



Land Watch Asia

Issue Brief 2

Engaging the ASEAN: Toward a Regional Advocacy on Land Rights¹

The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok by the five original Member Countries, namely, *Indonesia, Malaysia, Philippines, Singapore, and Thailand*. *Brunei Darussalam* joined on 8 January 1984; *Vietnam*, on 28 July 1995; *Lao PDR* and *Myanmar*, on 23 July 1997; and *Cambodia*, on 30 April 1999.

In principle, ASEAN supports poverty reduction, food security, sustainable development, and greater equity in the ASEAN region. However, a closer look at the pronouncements contained in its policy documents reveals that an economically-driven framework of growth still drives the work of ASEAN, even as it strives to create "caring societies". While the organization does have a policy of engaging NGOs, it is not clear how NGOs could participate meaningfully in providing direction for ASEAN's work. This requires clarification on the part of ASEAN.

This issue brief argues that before ASEAN could engage in meaningful dialogue with NGOs, it will first have to grapple with a number of issues, namely, (1) food security for farmers that likewise promotes poverty eradication and rural development; (2) property rights as a fundamental human right of farmers; (3) ensuring justice in poverty eradication and rural development efforts; and (4) economic growth as a precursor for social development.

The key structures in the ASEAN that need to be engaged are the following: the ASEAN Summit; the ASEAN Socio-Cultural Community; the ASEAN Ministers on Poverty Eradication and Rural Development; Senior Ministers on Poverty Eradication and Rural Development; Functional Cooperation Bodies (e.g. Poverty Eradication; Social Development); the ASEAN-Japan Dialogue;

the ASEAN-Australia Dialogue; Advisory Groups to ASEAN; and the ASEAN Development Fund.

At the end of this issue brief, practical steps and talking points for engaging the abovementioned structures in ASEAN are presented.

I. ASEAN's Institutional Framework on Land-related Issues: Strengths and Weaknesses

ASEAN's Principles in Focus

Ownership and Stakeholders of ASEAN: Recognition of "Peoples"

The ASEAN Charter, with its declaration, "[W]e, the Peoples," implies that ASEAN is owned by *people* of the region, and that the heads of state or government of ASEAN member countries are merely their representatives.

Such a declaration could be taken to mean ownership of ASEAN by ordinary people, and that the latter have the right to participate in ASEAN activities and to define the objectives that bind them together under ASEAN.



Vision for Southeast Asia

ASEAN's vision upholds the same principles that NGOs promote, such as equity, empowerment of the disadvantaged, reduced poverty and economic disparities, food security and sustainable

development, among others. However, it appears that economic growth is still the dominant framework for ASEAN's development mission. The following is a critique of specific declarations, policies, principles, and approaches of ASEAN:

Concept	ASEAN's Vision and Principles	NGO Views
<ul style="list-style-type: none"> • A community of "caring societies" 	<p>ASEAN Vision 2020, which was adopted by the Leaders of the member countries on the 30th Anniversary of ASEAN, envisions an ASEAN consisting of nations that are <i>outward-looking, living in peace, stability and prosperity</i>, bound together in partnership toward dynamic development and in a <i>community of caring societies</i>.</p>	<p>The declared vision needs to specify who the "caring societies" are supposed to look after. ASEAN's vision makes no reference to the "marginalized" sectors of society.</p>
<ul style="list-style-type: none"> • Poverty eradication and empowerment of civil society 	<p>ASEAN envisions the empowerment of the disadvantaged and of civil society.</p>	<p>How does ASEAN view 'civil society' and why does it think that members of civil society members ought to be 'empowered'? Is it because ASEAN thinks they are voiceless? It would be good to find out which groups in the region are classified by ASEAN as 'disadvantaged.' It is likewise important to determine what ASEAN officials regard as the cause of poverty in the region.</p>
<ul style="list-style-type: none"> • Food security and sustainable development 	<p>ASEAN's vision declares that it aims to "...enhance food security and international competitiveness of food, agricultural and forest products...."</p> <p>ASEAN envisions "a clean and green ASEAN with fully established mechanisms for sustainable development...."</p>	<p>Whose food security is being referred to? Which crops grown in the ASEAN region are envisioned to be made competitive? The lack of access to land is a pressing problem faced by farmers; unless addressed, this will threaten food security, sustainable development and management of land resources. Hence, ASEAN cannot and should not ignore access to land issues when formulating its strategy to attain food security.</p> <p>Unless landless farmers are given security of tenure on the land, the protection of the region's environment and the sustainable management of its resources cannot be assured.</p>
<ul style="list-style-type: none"> • Equity 	<p>ASEAN Vision 2020 appears to promote the principle of <i>equity</i></p>	<p>NGOs believe that land resources in the ASEAN region are still not equitably distributed² Does ASEAN believe so? Furthermore, does ASEAN agree that land resources are being managed in a sustainable manner?</p>

