Does ASEAN Protect Minority Groups During Pandemic?

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Abstract
The COVID-19 pandemic discourse in the Association of Southeast Asian Nations (ASEAN) context is very state-centric. Many analysts also offered militaristic and economic views. Sadly, the discussion related to minority groups is underexplored. This paper aims to fill the literature gaps by identifying multi-stakeholder efforts in the region in protecting the groups during the pandemic. It matters to examine because ASEAN has political complexities particularly when it comes to the issue. It is important to notify that minority groups refer to refugees, indigenous people, and other vulnerable groups. This research used the library research method by collecting data from journal articles, official reports, news, and public discussions. This paper also consists of three layers of analysis; (1) how the member states in ASEAN region protect the groups during a pandemic; (2) how the civil society organizations (CSOs) promote and advocate their rights; (3) and it also provides policy recommendations for policymakers to aware more on this issue.

Keywords: minority groups, ASEAN, CSOs, and human rights.

Introduction
The COVID-19 pandemic has put people at risk. In Southeast Asia, according to data released on September 2, it has caused 10,231,458 death.1 Because of poor coordination and cooperation among the ASEAN member states and the limited healthcare services, the pandemic containment was not easy. The challenge is harder for minority groups who live under discrimination. For example, Rohingya communities in Myanmar have to deal with political discrimination under the military regime that forced them to flee and seek for a asylum. Some might be successful, but some often failed by which transit countries adopt harsh measures to push back the groups. According to Human Rights Watch, Malaysian officials detained 269 Rohingya in June 2020.2 The COVID-19 pandemic that is easy to transmit has put their life at more risk, as there were 236 Rohingya in Bangladesh were suspected of COVID-19 in early November 2020.3

The indigenous peoples are also relevant. The United Nations – Department of Economic and Social Affairs (UN DESA) pointed out they have limited access to healthcare, essential services, sanitation, and hygiene equipment.\textsuperscript{4} Not to mention, the low income and political discrimination have made indigenous people experience the disproportionate impact of the pandemic. In Indonesia, only 1% of 17 million indigenous peoples had access to vaccines. Indigenous Peoples’ Alliance of Nusantara (AMAN) pointed out that the government alienated the communities because it only focuses on the vaccination program in urban areas. In the meantime, they do not have identity cards by which those matter as for administrative requirements.\textsuperscript{5} Furthermore, it is also worth notifying that indigenous people have to deal with land disputes.\textsuperscript{6}

While in Myanmar, the indigenous communities undergo more pressures compared to their counterpart that resides in Indonesia. The Akha, Mru, Lisu Lahu, and other ethnic groups such as the Shan, Karen, Rakhine, Chin, Karenni, Mon, and Kachin have lived under authoritarian regimes whose Burmans - the majority with 68% from all of the population – play a significant role in controlling the nation.\textsuperscript{7} Recently, political violence occurred in the country by which the United Nations Children’s Fund (UNICEF) recorded 12,000 new displaced persons in March 2020 because of the incident.\textsuperscript{8} In addition, Vietnam enacts draconian laws that persecuted religious minorities during the pandemic.\textsuperscript{9} Responding to the minority groups’ condition during the crisis in ASEAN, it is interesting to examine the regional organization and CSOs’ efforts to protect the communities.

Literature Reviews
The discussion of minority groups during the COVID-19 pandemic within the ASEAN context is limited. Some analysts focus on the region’s effort to cope with the virus. Mursitama, Karim, and Arnakim argued that ASEAN has multiple challenges in addressing it. They mentioned ASEAN should be assertive in to respond the rivalries between the US and China. Not to mention, ASEAN needs to be more cohesive and learn from each other


\textsuperscript{6} “Urgensi Vaksinasi COVID-19 Ke Masyarakat Adat Terkendala KTP | SOSBUD: Laporan Seputar Seni, Gaya Hidup Dan Sosial | DW | 23.07.2021.”


dealing with the pandemic.\textsuperscript{10} Similarly, other analysts pointed out that ASEAN was less effective but gradually started to cooperate afterward.\textsuperscript{11} In addition, some gave attention to economics as Antonio Fanelli offered comparative analysis between the European Union and ASEAN in recovering the financial hardship.\textsuperscript{12} With these, it matters to view the underexplored issues such as minority groups in the region. There was only an interesting article related to the topic written by Anna Meijknecht and Byung Vries whose mentioned cultural relativism and non-interference principle of ASEAN as significant factors for their silence on the issues.\textsuperscript{13} However, it was less actual because they conducted the study in 2010. This article would tackle these gaps.

