



ASEAN Civil Society
Conference/ASEAN Peoples'
Forum 2022

JOINT STATEMENT

ASEAN CIVIL SOCIETY CONFERENCE – ASEAN PEOPLES' FORUM 2022 DEFENDING AND ASSERTING SOUTHEAST ASIAN PEOPLES CIVIC SPACE, DEMOCRACY, AND HUMAN RIGHTS TOWARDS AN EQUITABLE AND JUST SOCIETY

Amidst the current turmoil caused by social, economic, political, and climate crisis in the region and at global levels, more than 500 participants with gender balance, from a diversity of civil society, ethnic minorities and groups, Indigenous Peoples, LGBTQIA+, Women, Persons with Disabilities, elderly, Buddhist monks, faith-based, migrant workers, informal workers, trade unions, farmers and fisherfolks, youths, human rights defenders, victims of land conflicts, victims of human right violations and people's organizations of South East Asia gathered together in Phnom Penh, Cambodia from 3-5 November 2022. The inauguration started with a powerful drum performance by all-female cultural group from the host country calling for unity and solidarity among peoples of Southeast Asia, amplifying the voices of grassroots and marginalized communities, the spirit that has been carried on in the last 17 years.

The ASEAN Civil Society Conference/ASEAN Peoples' Forum (ACSC/APF) aims to provide a safe space for peoples' voices and strengthen an intersectional and cross-movement and cross-border solidarity among ASEAN civil society and peoples' movements to generate sharing and learning and build solidarity towards an alternative regionalism amidst the rise of militarism and authoritarianism and backsliding democracy and to urge ASEAN Member States to better address inequality and human rights issues stemming from the ongoing COVID-19 pandemic, the Myanmar crisis, climate crisis, and other threats to human rights and regional stability, and to prioritize an inclusive and sustainable recovery for all peoples in South East Asia.

Over the past three days, through four plenaries and 20 workshops organized under the five convergence spaces, the ACSC/APF delegates collectively discussed the challenges faced, developed recommendations and alternatives by the Southeast Asian peoples and call on the ASEAN governments to take bold actions to address these challenges.

Defending Civic Space from Militarism & Authoritarianism

The attempted military coup on 1 February 2021 in Myanmar epitomized how the entrenched confluence of autocracy, militarism, and neoliberalism create a political, human rights, and humanitarian crisis. More than one and a half year since the attempted coup and the promulgation of the Five-Point Consensus, more than fifteen thousand people were arrested, and at least 2,300 innocent civilians were murdered by the military junta and the cruel executions. ASEAN and the international community have not taken serious actions to address the human rights, humanitarian, and COVID-19 crisis in Myanmar and to ensure justice for the long-persecuted Rohingya people. Some representatives of the National Unity Government (NUG) have since apologized for hurtful public remarks made during the height of the violence against Rohingya people in 2017. Corporate investments from countries like China, Australia, and Thailand have extensively shaped and sustained Myanmar's economic and geopolitical interests of the military junta, which operates the country's key businesses, further increased the challenges of efforts to move towards a genuine federal democracy based on human rights, equality, and inclusion. It was reminded that the National Unity Consultative Council (NUCC) process, currently the most open and hopeful policy development process, but those involved in this process have to endure the humanitarian devastation caused by daily military attacks by the illegal junta.

The key elements of structural and social exclusion which give rise to a string of human rights transgressions are also present in other ASEAN countries over the past years. Land rights victims, environmental activists and human rights defenders in several countries, are routinely judicially harassed and intimidated by state forces under the guise of "*lese-majesty*" "public order," and/or "terrorism." In Indonesia and Thailand, civil society groups protest the government's Criminal Code and law revisions, which include provisions that undermine civic space. The recent sham elections in the Philippines as well as other countries in ASEAN, and the civil and political rights suppression of the opposition political party in the recent Cambodian elections

are facets of growing authoritarianism and disinformation in the region. The election system and the election commission in many countries are still corrupted and prejudiced, undermining the conduct of fair elections. Victims, such as those under the Suharto government, are still seeking for the truth of 1965 massacre, and they request justice through reparation, rehabilitation, and confession from the government. With the humanitarian crisis and shrinking civic space getting more critical in Asia, **we recommend:**

