics, etc.

On trade in services, ASEAN Member States have eased restrictions to cross-border trade, while eight MRAs have been concluded namely on engineering services, nursing services, architectural services, framework for surveying qualifications, medical practitioners, dental practitioners, accounting services, and tourism professionals.

To enhance ASEAN’s integration into the global economy, the achievements have been made through five Free Trade Agreements with China, Japan, Korea, Australia and New Zealand, and India. Moreover, ASEAN is now negotiating FTAs with Hong Kong and with other FTAs Dialogue Partners, also known as the Regional Comprehensive Economic Partnership (RCEP), expected to be concluded by 2016.

Ads

Thailand’s Policies on AEC

Currently, the state’s policies promoting Thailand’s role in the ASEAN Economic Community (AEC) focus on the speeding up of efforts to enhance connectivity in the areas of the economy, trade and investment within the ASEAN region and expanding economic cooperation with neighboring countries; the development of the Special Economic Zones (SEZs) particularly in the border areas; the revision of law and regulations to facilitate the business operations, trade and investment both domestically and internationally such as revising the Export and Import Goods Acts B.E. 1979; the enhancement of competitiveness for the agricultural sector to increase value-added agricultural products; the enhancement of competitiveness of Thai manufacturers at all levels, particularly the provision of special attention to SMEs so that they will be competitive, pursue business activities together with counterparts in ASEAN Member States and link up with the global supply chain; as well as the adjustments of trade regulations and customs procedures to facilitate trade. The key examples of the activities for promoting the AEC are:

- The establishment of AEC Business Support Centers at the Ministry of Commerce and trade provincial offices all over the country.
- The arrangement of MSMEs training courses to provide knowledge on how to add value to the products and how to do business in an international environment
- The organization of export promotion activities and exhibitions(?) to promote Thailand’s products in ASEAN countries.

The Opportunities for Micro, Small, and Medium Enterprises (MSMEs)

With greater market access, freer flow of goods, services and skilled labor, the ASEAN Economic Community will provide MSMEs with more trade and investment opportunities in the region. Accordingly, it is important that MSMEs are encouraged to upgrade their capabilities to remain competitive, including considering plans for their ventures into the new markets.

At present, Thailand is giving priority to the strengthening of capacity and competitiveness for MSMEs by directing their attention toward efficiency enhancement of the production process, product development, as well as organizational management and operations. In addition, Thailand places high importance on raising awareness on AEC among businesses, particularly MSMEs, including encouraging them to utilize AEC opportunities through the existing ASEAN Agreements and FTAs.

With regard to the future direction of ASEAN economic integration for the next 10 years, ASEAN will emphasize on further deepening and broadening the regional economy and following up on the implementation of measures under the AEC Blueprint 2025. In addition, ASEAN places high importance on the development of MSMEs, innovation, research and development...
ASEAN after 31 December 2015: A View Point From the Manufacturing Sector

Siriruj Chulakaratana, Director, Bureau of International Industrial Economics, Ministry of Industry of Thailand

On 31 December 2015, ASEAN Economic Community or AEC was officially commenced. One of most important goal of AEC is to encourage an economic integration, transforming ASEAN into a single production base where goods can be manufactured and distributed effectively within the region and beyond. AEC Blueprint, the plan to execute this goal, called for ASEAN members efforts toward freer movement of goods, capital, services and some skill workforce by eliminating both tariff and non-tariff barriers. Apart from the huge market opportunities from AEC economic integration, the free flow of raw materials, intermediate goods and capitals as well as skilled labors could help enhance the ASEAN’s overall competitiveness in terms of low production cost. In addition, this would support the production network and industrial complementation among ASEAN, attracting more foreign investment as well as increasing more bargaining power of ASEAN.

Having transcended the timeline of 31 December 2015, I reckon that one may not obviously notice any differences occurred after becoming AEC. This is not because AEC is ineffective but the process of becoming AEC has long started since the establishment of the ASEAN Free Trade Agreement of AFTA in 1992. This initiative has been enhanced into more substantive idea of AEC in the year 1997 with goal to become a single economic identity in 2015, as we are aware. The tasks specified in the blueprint has been carried out since the beginning of AFTA and most of them have already been fulfilled especially for the ASEAN six, the founding members of ASEAN. For instance, the tariff rates of these six ASEAN members, Brunei, Indonesia, Malaysia, the Philippines, Singapore and Thailand have already reduced to zero percent since 2012or three years ago according to the AEC Blueprint, while those of CLMV are committed to tariff eliminating within 2015 with extension flexibility until 2018.

Despite earlier remarks, I do not intend to say that AEC is now less crucial. On the contrary, the importance of AEC is now escalating especially in term of production networking potential. Utilizing production networks and industrial complementation among her members by mean of the value chain creation among the ASEAN can create a huge advantage to each member and region as a whole. Realizing this opportunity, ASEAN aims for further economic integration, as indicated in the new AEC Blueprint 2025’s vision to “create a deeply integrated and highly cohesive ASEAN economy” that would support sustained high economic growth and resilience even in the face of global economic shock and volatilities.

To this end, I anticipate that the ASEAN integration is not going to be customs unions, a common market or an economic/political union like that of EU. Therefore, the important question is how ASEAN can further integrate while tariff has already been removed. One way to do that, in my opinion, is to create more value chain utilizing the differences in comparative advantages among ASEAN members. This production network will not only link each member together but also generate competitive advantages to ASEAN product and consequently create more income in this region. In order to do so, trade and investment within ASEAN must be promoted, while all trade and investment barriers must be removed. In addition, law and regulation rered to trade investment should be aligned and harmonized to ensure the freer movements of all production factors so that the value chain can effectively be formed. Meanwhile, the task of ASEAN after 2015 is therefore to identify and address concerns on trade and investment barriers along with a more focus on law regulatory reform in order to successfully achieve a fully realization of becoming AEC.

