

ASEAN Integration in the Context of Disaster Management

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ABSTRACT: The COVID-19 pandemic, a globally unprecedented disease outbreak, has alarmed all governments to reconsider the importance of disaster management policies at the domestic level. At the same time, handling transboundary disasters was another challenge faced by regional organizations such as the Association of Southeast Asian Nations (ASEAN). As a result of this pandemic, all member states tended to act more independently by closing their territories and isolating their citizens from cross-border migration. This paper aimed to examine ASEAN's existing measures to address the COVID-19 pandemic, following the importance of considering domestic policies taken by its member states to portray the possible action at the regional level. In practice, each ASEAN member state had various approaches, from strict lockdowns such as those implemented in Singapore to Indonesian policies that were far from being prepared. While COVID-19 is a non-natural disaster but has had a devastating impact on Southeast Asia, the future of regional integration is at stake. This paper showed that each member state's different social, economic, and political situations influenced the absence of early common practices at the domestic level to overcome this pandemic. Simultaneously, market stability in Southeast Asia was the key to regional development, whereas this pandemic harmed ASEAN's aim to meet economic integration. This paper suggested that ASEAN should establish guidelines regarding disaster management as experienced during the COVID-19 pandemic for member states' domestic policies to anticipate possible adverse episodes in the future that may hamper the integration progress.

KEYWORDS: ASEAN Integration, COVID-19, Disaster Management.



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I. INTRODUCTION

The COVID-19 pandemic has become an unprecedented outbreak, which alarmed all governments worldwide to reconsider the importance of disaster management policies at the domestic level.¹ This pandemic has prompted every government to impose a lockdown and isolate their citizens from cross-border migration.² Simultaneously, handling transboundary disasters has become another challenge faced by regional organizations such as the Association of Southeast Asian Nations (ASEAN). In this process, this intergovernmental institution has yet to be responsive in anticipating and addressing this COVID-19 pandemic, as this attitude may assert its reluctance against its regional countries that may pose further similar disasters in the future.³ In contrast, each ASEAN member state applied its domestic policies ranging from strict lockdowns as implemented in Singapore⁴ to unprepared and premature policies implemented centrally by Indonesia. As of August 2020, Singapore had the highest rate of 100 viruses infected in every 10,000 citizens.⁵ Singapore was followed by the Philippines, Indonesia, Brunei, and Malaysia, making them the top five countries hit by the pandemic.⁶ Since the initial identification of the COVID-19 outbreak in Southeast Asia in early 2020, the number of deaths in the region has finally begun to rise. Despite the relatively late spread of the ASEAN virus in Southeast Asia, regional markets have declined along with the vulnerabilities of international markets amid growing concerns about the economic impact of this virus in 2020.⁷ While

¹ Ross C Brownson, et al, “Reimagining Public Health in the Aftermath of a Pandemic” (2020) 110:11 *American journal of public health* 1605–1610 at 1605–1610.

² Riyanti Djalante, et al., “COVID-19 and ASEAN Responses: Comparative Policy Analysis” (2020) 8 *Progress in Disaster Science* 100129.

³ Muhammad Ashraf Fauzi & Norazha Paiman, “COVID-19 Pandemic in Southeast Asia: Intervention and Mitigation Efforts” (2020) 10:2 *Asian Education and Development Studies* 176–184.

⁴ Djalante, et al, “COVID-19 and ASEAN responses”, *supra* note 2.

⁵ Terence Tai Leung Chong, Xiaoyang Li & Cornelia Yip, “The Impact of COVID-19 on ASEAN” (2021) 9:2 *Economic and Political Studies* 166–185.

⁶ *Ibid.*

⁷ *Ibid.*

the COVID-19 outbreak is one kind of disaster, Southeast Asia may pose more disasters, and ASEAN should be able to respond at the regional level.

Historically, ASEAN member countries have unrelentingly faced major disasters, either natural or non-natural. Southeast Asia is geographically prone to natural disasters because its territory is located between several tectonic layers that most often cause earthquakes, volcanic eruptions, and tsunamis. In addition, Southeast Asia lies between the Indian and Pacific Oceans, so typhoons are inevitable. They gave an example from the 2004 Tsunami due to the seismic activity in the Indian Ocean. It is detrimental to citizens living in Aceh, Indonesia, and people in Malaysia, Thailand, and Myanmar.⁸ This disaster was estimated to have killed more than 220,000 people. Myanmar also experienced natural storms in 2008 that claimed 130,000 lives.⁹ Several regions in Indonesia have faced various disasters related to environmental problems, such as smoke haze pollution due to forest fires for the establishment of oil palm plantations and floods that hit many areas in Kalimantan and Java Island. Meanwhile, ASEAN seems to prefer silence on all these issues for respect for domestic sovereignty, even though the impact often causes damage and harms the territory of other countries.

In addition to natural disasters such as earthquakes, volcanic eruptions, tsunamis, floods, cyclones, landslides, and droughts, the COVID-19 phenomenon must be addressed. The COVID-19 pandemic was a non-natural disaster that adversely affected ASEAN's strong national economy and the way forward for regional integration. However, ASEAN did not have a significant policy to respond to this SARS-CoV-2 pandemic. In short, this recent pandemic has caused not only caused casualties and material losses. Indeed, ASEAN has made a response to address disasters, even if it could not be effectively accomplished enough so far. In 2015, the *ASEAN Committee on Disaster Management (ACDM)* of the 10 ASEAN

⁸ Aurélia Lépine, Maria Restuccio & Eric Strobl, "Can We Mitigate the Effect of Natural Disasters on Child Health? Evidence from the Indian Ocean Tsunami in Indonesia" (2021) 30:2 Health Economics 432–452.

⁹ ABC News, "Burma Toll: 80,000 Dead in One District Alone," (May 8, 2008), online: <<https://www.abc.net.au/news/2008-05-08/burma-toll-80000-dead-in-one-district-alone/2429584>>.

countries revealed the high risk of disasters and the potential for losses that impact the region's gross domestic product (GDP) every year.¹⁰ Therefore, in response to the COVID-19 pandemic, it is essential to reflect on ASEAN's pivotal role in strengthening its previous events in disaster management cooperation and focusing on how this institution has a regional framework to deal with existing and future disasters. It is also necessary to intensify the collaboration of its member countries so that the above risks can be better resolved together.