Concept	ASEAN's Vision and Principles	NGO Views
<ul style="list-style-type: none"> • Equity • Economic integration within ASEAN—growth still the dominant framework 	<p>ASEAN Vision 2020 adopts an economic-growth driven development framework.</p>	<p>NGOs also believe that land-based workers, especially farmers, do not have equal access to opportunities to improve their livelihood and income, and that the majority of them lacks ownership of their land and other productive assets. We are not sure how ASEAN thinks about the current situation of farmers in the region, nor how ASEAN perceives the root causes of inequality in the region.</p> <p>ASEAN's use of the term 'sustainable and equitable growth' needs to be clarified. NGOs argue that mere economic 'growth' could never be sustainable. "Sustainable development" may be a more appropriate concept to use.</p>

ASEAN's Purpose and Objectives sans Land Rights?

ASEAN needs to clearly define and re-think some of the basic concepts that it uses to state its purpose and objectives, such as "human rights," "sustainable development" and "access to opportunities," since its formulation of these concepts seems to ignore the landless or land-poor farmers who comprise majority of the rural poor in Asia, as well as their basic and inherent rights to property, such as land.

Strengthening Democracy and Protecting Human Rights—Are Basic Rights, such as Right to Land, also Recognized?

From ASEAN's perspective, is the "right to own property," especially land, a component of human rights and fundamental freedoms? In the case of landless farmers or the "land-poor", how can their rights be protected/safeguarded? Does ASEAN have an agenda for them? What, if any, is ASEAN's agenda for these groups, and how does it propose to carry it out?

Promotion of Sustainable Development and Protection of the Region's Environment—Must Feature Land Rights

What does ASEAN think are the main issues which threaten the sustainable development of the region's land environment? What is ASEAN's position on land-related issues, such as agrarian reform; provision of access to productive resources such as land; tenurial rights; sustainable use and management of common property resources; etc. Does ASEAN consider lack of access to land by farmers in Asia a serious threat to sustainable development in the region? If ASEAN thinks otherwise, how does it assess the quality of life of farmers in the region?

Enhancing the Well-being and Livelihood of the People—Futile without Equitable Access to Land

ASEAN aims to enhance people's livelihood and well-being "by providing them with equitable access to opportunities for human development, social welfare and justice."

How does ASEAN define "equitable access to opportunities for human development, social welfare and justice"? For whom would ASEAN work to provide such access? What about access to productive resources, such as land?

General Mechanisms for Implementing ASEAN's Vision, Mission and Objectives: The Vientiane Action Programme (2004–2010)

Realizing the Vision of an ASEAN Community: Goals and Strategies through the Vientiane Action Programme

The Vientiane Action Programme (VAP) states that: "The hallmark of a strong and resilient community of caring societies is its commitment and capability to address the core issues of poverty, equity and health. National initiatives will fundamentally drive the manner and extent to which these issues are addressed."

Does this mean that ASEAN is ready to create a regional movement toward addressing the core issues of poverty, equity, etc., especially as these relate to issues of land rights?

Implementation Mechanisms

According to the VAP, there are potentially five levels of cooperation among the ASEAN Member Countries in moving toward the ASEAN Community. These are: (1) confidence-building; (2) harmonization; (3) special assistance; (4) joint efforts; and (5) regional integration and expansion.

What are the possible cooperation activities in line with "harmonization"? What type of regional approaches are possible and with which regional institutions could NGOs working on land rights/issues forge joint efforts?

Outside the formal ASEAN mechanisms and structures, how can NGOs still get involved in: (1) policy-making; (2) planning of development projects (even programs) for the region; and, (3) agenda-setting?

Monitoring and Evaluation

The VAP needs to have a mechanism for monitoring and evaluation to ensure that targets are achieved, timely corrective measures are undertaken if needed, and initiatives and activities are kept consistent with the stated goals of the VAP and are responsive to emerging issues and priorities.

The VAP stipulates that part of the scorecard assessment within ASEAN is defining which stakeholder perspectives would be considered. To obtain a balanced view, the widest range of stakeholder views ought to be obtained.