1. ASEAN Member States and Timor Leste to uphold human rights and level up their effort on the protection and promotion on human rights and to defend and stop violating the legitimate democratic rights of all peoples of ASEAN, especially young people at the forefront of human rights and democracy movements who faced threats of judicial harassment, enforced disappearances, even loss of life of those under militarization and authoritarian regime like Myanmar.
2. The regional and international community to provide cross-border community-based humanitarian assistance for internally displaced people (IDPs), political refugees, and people in conflict affected areas. And the National Unity Government must step up efforts to make a national level public apology on what happened to Rohingya people, which is a key component of promoting transitional justice and a means to avoid the actions violating ethnic and minority rights.
3. The security sector and the judicial system needs to be reformed systematically such as including a Transitional Justice process to ensure justice for victims.
4. Build solidarity in concrete ways to fight together against militarism and authoritarianism, including the conducting of a massive and systematic voter education and civic education, pushing for electoral system reforms, collect stories, videos, and photos to document human rights violations and gender-based violence.

Combating Neoliberalism for Economic Justice, Climate Justice, and Food Sovereignty

ASEAN focuses on maintaining state and regional security, and its regional priority, through its ASEAN Economic Community (AEC), stresses competition and productivity but misses to integrate the principles of human rights due diligence, socioeconomic justice, climate justice, climate emergency and environmental sustainability. Neoliberalism in ASEAN have expanded the control of market and capital at the cost of worsening inequality, poverty, and environmental destruction, neglecting. The dearth of social protection measures was exposed by the COVID-19 pandemic which threatened the security, welfare, and livelihoods of its peoples. **We recommend:**

5. That the Social and Solidarity Economy (SSE) could deliver the real contribution to decent work and SDGs, which was acknowledged by the International Labour Organization (ILO) and promoted by the UN Inter-Agency Task Force on Social and Solidarity Economy (UNTFSSSE). The ASEAN secretariat should facilitate the socialization of the SSE among ASEAN Member States to enable the development of a SSE ecosystem and policy framework that empowers SSE enterprises, community and people focused grassroots organizations.
6. ASEAN should take into consideration the distinct experiences, contexts, and important contribution to the economy of women and girls, in crafting economic policies that will create equal economic opportunities, especially toward climate change adaptation and mitigation, and take steps towards ending a culture of impunity against women and girls.
7. Adopt and enforce inclusive, participatory, and transparent mechanisms and processes for assessment of agricultural digitalization to guarantee the actual needs, realities, and situations as determined by communities and peoples of Southeast Asia and ensure that digitalization will not aggravate environmental destruction and pollution, exacerbate the climate crisis, undermine food sovereignty, and worsen marginalization, economic disparity, and gender inequality.
8. Indigenous Peoples (IP) have been governing and managing their lands, territories, and resources through their institutions, customary laws, and sustainable resource management knowledge and practices for generations. This knowledge needs to be recognized and their knowledge needs to be at the core of climate justice solutions, food sovereignty and in combating challenges posed by neoliberal economic practices. Human rights due diligence should be carried out in the first place, FPIC must be the basis of any business operations that are to be implemented in IP territories and other local communities and should be the basis of any policy dialogue.

Life with Dignity: Social Protection, Decent Work, and Healthcare for All in the Post COVID-19 Recovery

ASEAN has adopted the “ASEAN Declaration on Strengthening Social Protection”, and a Regional Framework and Action Plan to implement, followed by high level conferences on social protection. However, ASEAN member countries lack the political will to implement the declaration. Privatization and austerity measures create a harmful socio-economic consequence to majority of people, increase poverty, wage theft, deteriorate income distribution, and pressures to scaling down social protection for vulnerable groups; women, children, youths, LGBTQIA+ people, elderly, people with disabilities, Indigenous Peoples and ethnic minority/groups, farmers, migrant workers, and those in the ‘*missing middle*’ such as workers in the informal economy, entertainment workers, sex workers, digital platform, and home-based workers. The Social and Solidarity Economy is a viable solution to re-balancing economic, social, and environmental objectives, by putting people and planet at the center, towards the future of work.