The Invisible Community

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On 31 December 2015 the ASEAN Economic Community (AEC) came into existence. Governments and people in the ten countries that comprise the Association of Southeast Asian Nations are right to be proud of the accomplishments made by individual countries in the region and toward economic and social integration of the region as a whole.

Integration has been greater in the economic sphere than the social sphere, however. The harmonization of trade procedures and standards has promoted a great increase in the volume of trade among the Member States and enhanced the competitiveness of the region.

Progress on the specific issue of migration of workers among countries has been less apparent. In Thailand, and probably in some other countries in the region, there is a widespread misperception that the AEC will lead to the free movement of workers among countries in ASEAN. In fact, that is not a goal of ASEAN. ASEAN and its Member States approach the management of skilled and low-skilled migrant workers very differently.

The ASEAN Economic Community Blueprint adopted in 2007 calls for the promotion of the
“free flow of skilled labour”. Since then, mutual recognition arrangements (MRAs) have been completed for only eight professions, namely: accountants, engineers, surveyors, architects, nurses, physicians, dentists and tourism workers (33 occupations). The MRAs do not ensure a “free flow of skilled labour”, however, because of the many restrictions that individual countries place on the licensing of those professionals. Education, training and work experience received in one country may not be recognized in another. Licensing examinations are often given only in the national language. Thus, come 2016, we cannot expect to see any significant increase in the number of professionals from ASEAN countries working in another country in the region.

In this regard, it is worth noting that the larger economies in the region that would potentially recruit more professionals as a result of the implementation of the AEC already are quite open with regard to the employment of foreigners in highly-skilled occupations. Singapore has nearly a quarter million skilled and professional foreign workers and Thailand issues nearly 100,000 work permits a year to foreign professionals and highly-skilled workers. Within the ASEAN structure, low-skilled migrant workers are considered within the ASEAN Socio-Cultural Community Blueprint. That Blueprint does not envisage any “free flow” of such workers. Its objective is to ensure fair and comprehensive migration policies and adequate protection for all migrant workers in accordance with the laws, regulations and policies of respective ASEAN Member States as well as to implement the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers.

That Declaration was adopted in Cebu, the Philippines, in January 2007 and aims to “promote decent, humane, productive, dignified and remunerative employment for migrant workers”. The Declaration contains significant weaknesses, however. The obligations of receiving and sending states are qualified by the phrase, “pursuant to the prevailing laws, regulations and policies of the receiving [or sending] states”. Article 4 of the Declaration states that, “Nothing in the present Declaration shall be interpreted as implying the regularisation of the situation of migrant workers who are undocumented.”

Even with these important qualifications in place, ASEAN Member States have not been able to agree upon a framework instrument for the implementation of the Declaration in the nine years since its adoption. In fact, a civil society grouping called the Task Force on ASEAN Migrant Workers developed such a comprehensive framework instrument by May 2009 but Member States have not adopted it.

Constructive dialogue on labour migration takes place in the ASEAN Forum on Migrant Labour, which includes representatives of Governments, employers and workers, as well as the International Labour Organization, International Organization for Migration and UN Women. These are non-binding discussions, however, and have not yet led to agreement on a framework instrument for the implementation of the ASEAN Declaration on migrant workers.

Thus, the formal inception of the AEC at the end of 2015 will not result in any change from the status quo concerning low-skilled migrant workers in the ASEAN region. It is to be hoped that the people in ASEAN countries will continue to become more familiar with each other and that people both within and outside of the region will gain a greater appreciation of the economic dynamism and cultural richness of South-East Asia. In the long run, the numerous initiatives of ASEAN should lead to greater integration of labour markets and movement of workers among the ten countries but such movement will not yet be apparent in 2016.

H.E. Kasit Piromya, National Reform Steering Assembly, former Min-ister of Foreign Affairs of Thailand

The ASEAN Economic Community (AEC) is one of the three pillars of the ASEAN Community (AC) that, by its official inception on 31 December 2015, has already had with it a firm foundation in the form of the ongoing ASEAN Free Trade Arrangements (AFTA) pertaining to customs-tariff reductions, lessening of non-tariff barriers, enhancing of cross border facilitations and harmonization of rules and regulations.

Discussions on ASEAN rules and regulations on migrant workers have been continuing coupled with the plan to increase the list of mutual acceptance and recognition of professional certificates and accreditation to enable and facilitate freer flow of the professionals within the ASEAN border.

All of the above must be accelerated to achieve more integration and help strengthen the attractiveness and competitiveness of the ASEAN Community as a production base and market. In the case of Thailand, with its advantageous geographical location and already recognized global civil aviation hub as well as touristic, and well being or life style destination, it will have to urgently improve and expand airport and port facilities together with the modernization and standardization of customs and immigration services at the border entry or crossing points. Safety and security measures must also be enhanced and together with its neighbours joint border patrols on land, in coastal areas and rivers must be put in place in an expansive manner or in full coverage.

Surveillance over and suppression of cross border crimes including anti-piracy cooperation must be improved and enhanced.

Intelligence gathering and networking must be improved to ensure market safety and normalcy of everyday life.

Transportation, communication, public utilities such as electricity, water supply, gas or oil pipelines, must be connected for the whole of the ASEAN Community to facilitate ease of travel, movements of goods and services. Safety standards and signaling equipments must be standard-
Use of passports is an anachronism; they should be replaced by ASEAN “citizen” cards indicating the status of each citizen such as tourists, professionals or workers.