Furthermore, while the ASEAN Community already has instruments to strengthen cooperation in handling natural disasters, it could have been more effective. Given the importance of reviewing ASEAN Cooperation in disaster management, ASEAN should progressively address more actual problems. Through the *ASEAN Ministerial Meeting on Disaster Management* (AMMDM), the *ASEAN Agreement on Disaster Management and Emergency Response* (AADMER)¹¹ and the ASEAN Committee on Disaster Management (ACDM) has been designated as the coordination center.¹² AADMER is a proactive regional framework for cooperation, coordination, technical assistance, and resource mobilization in all aspects related to disaster management. In addition, the ASEAN community focuses on disaster management policies through the ASEAN Regional Forum (ARF) and the ASEAN Defense Ministerial Meeting Plus (ADMM Plus), where members of the organization involve ASEAN countries.¹³ These institutions focus on cooperation in humanitarian

¹⁰ Toshizo Maeda, Venkata Rama Krishna Prabhakar Sivapuram & Japan Binaya Raj Shivakoti, "An Assessment of Mainstreaming Climate Change Concerns into Institutions and Policies for Disaster Risk Reduction in ASEAN."

¹¹ SIMM Gabrielle, "Disaster Response in Southeast Asia: The ASEAN Agreement on Disaster Response and Emergency Management" (2018) 8:1 Asian Journal of International Law 116–142.

¹² Medcom.id, "ASEAN Adopts New Disaster Management Framework," online: <<https://www.medcom.id/english/world/ob33xvXb-asean-adopts-new-disaster-management-framework>>.

¹³ Tomotaka Shoji, "ASEAN Defense Ministers' Meeting (ADMM) and ADMM Plus: A Japanese Perspective" (2013) 14 NIDS Journal of Defense and Security 3–17 at 16.

assistance and disaster management as part of disaster management in the Southeast Asian region.

This paper aimed to revisit existing cooperation and review measures in disaster management at the ASEAN level through the instruments above and describe the appropriate framework to prevent similar experiences from the COVID-19 pandemic. To that end, this paper consists of three main discussion parts. The first part analyzes the policies and experiences of ASEAN member countries in dealing with their domestic challenges related to the COVID-19 pandemic as a disaster issue. The second part examines the ASEAN cooperation established in disaster management for the COVID-19 pandemic and its challenges and opportunities. The third part discusses the importance of a framework at the ASEAN level for its member states, emphasizing ASEAN integration to face future disasters within member states.

II. METHODS

This paper used doctrinal research, in which most data were sourced from primary resources from ASEAN laws and regulations of countries within Southeast Asia. Secondary data were taken from journal articles, books, commentaries, and the internet. In gathering the data on this topic, this paper refers to primary resources enumerated as follows. First, the data were collected from ASEAN laws containing the ASEAN Charter and several products resulting from the ASEAN Summit, ASEAN cooperation, and partnership in the environment, health, and disaster. Second, the data were sourced from domestic laws and regulations on the environment, health, and disaster topics in ASEAN member countries. Third, the data were obtained from all ASEAN member countries that have taken action against the COVID-19 pandemic in the context of ASEAN integration.

III. ASEAN MEMBER STATES' EXPERIENCE IN HANDLING THE COVID-19 PANDEMIC

It is a general consensus that the spread of COVID-19 is unprecedented and takes place quickly. In a short time, it subsequently became a pandemic. Since the global identification of this spread, each ASEAN member state was relatively unprepared and had different domestic responses and measures for handling it. Regional activism was not significantly discussed at the ASEAN level, from its first severe virus detection to the prolonged virus address after each member state was shocked combatting the unprecedented virus variant in its national jurisdiction. The uneven distribution of health infrastructure and technology may justify that each country had a different assessment to prevent citizens from panicking about this pandemic's dangers. It stretched from Singapore, which readily prepared against the worst scenario, to Malaysia and Indonesia, which trivialized that the COVID-19 outbreak would be difficult to enter their country. Both governments believed that this new variant of SARS-CoV-2 was not a dangerous virus, but in less than 48 hours, the Malaysian government confirmed its first COVID-19 case. Also, more than a month later, the Indonesian government realized the possible severe impacts that threatened investment and the economy, despite skepticism that the first case emerged some days after some neighboring countries' first virus detection. Among such fragmentation, the failure to respond to the then so-called virus pandemic with rapid reactions will undermine regional cohesion and encourage the regional disadvantage against no joint address in their national policy on disasters, which the experience of handling this pandemic can exemplify. Therefore, this part explores the differences in each country's attitude toward the COVID-19 outbreak through ASEAN member states' measures in the face of COVID-19. Finally, this paper also assesses the similarities and differences of measures among member states to portray the possibility of regional conformity with to what extent the regional response against a possible way of ASEAN's future risk mitigation.

This exploration starts with Singapore as the most prepared country to anticipate the pandemic mitigation by involving the entire administration

and political structure. Singapore identified the first COVID-19-infected citizen in its territory on January 23, 2020.¹⁴ This success of testing and tracing in detecting the virus entry was considered part of the aggressive handling of risk mitigation to prevent a more massive outbreak.¹⁵ As a small territory located in close proximity to China, Singapore took immediate measures to mitigate the spread of the virus by managing the low rates of positive infections in the early months of this outbreak.¹⁶ Singapore experienced the SARS outbreak in 2003, the H1N1 outbreak in 2009, and the Zika outbreak in 2016. Therefore, the country was more ready to anticipate the possible dangerous impacts by heavily investing in infectious disease prevention and preparation,¹⁷ such as developing a pandemic preparedness plan based on risk assessment and calibrating response measures proportionate to the risk.¹⁸ In particular, in facing this Pandemic, Singapore's approaches rapidly took surveillance and containment measures, healthcare measures, and community and social measures. The first approach consisted of direct testing and tracing, followed by isolating all suspected and confirmed hospital citizens to prevent onward transmission.¹⁹ With regard to healthcare measures, infection control measures were strengthened at the hospitals by tightening visitor controls, cohorting patients with respiratory infections, and managing strict infection control with individual protective equipment

¹⁴ Ministry of Health, "MOH | Confirmed Imported Case of Novel Coronavirus Infection in Singapore; Multi-Ministry Taskforce Ramps up Precautionary Measures," online: <<https://www.moh.gov.sg/news-highlights/details/confirmed-imported-case-of-novel-coronavirus-infection-in-singapore-multi-ministry-taskforce-ramps-up-precautionary-measures>>.

¹⁵ Diganta Das & J J Zhang, "Pandemic in a Smart City: Singapore's COVID-19 Management through Technology & Society" (2021) 42:3 *Urban Geography* 408–416 at 408.

¹⁶ Jia Bin Tan, et al., "Singapore's Pandemic Preparedness: An Overview of the First Wave of COVID-19" (2021) 18:1 *International Journal of Environmental Research and Public Health* 252.

¹⁷ *Ibid.*

¹⁸ Vernon J Lee, Calvin J Chiew & Wei Xin Khong, "Interrupting Transmission of COVID-19: Lessons from Containment Efforts in Singapore" (2020) 27:3 *Journal of Travel Medicine* 39.