What about the perspectives and inputs from non-government organizations? How will ASEAN ensure that grassroots beneficiaries' perspectives are included in the

monitoring and evaluation? How could NGOs participate in monitoring and evaluation in the ASEAN?

II. ASEAN's Viewpoint on other Social Development and Rural Development Issues

Rural Development, Poverty Reduction and Social Justice—How Ensured?

The ASEAN's *Ministerial Understanding on ASEAN Cooperation in Rural Development and Poverty Eradication*, which was issued in 1997, does not provide a clear definition of "Rural Development and Poverty Eradication". The concept of social justice, though espoused in this document, is also not explicitly defined.

Food Security as Fundamental to Poverty Eradication—Can Farmers be Ever Secure Themselves?

In a statement of their vision, the ASEAN Ministers on Rural Development and Poverty Eradication said they were committed "[to] eradicating poverty, with particular emphasis on promoting the development of progressive, prosperous, and self-reliant rural communities, and thus contribute towards creating a caring society in the ASEAN Member Countries."

However, the ministers did not specify whether landless farmers are among those that have the potential to become self-reliant rural communities.

Food security is recognized by the ASEAN Ministers under the *Hanoi Plan of Action* (1999–2004), while agricultural workers, along with the informal sector, are given priority for social protection under the *Framework for the Action Plan on Rural Development and Poverty Eradication (2004–2010)*³, which was formulated at the Senior Officials Meeting on Agriculture and Forestry (SOM–AMAF). However, the land rights of landless farmers do not seem to have been taken into account in the abovementioned ASEAN public documents,

including the *Ministerial Understanding on ASEAN Cooperation in Rural Development and Poverty Eradication*.⁴ This makes advocacy with ASEAN for the land rights of landless farmers all the more crucial.

The ASEAN Session on Revitalising Cooperation on Rural Development and Poverty Eradication, which was convened on 20 June 2003, produced the Framework Action Plan on Rural Development and Poverty Eradication with the following priorities:

- Globalization;
- Narrowing the Digital Divide, promoting the use of information and communication technologies (ICTs) as a tool;
- Social Protection;
- Employment and Income-generation;
- Partnerships, Decentralization, Local Participation; and
- Narrowing the Development Gap.

It is interesting to note that the 4th Senior Officials Meeting on Rural Development and Poverty Eradication (SOMRDPE) in December 2003 agreed that SOMRDPE's work in the area of "Social Protection" should prioritize agricultural workers and the informal sector. Just as noteworthy, the Framework for the Action Plan on Rural Development and Poverty Eradication puts a premium on the "capacity-building of civil society organizations...not only in social services delivery but also to intensify local community and/or local government roles in social safety and protection..." and on "[greater] involvement of non-government [organizations] and civil society (in collaboration with the ASEAN Senior Officials on Social Welfare and Development).

The *Ministerial Understanding on ASEAN Cooperation in Rural Development and Poverty Eradication* provides for a regular meeting, i.e., once in two years, formally, and informally, in between, among the ASEAN Ministers on Rural Development and Poverty Eradication (AMRDPE). They shall also convene the SOMRDPE at least once a year.

As to the implementation of the Action Plan on Rural Development and Poverty Eradication, the ASEAN Secretariat will assist in coordinating with relevant ASEAN Functional and Economic Bodies, where appropriate, to facilitate the implementation of the Plan of Action on Rural Development and Poverty Eradication. The fundamental question remains whether the Plan of Action has been carried out and with what effects and impact on the lives of the marginalized.

Food Security & Globalization— Database, Information and Communication Exchange should Include Land Issues

The Hanoi Plan of Action states that ASEAN aims to "enhance food security and global competitiveness of ASEAN's food, agriculture and forestry products..."

ASEAN no doubt puts a premium on food security and in fact has declared that it shall strive to improve food accessibility. However, this begs the question, how does ASEAN define food security and food accessibility? ASEAN's analysis of factors affecting food security in the ASEAN region would help provide our advocacy with talking points for engagement on land issues.

The Hanoi Plan of Action also declares that ASEAN shall build up a food security statistical and information database by establishing an ASEAN Food Security Information System (AFSIS). But how and where would such information be collected? Does ASEAN intend to make use of information compiled by NGOs? Has ASEAN ever used for reference purposes data on landless farmers or the land-poor in the ASEAN region?