Knowledge about ASEAN and fellow ASEAN members must be continuously taught and disseminated to increase general awareness of each other and of opportunities and challenges. Political leaders must have the political will and sense of urgency to push ASEAN forward for the common good and respectability. Leaders should meet more often and find the time to think to have a far reaching vision and the determination to forge and to drive ASEAN forward.

The private sector has an important role to play especially in the modernization of infrastructure and public utilities. The better the facilities, the better chances of business expansion and success.

There is no turning back. It is for the ASEAN Community to move forward. The AEC is the most advanced among the 3 pillars of the ASEAN Community and closest to the well being of the citizens of the ASEAN Community. All should therefore contribute to the building up of the AEC.

**AEC 2025 Blueprint: Fresh Vision, Ambition and Momentum Required**

*Dato Steven C.M. Wong, Deputy Chief Executive, Institute of Strategic and International Studies (ISIS) Malaysia*

The ASEAN Community Blueprint 2025 is, like its predecessor, the 2009-2015 ASEAN Roadmap, a statement of aims and intents. The term ‘blueprint’ is a metaphor, an unfortunate one perhaps, but one that is too late to change at this stage. Thus, we read the ‘action plans’ – another metaphor – that sound like the Roadmap all over again.

Words like ‘continue’, ‘promote’, ‘explore’, ‘consider’ and ‘enhance’ are found liberally interspersed in what is called a blueprint. We even find sentences in the ASEAN Economic Community (AEC) Blueprint 2025 that calls for ASEAN member states to “explore alternative approaches for further liberalization.”

A new observer can easily be forgiven for being bemused at the lack of definite and concrete actions that are expected of a blueprint. Nevertheless, in the AEC Blueprint, compared to the Political Security and Socio-Cultural ones, there are things that are closer to the bone. We still have the inane, non-specific and non-actionable but at least the prospects for tangible outcomes are better, with talk of specifics such as rules of origin, deepened preferences, single windows and sunset clauses.

These are inherent in the practical nature of the beast and reflect why the AEC is relatively so much more developed than the other two.

Still, none of the initiatives singly or collectively create an ‘oh-my-god!’ moment and send pulses racing. The great prizes of removal of non-tariff measures, services liberalization, government procurement and movement of people, all of which would add greatly to social welfare, remain very much on the backburner.

The AEC 2025 Blueprint is clearly in need of fresh vision, ambition and momentum. Progress on concluding the Regional Comprehensive Economic Partnership (RCEP) remains plodding and troubled. There is a real question mark as to whether negotiations can be concluded this year.

In the meantime, the fact that four member states (Brunei, Malaysia, Singapore and Vietnam) have concluded negotiations on the Trans Pacific Partnership (TPP) and three more have expressed some interest in joining should be cause for concern as to where this leaves the AEC. The European Union-ASEAN Free Trade Area negotiation has devolved to separate ad hoc arrangements and can no longer be regarded as regional in nature. In the longer run, China may resuscitate the idea of the Free Trade Area for the Asia-Pacific or FTAAP and this will further complicate member states wishing to live closed-off, calm and peaceful lives.

China’s 21st Century Maritime Silk Road (MSR) initiative and its backing of the Asian Infrastructure Investment Bank (AIIB) have wide regional implications, ones which the AEC has little effective role to play if any.

Perhaps the one saving grace was the statement in the AEC Blueprint that “ASEAN member states shall translate milestones and targets of the AEC Blueprint 2025 into national milestones and targets”.

However, they are not compelled to do so nor are there sanctions if they do not. By kicking the can down the road, however, they see themselves buying time before the next round of scoring and reporting needs to be done.

The AEC Blueprint 2025 does the job of keeping the proverbial pea rolling forward but just. In building the future together, however, cognizance will need to be given to the increasing competitive pressures and complexity from within and outside the region.

**The ASEAN Economic Community 2015: The Fear and the Promise**

*George Manzano and Kristine Joy Martin, University of Asia and the Pacific, Manila*

Will the ASEAN Economic Community (AEC) open the flood gates of cheap ASEAN imports and demolish Philippine producers? Not a few
Filipino businessmen view the ASEAN Economic Community as a dreary scenario. How justified this fear is can be answered by having a sober look at the situation.

First, practically all the tariffs of the Philippines on ASEAN imports have already been close to zero by now. Actually, the average tariff level in the ASEAN has been zero since 2010. One implication is that the ‘big bang’ if ever there is one, has long since come and gone. Because there has been no major collapse of industries in recent memory, another implication is that for as long as tariffs are adjusted gradually, markets and producers can and do adjust.

Another reason why we do not expect an avalanche of imports when the ASEAN tariffs drop to zero or close to it, is that the tariffs applied on imports from non-ASEAN suppliers, i.e. the MFN tariffs, are unchanged. This means that some imports from non-ASEAN producers can still be competitive. For example, when it comes to Philippine’s top import – electrical and electronic equipment – 80% of the total imported value comes from non-ASEAN countries in 2012.

In addition, it has been observed that the trade of the Philippines with its ASEAN partners takes place generally within the same industry, i.e. intra-industry. For instance, Philippine industries import electronic or automotive parts and components from Malaysia, add value to such goods, and export them consequently. In 2011, more than 60% of Philippine imports from ASEAN are intermediate goods while final goods only account for only 22%. One implication of the intra-industry trade pattern is that the trade is more complementary than competitive. Imports do not mean that local industries are displaced. On the contrary, to be able to export electronic products, the Philippines has to import the parts and components. The low or duty free tariff regime of the ASEAN makes possible the creation of international production networks or global value chains in the region.

