ASEAN Economic Integration through the ASEAN Economic Community (AEC):

On-ground Issues and Concerns from Indonesia, Laos, Myanmar, and, the Philippines

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FOREWORD

ASEAN has an aspiration to build a "region of lasting peace, security and stability, sustained economic growth, shared prosperity and social progress". Central to the achievement of this goal is the ASEAN Economic Integration, which is lauded to bring economic dynamism and prosperity in the region. AsiaDHRRA believes that to do this, there should be recognition that small men and women food producers are also recognized as key drivers of sustainable development.

Inclusive economic growth will only be achieved when the small men and women food producers already have enough supply of produce for their family and surplus for the market; with access to and/or control over productive natural resources for sustainable production; resilient to natural and man-made risks; and, with sufficient income to sustain their basic needs. In attaining these, relevant policies, meaningful public programs, fair and just private sector investments, and, appropriate support services from agri-agencies/civil society groups are needed. Once the small men and women food producers benefit from their own produce, it will "trickle up" to global food supply chain also benefiting the greater population.

The regional study conducted by Action Aid, Oxfam, and, AsiaDHRRA on the implication of the ASEAN economic integration on food security and environmental sustainability, and on land rights and gender inequalities revealed that the promised benefits for poor people are far outweighed by the inequalities brought about by this economic integration happening in the region.

True to the spirit of mushawarah—people-to-people dialogue— the AsiaDHRRA network conducted series of national round table discussions to validate the initial results of the study, to hear stories from the affected communities themselves, and, to document their views and experiences. This documentation aims to contribute to shaping the discourses on economic integration in the Asean region. We hope that it will serve as a reminder that we need to pause and assess our policies and programs, not only at the regional level, but more so at the national level; and, to check if we are not leaving any Asean people behind.

As an affiliated entity of ASEAN, this publication hopes to serve as a modest contribution to ASEAN in popularizing the regional body and its goals and objectives. More importantly, this reflects our commitment for advancing rural communities' welfare and rights.

We thank InDHRRA/BinaDesa, LaoDHRRA, MyanDHRRA, and, PhilDHRRA for actively cooperating in this case documentation. To all the people's organizations, NGOs, and, government representatives who participated in the RTDs and generously shared their views and experiences, our heartfelt gratitude. With thanks also to Oxfam and Action Aid for enjoining AsiaDHRRA in this worthwhile initiative. Lastly, we thank Ernie Lim, lead writer, and Mags Catindig for putting this publication together, and, Jet Hermida for the layout.

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Marlene Ramirez
Secretary General,
AsiaDHRRA

INTRODUCTION

The Association of Southeast Asian Nations (ASEAN) established in 2015 the ASEAN Economic Community (AEC) to promote economic, political, social, and, cultural cooperation across the region towards the establishment of a globally competitive single market and production base, with a free flow of goods, services, skilled labor, investments, and, capital across its 10 member states.

The AEC, as laid out in the AEC Blueprint 2025, aims for the establishment of the following:

1. A highly integrated and cohesive economy;
2. A competitive, innovative, and dynamic ASEAN;
3. Enhanced connectivity and sectoral cooperation;
4. A resilient, inclusive, people-oriented and people-centered region; and,
5. A global ASEAN.

Although the establishment of the AEC is generally expected to bring economic growth in the region, there is, however, growing concern over possible negative impacts to certain sectors, such as small-scale farmers, fishers, and, indigenous peoples (IPs).

There is also concern that the "free flow" of goods, skilled labor, investments, and, capital may expose said marginalized sectors to unfair competition, economic and physical displacement, and, other negative effects.

To validate said concerns, Action Aid, Oxfam, and, AsiaDHRRA jointly conducted in 2017 a regional research, entitled "No place to go: How investments are worsening land, gender and food security inequalities in Southeast Asia, " which looked into the types of foreign direct investments (FDIs) flowing into the region and the impact they were having on the food security and environmental sustainability of host countries. It also focused on how the land rights and gender inequalities among the poor people of the region were being affected by such investments.

