

Toward a community of solidarity with resilience

Kimihiro Ishikane
JAKARTA

Japan is hosting the ASEAN Japan Commemorative Summit in Tokyo. Each head of state or government from all 10 ASEAN member states will convene in Tokyo to commemorate our 40 years of friendship and cooperation, as well as to chart our partnership into the future.

Japan and ASEAN share common interests in keeping and developing an open, transparent and networked region that ensures enduring peace, stability and prosperity, while ASEAN exists as its central component. Our relationship has been successful in many ways to make this region one of the most vibrant centers of the 21st century.

We should not, however, be complacent. Looking back at what we have achieved together, and taking into consideration in the changing dynamics within the region, we need to discern the continuing part

and evolving part of our partnership. Our "heart-to-heart" relations definitely remain as it has been for 40 years. The more our relations strengthen over the years, the steadier Japan and ASEAN move from "donor-recipient" relations to real "partnership" relations. Our emphasis on development cooperation and on disaster management, however, will remain the same within the context of gap narrowing among member states and of realizing a community of solidarity with resilience.

Our interaction in the field of economy is evolving. We are determined to work with ASEAN to achieve its community building by 2015 and beyond. ASEAN's integration is moving into new stages through broader and deeper connectivity, which will generate values of more than just a sum of individual ten countries. The important part of Japan's new future as our Prime Minister Shinzo Abe describes: "Japan is back", lies in the better net-

working of Asia-Pacific. Our partnership, in this regard, involves not only facilitating the physical connectivity which is still insufficient in many parts of ASEAN, but also promoting institutional connectivity, which is essential to realize smooth transaction of goods, services and capital. Agreement on service and investment chapters of AJCEP and the conclusion of RCEP are also important in this regard.

Another challenge is to overcome what is usually referred to as the "middle income trap". Japan can share its experience on how to nurture small and medium sized enterprises, which can play a critical role in gap-narrowing and inclusive economic development.

Networks of production centers of Japanese manufacturing industry in the region will continue to offer unparalleled opportunities for capacity building, technology transfer, nurturing of relevant companies, which is indispensable for countries to take new steps forward avoiding

the "trap."

We can also enhance our cooperation in such fields as environment protection, energy conservation, food security, social safety net, aging society and others. We have a lot to share with ASEAN in these fields as a country that has overcome some of these challenges, while still struggling in many other fields.

In the political-security field, our partnership should be much more enhanced. Cooperation should be encouraged in such fields as anti-piracy measures, actions against transnational crimes, cybercrimes as well as cooperation in peace building/keeping or protection and promotion of human rights, etc.

On South China Sea, Japan should be clear and firm in its message and action. Japan, with her legitimate strategic interests at stake like all others, is determined to work with ASEAN to ensure peace and stability based upon established international laws.

I wish to note here, one thing

which is ambitious but important; regional order or architecture building with ASEAN. Two distinct changes are taking place in the region: multilayered architecture formation (ASEAN, ASEAN+1, +3, EAS, ARF, ADMM+ etc) and the transformation of geopolitical landscape. Under such circumstances, what kind of game are we going to play?

Though balance of power is a reality of international politics, playing games solely along this reality might make ASEAN a board game of "Go," where competing powers try to get their respective followers to gain more influence than others. Instead, at the venue of external powers' engagement, ASEAN should be a hub of regional architecture.

Japan is willing to support ASEAN's endeavor in this regard, as long as ASEAN strives to be strong, united and cherish basic values such as rule of law, democracy, human rights, etc. that are clearly embedded in the ASEAN Charter. Japan, also, should be strong and reason-

able so that our voice is heard by ASEAN and other partners.

Last but not least, the importance of Indonesia in our relationship with ASEAN cannot be overemphasized. Indonesia occupies a critically important place as a country that is making every effort to embody aforementioned basic values and having overcome many difficulties such as military dominant autocratic regime, religious conflicts, ethnic conflicts and turbulent transitional period to democracy.

As Indonesia has gone through all these, its words weigh much more vis-a-vis other ASEAN countries than other external partners including Japan. We will closely work with Indonesia not only in a bilateral context but also in that of ASEAN and Asia-Pacific for the peace and prosperity of the region.