The advent of the free trade area in the ASEAN, however, made it possible for multinationals to exploit scale economies. For instance, multinationals fragment production by assigning a certain intermediate product to a country which produces it in great quantities, i.e. exploiting scale economies, and shipping the intermediate product to another ASEAN country for further processing. Regional production networks such as these are made possible by the relatively free movement of goods across ASEAN partners.

Of course, low tariffs among ASEAN partners are not a sufficient condition for regional production networks to flourish. Connectivity is a critical factor for countries to take advantage of the market opportunities that these aforementioned networks offer. To this end, facilitation initiatives in the AEC are useful for transforming the ASEAN into a truly strong production hub.

Free Flows of Skilled Labor: Mobility of an Important Production Factor in ASEAN

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The long-lasting efforts of all ASEAN member states are eventually rewarded by the launch of the ASEAN economic community (AEC) on 31st December 2015. Together with other measures, a freer flow of skilled labor has contributed to envisage the pillar ‘A Single Market and Production Base’ of the AEC and enables the region to facilitate skill mobility for labor quality improvement and more efficient integration in the future. The approach to make labor movement free in the AEC is different from that of the European Union (EU). Instead of aiming to remove barriers for labor movement, ASEAN at first seeks to create a freer flow of only skilled labor primarily through three channels: (i) facilitate the issuance of visas and work permits for professionals and skilled workers engaged in cross-border trade and investment activities; (ii) sign and implement Mutual Recognition Agreements (MRAs) and (iii) promote cooperation between universities in ASEAN. Among these channels, the ASEAN member nations have achieved significant outcomes in signing and implement-ing the ASEAN Agreement on Movement of Natural Persons (MNP) and 8 MRAs to create an effective framework for skill mobility within the region. In addition, the educational cooperation between ASEAN universities has been conducted through the ASEAN University Network (AUN) in knowledge sharing, student and lecture exchange, accreditation, and labor exchange. However, skilled labor movement has fallen behind other measures in Pillar 1 because of the existence of barriers impeding professionals from moving within the region and utilizing their skills. The onerous and complex recognition process for licensed occupation, different domestic regulations for working permit and residence, low interests of professional in moving within the region, and shortage of high-skilled labor are among the biggest barriers in facilitating skill mobility in ASEAN. Therefore, on the way to achieve the pillar ‘A highly Integrated and Cohesive Economy’ specified in the AEC Blueprint 2025, a lot of activities must be put on the agenda to promote skill mobility in ASEAN. Member countries should firstly put more efforts on the implementation of MRAs, especially remove national barriers caused by domestic regulations. ASEAN can also expand MRAs to other professions to fully achieve the objective of “free flows of skilled labor”.

One important idea that ASEAN can further put on its agenda is the freer flow of unskilled or semi-skilled labor, whose movement accounts for a large portion in ASEAN and thus needs the cooperation of the member countries for a better management mechanism.
The present situation and possible future development of the ASEAN Economic Community (AEC)

Taing Ratana, Faculty of Law, Pannasastra University of Cambodia (PUC)

The establishment of the ASEAN Economic Community (AEC) in late 2015 has been seen as a crucial mechanism for pushing the development speed of the third largest economy in Asia which the AEC represents. The ‘Single Market and Production Base’, the creation of a ‘Competitive Economic Region’, ‘Equitable Economic Development’, and the ‘Integration into the Global Economy’ are the four pillars of the ASEAN Economy Integration. However, the current situation of the AEC is just a few steps into a long road made up of hundreds of milestones that could result in both success and failure. On this journey it remains to be seen which parts of the populations of the AEC are going to become winners or losers. Whether there is a large number of winners or of losers will depend on the AEC’s development plan and its implementation on the national level.

In achieving successful future development, the ASEAN Leaders need to have more of the right confidence, right commitment, right vision, right flexibility, and right action in both their internal and external relations in order to provide an equal distribution of benefit among the AEC’s Member States. The socio-political stability and harmony play very crucial parts in implementing the AEC’s development plan; hence all Member States must guarantee this approach in their relations. It is a way of building the right confidence for the AEC’s involved stakeholders.

The right commitment must come with a positive impact on the common value and prosperity of the AEC as a whole. It means commitment of producing the right vision in reaching sustainable development and good collaboration. This vision will only be strong if it is shared and driven by the ASEAN Leaders. The gap of economic growth among the AEC’s Member States shall be another central point to be considered. Thus, the AEC’s Member States and involved stakeholders should avoid extremism and discrimination. The AEC also has to build optimism in establishing the AEC’s common value, hence proactive behavior and the right action shall be applied in all forms of the AEC’s operation.

As a result, the success of AEC in the future will depend on the AEC’s taking the right action in shortening the gap between the winners and losers, who are involved in implementing the AEC’s development plan. Furthermore, the peace keeping in ASEAN is another notable point to be guaranteed. Common values in social, political, economic, and cultural perspectives should be in an acceptable standard. Hopefully, the development of the post-2015 vision for the AEC will push ASEAN to be the world’s part of success and value, where everybody can enjoy happiness, prosperity, and peace.

Ways Forward: Can the ASEAN Economic Community Help Address the Middle Income Trap Problem?

Dr. Kaewkamol Karen Pitakdumrongkit, Assistant Professor at the Centre for Multilateralism Studies, S. Rajaratnam School of International Studies (RSIS) of Nanyang Technological University, Singapore

In today’s world economy, globalization has not only deepened economic interdependency but have also brought several issues transnational. This raises the importance of international cooperation. Collaboration can enhance economic ties, create mutual gains, and help states manage cross-border matters more effectively. As a result, the Association of Southeast Asian Nations (ASEAN) has actively fostered economic cooperation among its members. The ASEAN Economic Community (AEC) was officially launched on 31st December 2015, and the recent AEC Blueprint 2025 outlines measures to be undertaken to further advance regional integration from 2016 to 2025.