ASEAN's perspective on food security and globalization shows that it aims to strengthen ASEAN members' cooperation and joint approaches in addressing issues and problems affecting trade in the region's food, agriculture and forestry products, including environment and labor issues. Can problems related to access to land and land tenure be included in these discussions?

Energy, Environment, Climate Change and Sustainable Development—Still No Sign of 'Land' Connection

In recent conferences and meetings, ASEAN renewed its commitment to building a people-oriented ASEAN that is responsive to the needs of its peoples, and welcomed the ongoing efforts to institutionalize a genuine process of dialogue between the Leaders and all sectors of society.

It also noted the comments and suggestions made by the civil society groups, including the need to deepen economic integration and community-building efforts; pay attention to the well-being and livelihood of vulnerable groups in society; promote democracy, good governance and human rights; effectively resolve transboundary environmental pollution,

including haze; and ensure that in the development of nuclear power as an alternative energy source of power generation and civilian nuclear energy use, international nuclear safety and security standards are upheld.

Meanwhile, the 13th ASEAN Summit Meeting in 2007 “recognized that the issues of energy, security, environment, climate change and sustainable development are interrelated and complex, and represents a serious global challenge that must be addressed in a comprehensive manner through individual, regional and concerted international action....”

However, access to natural resources is not recognized as a related issue to sustainable development. Having no access to land nor secure land tenure, farmers could resort to unsustainable farming practices to increase production per unit of land, which they frequently do not own.

ASEAN Declaration on Environmental Sustainability—Reinforcing Role of Civil Society, but Still No Place for Land Issues

ASEAN's declarations on *Environmental Protection and Management*, while generally sound, offer no indication that ASEAN recognizes the connection between environment and land issues.

III. Engaging ASEAN

What NGOs Need to Know Before Engaging ASEAN

Ministerial Meetings appear to be the most feasible, strategic, high-level window for a regional civil society-led engagement with ASEAN on land issues. The other mechanisms are:

1. ASEAN Summit

The highest decision-making organ of ASEAN is the Meeting of the ASEAN Heads of State and Government convened every year.

2. Committees of Senior Officials, and Technical Groups

The committees of senior officials are called Senior Officials Meetings (SOMs). These meet regularly during the year or on an *ad hoc* basis to prepare for events and other higher-level meetings. Pertinent to the work on social development and poverty eradication has been the SOMs on Rural Development and Poverty Eradication (SOMRDPE) and the Meeting of the ASEAN Ministers Responsible for Social Welfare (AMRSW), or the SOM on Social Welfare.

3. Areas of Cooperation

There are four major areas of cooperation under the ASEAN framework: (1) Political and Security; (2) Economic; (3) Functional; and (4) Development. What does each of the areas of cooperation cover? Where would discussions on land issues fall under? How effective have these types of cooperation been in terms of implementing the Vision 2020 of ASEAN?

4. Functional Cooperations

In an advocacy on land issues with ASEAN, the Functional Cooperations on Poverty Eradication and Social Development appear to be the more relevant.

5. ASEAN—Bilateral Aid Track supportive of Agricultural and Rural Development

ASEAN has Dialogue Partners that are supportive of agricultural and rural development, and thus could serve as windows for engagement, specifically through a bilateral ODA-link. Two possible ASEAN Dialogue Partners are Australia and Japan.

Parallel or Advisory Structures in ASEAN: Possible NGO Engagements with ASEAN on Land

Within ASEAN, NGOs may also engage parallel or advisory structures composed mostly of academics, think tanks and scholars, media, business people and government officials in their private capacity, such as the Eminent Persons Group (EPG), the Asean People's Assembly (APA), the Working Group on an ASEAN Human Rights Mechanism, on the ASEAN Civil Society Conference (ACSC).

Accreditation as an NGO

ASEAN has developed "Guidelines for ASEAN Relations with NGOs," which include criteria for approving application for NGO accreditation with ASEAN. Only NGOs whose membership is confined to ASEAN nationals may be considered for accreditation.

An applicant NGO will also be assessed on its potential to contribute to the enhancement, strengthening and realization of the aims and objectives of ASEAN.

Accreditation brings with it a number of privileges including:

- Use of the name "ASEAN" and of the official ASEAN emblem in correspondence and communications, and in the NGO's official meetings so long as these are non-commercial in nature;
- Right to submit written statements or recommendations and views on policy matters or on significant events or regional or international concerns;
- Right to submit project proposals for Third Party funding;
- Opportunity to initiate programs of activities for presentation to its "link body" for appropriate action;

ASEAN—Australian Dialogue

The ASEAN—Australia relationship has evolved and matured considerably since Australia became ASEAN's very first Dialogue Partner more than two decades ago in 1974. Initially the dialogue was focused on providing technical assistance to ASEAN through regional projects, primarily in research and development in food-related areas.