The services provided by the government are insufficient and not affordable for poor and marginalized people - home-based workers, those who are working in transport, healthcare, maintenance, homecare, domestic workers, migrant workers, persons with disabilities, women, and LGBTQIA+ people. There is still lack of coverage, services quality, and benefits of social protection for all people. Workers are discriminated because of their gender and employment status. In case of the migrant workers, they are excluded because of their immigration status and the sectors they are working in. In addition, since the COVID-19 pandemic, the Governments have applied austerity measures including scaling down public services and social protection programs for women, children, the elderly and other vulnerable people. **We recommend:**

9. Social protection, including healthcare, decent wage, as human rights for all, regardless of gender, religion, ethnicity, citizen, and economic status must be implemented, improve the accessibility, affordability, and quality, including essential benefits packages of voluntary social protection programs for informal workers. The social protection schemes must not be based on contribution. Governments should provide maternity protection for all women in need, including maternity leave and paternity leave, productive healthcare, childcare, unemployment allowance, and access to care allowance.
10. Strengthen national laws, policies, and regulations to help migrant workers and their families cope with and build resilience in times of future crises. Inclusive social protection measures and health care coverage, including but not limited to mental health and psychosocial support, should be provided. Therefore, we call upon the government to accelerate portability of social security benefits that migrant workers are entitled to, through multilateral or bilateral social security agreements.
11. Realizing Universal Social Protection, including Healthcare for all, by developing its response capacity to prepare, cope and adapt to strengthening people’s resilience towards future shocks, such as climate and health crisis.
12. Public social services should be available with good quality, accessible, and affordable to everyone who needs it. The Governments should stop privatization of the public social services to reduce out-of-pocket payments to health care and education. The Governments should increase progressive taxes on corporate profits, financial activities, wealth, digital services, etc. and re-allocate public expenditures for larger social impacts investments.

Peace and Human Security

The world, particularly in the Indo-Pacific and Southeast Asia, is currently going through complicated changes and existential threats at alarming rate and complexities never seen in recent decades. The great power strategic competition, especially between US and China has made the situation in the region become more complicated. The Ukraine crisis, caused by major power rivalry and the ignorance of international law has increase the risk of a new arm races and undermined the peace and security environment in Asia in general and ASEAN in particular. Besides, the situation in Myanmar had posed several challenges to regional social-economic recovery in the post-COVID-19 pandemic era, hindering the development and well-being of people in Myanmar as well as ASEAN in general. The never-ending conflicts and disputes in ‘hot spots’, including the South China Sea, the Korean Peninsula, Taiwan Strait, the plague of terrorism, extremist politicized religious fundamentalisms are threatening people’s security and livelihood.

Non-traditional security issues including environmental pollution, climate change emergency, digital security problems, migration, forced displacement of Indigenous Peoples, ethnic minorities/groups, such as the Khmer Krom, and the severe refugee crises are due to the resurgence of islamophobia, racism, homophobia, xenophobia, which continues to evolve in complex and dangerous ways that negatively impact people, communities and states. **We recommend:**

13. Take proactive steps towards the settlement of disputes by peaceful means, in accordance with international law, including the United Nations Charter, the Paris Peace Agreement 1991, the UNCLOS 1982 and refrain from the use of force or threat of using force in international relations and instead promote dialogue in dealing with conflicts and develop platforms for a dialogue process for common security.
14. Take necessary steps to reduce military spending and transfer money to social needs including transparency in the accounting of arms sales; promote the ratification of the Treaty for the Prohibition of Nuclear Weapons in Asia and expand the model of ASEAN Nuclear-Weapon-Free-Zone to other regions in the world, including Northeast Asia.
15. Take proactive actions to deal with non-traditional threats to human security and livelihood in a sustainable manner, including the adaptation to climate change, ensuring of food security and development of non-hydropower renewable energy and protection of water resource in the Mekong River.
16. ASEAN to uphold the rights-based regional architecture and ASEAN people-led mechanism for human peace, security, and human rights.