Despite good effort, some matters seem to be left out of the AEC agenda. For one thing, the ASEAN Member States (AMS) have been struggling to address the middle-income trap (MIT) issue. For example, Thailand and Malaysia have experienced it since the mid-1990s while Vietnam may now be at risk of facing the problem. Moreover, in the future with the less advanced ASEAN economies developing, they may get stuck in the middle-income bracket. Consequently, even though the MIT is not mentioned in the AEC Blueprint 2025, it has raised concerns among ASEAN policymakers because it affects the region’s long-term economic development and future competitiveness in a global economy.

It should be noted that most actions to overcome the MIT are carried out by individual AMS. This is understandable as the causes of MIT vary across nations. For some states the problem is rooted in insufficient business innovation while other countries’ real cause is low labour productivity. Therefore, practical solutions must be tailored to deal with different local situations. Can regional-level initiatives, namely the AEC, help governments address the MIT? The answer is yes. Although the Blueprint 2025 does not identify tackling the MIT as one of the AEC’s core objectives, signs are showing that the scheme can somehow help. AEC has rolled out several projects and programmes which can indirectly deal with the problem. For example, the Krabi Initiative aims at boosting cooperation among the ASEAN participants regarding science and technology and innovation – the elements necessary for industrial upgrading and sustainable development.

Moving forward, to further help ASEAN members address the MIT in a more effective and timely fashion, the following needs to be done. First, ASEAN must accelerate the implementation of regional initiatives. Progress has been very slow in several areas such as services liber-
Such sluggishness can ultimately undermine individual AMS’ effort to cope with the MIT. Illustratively, due to foreign equity restrictions, businesses face difficulty in investing in the ASEAN economies. This reduces the latter’s opportunities to attract foreign investment to finance their industrial upgrading or start a new high valued production. In short, having good plans is not enough, ASEAN must speed up their implementation to fully realize the AEC.

Second, regional cooperation must be further expanded to include more stakeholders. For instance, the Mutual Recognition Agreements (MRAs) should be granted to other professionals than those in the existing fields. For example, biologists and chemists should be able to work across the region. A free movement of these skilled workers can encourage the growth of several sectors such as pharmaceuticals and petrochemicals. Such labour mobility not only helps develop high-end specialty products but also generate more income to the ASEAN states.

Carrying out the aforementioned actions requires stronger regional institutions as they are among key players helping to execute projects. ASEAN institutions are relatively weak when compared to those in other groupings such as the European Union. For example, the ASEAN Secretariat houses merely 300 international staff and its budget figures approximately US$ 16 million. This partly explains the entity’s difficulty in driving the AEC progress. Hence, it is crucial to boost institutional capacity. The Secretariat as well as other AEC agencies must be entrenched in terms of budget and manpower, enabling them to carry out their tasks more effectively and efficiently.

In conclusion, the AEC can help address the MIT. Going forward, additional joint effort must be garnered to speed up the AEC implementation, broaden its scope to incorporate additional stakeholders, and empower regional institutions. Doing so, helps propel the AEC tackle the MIT in some states and prevent the MIT from happening in other countries in the future. At the end, it will also help ASEAN achieve sustainable long-term development and enhance the region’s competitiveness in a global economy.
To walk down Phra Athit Road from its one end at Phra Sumen Fort to the other end just outside Thammasat University in Bangkok’s Old Town will only take you a few minutes. Sure enough though, your short stroll will almost inevitably be elongated if you tend to get side-tracked by anything from good restaurants, to bars, to coffee shops or just about anything radiating an easy-going, bohemian vibe.

This particular road is home to a number of bars and coffee shops that are all worth a visit, particularly if you study or work close-by. The proximity of our office to this area is one of the many perks we enjoy working in this particular location.

Among the numerous different coffee shops and bars, are a number of real gems. If you are heading for an affordable, yet decidedly artisan coffee experience, look no further than Carbony opposite the fort. The tiny downstairs is dominated by the coffee counter and cake display, showing off some thoughtful coffee-related decorations as well as a good selection of brownies. If you would like to sit, come with friends or just enjoy a slightly more spacious area, look upstairs for extra seating.

Carbony’s owner does take his coffee seriously. He advertises using ‘handpicked Thai coffee with bold character’ from Chiang Mai in Thailand’s north, and considering he also owns a coffee roastery, it is fair to assume he knows what he is talking about. Indeed, the coffee does not disappoint in taste. The café holds the usual coffee from espresso to latte to the latest specialty of cold brewed coffee which delivers a slightly different flavour experience. If you are no purist: the vanilla latte is a top-seller.

Coffee at Carbony is reasonably priced and the baristas at work know what they are doing – if your wait is a little longer, it will pay off later when you benefit from the attention to detail that has been put into making your beverage. ‘Carbony’, if you were wondering, is “an aromatic sensation found in coffee aftertaste which produces flavour similar to a burnt substance.”

Another charming little coffee place named Coco Chaophraya wedged in between Phra Sumen Fort and Baan Chaophraya opposite Carbony looked wonderfully inviting. Our attention was first drawn to it by the house it is adjacent to. Baan Chaophraya; originally built as a Prince’s palace but also used as a temporary home of an Italian architect, an office of the police bureau, later the Democrat Party and even the Constitutional Court; is now housing the main office of the ‘Manager’ newspaper run by the contentious media giant Sondhi Limthongkul.