Research Method

This study was explorative and using qualitative data by collecting information from journal articles, official documents, news, and public discussions. In the first part of the discussion, we would look at the ASEAN normative level on how the member states respond to minority groups. This part also discussed the ASEAN member states’ response to minority groups and The ASEAN Intergovernmental Commission on Human Rights (AICHR)’s role during the pandemic. Second, it identified the CSOs’ advocacy program for the communities. The last section offered policy recommendations for government to be more aware of minority groups.

How Did ASEAN Protect Minority Groups During Pandemic?

Looking The Normative Level

The ASEAN conducted 36th Summit in June 2020, to which Vietnam became a chairperson. The meeting emphasized the COVID-19 recovery plan and afterward.\textsuperscript{14} Concerning the minority groups, it did not mention explicitly but recognizing to protect the vulnerable groups as was stated by the chairman. The statement as it follows,

“...We emphasized the importance of undertaking responsive and timely measures to address the impact of the COVID-19 pandemic on vulnerable sectors, including women, children, youth, the elderly, and persons with disabilities, taking into account how disasters and other challenges can further


heighten their vulnerabilities, as well as strengthening their capacities to respond to the impacts of the pandemic...."

In the meantime, it also mentioned 'human rights' that becomes important issue among the minority groups. The chairman stated about the progress of the ASEAN Intergovernmental Commission on Human Rights (AICHR) that being able to engage some stakeholders in human rights promotion. In addition, the chairman reaffirmed the importance of fundamental freedom and human rights for ASEAN citizens as those become one of prominent goal in the ASEAN Community Vision 2025.15 Furthermore, political conflict issue between Myanmar military and minority ethnic groups was also highlighted. As for an instance, the chairman was thankful for ASEAN member states and external partner’s effort in supporting the minority-Rohingya repatriation and the sustainable development project in Rakhine state.16

On the other side, minority groups-related issue was also mentioned in another occasion particularly on Special ASEAN Summit on COVID-19 held on April 2020. The meeting mentioned the importance of ASEAN member states to reduce stigmatization and discrimination.17 Yuyun Wahyuningrum, Indonesia’s Representative in The ASEAN Intergovernmental Commission on Human Rights (AICHR), applauded the meeting because it is rare for high political leaders to mention the words even though ASEAN Human Rights Declaration has inserted those words. Yuyun also argued high political leaders started to recognize and address those issues politically. It is also essential to know that individual state as Indonesia puts concern minority groups-related topic. In the 25th Meeting of the ASEAN Coordinating Council (ACC) in April 2020, Retno Marsudi urged the region to protect vulnerable groups and migrant workers.18

Then, what did the ASEAN official documents say about minority groups? To understand this, we could look into the ASEAN Declaration 1967. It did not mention the minority groups explicitly but only stated freedom and social justice. The ASEAN establishment history was relevant to understand that the member states sought regional stability instead of considering a ‘morality’ mission. However, it also matters to look at the progress, including how it was successful in formulating the ASEAN Charter in 2007. One of important statement in the document as it follows,

“...ADHERING to the principles of democracy, the rule of law and good governance, respect for and protection of human rights and fundamental freedoms....”19

The charter also became a starter point to formulate the ASEAN Human Rights Declaration in 2012 that calls to respect, promote, and protect fundamental freedoms. Again, the document is nothing to say about minority groups but recognizing identity and class dimension. Some general principles of the declaration as shown below,

“.....Every person is entitled to the rights and freedoms set forth herein, without distinction of any kind, such as race, gender, age, language, religion, political or other opinion, national or social origin, economic status, birth, disability or other status...”

“.....Every person has the right of recognition everywhere as a person before the law. Every person is equal before the law. Every person is entitled without discrimination to equal protection of the law....”

“......The rights of women, children, the elderly, persons with disabilities, migrant workers, and vulnerable and marginalised groups are an inalienable, integral and indivisible part of human rights and fundamental freedoms....”