The study called on the ASEAN to "find a middle ground where foreign direct investments serve to lift people out of poverty and curb inequality while contributing to boosting regional economic growth." It also challenged the ASEAN to hold true to its pillar of "a resilient, inclusive, people-oriented, and people-centered ASEAN."

AsiaDHRRA's commitment to the joint initiative was to share the key points of the study at the national level, and, to enrich and validate these from ground up conversations with various partners. AsiaDHRRA, through the member DHRRAs, conducted round table discussions (RTDs) in four (4) ASEAN member countries, namely Jakarta, Indonesia (15 February 2018); Yangon, Myanmar (2 March 2018); Quezon City, Philippines (9 March 2018); and Vientiane, Laos (27 June 2018). The RTDs

were participated in by representatives from farmers organizations (FOs), civil society organizations (CSOs), and, national governments.

Below are the issues and concerns raised during the RTDs. Presented first are some of the 'common' issues and observations that were raised in most of the RTDs. Followed by discussions on the single most significant issue raised for each country RTD.

'COMMON' ISSUES

1. Lack of Knowledge About the AEC

During the conduct of the four (4) country RTDs, the common reaction from most of the participants coming from the CSOs and FOs was that they were not aware of the AEC. Although most of the participants were aware of the ASEAN and of issues related to trade liberalization initiatives in the region. They, however, were not aware of the said regional economic integration initiative and of the different policies being enacted and implemented by their respective governments towards the realization of the AEC's goals. Many of the participants claimed that it was only during the RTD that they became aware of the AEC.

This possibly stemmed from the limited, if not lack of, initiatives by governments, and also CSOs, to inform and consult civil society and other stakeholders on the AEC and related policies and programs.

The lack of awareness and, subsequently, participation of marginalized stakeholders in this 'regional integration' process have also given the impression that attention has been placed more on the roles of governments, the business sectors, and, potential investors. The lack of government safety net programs to mitigate the impact of regional integration on the vulnerable marginalized sectors only further reinforced this perception.

2. Competition vs. Cooperation

There was also the perception among most of the RTD participants that the AEC was leading more towards competition, instead of cooperation, among the ASEAN member countries (particularly in the agriculture sector). This was because many of the ASEAN countries produce the same agricultural products (i.e. rice, cereals, rubber, coffee, etc.) or crops that serve as substitutes for other crops being produced by another member-country (e.g. Indonesia's palm oil and Philippines coconut oil).

Under such a regime of competition, the marginalized sectors (i.e. small farmers and fishers, unskilled laborers, etc.) are put in a disadvantage as they lack the capital and skills to compete and take advantage of the privileges, opportunities and incentives supposedly provided to all stakeholders. Also, competition among countries producing the same products usually results in the lowering of costs of production mainly through the lowering of wages, and of commodity farmgate prices. This may be good for consumers but is detrimental for small farmers and fishers, farmworkers, and rural women (who earns only 70% to 90% of wages of their male counterparts).

The integration program, instead of facilitating stakeholders' access to the global market, has resulted in the influx of cheap food imports, which, subsequently, has weakened domestic industries/sectors and further limited the ability of these industries/sectors to compete at the global level or even regional level.

Further worsening the situation has been the inability of governments to provide needed and effective 'safety nets' or social protection programs to mitigate the impact of capital, goods, and, labor liberalization on domestic stakeholders. This, again, further diminishes the capacity of said stakeholders from 'competing' and taking advantage of the integration program. Trapping the poor and marginalized sectors in a vicious cycle of poverty and incapacity.

3. The China Connection

A major issue that was repeatedly mentioned throughout the RTDs was the growing role of China as an influential player greatly benefitting from the liberalization of the ASEAN countries even though it is not a member of the ASEAN.

In the RTD in Myanmar, China was mentioned as a major player in the mining industry where many cases of community displacement occur.

In both the RTDs in Myanmar and Laos, China was also cited as buyers of raw materials (e.g. rotten fish) who then sells back the same materials as more expensive processed/finished products (e.g. organic micro-organism fertilizers).