The café has a small indoor seating area with air conditioning but even the cold AC cannot compete with the beautiful garden area that has been created outside. There is plenty of seating available sheltered away from the noisy road and constantly cooled down by a number of fans. The lush looking collection of plants dotted around the seating area lets customers forget about the hectic city of Bangkok lurking outside.

Coco Chaophraya also uses domestically grown and harvested coffee from the north of Thailand, where all of Thailand’s Arabica beans grow due to the more favourable climate. Historically, farmers in the north have begun growing coffee as a replacement crop for opium poppy seeds, facilitated by a UN – Thai crop replacement project in the 1970s. Today, Thailand’s entire output of Arabica coffee beans is locally roasted and used for the domestic market only. It only exports Robusta coffee beans, beans of lesser quality, harvested in the south of Thailand.

Besides the tranquility of the back garden and the view of both Baan Chaopraya on the one and Santi Chai Prakan Park on the other side, Coco Chaopraya offers a selection of coffee-based drinks and teas as well as a small, high-tea selection of cakes and Thai deserts.

To get to either of these places, just start walking down Phra Athit Road coming from the University towards the fort. Once you get to the fort, you will just have passed Coco Chaopraya on your left. Carbony is just across the road. Enjoy!
Announcements

People

Since the beginning of this year new staff members have been joining the team of CPG. In this issue two of them are introduced. Thansuda Pantusa, our office manager since May, graduated from the International College for Sustainability Studies of Srinakharinwirot University with a bachelor’s degree in Ecotourism and Hospitality Management. Before joining CPG, Thansuda worked as researcher and project coordinator for the Department of National Wildlife and Plant Conservation. In her free time she likes to travel, to read books and to listen to music.

Jan Kliem, our program officer, graduated from the University of Bielefeld with a bachelor’s degree in Political Science and earned his Master of Asian and International Studies at City University Hong Kong. Before coming to Thailand he worked at the political section of the European Delegation in Hong Kong and Macau. He is an active and keen sportsman who loves the outdoors.

In April our office manager Siraprapa (Tudtoo) Chalermpao left our team in order to prepare for a Master study program in Germany. CPG thanks her very much for her great work and dedication. We wish you all the best for you future studies, dear Tudtoo. You have been an important part of CPG.

CPG feels deep grief about the passing of our long-standing friend Jörg Menzel in April. A recognized expert for Asian constitutionalism he supported our work on many occasions with contributions to academic events and publications. In gratitude, CPG will always honor his memory.

Events

Past events March-April 2016

On 8 March 2016, the Faculty of Learning Sciences of Thammasat University arranged the conference “In-depth Accomplishments of Educational Reform in Foreign Countries – A Comparison with the Thai Educational Reform” at the Dome Building, Thammasat University.

On 8 March 2016, the Court of Justice and the Faculty of Law of Thammasat University jointly organized the conference “The Development of Court Justice’s Oral Evidence Preparation in Compliance with the Recently Amended Evidence Law” at Chao Praya Park Hotel, Bangkok.

On 10 March 2016, the Thai Civic Education Center and the Friedrich Ebert Foundation organized the 4th public forum on civic education held at Chulalongkorn University. For further information please see https://www.facebook.com/events/182985332070234/.
On 15 March 2016, the Puey Ungphakorn School of Development Studies of Thammasat University hosted the conference “National State, Santi Prachana and New Challenges: Fundamentals of Puey Ungphakorn’s Thought” at Theater Room, Puey Ungphakorn Library, Thammasat University (Rangsit Campus).

Invited by Dr. Thomas Gambke, Chairman of the ASEAN Parliamentary Group of the German Parliament, CPG Director Henning Glaser was speaker at an expert consultation on the state of affairs of Thai constitutional politics on 16 March 2016 at the German Parliament. Chaired by Dr. Gambke, the consultation and the subsequent discussion was attended by Members of the Parliament, H.E. Nongnuth Phetcharatan, Ambassador of the Kingdom of Thailand to Germany; General Lerrat Ratavanich, Member of the National Legislative Assembly of Thailand; Ambassador Dr. Nobert Riedel, Region Director for Asia and the Pacific at the Federal Foreign Office of Germany; and Wolfgang Schwarz, Thailand Desk Officer at the Federal Foreign Office of Germany.


On 17 March 2016, the Faculty of Political Science of Thammasat University hosted the conference “The Future of Local Government in Thailand” at the Faculty of Political Science, Thammasat University (The Prachan Campus), Bangkok, Thailand.

On 21 March 2016, the Konrad Adenauer Foundation and the Office of the Administrative Courts jointly organized a workshop on “Strengthening expertise in an administrative case concerning broadcasting and telecommunications”. For further information are provide at http://www.kas.de/thailand/en/events/67602/.

From 21 to 22 March 2016 the Faculty of Law of Thammasat University hosted the international conference on “Legal Education Systems in Southeast Asia” at the Faculty of Law, Thammasat University. The event provided a platform for exchange of expertise and experiences of legal education systems in Southeast Asian countries among representatives of Southeast Asian law faculties and law schools. Among them were Prof. Narong Jaibarn, Dean of Thammasat Faculty of Law; Assoc. Prof. Dr. Johan Shamsuddin Bin Sabaruddin, Dean of University of Malaya Faculty of Law; Prof. Topo Santoso, Dean University of Indonesia Faculty of Law; Prof. Dr. Elizabeth R. Pulumbarit, College of Law of the University of the Philippines; and Assoc. Prof. Dr. Nguyen Van Quang, Head of the International Cooperation Department of Hanoi Law University. Further input was provided by legal education experts and academics as well as experts in different areas. For further information see http://www.law.tu.ac.th/legal-education.