Southeast Asian Peoples' Alternative Regionalism

More than fifty years after the inception of the Association of Southeast Asian Nations (ASEAN), it has failed to meaningfully address the issues and concerns of Southeast Asian peoples, and has only benefited the elites, political oligarchies, and corporate interests while social inequalities have exacerbated. The COVID-19 pandemic has shown that ASEAN's official responses were largely tokenistic and inefficient, and were greatly marginalizing, particularly on the women migrant workers, informal economy workers, LGBTQIA+, Indigenous Peoples, ethnic minorities/groups, stateless and internally displaced peoples, workers, and the urban poor. ASEAN governments have also weaponized the crisis through silencing dissent and misinformation to further hamper and weaken the movement of Southeast Asian peoples. Despite these, peoples' organizations and grassroots communities continued to devise ways to mitigate the adverse effects of the pandemic and exemplify cross-border solidarity and mutual aid.

Through the Southeast Asia civil society's continuous efforts to unite and collectively engage ASEAN, it has gained ample wisdom to move beyond merely engaging the state-led regional body, and to develop a vision of alternative regionalism that is firmly linked with grassroots initiatives based on the principles of solidarity, cooperation, mutual benefits, the commons, and joint development. Alternative regionalism offer an important approach to use in advocating the recognition and the acceptance of human rights tangent to sexual orientation, gender identity & expression and sex characteristic; safe working conditions and living wages; social protection; right to land, resources, and self-determination; access to healthcare; support for victims of gender-based violence and discrimination; digital rights; agrarian reform and sustainable food systems; and inclusive housing and city/urban planning processes.

This alternative form of regionalism is strengthened and reinforced by the People-to-People (P2P) Exchange which allow peoples to learn together and from each other, share resources, build solidarity, and improve strategies. This process of coming together is international relations founded on cross-border solidarity of non-state players, mostly by civil society organizations. From these interactions, progressive national and international policies have become introduced, and eventually adopted by governments through pressure and collective action. To strengthen alternative regionalism, what is needed is networking on many levels based on common bonds and linking with diverse platforms of engagement at the local, national, regional, and global levels that brings together practitioners of alternative development practices. **We recommend:**

17. Strengthen cross-border solidarity and regional integration in Southeast Asia through providing spaces where the best practices of marginalized groups and grassroots organizations can be improved and harnessed. And in building strong peoples' solidarity movements, identify common

cross border issues and certain mechanisms for support, including funding, and at the same time, institutionalize the different forms of intersectionality across borders. ASEAN Member States should review the ASEAN article on non-interference and recognize the legitimacy of the CSOs.

18. Political reforms should be undertaken with the inclusion of CSOs. Labour laws must guarantee workers' rights including migrant workers, domestic workers and informal workers, especially the right to form unions, the right to strike and collective bargaining, and criminalization of leaders of workers' rights must be withdrawn immediately. Gender-based violence (GBV) in the workplace must be addressed through sharing of lessons learnt among ASEAN stakeholders through strategies to build capacities of organizations, develop guidelines, and responsive measures.
19. Continue the people-to-people exchanges between alternative practitioners in Southeast Asia and extend this initiative in partnership with other regions beyond the ACSC/APF.

CONCLUSION AND MOVING FORWARD

This meaningful 3-day ASEAN Peoples' Forum in Southeast Asia the home to more than 600 million citizens throughout the region, provides a platform for exchange, dialogues and debates on a broad range of concern issues on various areas:

- **Defending Civic Space from Militarism & Authoritarianism** – Rather than speeding up the hopeful picture while inking their signature on domestic and international human rights instruments and treaties, ASEAN Member States have seriously failed to adhere to their obligation to respect, protect and fulfil human rights, causing suffering on their human fellows across the region, so far as to the level of militarization and authoritarianism. Member States have to uphold human rights and level up their effort on the promotion and protection on human rights in all fronts.
- **Combating Neoliberalism for Economic Justice, Climate Justice, and Food Sovereignty** – While putting a lot of efforts to boost economy via all forms of Free Trade Agreements, and believing that macro-economic growth is the only means to race to the top, ASEAN and its Member States are discounting the people to the secondary. In rectifying this mistake, human rights due diligence should be carried out in the first place, Free, Prior, and Informed Consent (FPIC) must be the basis of any business operations that are to be implemented in IP territories and other local communities and should be the basis of any policy dialogue.
- **Life with Dignity: Social Protection, Decent Work, and Healthcare for All in the Post COVID-19 Recovery** – COVID-19 pandemics have exposed inadequate structures and infrastructures to meet people's need and this should have humbled the ASEAN and its Member States including Timor Leste. It is high time Universal Social Protection, including Healthcare for all come into existence as a state's obligation, by developing its response capacity.
- **Peace and Human Security** - Peace in the absence of war alone has seemed to become the current leaders' narratives, while human security protection in the form of bolstering military muscles have seemed to become the norm. While the former creates ignorance to peace in mind and in nature; the latter failed to pay attention on non-traditional and emerging threats of human security. There is thus a need to take necessary steps to reduce military spending and transfer money to social needs including transparency in the accounting of arms sales; promote the ratification of the Treaty for the Prohibition of Nuclear Weapons in Asia and increase the spending on non-traditional threats to human security.
- **Southeast Asian Peoples' Alternative Regionalism** – After more than 50 years of forming the ASEAN as a regional body, annual auspicious gatherings in the forms of various Senior Ministers and Leader Summit make false belief that the government is the only entity to bring the region forwards. It has been proved once and again, especially during disasters, both natural and man-made, or the recent COVID-19 pandemics, that it is people-to-people solidarity that prevail. Political reforms should be undertaken with the inclusion of CSOs. Labour laws must guarantee workers' rights including migrant workers, domestic workers and informal workers.

ASEAN has adopted for the first time in its history, the term "Human Rights" in its official document ASEAN Charter 2007 especially article 14 concerning the establishment of ASEAN Human Rights Body - given the space for further development. In October 2009, AICHR was established in response to the call by civil society

and international community but so far still not being able to function well. Later, ASEAN Human Rights Declaration (AHRD) and Phnom Penh Declaration were adopted in 2012 without binding obligation for the states to put into practice. AICHR Term of Reference should be reviewed accordingly as part of the ASEAN new Human Rights architecture.

The great challenges are before us. Therefore, we believe our collective efforts will bring about meaningful changes in favour of our beloved peoples, citizens and social progresses.

We commit ourselves to work together and in cooperation with our partners both local, regional and international to meaningful social transformation based on justice, equality, well-beings, and peaceful livelihood of all peoples throughout the region.

We call on ASEAN Member States and Timor Leste to uphold Human Rights and the rights-based regional architecture and ASEAN people-led mechanism for human peace, security, and human rights.

We call on ASEAN and its Member States to heed the basic principles and uphold Human Rights in accordance with the ASEAN Charter 2007 and universally accepted international laws. Pressing the military junta to hand off power and return the country to democracy in Myanmar is an important effort to safeguard millions of lives who are at stake.

We call on ASEAN and its Member States to hold such meaningful dialogues and engaging the state representatives, SOM, AMM, ASEAN Community Pillars, AICHR, ACWC, ACMW and the ASEAN Secretariat to ensure the people-centered ASEAN.

We look forwards to substantive progress of ASEAN State Leaders in implementing the ASEAN 2025 vision, ASEAN Human Rights Declaration and other relevant international Human Rights obligations. Political wills and seriousness are important to ensure the accountability of those who are holding such policy making and administrative power.

We, the civil society needs to join hands, regionally and globally, to strengthen international and regional solidarity to challenge militarism, and authoritarianism, to challenge state repression across the world. An innovation channel to be developed.

We, the participants of the ACSC/APF 2022 express our sincere thanks to the host organizations, the regional steering committees, all committee working groups, convergence space co-convenors, workshop organizers, speakers, panelists, volunteers, interpreters, technical staff and working staff of the event venue.

We look forward to ACSC/APF in Indonesia in 2023.

Together, We Shall Overcome!

The People, United, We Will Never Be Defeated!

Adopted November 5, 2022, Phnom Penh, Cambodia