The writer is Ambassador Extraordinary and Plenipotentiary Mission of Japan to ASEAN.

What's next for the WTO after the Bali deal?

Lori Wallach and Ben Beachy
THE GLOBALIST/WASHINGTON, D.C

Roberto Azevêdo, the new World Trade Organization (WTO) head, has earned praise for avoiding the implosion that has characterized many past WTO meetings. However, the real question is what lesson the new director general should draw from his intense first few months of WTO leadership.

The Bali deal indicates that, while attempts to expand the scope and jurisdiction of the WTO do not enjoy support from most member countries, Azevêdo may find more support in heeding long-standing calls to alter existing WTO rules.

If Azevêdo is to take this lesson to heart and chart a new direction for the world's most powerful commerce organization, he can take a cue from his home country. Brazil has proven successful in challenging old globalization agendas and crafting its own trade policy.

Brazil stands out because it was

one of the few countries that wisely refused to subject its financial services sector to the WTO's broad deregulation requirements. Unlike those countries that did, Brazil weathered the 2007/2008 global financial crisis with limited impact.

Another example of Brazil's savvy is its refusal to accept an obscure-sounding provision that is usually buried in the trade and investment agreements and pushed onto other countries by the United States and the EU.

Known as "investor-state" dispute resolution (ISDR), this mechanism empowers foreign corporations to bypass the domestic legal systems of the countries in which they operate. Instead, it allows them to drag sovereign host governments before extrajudicial tribunals with a stunning demand — compensate corporations for health or environmental policies (or other government actions) that the investors find inconvenient.

These tribunals are comprised of three private sector attorneys, unaccountable to any electorate. And

yet, they are empowered to decide whether an important public interest policy should be deemed a violation of expansive, but vaguely-worded foreign investor privileges.

For example, a Peruvian anti-toxics policy is now being attacked by a US corporation, as is Canada's medicine patent policy. And US tobacco behemoth Philip Morris has launched cases against progressive anti-smoking laws in Uruguay and Australia, after failing to undermine the health laws in domestic courts.

To outsiders, this may sound like a conspiracy theory. If only. In the name of investment promotion, US trade negotiators over the past two decades have quietly inserted these far-reaching provisions into a panoply of "free trade" agreements (FTAs) signed with 17 mainly developing countries. European countries have inked nearly 1,000 Bilateral Investment Treaties (BITs) that contain the same mechanism with developing countries in Latin America, Africa and Asia.

As a result, US and EU oil, phar-

maceutical and other corporations are now launching an unprecedented wave of these investor-state cases. The UN reports that the cumulative number of investor-state cases has jumped tenfold since 2000.

Corporations are using this tool to go up against consumer safeguards, environmental laws, financial regulations and other policies that they claim inhibit their "expected future profits." These tribunals have already ordered governments to pay billions to foreign corporations, while billions more in claims remain pending.

Given that, why would any country want to sign on to such a one-sided system? Most likely, it is a case of deceptive advertising. Sweeping investor privileges, it was reasoned, were required to attract a steady flow of investment into developing countries. Investor-state clauses were originally presented as promoting investments.

If the agreements had worked as advertised, Brazil should be hurting for investment after rebuffing BITs and US FTAs that enshrine the ISDR

system. And Peru, having ratified nearly two-dozen investment treaties and signed onto an ISDR-embodied US FTA with the US, should be a darling of foreign investors.

The reality is the opposite. The UN reports that in 2012 Brazil was the world's fourth most popular destination for foreign investment, only outdone by the United States, Hong Kong and China.

While Brazil easily clinched Latin America's top spot as a foreign investment magnet, Peru ranked as one of the region's lowest foreign investment recipients. Indeed, study after study has found zero correlation between a country's submission of its public policies to the whims of investor-state tribunals and its ability to attract foreign investment.

No wonder then that South Africa is in the process of terminating its BITs with investor-state enforcement, as is Ecuador. Countries such as Bolivia and Venezuela have withdrawn from the World Bank forum where most investor-state cases are tried.