From 22 to 23 March 2016, the Chaiyaphum Rajabhat University and Hanns Seidel Foundation jointly organized a workshop on “Capacity Development in Terms of the Administration of Local Administrative Organization’s Leader”. The workshop covered various topics relating to the capacity development of local administration by several academics as well as experts in different areas. For further information see http://www.hss.de/southeastasia/en/thailand-laos/news-events/2016/capacity-development-in-terms-of-administration-of-local-administrative-organizations-leader.html.

On 1 April 2016, the first French-Thai “Forum on Cyber Security” was held at the French Residence in Bangkok. The forum provided a platform to discuss current issues of cybercrime and cyber defense in Thailand. For further information see http://www.ambafrance-th.org/1er-Forum-Franco-Thai-de-Cyber-securite-a-la-Residence-de-France-1er-avril-2016

On 4 April 2016, H.E. Ambassador Sabine Sparwasser, Director-General for Political Affairs (Africa, Asia, Latin America, Near and Middle East) and Special Representative of the Federal Government for Afghanistan and Pakistan at the German Foreign Office met Thai Foreign Minister, H.E. Don Pramudwinai, and Deputy Permanent Secretary, Panarak Poolthup, for political consultations. For further information see http://www.bangkok.diplo.de/Vertretung/bangkok/de/__pr/160405-Deutsch-Thailaendische-Politische-Konsultationen.html?archive=4103744

On 5 April 2016, Thammasat University hosted the conference “Justice and Development” at the University’s Rangsit Campus opened by Meechai Ruchupan with a speech on ‘The Framework of the Constitutional Drafting Committee’s Drafting of the Constitution’.


From 26 to 29 April 2016, the U.S. Embassy Bangkok’s International Narcotics and Law Enforcement
Upcoming events

From 2-3 June 2016, the Faculty of Economics of Thammasat University and the Society of Interdisciplinary Business Research (SIBR) will jointly hold the “SIBR 2016 Bangkok Conference on Interdisciplinary Business & Economics Research” at Empress Hotel, Bangkok, Thailand. For further information see http://sibresearch.org/index.html.

From 2-5 June 2016, the International Academic Forum will arrange the “Asian Conference on Asian Studies 2016” at the Art Center of Kobe, Kobe, Japan. For further information see http://iafor.org/conferences/acas2016/.

From 3-4 June 2016, the World Business Institute will hold the “12th Asian Business Research Conference, Annual Bangkok Business and Social Science Research Conference” at Ambassador Hotel, Bangkok, Thailand. Details are available at http://www.asiaconfo.com/.

On 10 June 2016, Chulalongkorn University will arrange the 7th International Graduate Students Conference “Population and Public Health Sciences” at Chulalongkorn University, Bangkok. Details are available at http://www.igscpp.org/.

On 17 June 2016, Kasetsart University, Srinakharinwirot University, Silpakorn University and Nakhon Pathom Rajabhat University will jointly host the 6th SMART National Conference “Asian Identities 2016” at the Faculty of Management Science, Kasetsart University (Siracha Campus), Chonburi. For further information see http://www.smartssociety.com/index.php

From 22-24 June 2016, the Chiang Mai University will hold the conference “Optimizing Healthcare Quality: Teamwork in Education, Research, and Practice” at Empress Hotel, Chiang Mai. Details are available at http://www.teamworkconf2016.com/

From 22-25 June 2016, the University of the Thai Chamber of Commerce will arrange the 15th International Conference “Language and Social Psychology” at University of the Thai Chamber of Commerce, Bangkok. Details are available at http://ials.org/conferences/.

On 2 July 2016, the Faculty of Management Science of the Prince of Songkla University will arrange the 8th National Conference “Administration and Management: Making Organizations Robust and Resourceful” at Faculty of Management Science, Prince of Songkla University, Songkla. Details are available at http://www.fms.psu.ac.th/ncam2016/index.html.

From 7-9 July 2016, the Asia-Europe Foundation will hold the conference the “8th ASEF Editor’s Roundtable Governance & Human Rights” at Ulaanbaatar. For further information please see http://asef.org/projects/themes/governance/3578-ERT8-asia-europe-digital-connectivity.

From 10 July 2016, Chulalongkorn University will arrange the training program “Legal Research for Social Science” at Faculty of Law, Chiang Mai University, Chiang Mai, Thailand. Details are provided at http://www.prcmu.cmu.ac.th/scoop_detail.php? sco_sub_id=1719.


From 14-16 July 2016, the International Economics Development and Research Center will organize the international conference “Humanity and Social Sciences” in Rome, Italy. For further information see http://www.ichss.org/.

On 20 July 2016, the Asia Society for Social Improvement & Sustainable Transformation) will arrange the “ASEAN Corporate Sustainability Summit and Awards” at Manila Marriott Grand Ballroom Hotel, Manila, Philippines. For further information see http://www.asiansustainability.com/

On 21 July 2016, the DAAD Information Center Bangkok will arrange the information event “Study and Research in Germany” (in Thai language) at the auditorium of the Thai-German Cultural Foundation, Bangkok. Details are available at http://www.daad.or.th/en/28757/index.html

From 8-9 September 2016, the Faculty of Psychology of the Chulalongkorn University will arrange the “Thailand National Conference on Psychology: Empowering People in the world of change (TNCP 2016)” at Chulalongkorn University, Bangkok. Details are available at http://researchpsychcu.wix.com/research.

From 8-10 July 2016, Faculty of Law of the Chiang Mai University will arrange the training program “Legal Research for Social Science” at Faculty of Law, Chiang Mai University, Chiang Mai, Thailand. Details are provided at http://www.prcmu.cmu.ac.th/scoop_detail.php? sco_sub_id=1719.
hold the “5th Burapha University International Conference: Harmonization of Knowledge Towards the Betterment of Society” at Dusit Thani, Pattaya, Chonburi. Details are available at http://www.buuconference.buu.ac.th/.