¹⁹ *Ibid.*

levels for the patient care setting.²⁰ In the meantime, community and social measures encouraged employees to regularly check their temperature and health, while enterprises allowed them to telecommute where possible and have segregated groups.²¹ Adhere to these quick measures, Singapore's experience shows the ability of the country to control the pandemic amidst the more challenging virus mutation to Delta and Omicron variants.

The following country that gained more attention in overcoming COVID-19 was Thailand. The Thai Government announced the first imported case from a Chinese woman from Wuhan on January 13, 2020.²² She was tested positive after flying to Bangkok's Suvarnabhumi Airport with her family and a vacation group from Wuhan on January 8, 2020, where she was spotted using thermal surveillance and hospitalized.²³ On March 25, 2020, the Thai government declared a state of emergency that allowed the government to function under the Emergency Decree on Public Administration in Emergency Situation.²⁴ This Decree gave the Prime Minister more power to make decisions and set certain restrictions, including imposing laws prohibiting and restricting individual movements and gatherings, carrying out evacuations, and blocking admission to designated locations.²⁵ These measures grant the government the power to impose restrictions beyond those allowed by the Disaster Prevention and Mitigation Act B.E. 2550, such as the power to quarantine individuals, inspect residences, and restrict the use of routes and vehicles.²⁶ The Emergency Decree has been extended five times as of September 2020.²⁷

²⁰ *Ibid.*

²¹ *Ibid.*

²² World Health Organization, "WHO Statement on Novel Coronavirus in Thailand," online: <<https://www.who.int/news/item/13-01-2020-who-statement-on-novel-coronavirus-in-thailand>>.

²³ South China Morning Post, "Wuhan Pneumonia: Thailand Confirms First Case of Virus outside China," online: <<https://www.scmp.com/news/hong-kong/health-environment/article/3045902/wuhan-pneumonia-thailand-confirms-first-case>>.

²⁴ Wijitbusaba Marome & Rajib Shaw, "COVID-19 Response in Thailand and Its Implications on Future Preparedness" (2021) 18:3 International Journal of Environmental Research and Public Health 1089.

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

However, this choice was criticized because Thailand had a very low rate of domestic COVID-19 infections.²⁸ It asserts that Thailand has been more prepared for this pandemic but utilized the situation to leverage more government powers toward a more repressive administration.

The next country to examine was Malaysia. After the first case outside of China was confirmed in Thailand, Malaysia took the first move in combating the COVID-19 spread by adopting a screening requirement at all airports.²⁹ When Singapore reported its first imported COVID-19 case from Wuhan, China, on January 23, 2020, the threat of COVID-19 became more evident. It was found that eight close contacts were in Johor, Malaysia, and the government reported their first imported COVID-19-positive case on January 25, 2020.³⁰ Eight positive cases were reported only within six days of this initial case.³¹ Malaysian citizens were first unaware of the virus's fatal potential because the government had assured them that it would not quickly spread in Malaysia.³² Citizens became concerned when the positive cases significantly increased in less than a week on March 8, 2020, from 99 to 200, with the first two deaths recorded in mid-March.³³ The government subsequently responded by imposing health screening at all entry points, which helped calm the situation.³⁴ Then, the government implemented a Movement Control Order on March 18, 2020, to terminate the COVID-19 circle.³⁵ Its primary purpose was to make the curve of future cases flatter.³⁶ The government disallowed any movement and mass assembly from religious, business, education, sports, and culture to social

²⁸ *Ibid.*

²⁹ Ain Umaira Md Shah, et al., "COVID-19 Outbreak in Malaysia: Actions Taken by the Malaysian Government" (2020) 97 *International Journal of Infectious Diseases* 108–116 at 108.

³⁰ *Ibid* at 110.

³¹ *Ibid.*

³² *Ibid* at 111.

³³ *Ibid.*

³⁴ *Ibid.*

³⁵ *Ibid* at 108.

³⁶ Sonia Umair, Umair Waqas & Muhammad Faheem, "COVID-19 Pandemic: Stringent Measures of Malaysia and Implications for Other Countries" (2021) 97:1144 *Postgraduate Medical Journal* 130–132 at 130.

activities, except for supermarkets and stores selling basic needs.³⁷ In terms of community-based control measures, the government implemented an outdoor restriction that allowed only one household resident to go out at a time, but only within 10 kilometers of their home.³⁸ The government also set up checkpoints to check the temperatures at the entry point of apartments, supermarkets, and grocery stores.³⁹ Furthermore, the government barred citizens from leaving the country, including postponing foreigners' entry.⁴⁰

Indonesia has a relatively similar experience to Malaysia. On March 2, 2020, the country announced the first confirmed COVID-19,⁴¹ after a series of government denials of the impossible entrance of this virus into Indonesia.⁴² Further rapid increases followed just one week after the first case; it was 134 confirmed cases with 121 isolations, eight recoveries, and five deaths.⁴³ Last March, the number rose dramatically, with 1,414 confirmed cases.⁴⁴ These episodes urged the government to introduce physical distancing and prohibit mass gatherings before imposing large-scale social distancing or *Pembatasan Sosial Berskala Besar* (PSBB).⁴⁵ This term often refers to the conditional lockdown, the measure taken by the government that exempts the release of financial compensation to citizens

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ *Ibid.*

⁴⁰ *Ibid.*

⁴¹ F Ibrahim, et al., "Preliminary Report of COVID-19 Testing: Experience of the Clinical Microbiology Laboratory Universitas Indonesia, Jakarta, Indonesia" (2020) 37 *New Microbes and New Infections* 100733.

⁴² The Jakarta Post, "Indonesia was in denial over coronavirus. Now it may be facing a looming disaster - Opinion", online: <<https://www.thejakartapost.com/academia/2020/04/09/indonesia-was-in-denial-over-coronavirus-now-it-may-be-facing-a-looming-disaster.html>>.

⁴³ COVID-19 Indonesia, "Peta Sebaran | Gugus Tugas Percepatan Penanganan COVID-19", online: *covid19.go.id* <<https://covid19.go.id/peta-sebaran>>.

⁴⁴ *Ibid.*

⁴⁵ The Jakarta Post, 'Indonesia Was in Denial over Coronavirus. Now It May Be Facing a Looming Disaster' (*The Jakarta Post*) <<https://www.thejakartapost.com/academia/2020/04/09/indonesia-was-in-denial-over-coronavirus-now-it-may-be-facing-a-looming-disaster.html>> accessed July 17, 2020.

and anticipates a possible dramatic increase. As of July 17, 2020, the case reached 83.130 cases, with 37.339 in treatment, 41.834 recoveries, and 3.957 deaths.⁴⁶ Amidst the situation, this time resulting in public panic, the government reacted through some alternatives by toying with the proposal of declaring martial law. After gaining public criticism as civil society considered this martial law was potentially abused by the government, resulting in civil repression, the government finally canceled this plan.⁴⁷ As an alternative, the government released the regulation in lieu of law regarding COVID-19 but solely covered the economic safeguard as the anticipation of this virus' impacts on the national economy.⁴⁸ These attitudes show that Indonesia considers the pandemic neither a threat to human rights nor disaster issues but an economic disadvantage. While Thailand exploited the state of emergency, Indonesia took emergency law to survive the economy rather than civil rights and risk mitigation.