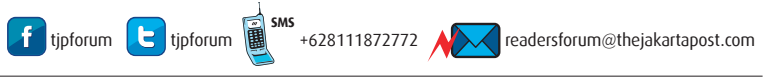
The opposition to these dubious tribunals has also reached the Global North. After a multi-year review under the past conservative government, Australia concluded that the investor-state regime was not in its national interest. It refuses to be subjected to the US-proposed expansion of the investor-state system through the Trans-Pacific Partnership, a sweeping FTA currently under negotiation.

Given Brazil's proven success in refusing such costly schemes and engaging in the global economy on more pragmatic terms, will Roberto Azevêdo take a cue from his home country, learn from the recent backpedaling in the Bali deal and bring a new perspective to the WTO? The odds may be long, but the world can only hope so.

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Your letters

Service at Ragunan Veterinary Hospital

The other night my girlfriend, her roommate and I came home to find a stray cat had wandered into their place in Tebet, South Jakarta. It had apparently been in some kind of terrible accident. Half of its face was hanging from its skull. Its paws were matted with dried blood from where it had tried to clean itself. It just sat there, barely moving.

We finally found a 24-hour clinic that would make house calls. The woman who showed up said the wounds were most likely from someone pouring boiling water on it. She did her best to clean it up, but it was still in very bad shape. Our options, she said, were to take it to Rumah Sakit Hewan Jakarta (Jakarta Veterinary Hospital) in Ragunan, which was open around the clock and located next to a shelter, or to kick it out the door. We put the cat in a box and grabbed a taxi for Ragunan.

At the hospital, the receptionist fetched the veterinarian on duty. We explained what had happened. Could the hospital take the animal? He said it could not. The shelter? It was closed. Could we leave it here for a doctor to take to the shelter in the morning? No, that wasn't the procedure. If you want to take it to the shelter, he said, you have to come back tomorrow morning. Would the shelter even take it? He wouldn't give us a straight answer. He just said he didn't know.

From the very start of this whole exchange, he had one eye on the Sinetron playing on the TV in the lobby. The least he could have done was show some semblance of concern. But he barely even glanced at the animal.

All he did was hand us a bill for Rp 1.2 million (US\$ 99.82) if we wanted to pay for a week's stay minimum. At one point we stepped outside to have a look at the shelter. When we returned, both he and the receptionist were gone. Some veterinarian.

I understand that in Indonesia cats are regarded as more akin to rats than as creatures to invite inside the house. But such indifference as shown by the veterinarian makes me sick to my stomach.

PHILIP JACOBSON
JAKARTA

Jakarta's public hearing

I refer to an article titled "Public hearing in Jakarta to net public aspiration." (*The Jakarta Post*, Nov. 27).

Such a public hearing is certainly a very good idea but I am afraid the hearing will be very difficult to organize because it will be attended by approximately 1,500 people who come from many different backgrounds with many different ideas.

Why doesn't Jakarta Governor Joko "Jokowi" Widodo just invite the public to visit his website and welcome them to openly voice their complaints, comments, ideas or suggestions about traffic congestion, flooding, security and so on?

This could be done in the same way as the *Post* does with its Readers' Forum. I believe the response from public would be phenomenal. To deal with this situation Jokowi could organize a team to arrange the incoming mail, channel the comments to competent people, summarize them and submit the results to the governor to let him respond.

This is a forum open to the public so that everybody can follow the development of each problem.

ROBBY KAWARAE
JAKARTA

Text your say

Fatal train crash

Your comments on the crash between a commuter train serving the Serpong, South Tangerang, to Tanah Abang, Central Jakarta, route and a gas tanker at a railway crossing in Pondok Betung, South Jakarta, which left at least seven people dead and injuring dozens of others:

Accidents happen. The question is how well we handle them when they occur.

Most people were only watching instead of helping because they didn't know what to do.

EDDY ARJUNA ZAINY

Over the years I have observed that rather than stop when a railroad crossing

warning sounds, most drivers speed up and try to beat the barrier, which I assume should be completely closed before any train is allowed to pass.

It didn't appear that way in this case. As to the *Pak ogah*, the person who directs motorists for small change, I have often asked why the police allow them to control traffic all over the country and who is responsible when they cause an acci-

dent like this one, not that they will ever locate him.