From 29-30 July 2016, the Malaysia Doctorate Support Group will arrange the “2016 Thailand Multidisciplinary Studies Research International Conference” at Mercure Hotels Pattaya Ocean Resort, Chonburi. For further information please see http://www.timsrisc.org/.

From 29-31 July 2016, the American Society of Business and Behavioral Sciences will organize the “20th Annual International Conference of the American Society of Business and Behavioral Sciences” at Windsor Suites Hotel, Bangkok. Details are available at http://asbbs.org/call-for-paper/international/.


From 23-25 August 2016, the International Business Academics Consortium will hold the “2016 International Congress on Economy, Finance, and Business” at Duangtawan Hotel, Chiang Mai. For further information see http://science-techs.org/icefb/

Scholarship opportunities

The Horizon 2020 SME Innovation Associate Programme launched by the European Commission provides funding to SMEs and start-ups in European Union member states and Horizon 2020-associated countries for the recruitment and employment of post-doctoral researchers from across the globe conducting research for the company’s innovation idea. Application deadline is 30 June 2016. Details are available at https://ec.europa.eu/casme/en/news/horizon-2020-sme-innovation-associate-funding-phd-recruitment-smes.

The Marie Sklodowska Curie Actions (MSCA) Individual Fellowships Programme supports researcher mobility by providing funding to post-doctoral researchers for research stays at universities, research centers and companies in European Union member states and programme-associated countries. ASEAN researchers can apply until 14 September 2016. Further information are accessible at http://ec.europa.eu/euraxess/index.cfm/links/singleNews/53563.

The Lise Meitner Programme of the Austrian Science Fund (FWF) grants PH.D fellowships to highly qualified non-Austrian post-docs to work at an Austrian research institution for a period from 12 to 24 months. For more information see https://www.fwf.ac.at/en/research-funding/fwf-programmes/meitner-programme/

15 two years post-doctoral fellowships of the Alternative Energies and Atomic Energy Commission (Commissariat à l’énergie atomique et aux énergies alternatives, CEA) are open for application to PhD degree holders in physics, informatics, biology, chemistry or engineering. The research fields addressed by this scholarship cover Personalized Medicine, Bioproduction, Precision Agriculture and Advanced Functional Materials. Details are available at http://en.drt-cea.com/index.php/default/default/affichepage?sujet=Offre_DSV-DRT.

The Humboldt Foundation offers fellowship for postdoctoral researchers from all disciplines to carry out long-term research (6-24 months) in Germany. Applicants are free to choose their own topic and their host institution. Applications are possible online at any time. For further information see https://www.humboldt-foundation.de/web/humboldt-fellowship-postdoc.html.

Newton Institutional Links provides small scale grants for the development of research and innovation collaborations between academic groups, departments and institutions in the United Kingdom and partner countries in the areas of weather conditions, access to affordable health care, food and energy security. See https://www.britishcouncil.org/education/science/institutional-links for further details.
CPG Job-Market

As a service, CPG provides a regularly updated overview of currently open job offers in fields and from institutions related to CPG’s focal areas of work.

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<tr>
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</tr>
<tr>
<td>SIIT, Thammasat University (Rangsit Campus)</td>
<td>Faculty Member, School of Management Technology</td>
<td>School of Management Technology, Sirindhorn International Institute of Technology</td>
<td>SIIT, Thammasat University (Rangsit Campus)</td>
<td>Faculty Member, Department of Common and Graduate Studies</td>
</tr>
<tr>
<td>SIIT, Thammasat University (Rangsit Campus)</td>
<td>Accounting Staff</td>
<td>Sirindhorn International Institute of Technology</td>
<td>Bangkok School of Management (BSM)</td>
<td>Sessional Senior Lecturer</td>
</tr>
<tr>
<td>Bangkok School of Management (BSM)</td>
<td>Sessional Lecturer</td>
<td>Bangkok School of Management (BSM), Bangkok, Thailand</td>
<td>Education Development Center</td>
<td>Deputy Chief of Party – Programs</td>
</tr>
<tr>
<td>RTI International</td>
<td>Chief of Party (COP)</td>
<td>RTI International, Bangkok, Thailand</td>
<td>TDRI</td>
<td>Researcher</td>
</tr>
<tr>
<td>UNICEF East Asia and Pacific Regional Office</td>
<td>Marketing Executive</td>
<td>United Nations Children’s Fund (UNICEF) Bangkok, Thailand</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Note: All positions are until filled.*
| Earth Rights International | Curriculum Associate | Chiang Mai, Thailand | 31 July 2016 | https://www.earthrights.org/careers/curriculum-associate |
| ActionAid Thailand | Women’s Rights Program Officer | Bangkok, Thailand | Until filled | http://www.actionaid.org/thailand/jobs/womens-rights-program-officer-1 |
| ActionAid Thailand | Fundraising and Communications Manager | Bangkok, Thailand | Until filled | http://www.actionaid.org/thailand/jobs/fundraising-and-communications-manager-0 |
| International Rescue Committee | Cultural Orientation Program Coordinator | Bangkok, Thailand | Until filled | http://chj.tbe.taleo.net/chj04/ats/careers/requisition. |
| United Nations High Commissioner for Refugees (UNHCR) | Associate RSD Officer (UNOPS) | UNCHR, Bangkok, Thailand | 31 December 2016 | http://jobs.thaingo.org/?p=jobs&act=detail&id_job=2431 |

Impressum

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