The other ASEAN countries, such as Vietnam, Cambodia, Lao PDR, Brunei Darussalam, and Myanmar, recorded cases of infected citizens with COVID-19. However, the number was less than in the other countries mentioned earlier. Vietnam's response to the outbreak can be viewed as a successful example. The country had 270 cases as of April 27, 2020 (225 of which were recovered), no deaths, and no new cases over the previous 10 days.⁴⁹ Two new cases were reported at the airport, but both patients were directly quarantined after arrival.⁵⁰ Even though Cambodia reported 303 cases by November 17, 2020, no deaths were attributed to COVID-19.⁵¹ In

⁴⁶ COVID-19 Indonesia, *supra* note 43.

⁴⁷ Herlambang Perdana Wiratraman, "Does Indonesian COVID-19 Emergency Law Secure Rule of Law and Human Rights?" (2020) 4:1 *Journal of Southeast Asian Human Rights* 306–334 at 318.

⁴⁸ Regulations in Lieu of Law Number 1/2020 on State Financial Policies and Financial System Stability for Handling COVID-19 and/or in the Context of Facing Threats that Endanger the National Economy and/or Financial System Stability.

⁴⁹ Maurizio Trevisan, Linh Cu Le & Anh Vu Le, "The COVID-19 Pandemic: A View From Vietnam" (2020) 110:8 *American Journal of Public Health* 1152–1153 at 1152.

⁵⁰ *Ibid.*

⁵¹ Ziauddin Hyder & Nareth Ly, "What explains Cambodia's effective emergency health response to COVID-19 (coronavirus)?", (19 November 2020), online:

addition, the Lao administration took several steps in handling the outbreak that was viewed as successful because of only 19 confirmed positive cases and no fatalities.⁵² On March 9, 2020, Brunei noted its first imported case, and as of April 20, it discovered 138 cases.⁵³ The country's effective response operation contrasted favorably with Singapore, as judged by a slowing trajectory since the 100th confirmed case, minimal local transmission, and the lack of cases with no known epidemiological ties.⁵⁴ In Myanmar, as of September 10, 2020, the number of tested citizens was low and indicated that a high number of cases were detected (2,265 were infected out of 18.8372 citizens).⁵⁵ However, the Myanmar government then decided not to release the detailed data to the public after the above date.⁵⁶

IV. ASEAN RESPONSE TO HANDLING THE PANDEMIC

Comprehensive resources and public communications are key to handling COVID-19 in ASEAN. These include the role of all stakeholders, citizens, companies, health system actors, and international actors for multilaterally strengthening health system preparedness and action through platforms enabling communication, coordination, resource gathering, or collective action.⁵⁷ The ASEAN's collective actions are proven by various

<<https://blogs.worldbank.org/health/what-explains-cambodias-effective-emergency-health-response-covid-19-coronavirus>>.

⁵² Aprilia Chairun Nisa, Monica Rhasintya & Zeffa Alifah Pangestu, "Analysis of Lao PDR's Policy: The Successful Policy of Lao PDR's Policy on Responding COVID-19" (2020) 1:2 *Journal of ASEAN Dynamics and Beyond* 107–116 at 114.

⁵³ Justin Wong, et al., "Responding to COVID-19 in Brunei Darussalam: Lessons for small countries," 10:1 *Journal of Global Health* 010363 at 1.

⁵⁴ *Ibid.*

⁵⁵ Kyaw San Lin, et al., "The Characteristics and Trend of COVID-19 Outbreak in Myanmar: Lessons From a Developing Country" (2021) 33:2–3 *Asia Pacific Journal of Public Health* 311–313 at 311.

⁵⁶ *Ibid.*

⁵⁷ Gianna Gayle Amul, et al., "Responses to COVID-19 in Southeast Asia: Diverse Paths and Ongoing Challenges" (2022) 17:1 *Asian Economic Policy Review* 90–110 at 91–92.

efforts, like the ASEAN Special Summit on April 14, 2020,⁵⁸ resulting in the Declaration of the Special ASEAN Summit on COVID-19.⁵⁹ This declaration expresses grave concern about the spread of COVID-19 and its negative impact on global welfare and socio-economic development. It commits to staying united and acting decisively to control the spread of COVID-19 while mitigating its ill effects. In addition, it appreciates the extensive steps by each ASEAN Member to prevent, detect, control, and respond to the spread of COVID-19 and address the formidable and diverse challenges.

Moreover, it recognizes the interconnectedness and vulnerability of COVID-19 and the importance of a coherent, multi-sectoral, multi-stakeholder system and approaches to the ASEAN Community to work closely with WHO. It also strengthens cooperative measures to overcome the pandemic through the transparent exchange of information about the situation and responses and measures. It includes sharing experiences and best practices in research and development of epidemiology, clinical medicine, and joint research in developing vaccines and antiviral drugs and ensuring the safety of public health workers. While improving national and regional epidemic preparedness and response is paramount, promoting effective and transparent public communication is inevitable. This declaration encourages the ASEAN information sector to strengthen cooperation in combating misinformation and fake news and develop guidelines and platforms to facilitate the timely sharing of information in ASEAN. It remains committed to keeping ASEAN markets open for trade and investment and enhancing cooperation among ASEAN Member States and ASEAN external partners. It aims to ensure food security and strengthen the resilience and sustainability of regional supply chains, particularly for food, commodities, pharmaceuticals, medicines, and essential supplies. Also, it improves regional economic stability, including

⁵⁸ ASEAN, “Special ASEAN Summit and ASEAN Plus Three Summit on COVID-19”, (August 1, 2021), online: <<https://asean.org/special-asean-summit-and-asean-plus-three-summit-on-covid-19/>>.

⁵⁹ ASEAN, “Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19)”, (14 April 2020), online: <<https://asean.org/declaration-of-the-special-asean-summit-on-coronavirus-disease-2019-covid-19/>>.

stimulus for the community and business actors affected by COVID-19, especially micro, small, and medium enterprises and vulnerable groups. Lastly, it encourages the development of post-pandemic recovery plans to share lessons, restore ASEAN connectivity, tourism, normal business, and social activities, and prevent a potential economic downturn.