During the RTD in the Philippines, China was identified as being involved in large-scale acquisitions of agricultural lands wherein crops produced are exported to mainland China. It has also been cited as involved in quarrying activities for their reclamation activities in the South China Sea.

INDONESIA RTD: FOREIGN DIRECT INVESTMENTS (FDIs) IN INDONESIA'S AGRICULTURE SECTOR

One of the goals of the AEC is to facilitate the free flow of capital and investments among ASEAN member states. Foreign direct investment (FDI) is the preferred means of generating capital to accelerate growth in developing countries as it allows technology transfer, promotes competition in the domestic market, contributes to human capital development in the host country (as FDI recipients gain employee training through the operations of the new businesses), and, generates profits for the host country through corporate tax revenues from FDIs.

However, several issues were raised regarding FDIs, particularly in agriculture, during the RTD in Indonesia.

One of the main issues raised was the role that FDIs were playing in the 'industrialization' (or the over promotion of agro-industrial crops such as oil palm and rubber) of Indonesia's agriculture sector.

The RTD participants have claimed that agro-industrialization in Indonesia has put at risk the nation's food security and has become a major driver in the destruction of the environment. With agricultural lands being limited, to be able to plant monocultures of oil palms and rubber trees, lands devoted to other crops had to be converted and tropical forests cleared. These have resulted in the displacement of small cultivators and indigenous communities. Massive deforestations have also resulted in the loss of biodiversity. At the same time, the use of chemical fertilizers and pesticides by these huge plantations has also resulted in the pollution of the environment.

As of 2016, a total of 15.5 million hectares have been planted to oil palm (11.9 million hectares) and rubber (3.64 million hectares) . This is around 27% of Indonesia's estimated 57 million hectares (as of 2015) of agricultural lands or 6% of Indonesia's total land area of 190.5 million hectares.

Almost half (52.88%) of oil palm plantations in Indonesia are owned by big private foreign corporations. While some 315,000 hectares of rubber plantations are owned by big private estates.

RTD participants have also raised the issue of lack of policies to regulate the operations of these foreign companies. A participant claimed that there is no available data on the wages being paid by these companies to its workers, no policy on working hours in plantations, no "social security" benefits given to farm workers, no limit to the size of the plantations that can be established, and no mechanism in place for the resolution of land conflicts between these big foreign companies and local communities. The absence of these policies and mechanisms apparently have been exploited by these companies for its profit.

The participants also claimed that attracting these kinds of FDIs has been the priority of government and that policies have been geared more towards the protection of investors rather than the protection of small farmers, plantation workers, and, other small stakeholders who are expected to be affected by the entry of such big foreign companies. The RTD participants pushed for more regulations on FDIs, more effective subsidies and protection for plantation workers (i.e. reasonable working hours, safe working conditions, proper wages, etc.) and affected farmers and communities (i.e. crop insurance, socialized credit, land conflict resolution mechanism, etc.), greater share from foreign companies in the provision of social security benefits, and greater 'link' of these FDIs with local SMEs rather than just devoting most of the production of these plantations for exports.

LAOS RTD: WOES OF A LANDLOCKED NATION IN A GLOBALIZING WORLD

Lao People's Democratic Republic (Lao PDR) is a landlocked country bordering Cambodia, China, Myanmar, Thailand, and, Vietnam. Of its 6.5 million people, 68% live in the rural areas. Although still considered a least developed country (LDC), it has made significant advances in poverty alleviation as poverty level has dropped from 46% in 1992 to 23% in 2015. (UNDP. 2018. http://www.la.undp.org/content/lao_pdr/en/home/countryinfo.html)

Average Gross Domestic Product (GDP) growth rate for the last decade has been at 7.8%, which has been mainly driven by foreign direct investments (FDIs) in mining, forestry and hydropower. (World Bank. 2018. http://www.worldbank.org/en/country/lao/overview)

Given this backdrop of economic growth, participants of the RTD, however, raised issues and concerns regarding the overall sustainability of the agricultural sector on which most of the Lao people still depend on.

Being a landlocked nation and bordered all around by other countriess, Laos and its agriculture sector is placed in an unusual predicament.