“...Every person has the right to seek and receive asylum in another State in accordance with the laws of such State and applicable international agreements....”

It is also essential to know that ASEAN refers to international human rights standards such as the Universal Declaration of Human Rights. Article 2 of the document stated that everyone has rights and freedom regardless of race, sex, color, religion, language, national or social origin, or another social status. However, a critic said that ASEAN is ineffective in solving human rights disputes. Another pointed out the ASEAN has a problematic ritual in supporting human rights institutions while preserving the non-intervention principle. In the light of human rights violations against minority groups as it happened to Rohingya, it is relevant that the organization was unable to press Myanmar and solve the crisis.

Looking the Practical Level: Protecting Minority Groups

Singapore is one of the best countries in Southeast Asia in curbing the pandemic. Mely Caballero-Anthony argued strong leadership, good coordination, clear information, and strict law enforcement have contributed to the country’s effectiveness to minimalize

the spread of the virus. Singapore observed the COVID-19 impact on vulnerable peoples such as low-income citizens, transnational families, and disabled persons. Noting that pandemics potentially increase domestic violence and mental health risks, the government provides a national care hotline and counselors. With that, it engages multiple actors such as companies, unions, religious and volunteer groups. It also enacted strict measures on migrant workers by isolating the dormitories while providing special necessities. Singapore also used contact-tracing applications to monitor people’s mobility. However, the mechanism is problematic because it is mandatory for foreign migrant workers while optional for citizens. Some criticized that it violates privacy rights and could escalate the prejudice against specific groups.

In the meantime, Indonesia also has several strategies to protect minority groups during the pandemic. In April 2020, The Social Ministry distributed staple food to 6,839 disabled persons. It collaborated with some local governmental organizations and The Association of Indonesian Disabled Persons. The ministry also gave aid to the 23,700 communities. Government also concerns human trafficking victims, prostitutes, and other minorities. Three months later, The Ministry also shared staple food such as rice, green bean, chicken, egg, and fruits to Indigenous people, Badui communities, in Banten Province. The government conducted the program every month. Furthermore, in October 2020, the Directorate General of Marine, Coastal, and Small Islands distributed fishing tools for indigenous people in Fakfak- West Papua Province. Under The Home Affairs Ministry Regulation (Permendagri) No. 52/2014, the indigenous people have rights in empowerment.

The Philippines gave attention to the minority Muslims in the Bangsamoro region. Women from the communities are at risk of being a victim of a terrorist group. According to a report, there were several terrorist attacks in the country during the pandemic. Noting that issue, the Philippines collaborate with the United Kingdom (UK) and UNDP


giving the capacity building for women to be able to engage in peace promotion in the region.35

At the regional level, AICHR conducted monitoring on human rights implementation during the crisis. Yuyun Wahyuningrum, Indonesia’s Representative for AICHR, argued the mechanism is to formulate policy recommendations regarding human rights,34 by which minority groups are at risk. From the observation, the body identified xenophobia against Chinese (tourist, guests, visitors, students, immigrants) and hate speech against Chinese descent as COVID-19 ‘carrier’. Muslims also become the hate speech victim as happened to Tablighi Jama’at in Malaysia. In the meantime, AICHR also addressed the unequal treatment in health services. The technological gap is also relevant as migrants and refugees are the last to receive information about health guidelines. Not to mention, some minority groups have limited access to electricity and information as it happened in Myanmar in early 2020, and in Papua – Indonesia.35

On other occasions, AICHR conducted a meeting consultation on human rights in humanitarian action in June 2021. One of the speakers, Faizal Chery Sidharta, Director for the ASEAN Political-Security Cooperation, Indonesian Ministry of Foreign Affairs, highlighted the importance of ‘the most vulnerable’ integration during the crisis. With this, they should have equal access to aid. One of the recommendations from the meeting was the protection of rights to properties and a better preparation displacement,36 which minority groups such as refugees are prone to experience. In that month, AICHR also held AICHR Workshop on Human Rights, Environment, and Climate Change along with UN Human Rights, UN Children’s Fund (UNICEF), UN Economic and Social Commission for Asia and the Pacific (ESCAP), and UN Environment Programme (UNEP). They emphasized the importance of human rights in the environmental issue.37 Protection for indigenous peoples matters as they have a strong affiliation to nature.