The following action was made through the Special ASEAN Plus Three (APT) Summit on Coronavirus Disease 2019, held through video conference on April 14, 2020. As ASEAN partners, the People's Republic of China, Japan, and South Korea attended this meeting. Finally, this event resulted in a Joint Statement of the Special ASEAN Plus Three Summit on Coronavirus Disease 2019.⁶⁰ The involvement of ASEAN partners refers to the understanding that COVID-19 is a humanitarian tragedy that significantly impacts human life, including tourism, transportation, supply chains, and labor. The uncertainty of the pandemic, in turn, is feared to result in a recession or even depression. Therefore, ASEAN+3 needs to be involved in accelerating economic recovery.⁶¹

Furthermore, the Declaration of the Special ASEAN Summit on Coronavirus Disease 2019 (COVID-19) was followed up through the Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 pandemic⁶² at the 36th ASEAN Summit on June 26, 2020.⁶³ In the implementation, this Action Plan contains ASEAN's commitment to work together to identify and address trade disruptions, including the flow of essential

⁶⁰ *Joint Statement of the Special ASEAN Plus Three Summit on Coronavirus Disease 2019 (COVID-19)*, (April 14, 2020).

⁶¹ Jayant Menon, "COVID-19 and ASEAN+3: Impacts and Responses" (2020) 54: 2020 Researchers at ISEAS – Yusof Ishak Institute Analyse Current Events, online: <https://www.think-asia.org/bitstream/handle/11540/12099/ISEAS_Perspective_2020_54.pdf?sequence=1> at 8.

⁶² ASEAN, "Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the COVID-19 Pandemic", (June 26, 2020), online: <<https://asean.org/hanoi-plan-of-action-on-strengthening-asean-economic-cooperation-and-supply-chain-connectivity-in-response-to-the-covid-19-pandemic/>>.

⁶³ ASEAN, "36th ASEAN Summit", (August 26, 2021), online: <<https://asean.org/36th-asean-summit/>>.

goods, including food, medicine, and other essential supplies. This Action Plan is implemented under the rights and obligations of ASEAN Member States under the 1994 General Agreement on Tariffs and Trade (GATT) and other WTO Agreements, ASEAN Economic Community Blueprint 2025, ASEAN Trade in Goods Agreement, and other relevant ASEAN Agreements. The 36th ASEAN Summit also emphasized ASEAN's collective and collaborative efforts and realized the Special ASEAN Plus Three (APT) Summit on Coronavirus Disease 2019 and the Special ASEAN Plus Three Summit on Coronavirus Disease 2019 in response to and overcoming the impact of the Pandemic in ASEAN. Including the establishment of the ASEAN COVID-19 Response Fund (COVID-19 ASEAN Response Fund); ASEAN Regional Medical Supplies and Equipment Stock, Standard Operating Procedures (SOP) for Public Health Emergency Response and the development of a framework to advance ASEAN's comprehensive efforts to recover from the impact of COVID-19 as a whole.⁶⁴

The next meeting was the ASEAN Intergovernmental Commission on Human Rights (AICHR), held on May 1, 2020. This meeting issued a press release on COVID-19, emphasizing Article 29 of the ASEAN Human Rights Declaration (AHRD) on enjoying health standards and basic and affordable healthcare services, and access to medical facilities. Simultaneously, it appreciated the steps the ASEAN member states took and proposed the establishment of the ASEAN COVID-19 Response Fund. It encouraged the development of regional medical supply reserves and the utilization of ASEAN reserves to support the needs of member states in health emergencies. The AICHR underlined that the right to health is guaranteed for everyone to access essential health services while stressing the importance of ensuring food security and strengthening the resilience and sustainability of regional supply chains, especially for food, commodities, medicines, and essential supplies. The impact on several

⁶⁴ ASEAN, "Chairman's Statement of the 36th ASEAN Summit June 26, 2020, Cohesive and Responsive ASEAN", (June 27, 2020), online: <<https://asean.org/chairmans-statement-of-the-36th-asean-summit-26-june-2020-cohesive-and-responsive-asean/>>.

rights guaranteed by the AHRD, including the rights to work, education, privacy, movement, religion, expression, and peaceful assembly, may be limited in pursuing legitimate goals and subject to the principles of necessity and proportionality. During this pandemic, the member states are obliged to human rights, particularly the right to access and provide information, as guaranteed in Articles 8 and 23 of AHRD.

Furthermore, the Joint Statement of the ASEAN Ministers Responsible for Information to Minimize the Negative Effects of Coronavirus Disease 2019 (COVID-19) was adopted on August 25, 2020. It is committed to minimizing the adverse impacts of COVID-19, with the joint commitment of ASEAN leaders to suppress the spread of the pandemic, protect people's lives and livelihoods, and maintain the socio-economic stability of the community. It becomes part of maintaining sustainable development and inclusive growth of the ASEAN Community in line with the Declaration of the Special ASEAN Summit on COVID-19 and the Joint Statement of the Special ASEAN Plus Three Summit on COVID-19 on April 14, 2020.

Given the Joint Statement of the Special ASEAN-China Foreign Ministers' Meeting on COVID-19 on February 14, 2020,⁶⁵ ASEAN emphasized the importance of solidarity and the spirit of a cohesive and responsive ASEAN Community. This Joint Statement addressed eradicating the spread of fake news and misinformation, resulting in a climate of distrust, intolerance, and fear. They can undermine the effectiveness of preparedness, resilience, and community response to handling the epidemic. Strengthen cooperation to ensure that people promptly receive accurate information about COVID-19. Affirming the critical role of the media sector to promote effective public communication, to combat fake news and misinformation, and to support the free flow of information during and after COVID-19; Encourage the exchange of official and regular information updates among ASEAN Member States

⁶⁵ ASEAN, "Statement of the Special ASEAN-China Foreign Ministers' Meeting on the Coronavirus Disease 2019 (COVID-19)", (February 20, 2020), online: <<https://asean.org/statement-of-the-special-asean-china-foreign-ministers-meeting-on-the-coronavirus-disease-2019-covid-19/>>.

through cooperation with relevant sectoral bodies; Encourage the development of Regional Guidelines and the possibility of establishing platforms to facilitate the proper sharing of information on situations, facts, figures, medical practices, policies, actions and innovations among ASEAN Member States including through the exchange of digital content; Promote effective and transparent public communication in each ASEAN Member State; Support the use of digital technology and various forms of media to disseminate information to ensure the rapid flow of communication, as well as convenient and inclusive access for all groups of ASEAN citizens; and encourage ASEAN member states to develop initiative projects and share experiences and best practices.

Further agenda was the Chairman's Press Statement of the ASEAN Women Leaders' Summit. Its agenda was titled "*Women's Role in Building a Cohesive, Dynamic, Sustainable and Inclusive ASEAN Community in a Post Covid-19 World*," held on November 12, 2020.⁶⁶ The Leaders recognized the role and contribution of women in socio-economic development and maintenance of peace and security. The vital role of women is demonstrated in the fight against the COVID-19 pandemic because women are the majority of frontline health professional social workers and volunteers in the community but are also vulnerable to the effects of COVID-19. Therefore, increasing women's participation in planning and decision-making is essential while meeting their economic and health needs at the national and regional levels. This effort is implemented through digital and financial inclusion, inclusive and accessible social protection programs, and access to opportunities, as reflected in the ASEAN Charter,⁶⁷ Community Vision 2025,⁶⁸ and ASEAN Community Blueprint 2025.