There is a way to prevent any future similar accidents but it is very expensive, it is to install tunnels or bridges at each crossing thus making collisions impossible.

EXBRIT

I agree with PT KAI president director Ignatius Jonan that state-owned oil company Pertamina should be held responsible for the accident. I hope that Pertamina is held responsible for all losses of life and monetary losses as well.

DEWI THOMPSON

Comments on other issues

Pertamina kicks off tower construction

Dec. 10, Online

State-owned oil and gas company PT Pertamina kicked off on Monday the construction of its landmark office building, the Pertamina Energy Tower.

The 99-story building is being built on a 5.7-hectare plot in Rasuna Epicentrum in Kuningan, South Jakarta, and is said to signify the company's goal of becoming a world-class energy company.

Your comments:

Another sign of the property bubble. When a state-owned company that does not know how to run its business (oil distribution) begins setting up a property business, then it reminds me of the performance artist who in 2011-2012 set up his own coal mining company.

Now you see a lot of artists setting up property businesses; surprisingly, Pertamina is doing the same thing. I think that soon, Pertamina's president director Karen Agustiani will become a Sinetron (TV soap opera) star. State-Owned Enterprises Minister Dahlan Iskan, please instruct Karen and her team to learn how to distribute oil from a small company.

SISWA RIZALI

What is the point of building that tower when Pertamina has not been able to control corruption within the company? Maybe the firm wants to show the world that Pertamina is one the best oil and petroleum companies in the world?

It would be better if Pertamina built refineries to process crude oil into petroleum across Indonesia's islands rather than building this tower. By producing such a refinery network, Indonesia would not need to import so much fuel.

MOUNTE CRISTO

Traffic offender verbally abuses police

Dec. 6, Online

A man wearing Islamic attire yelled at traffic police who wanted to give him a ticket for not wearing a helmet while driving a motorcycle in Karawang, West Java. The traffic offender was so angry that he even accused the cops of having insidious motives.

Your comments:

In many other countries, that type of behavior toward a traffic police officer would have been met with a baton to the side of the head. Later, the motorist would wake up in a cell.

It shows once again the lack of training for police here. I feel sorry

for the traffic cop because he was just trying to do his job. He wasn't asking for a payout. He was going to issue a ticket.

I hope they find the motorist — and make sure he's found by a group of police officers.

X SIMAGING

Arrest the motorbike rider and put him in jail. That would help teach the man a lesson, and also send a clear message to other motorists out there, whose insolence is so prevalent.

Our road users drive as though they were anarchists, with the result that the roads are in total chaos! Perhaps it is a reflection of the state of our society, especially with the economy in a downward spin.

HENRY MANOE

I am disappointed the police did not measure up to their spotless uniforms. I doubt they can handle bigger messes than this.

DINERO

I watched this incident feeling disgusted at the way the police failed to detain that man. If this man is not tracked down and disciplinary action taken against him, it'll only encourage more people to defy authority. The policeman in this incident clearly had no courage. An honest policeman would have pulled this

Topic of the day

Mystery of two powerful women

While Bunda Putri, mentioned in the beef-import graft case and believed to be an influential power broker, is still a mystery, the First Family has, again, been linked to a separate corruption case when the court heard testimony about Sylvia "Ibu Pur" Sholehah, reportedly a close family confidante. What do you think?

Send your thoughts by email, SMS, Twitter or Facebook. Include your name and city.

man in without any hesitation.

VALKYRIE

There is inconsistent enforcement here. We let an underage driver who crashed his expensive sports car at high speed and killed seven innocent people get away with it, but we are spending time to track down an angry motorist.

MALAM

Former PKS boss gets 16 years for graft

Dec. 10, pl

The Jakarta Corruption Court sentenced former Prosperous Justice Party (PKS) chairman Luthfi Hasan Ishaq to 16 years in prison for graft and money laundering on Monday.

Your comments:

It is really good to see the sentences getting heavier. There may be hope after all.

LORO BLONYO

The verdict is questionable. The sentence is longer than those handed down to other corrupt politicians.

Why should Muhammad Nazrudin's (former Democratic Party treasurer) sentence be lighter than Luthfi's?

ARYANI