What Did CSOs Do for Minority Groups?

During the pandemic, CSOs have a significant role in promoting and protecting minority groups. The Asian Forum for Human Rights and Development (FORUM-ASIA) joined virtually the 45th Regular Session of the UN Human Rights Council in September 2020. The organization used the opportunity to raise awareness on the Rohingya issue. It pointed out Myanmar’s failure to fulfill their rights in citizenship, movement, and other fundamental rights. It also urged the government to allow Rohingya being able to

34 The Habibie Center, Talking ASEAN on “Protecting Fundamental Human Rights in ASEAN amidst the COVID-19 Pandemic.”
participate in an election. In addition, it called international communities to refer Myanmar to the International Criminal Court (ICC).\textsuperscript{38}

On the other hand, The Asia Indigenous Peoples Pact (AIPP) released a joint statement along with the Networks of Indigenous Women in Asia (NIWA). It addressed the unproportionate impact of the pandemic on indigenous women as they are prone to domestic and sexual violence, and economic hardship. They also criticized the limited access to health information and sexual health rights.\textsuperscript{39} This kind of task matters as they could become an alternative source of information. They perform the check and balances function to ensure if the government has fulfilled its obligation. In the final statement, the networks offered policy recommendations as follows,

Effective implementation of United Declaration of Rights of Indigenous Peoples (UNDRIP) and Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) to acknowledge and protect Indigenous Women's Rights and self-determination of Indigenous Communities.

Take immediate action to provide culturally appropriate information and strategies on public health crises situation in the Indigenous languages.

Develop and strengthen institutional, national and global disaggregated data collection mechanism to reflect statistics of violence against Indigenous Women and girls.

Ensure effective and meaningful participation and decision making of Indigenous Women and Girls in the planning, implementation and monitoring of Gender Based Violence prevention and response programmes.

In the meantime, there was strong solidarity between indigenous peoples. In Thailand, indigenous people from the Northern and Southern parts of the country conducted a 'Rice for Fish' bartering program to complement each other.\textsuperscript{40} It is interesting to see the solidarity and resilience during the pandemic. Being at the grassroots level has made the communities being able to reach out to each other. The table below shows other solidarity examples that some organizations conducted dedicated to indigenous peoples in Southeast Asia.

\textbf{Empowerment Programs' Name}\textsuperscript{41}

<table>
<thead>
<tr>
<th>Project</th>
<th>Lead Organization</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resilience Amid the COVID Crisis: Coping with Mental Stress through Arts and Crafts</td>
<td>Asia Young Indigenous Peoples Networks</td>
<td>Philippines/Region</td>
</tr>
<tr>
<td>Kasiyanna: A</td>
<td>Cordilleran Youth</td>
<td>Philippines</td>
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\textsuperscript{39}“HRC45 Oral Statement on Item 2.”


Conclusion

There are several points in this discussion. First, minority groups in ASEAN experienced unproportionate impacts of the COVID-19 pandemic in terms of politics, social, economics, and health. Many of them have limited access to healthcare, information, and food because of geographical challenges. In this case, the government has limited resources to address the minority groups. Second, ASEAN recognized the importance of giving attention to vulnerable peoples. However, it lacks power when it comes to gross violation of human rights, as Myanmar discriminates against the minority Muslims of Rohingya. Third, the ASEAN member states have various strategies to assist minority groups. While there were local collaborations, there was also international cooperation as the Philippines partnered with the UK and UNDP to empower women Muslim minorities to countering violent extremism. Fourth, CSOs have pivotal roles in disseminating information and reaching out to minority groups. With this, non-state actors matter as they have solidarity for the disadvantaged persons.

Policy Recommendations

- Based on the discussions above, ASEAN needs to improve its strategies as several issues remain. Here are what government could do,
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- Considering the vast geographical condition, the government needs to improve data management of minority groups. It matters to determine a better strategy in humanitarian action
- Strengthening law enforcement in regards to minority groups human rights violation
- Be more inclusive by recognizing and integrating the communities in the empowerment program
- Improving coordination between governmental agencies and CSOs

Bibliography