⁶⁶ ASEAN, "Chairman's Press Statement of ASEAN Women Leaders' Summit 'Women's Role In Building A Cohesive, Dynamic, Sustainable and Inclusive ASEAN Community in a Post COVID-19 World'", (November 13, 2020), online: <[https:// asean.org/chairmans-press-statement-of-asean-women-leaders-summit-womens-role-in-building-a-cohesive-dynamic-sustainable-and-inclusive-asean-community-in-a-post-covid-19-wo/](https://asean.org/chairmans-press-statement-of-asean-women-leaders-summit-womens-role-in-building-a-cohesive-dynamic-sustainable-and-inclusive-asean-community-in-a-post-covid-19-wo/)>.

⁶⁷ ASEAN, *The ASEAN Charter* (Jakarta: ASEAN Secretariat, 2008).

Following the above agenda, the Memorandum of Understanding (MoU) was signed on November 13, 2020.⁶⁹ This MoU underscores the determination and commitment of ASEAN leaders, in the spirit of a cohesive and responsive ASEAN, to remain united and act together and decisively to control the spread of disease while reducing its adverse impact on people's livelihoods. This agreement was carried out collectively to reduce the economic impact of COVID-19 and decided to, among other things, continue to address non-tariff barriers, especially those that hinder the smooth flow of essential goods. Therefore, ASEAN member countries are determined to implement *The Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in Response to the Covid-19 Pandemic* to ensure the smooth flow of basic goods, including food and medicines and medical supplies and equipment. Other essential goods related to efforts to overcome the COVID-19 pandemic and sharing information among the member states regarding measures related to trade in these goods and their supplies while complying with the WTO and ATIGA agreements and other international agreements to which they are parties and the member states will inform the ASEAN Secretariat regarding this matter.

The *Terms of Reference for the COVID-19 ASEAN Response Fund* followed this MoU.⁷⁰ It is the basis for the establishment of the *COVID-19 ASEAN Response Fund* at the 37th ASEAN Summit⁷¹ on November 15, 2020, that addressed the urgent needs and long-term goals of ASEAN member states

⁶⁸ ASEAN, "ASEAN Community Vision 2025", online: <<https://www.asean.org/wp-content/uploads/images/2015/November/aec-page/ASEAN-Community-Vision-2025.pdf>>.

⁶⁹ ASEAN, "2020 Memorandum of Understanding on the Implementation of Non-Tariff Measures on Essential Goods under the Hanoi Plan of Action on Strengthening ASEAN Economic Cooperation and Supply Chain Connectivity in response to the COVID-19 Pandemic", online: <<https://cil.nus.edu.sg/wp-content/uploads/2020/12/2020-MOU-on-Implementation-of-NTMs-on-Essential-Goods.pdf>>.

⁷⁰ ASEAN, "Terms of Reference the COVID-19 ASEAN Response Fund", online: <https://asean.org/wp-content/uploads/53-finalised-and-approved-tor_covid-19-asean-response-fund.pdf>.

⁷¹ ASEAN, "37th ASEAN Summit", (September 1, 2021), online: <<https://asean.org/37th-asean-summit/>>.

arising from the pandemic. This Fund serves as a financial resource to support the ASEAN Member States in detecting, controlling, and preventing the transmission of COVID-19 and protecting the safety of health workers and the public at large. The Fund is then equally accessible to all ASEAN member states for procuring medical supplies, personal protective equipment, and essential medical supplies, including medicines and vaccines. They should be effective, safe, accessible, and affordable to support research and development on COVID-19 prevention and the capability of health workers. To address these challenges and reduce gaps among its member states, there is a critical way to strengthen ASEAN's enhanced capacity, resilience, and readiness for an effective response to future public health emergencies. ASEAN has established a Regional Reserve of Medical Supplies for Health Emergencies. Health supplies must refer to international health safety standards and coordinate with WHO regarding standards, quantities, and categories of health supplies. Together with *the Terms of Reference ASEAN Regional Reserve of Medical Supplies for Public Health Emergencies*,⁷² to strengthen preparedness, prevention, detection, and timely response to public health emergencies and pandemics through mobilization and rapid distribution of regional reserves of essential medical supplies and pharmaceutical products; rapid response to outbreaks using available supplies or regional reserves; and the development of an emergency operating mechanism for the rapid mobilization and distribution of available regional supplies or reserves.

All of ASEAN's collective actions are linked to the role of the ASEAN Charter. The Charter provides ASEAN with a platform under a new legal framework and the support of some new organs in the development of its community. The ASEAN Charter binds ASEAN member countries and provides the basis for other ASEAN commitments. Collective actions in the ASEAN collective agreements manifest ASEAN's own goals, as stated in Article 1:8 of the ASEAN Charter. It outlines that the regional prompting goal is to respond effectively by considering the principle of

⁷² ASEAN, "Terms of Reference ASEAN Regional Reserve of Medical Supplies for Public Health Emergencies," online: <https://asean.org/wp-content/uploads/54-finalised-and-approved-tor_asean-regional-reserve-for-medical-supplies.pdf>.

comprehensive security to all threats, transnational crime, and transboundary challenges. It includes the COVID-19 pandemic, which has become a real and cross-border threat. Collective security measures were needed in the sense of all member countries and related to their impact.

Nevertheless, the ASEAN Comprehensive Recovery Framework (ACRF) plays a vital role in this issue. It is dated July 14, 2020, as the mandate of the Declaration of the Special ASEAN Summit on April 14, 2020, and the 36th ASEAN Summit on June 26, 2020, which has five general strategies. They are health issues, human security, the potential of intra-ASEAN markets and economic integration, inclusive digital transformation, and a way toward a resilient and sustainable future.⁷³ On the other hand, on June 22, 2022, the 16th ASEAN Defense Ministers' Meeting (ADMM) was held in Phnom Penh, Cambodia. This meeting was entitled "Solidarity for a Harmonized Security."⁷⁴ This meeting has resulted in a Joint Declaration of the ASEAN Defense Ministers on Defense Cooperation to Strengthen Solidarity for Harmonized Security,⁷⁵ which reaffirms the role of ADMM and ADMM-Plus as regional security architectures in responding to challenges, including non-traditional security challenges based on the following principles: ASEAN principles and ASEAN centrality,⁷⁶ and the Phnom Penh Vision on the Role of Defense Establishments in Support of COVID-19 Recovery, which among others, expressed a commitment to improve information exchange and coordination and provide mutual assistance among member state defense institutions in the context of controlling and preventing trans-border pandemics.⁷⁷ This proves the extent of the impact of the Covid-19 pandemic, which not only has implications for the economy but is also a defense problem. ASEAN has realized this, given the multidimensional nature of the impact of COVID-

⁷³ ASEAN, *ASEAN Comprehensive Recovery Framework* (2020) at 7–9.