The usual approach to improving the income of agricultural enterprises is through processing, such as canning. By doing so, you prolong the shelf life of the product allowing the commodity to be sold to farther places or stocked and sold when the price is right.

For a landlocked country, this may make sense as this will allow agricultural commodities from Laos to cross the countries bordering it, and then be shipped from the ports of its neighboring nation to its final destination. Exporting said commodities via air transport would simply be too expensive.

However, Laos does not produce its own industrial machines. It has to import from other countries such as Thailand. With such machines being expensive, the cost for such machineries will have to be added to the price of the processed product. Also, having to cross other nations will entail additional costs such as tariffs, trucking costs, and other logistical costs, which will render price of the commodity too expensive and uncompetitive at the global and even regional market. This also greatly limits the commodities that Laos farmers can export.

Table No. 1: Top Food Crops Exported by Laos (2016)

Crop/ Commodity	Total Amount (in millions)	% of Total Exports ($4.7B)
Banana	198	4.2
Coffee	91.2	1.9
Raw Sugar	80.9	1.7
Cassava	70.3	1.5
Corn	67.0	1.4
Rice	49.9	1.1
Processed Cereals	45.6	0.97
Cabbages	27.3	0.58

Source: OEC 2016, https://atlas.media.mit.edu/en/profile/country/lao/

Another point raised during the RTD on the issue of processing is that Laos, being an agricultural country, produce a lot of raw and fresh agricultural products, and that locals prefer to consume 'fresh' products like fruits. Thus, there may not be enough domestic market for canned/processed agricultural products. Also, given that Laos has a very small population (only around 6.5 million), this may discourage the entry of foreign investments in retail, manufacturing, food processing and other consumer-based enterprises due to its limited domestic market.

This leaves Lao farmers no other option but to trade with the nations at its borders. Placing Lao farmers at the mercy of these neighboring countries. With processing unviable, Lao farmers are forced to trade/export their produce raw and cheap. Worse, participants at the RTD have claimed that the produce of Lao farmers are charged higher tariffs by the Chinese government compared to products that are exported by Chinese agricultural corporations that have leased lands in Laos.

Table No. 2: Top Laos Export Destinations and Import Origins (2016)

Export Destinations		Import Origins	
Country	***Amount***	***Country***	***Amount***
Thailand	$1.84 billion	Thailand	$4.04 billion
China	$1.36 billion	China	$1.06 billion
Vietnam	$538 million	Vietnam	$402 million
Japan	$124 million	Japan	$128 million

Source: OEC 2016, https://atlas.media.mit.edu/en/profile/country/lao/

MYANMAR: LABOR MOBILITY & GENDER ISSUES

Freer flow of skilled labor is one of the main features and goals under the AEC. It provides employers and businesses the opportunity to hire the necessary skilled workers to address skilled labor shortages that usually occur in ASEAN countries. It also expands employment opportunities for workers in the ten member-states of the ASEAN.

However, CSO participants to the RTD in Myanmar were not optimistic on the supposed opportunities provided by this "freer flow of skilled labor." On the contrary, many expressed concerns over the possibility of massive inflow of foreign workers that would lead to more competition in the domestic labor market. It is feared that this would result in greater unemployment and more displacements of local workers. These apprehensions were also strongly expressed in the RTDs in Indonesia, Laos, and, Philippines.

The influx of workers from China were the common examples cited by the participants in the RTDs as manifestation of such an effect and yet, again, China is not even a member of the ASEAN.

'Poorer' ASEAN countries, such as Myanmar, do not expect to benefit from the expected opportunities of labor mobility as their situation is that of deficit in skilled labor. According to the 2016 Human Capital Index, Myanmar ranked 109th (out of 130 countries ranked) indicating low quality of education and skill levels for its work force. Of its population of 54 million, only 3 million or 5% are tertiary-educated. Myanmar ranked last among ASEAN countries in 2016.

The same situation could be expected for Indonesia and Laos, which ranked 72nd and 106th, respectively, in the said index.