The 14th ASEAN—Australia Forum in 1991 agreed to expand the theme of cooperation so that it would be based on mutual interest and benefit, encompassing new areas such as education, environment, telecommunications and science and technology. Political and security issues were discussed during the 15th Forum in 1993.

The joint ASEAN—Australian declaration on socio-cultural cooperation enhances cooperation in the areas of poverty, equity, health and other social impacts of economic growth and integration; preserving and promoting the region's cultural heritage and cultural identity; and promoting closer cooperation in environmental conservation, including efforts to address transboundary environmental pollution, and to promote sustainable natural resources management.

The ASEAN—Japan Dialogue

The ASEAN—Japan Plan of Action puts emphasis on cooperation for reinforcing the integration of ASEAN (i.e. narrowing gaps through the Initiative for ASEAN Integration [IAI], the Mekong region development, Brunei—Indonesia—Malaysia—Philippines East ASEAN Growth Area [BIMP-EAGA], and Economic Cooperation Strategy among Cambodia, Lao PDR, Myanmar and Thailand, as well as improving economic infrastructure).

How this gap is defined by the ASEAN—Japan Dialogue, another ASEAN Bilateral Aid track, has not been specified. Neither are development gaps in terms of access to productive resources, such as land.

- Limited access to ASEAN documents; and
- Use of the ASEAN Secretariat facilities for the NGO's official meetings and other official activities in Jakarta.

However, NGOs need to assess whether ASEAN views them as a partner or merely as a consultative body, that is, whether NGOs can define their own agenda or simply adopt ASEAN's own agenda.

Endnotes

- ¹ Abridged from the paper prepared by Faina Lucero-Diola entitled "ANGOC Scoping Study on ASEAN and Land Rights," 2008.
- ² To cite some examples, in 1999, Cambodia had 20% of its rural population who were believed to be landless (Cambodia Development Review 1999 cited in IFAD, *Whose Land?* 2001) and 10% of households in survey villages held 33% of farmland (Murshid 1999 cited in IFAD, *Whose Land?* 2001). Indonesia and the Philippines had 15% and 34% of their rural population who were landless, respectively, in 1988. Although data is old, patterns of landholding revealed that in 1976-77, Indonesia had landholdings of only 3%, and the Philippines 3.2% in 1981, for the lowest 20% of the agricultural households of both countries.
- ³ <http://www.asean.org/9162.htm>
- ⁴ <http://www.aseansec.org/1962.htm>

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The International Land Coalition is a global alliance of civil society and intergovernmental organizations working together to promote secure and equitable access to and control over land for poor women and men through advocacy, dialogue and capacity building.



As the overseas development agency of the Catholic Church in Germany, MISEREOR works in partnership with all people of goodwill to promote development, fight worldwide poverty, liberate people from injustice, exercise solidarity with the poor and persecuted, and help create "One World".



ActionAid is an international anti-poverty agency whose aim is to fight poverty worldwide. Formed in 1972, it has been helping over 13 million of the world's poorest and most disadvantaged people to fight for their rights to food, shelter, work, education, healthcare and participation in 42 countries worldwide.



Founded in 1979, ANGOC is a regional association of 20 national and regional networks of non-government organizations (NGO) in Asia actively engaged in food security, agrarian reform, sustainable agriculture, participatory governance and rural development. ANGOC member networks and partners work in 14 Asian countries with an effective reach of some 3,000 NGOs and community-based organizations (CBOs). ANGOC actively engages in joint field programs and policy debates with national governments, intergovernmental organizations (IGOs), and international financial institutions (IFIs). ANGOC is a founding member of the International Land Coalition (ILC) and coordinator of the Land Watch Asia (LWA) campaign.

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LandWatch Asia (LWA) is a regional campaign to ensure that access to land, agrarian reform and sustainable development for the rural poor are addressed in national and regional development agenda. The campaign involves civil society organizations in six (6) countries—Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines. LWA aims to take stock of significant changes in the policy and legal environments; undertake strategic national and regional advocacy activities on access to land; jointly develop approaches and tools; and encourage the sharing of experiences on coalition-building and actions on land rights issues.