⁷⁴ ASEAN, *ASEAN strengthens Defence Cooperation for COVID-19 Recovery and Solidarity for a Harmonised Security - ASEAN* (2022).

⁷⁵ *Joint Declaration of the ASEAN Defence Ministers on Defence Cooperation to Strengthen Solidarity for a Harmonised Security*, 2022.

⁷⁶ *Ibid* at 8.

⁷⁷ *Phnom Penh Vision on the Role of Defence Establishments in Support of Covid-19 Recovery*, 2022 at 11.

19, the formation of the ASEAN Coordinating Council Working Group on Public Health Emergencies (ACCWG-PHE), which contains representatives from the three pillars of the ASEAN community to deal with the impact of the pandemic.⁷⁸

ASEAN's various efforts in expanding the anticipation of Covid-19 have been carried out by ASEAN, including with various parties and countries. One of them is holding a meeting of the ASEAN Foreign Ministers with India, marking the thirty years of the ASEAN-India partnership and commemorating the tenth anniversary of the ASEAN-India strategic partnership on June 15, 2022. This meeting is entitled Building Bridges in Indo-Pacific, one of which raises the issue of cooperation in recovery from the Covid-19 pandemic.⁷⁹ ASEAN Member States need to learn from India in dealing with the COVID-19 pandemic. The Government of India is committed to buying all farmers' crops at predetermined prices. However, farmers are still free to sell their products in the open market. This approach protects farmers from market uncertainty and enables ASEAN Member States to ensure domestic food security to anticipate future disasters.⁸⁰

Problems persisted when the 12th WTO Summit only agreed on the suspension of patents for diagnostic and therapeutic products in response to the TRIPS Waiver Proposal covering the intellectual property of vaccine production, patents, and trade secrets in October 2020, with revisions in May 2021. This is unfortunate because The suspension needs to be more comprehensive, in the sense that all countries cannot access the production of Covid-19 vaccines, except for developing countries.⁸¹ It also shows that access inequality will still be problematic for ASEAN and globally. In addition, global initiatives in prevention and preparedness in response to future pandemics must be realized in the form of global fundraising and

⁷⁸ ASEAN, *supra* note 73 at 14.

⁷⁹ ASEAN, "ASEAN, India commit to strengthen cooperation," (2022), online: <<https://asean.org/asean-india-committed-to-strengthen-cooperation/>>.

⁸⁰ *India's Approach to Food Security Resilience Amid COVID-19: Relevance to ASEAN? - RSIS*, by Jose Ma Luis P Montesclaros (2022) at 9.

⁸¹ Sekar Gandhawangi, "Putusan WTO dan Ketidaksetaraan Akses", *Kompas* (2022).

structured coordination between finance ministers and health ministers and put forward the role of WHO.⁸²

V. DOES ASEAN NEED A FRAMEWORK FOR DOMESTIC POLICIES TOWARD COMPREHENSIVE INTEGRATION?

All regional efforts in handling Covid 19 in ASEAN seem very structured. However, there is still a need for a framework at the ASEAN level for its member countries, emphasizing the COVID-19 pandemic. This regional institution has conceptually shifted from state-centered to more people-oriented *by referring to the ASEAN Charter*. The *people-oriented* approach can refer to the Preamble of the ASEAN Charter, outlining, “*We, The People of the Member States of the Association of Southeast Asian Nations (ASEAN)*.” Furthermore, the phrase “*We, the People...*” implies a common understanding as a single entity, as is the case with the Preamble to states' constitutions in general. However, this entity is limited by the following phrase: the people of ASEAN member countries. This is, of course, different from the initial formation of ASEAN, which was based on the Bangkok Declaration signed in 1967, which began with the use of the Presidium Minister for Political Affairs/Minister for Foreign Affairs of Indonesia, the Deputy Prime Minister of Malaysia, the Secretary of Foreign Affairs. Affairs of the Philippines, the Minister for Foreign Affairs of Singapore, and the Minister of Foreign Affairs of Thailand. On the other hand, the Treaty of Amity and Cooperation in Southeast Asia (TAC),⁸³ as a follow-up agreement from the Bangkok Declaration, began with “*The High Contracting Parties.*”

The ASEAN Charter, as a common legal basis for ASEAN member countries, is highly correlated with the ASEAN people, as referred to in Article 1 of the ASEAN Charter, guaranteeing to live in peace internationally as a whole in a just, democratic, and harmonious

⁸² Wempi Saputra, “Mampukah G20 Menavigasi Krisis Multidimensi”, *Kompas* (June 2022).

⁸³ ASEAN, “Treaty of Amity and Cooperation in Southeast Asia,” online: <<https://asean-aipr.org/wp-content/uploads/2018/07/Treaty-of-Amity-and-Cooperation-in-Southeast-Asia-1976-TAC.pdf>>.

environment, poverty reduction, democracy, good governance, and the rule of law, following the promotion and protection of human rights and fundamental freedoms. It also promotes sustainable development to ensure regional environmental protection, sustainable natural resources, and the preservation of cultural heritage and people's lives. It follows the development of human resources through closer cooperation in education and lifelong learning in science and technology to empower ASEAN's people to strengthen the ASEAN Community. Simultaneously, it improves the welfare and decent living for people in the region by providing equal access to opportunities for human resource development, social welfare, and justice. It also strengthens cooperation in building a safe and secure environment free from narcotics and illegal drugs. It commits to promoting a people-oriented ASEAN in which people are encouraged to participate in and benefit from the ASEAN community-building and integration process, besides its way of promoting ASEAN identity by raising greater awareness of the region's cultural diversity and heritage.

Uniformity in the actions of ASEAN member countries in responding to COVID-19 is an absolute must to reduce its impact and spread more effectively and comprehensively. However, the structure of ASEAN must be recognized as different from that of the European Union. An important lesson drawn from European integration is the need for independent and strong supranational institutions to handle the complex regional integration process effectively. Integration is almost only possible by transferring (some) national sovereignty to supranational institutions and establishing an effective dispute-resolution mechanism.⁸⁴ The European Union's faster response can be seen in the existence of *the EU Integrated Political Crisis Response Mechanism* (IPCR) or the European Union's integrated political crisis response on January 28, 2020, and activated on March 20, 2020,⁸⁵ compared to ASEAN's response through *the Declaration of the Special*

⁸⁴ Min-hyung Kim, "Theorizing ASEAN Integration" (2011) 35:3 *Asian Perspective* 407–435 at 430.