Table No. 3: Human Capital Index 2016: Ranking & Score for ASEAN Countries

Country	2016	
	Rank (of 130 countries)	**Score**
Singapore	13	80.94
Malaysia	42	74.26
Thailand	48	71.86
Philippines	49	71.75
Vietnam	68	68.39
Indonesia	72	67.64
Lao PDR	106	57.66
Myanmar	109	56.52
Brunei Darussalam	n.a.	n.a.

Source: Human Capital Report 2016, World Economic Forum

Countries with shortage in skilled labor are also placed in a disadvantage in terms of attracting FDIs. Countries with such skilled labor situations tend to attract more of the extractive and agricultural types of FDIs (which are involved in the extraction and production of raw materials for export back to their base countries, and tends to utilize methods that are more destructive to the environment and displaces local communities) rather than those involved in manufacturing and processing.

Influx of foreign skilled labor may not only displace the domestic work force in general but also further aggravate the conditions of women workers who tend to receive less wages (global figures indicate that women only receive 60-75% of men's wages) and are the ones who are more likely to be driven towards informal employment. In South Asia, over 80 % of women in non-agricultural jobs are in informal employment.

During the Myanmar RTD, participants shared that it has become common for unskilled women to work in other countries as house helps, which exposes them to further exploitation and abuses and human trafficking issues.

PHILIPPINES: AEC AND LAND RIGHTS

Land rights generally refer to the rights of a person or a community to have and maintain ownership, control, and, access to land. Any effort to take away such rights illegally, forcibly, under threat or through deceit is usually referred to as 'land grabbing.' Although the term 'land grabbing' has been used more recently to refer to large-scale land acquisitions through sale or lease of large pieces of land by domestic and transnational companies, governments, and individuals. For this paper, the term 'land grabbing' shall refer to both definitions.

In the advent of the 2007-2008 world food price crisis, cases of 'land grabbing' around the world dramatically increased as developed countries scrambled to acquire lands to address domestic food concerns. Agricultural investors also found new business opportunities in industrial food and biofuels production.

Although 'land grabbing' or large-scale acquisitions of agricultural lands has been happening even before the establishment of the AEC, encouraging 'freer flow' of capital and investments (i.e. FDIs) under the AEC could facilitate and further proliferate cases of 'land grabbing'.

In the Philippines, most affected by 'land grabs' are vulnerable groups such as IPs, small fishers and farmers, and, farm workers as cases of 'land grabbing' usually occur in the agriculture, mining and tourism sectors.

In the agriculture sector, 'land grabbing' usually occur in plantations (i.e. oil palm, banana, pineapple, sugar, etc.) affecting cooperatives of former farmworkers who have been awarded lands under the Comprehensive Agrarian Reform Program (CARP). Schemes usually involve investors entering into long term lease agreements with the agrarian reform beneficiaries (ARBs) or their cooperatives. The usual period for such lease contracts would cover 25 years and renewable for another 25 years. However, there have been reported cases of leases for as long as 60 to 90 years. Such extremely long lease agreements would have already effectively removed control of the land from the farmer within his lifetime.

Farmers usually agree to such agreements due to poverty, lack of capital to finance the operations of the newly awarded plantation, and lack of support services from government (i.e. credit).

Another issue with such lease arrangements is the extremely low lease rentals paid by investors. In some oil palm plantations in Mindanao involving IPs, lease could go as low as PhP6,000-8,000 (US$120-160) per hectare for 25 years. A variation of these lease agreements would involve staggered increases of lease rentals such as PhP1,000 (US$20)/hectare for the first three (3) years; PhP 2,000 (US$40)/hectare up to the 10th year; and PhP3,000 (US$60)/hectare for the 11th up to the 25th year.

There are also reported cases of IPs selling their land (or rights over the land) for PhP40,000 (US$800)/hectare. One report even mentioned IPs selling their lands for as low as PhP1,000 (US$20)/hectare.

Another scheme wherein land rights of farmers are undermined involve growership agreements that allow investors to "take-over" the control and management of the farmer's/cooperative's land if the latter fails to meet the agreed volume and/or quality of the produce.

In the tourism industry, investors are able to acquire lands along the coast and construct beach resorts. This usually results in fishing communities being displaced and pushed further away from the coast. With the subsequent construction of beach resorts along the coast, access of fishing communities to the sea (which is the source of their livelihood) are effectively cut-off.

The mining industry is another sector where FDIs affect the land rights of IP and farming communities. Once mining concessions are awarded to mining companies, communities are displaced from the area. Although IP communities within their ancestral domains have some protection under the law (i.e. Indigenous Peoples Rights Act), which requires the community's "free and prior informed consent" (FPIC) before mining concessions can be awarded. However, mining companies are able to acquire said FPIC by offering the community employment, social services such as construction of schools and clinics, etc., and paying-off community leaders and members. If such approaches fail to get the consent of the community, physical harassments through private "goons" and even the military are tactics that have been used by mining companies.

For farmers groups and ARB cooperatives, having a Certificate of Land Ownership Award (CLOA), the tenurial instrument given to farmers for lands awarded under the agrarian reform program of the government, provides limited protection as these can be cancelled once the land is proven to be mineral lands.

With such violations of land rights already rampant and expected to escalate further, it is proposed that the ASEAN issue a policy for the adoption of mechanisms similar to that of the FAO's Voluntary Guidelines on the Responsible Governance of Tenure (VGGT) of land, fisheries and forests that would protect the land rights of communities affected by FDIs.

CONCLUSION AND RECOMMENDATIONS

Although the main goal of regional integration through the AEC is economic growth for the whole region, the general sentiment among the participants of the RTDs was that only the rich and the foreign investors would really be able to take advantage and benefit from the economic opportunities of the said program. There is also the observation that the said program is mainly focused on attracting FDIs through the provision of generous incentives (i.e. land concessions, tax breaks, business-friendly policies, etc.) and the liberalization of the flow goods, capital and labor. Which, most of the time, would be to the detriment of the poor, the small farmers, fishers, workers, and, IPs.

There is also the sentiment that their respective governments have prematurely joined the AEC with the vulnerable and marginalized sectors not yet prepared to cope with the impacts of rural integration and trade liberalization. Further concerns have also been expressed over their respective government's continued inability to put in place needed 'safety nets' or social protection measures.

To address these issues, the following are AsiaDHRRA's recommendations:

1. Conduct comprehensive country studies to determine the actual effects of FDIs, regional integration and trade liberalization of goods, capital and labor, and formulate appropriate 'safety nets' or social protection programs;
2. Improve the quality of human resources, specially women, through the upgrade of quality of basic and public education, upgrade of faculties and qualified trainers, promote job trainings, vocational education and other skills trainings;
3. Strengthen local and national agriculture cooperatives to improve competitiveness, quality and volume of production, and capacity to export; support the regional networking among agri-cooperatives as a viable economic platform for smallholder farmers;
4. Enact laws and policies that protect lands used for agricultural food production (i.e. land use codes), strengthen land rights of small farmers and indigenous peoples, ensure fair wages and benefits, safe and conducive working conditions for workers, especially women workers;
5. Continue civil society efforts in strengthening the most vulnerable sectors through organizing, value-chain cooperation, agri-cooperative building, cooperative-to-cooperative trading, partnership and cooperation, etc.;
6. For the ASEAN and the member states to institutionalize the adoption of policies (formulated in collaboration with civil society organizations) that are aimed at addressing key issues in investments and capacity building of agricultural stakeholders. Namely, these polices are the "ASEAN Guidelines on Promoting Responsible Investment in Food, Agriculture and Forestry" and the "ASEAN Roadmap for Agricultural Cooperatives Development."

The issues related to regional integration and trade liberalization can sometimes be viewed as issues of statistics, policies and programs (i.e. growth rates, level of investment inflows, unemployment figures, etc.). However, at the ground level, the very same issues may involve communities being driven out of their lands, of human rights violations and violence, of families starving. Thus, the challenge to act on these issues remains urgent and indispensable. To this, AsiaDHRRA maintains its commitment to work with other civil society groups and stakeholders, including the ASEAN, to address these issues on regional integration and trade liberalization.

ENDNOTES

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