⁸⁵ European Union, "COVID-19 outbreak: the presidency steps up EU response by triggering full activation mode of IPCR", online: <<https://www.consilium.europa.eu/en/press/press-releases/2020/03/02/covid-19-outbreak-the-presidency-steps-up-eu-response-by-triggering-full-activation-mode-of-ipcr/>>.

ASEAN Summit on Coronavirus Disease 2019 (COVID-19) on April 14, 2020. IPCR is the EU's framework for sectoral cross-crisis coordination at the highest political level. The concept of IPCR is based on the idea that crises are inevitable and could hit some EU member states. Managing a crisis involving multiple countries requires collaboration, coordination, communication, and the exchange of information. IPCR offers the possibility of (a) sharing existing crisis reports, (b) *contact points* or information centers, (c) analytical reports, (d) web platforms for exchanging and gathering information, (e) crisis meetings with ambassadors or EU ministers, and (f) proposed EU actions decided by the Council of Europe or the Council for the EU. This action can be phased in three different operational modes: monitoring (a and b), information sharing (a, b, c, and d), or a combination of these.⁸⁶ This is only possible with an ASEAN institutional structure similar to that of the European Union. However, it does not rule out the possibility of an effective way to respond to Covid 19 in ASEAN, although with a different institutional mechanism.

ASEAN's intergovernmental structure still allows the institutional response to COVID-19 by involving the community. Article 16 of the ASEAN Charter regulates entities related to ASEAN, which states that ASEAN may involve entities that support the ASEAN Charter, especially its objectives and principles. The implementation rules and criteria for engagement are regulated by the Committee of Permanent Representatives on the recommendation of the Secretary-General of ASEAN. This shows the willingness of ASEAN member countries to further involve the community through the role of civil society through the recognition of entities related to ASEAN in Annex 2 of the ASEAN Charter.

Civil society is an arena of voluntary collective action based on shared interests, goals, and values independent of family, state, and profit institutions. The concept of civil society is a space for individuals to gather,

⁸⁶ Krzysztof Goniewicz et al., "Current Response and Management Decisions of the European Union to the COVID-19 Outbreak: A Review" (2020) 12:9 Sustainability 3838 at 7.

associate, and can influence the wider society.⁸⁷ While civil society can also be defined as non-governmental and *non-profit* organizations that exist in public life, expressing the interests and values of members and society at large based on ethical, cultural, political, scientific, religious, or philanthropic considerations.⁸⁸ This definition is based on the same concept regarding civil society. This community organization aims to voice and fight for the wider community's interests and refers to shared values.

The involvement of civil society is a manifestation of the concept of democratization in ASEAN. In the context of the COVID-19 pandemic, the interpretation of Article 1:8 of the ASEAN Charter is vital by arguing that ASEAN aims to reach an effective response under comprehensive security. It involves not only the government and member state organs but also civil society must be involved. It considers that the COVID-19 pandemic is a real transboundary threat and is transboundary that requires collective action. Civil society's better involvement in responding to the COVID-19 pandemic requires a legal framework to provide recognition and freedom for civil society to participate more effectively. The inclusion of the recognition of civil society in a legal framework does not mean that it should be written in detail. It is as in Annex 2 of the ASEAN Charter that implements Article 16 of the ASEAN Charter. However, the involvement of civil society in implementing rules and engagement criteria set by the Committee of Permanent Representatives on the recommendation of the ASEAN Secretary-General takes quite a long time. At the same time, handling the COVID-19 pandemic requires speedy measures and implementation.

The advantage of having a legal framework involving civil society is forming a *shadow report* by civil society at the national and regional levels. *Shadow reporting* is a method by non-governmental organizations (NGOs) to supplement and/or present alternative information to reports that governments must submit under human rights treaties. Unlike government

⁸⁷ UNDP, *UNDP Strategy for Civil Society and Civic Engagement – August 2009* (UNDP, 2009) at 6.

⁸⁸ World Bank, "Civil Society," online: *World Bank* <<https://www.worldbank.org/en/about/partners/civil-society/overview>>.

reports, which often highlight the state's progress in meeting its human rights obligations while downplaying abuses, shadow reports often provide important information about problems in implementation and areas of government non-compliance.⁸⁹ As Brazil experienced in the *shadow report*, the country reveals the importance of civil society in protecting economic, social, and cultural rights. This role provides greater visibility of economic, social, and cultural rights as basic human rights. It is also a legitimate form of social pressure on the Brazilian state to promote the protection and implementation of human rights through constructive dialogue with civil society.⁹⁰ It is relevant to the inclusivity of the ACRF, which should recognize the vulnerable groups from the pandemic. The measure taken by the government should involve and benefit all societal segments and hinder the recovery exclusion at the ASEAN level.⁹¹ Hence, it proves the importance of involving civil society to participate more actively in handling the COVID-19 pandemic in Southeast Asia to streamline the ASEAN agreements and objectives to protect its people. In addition, it is necessary to establish a legal framework at the ASEAN level that recognizes the participation of civil society and becomes the primary guide in handling the COVID-19 pandemic in ASEAN.

VI. CONCLUSION

Following the COVID-19 pandemic, ASEAN increasingly plays a pivotal role throughout Southeast Asia. This paper reveals that each member state's different social, economic, and political situations influence the absence of common practices at the domestic level in addressing this pandemic from the early outbreaks. Simultaneously, however, market stability in Southeast Asia was the key to regional development, whereas, in its early stage, this pandemic was harmful to ASEAN's aim to meet

⁸⁹ Right to Education, "Glossary: Shadow reports," (November 20, 2015), online: *Monitoring Guide* <<https://www.right-to-education.org/monitoring/content/glossary-shadow-reports>>.

⁹⁰ Flavia Piovesan, "Economic, Social and Cultural Rights: the experience of the Brazilian shadow report" 7 at 5.

⁹¹ ASEAN, *supra* note 73 at 17.

economic integration. While all its member states experienced similar problems, no common measures were taken by ASEAN member states. Rather, each member state took independent measures to combat this pandemic. Therefore, common measures set by ASEAN by establishing the regional guidelines to mitigate this pandemic risk become paramount. Some events were initiated by ASEAN, from the summit to the joint declaration, but they needed concrete collective actions. By referring to the ASEAN Charter, establishing the guidelines is relevant to how collective actions in the ASEAN collective agreements manifest ASEAN's aims. The regional prompting goal can include an effective response, considering comprehensive security to all threats and transboundary challenges, including the COVID-19 pandemic and similar challenges in the future. This paper suggested that ASEAN should establish guidelines regarding disaster management as experienced during the COVID-19 pandemic for member states' domestic policies to anticipate possible adverse episodes in the future that may hamper the integration progress.

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COMPETING INTEREST

The authors declared that they have no conflict of interest.

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