

Vision 2025: ASEAN Women's Blueprints for
Alternative Regionalism

A submission to the High Level Task Force on the ASEAN Vision 2025 drafting process

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¹ This submission arises from discussions during a Roundtable on "Alternative Regionalism and ASEAN Women's Blueprints", which was organised by the Asia-Pacific Forum on Women, Law and Development (APWLD) in Kuala Lumpur on 20-21 April 2015. The event gathered over thirty representatives from various feminist and women's rights organisations in the Southeast Asian region with the objective of developing analysis and recommendations for people-centred, rights based regionalism.

Introduction

ASEAN member states are contemplating their ASEAN 2025 vision at a moment when the dual threats of catastrophic climate change and growing, obscene levels of inequality compel us to interrogate the very foundations of global economic and political systems. As member states prepare to become one ASEAN community, adopt a post-2015 vision and review the ASEAN Charter, ASEAN's role in deepening inequality, aiding environmental degradation and fuelling human rights violations must be addressed.

In the past 10 years ASEAN has promoted a harmful contradiction. Member states have abandoned ASEAN principles of 'non-interference' and 'state sovereignty' in relation to capital and economic policy but doggedly retained them in relation to the protection of human rights. The modern ASEAN insists on the erosion of economic sovereignty, most evident in the ASEAN Comprehensive Investment Agreement as well as the ASEAN Economic blueprint.

As women's rights advocates we are particularly concerned about the impact of ASEAN on women's human rights and gender equality. It is our central contention that the model of regionalism embraced by ASEAN has been detrimental to women's human rights. The adoption of a single common market and production base with a concomitant single economic model, may promote economic growth but it does so in ways that prioritise foreign capital and corporate interests at the expense of the most marginalized women.² The present economic model promoted by ASEAN liberalises investment markets, promotes foreign direct investment, reduces tariffs and, consequently, reduces public funds and expenditure.

We strongly urge ASEAN member states to develop an alternative model of regionalism. Through this submission we call for a model of regionalism that is grounded in human rights, that redistributes power, resources, wealth and opportunities between and within states, between rich and poor and between men and women. We urge states to adopt a model of regionalism that promotes Development Justice and in doing so promotes the five transformational shifts of Redistributive Justice, Economic Justice, Environmental Justice, Gender and Social Justice and Accountability to the Peoples.

This document will:

- provide principles required to frame a people centered regionalism that promotes women's human rights and delivers Development Justice
- provide indicative goals and targets that promote women's human rights and Development Justice

² See for example, the ILO study: ASEAN Community 2015: Managing Integration for better jobs and shared prosperity. http://www.ilo.org/asia/whatwedo/events/WCMS_300672/lang--en/index.htm

Context: The need for an alternative approach to regionalism

Inequality

Inequality has been identified as one of the world's most pressing threats. Global wealth inequality has grown so high and so obscene that almost half of the world's wealth is now owned by just 1 percent of the population, amounting to \$110 trillion—65 times the total wealth of the bottom half of the world's population³.

While inequality between rich and poor has been subject to global attention, inequality between countries has continued with little attention. In 2010 high income countries accounting for only 16% of the world's population, were estimated to generate 55% of global income⁴.

Regional wealth concentrations display the same trend of inequality. ASEAN member states include states with some of the highest inequality in the region and the world. In 2012-2013, just 0.001% of the Asia-Pacific population, classed as Ultra High Net Worth Individuals, held about \$7.5 trillion of net wealth. In some countries in our region the net wealth of ultra high net worth individuals is half their country's GDP. And the net wealth of this extremely wealthy minority is 17 times more than the combined GDP of Asia-Pacific's least developed countries.⁵

The integration of the ASEAN Economic Community (AEC) must not overshadow the reality that economic growth, driven by neoliberalism, cannot solve poverty. It may instead lead to increased inequality as corporations, large enterprises and only skilled labour will be able reap the benefits of the ASEAN single market. Economic growth in a neo-liberal policy environment concentrates wealth gains with a privileged elite minority and corporations.⁶ A growing body of evidence shows that 'trickle down' neo-liberal market forces fuel inequality, increase social and political tensions, while ultimately leading to decreased growth in a country's overall GDP.⁷ The key to eradicating poverty lies not in market and consumption-led economic growth, but rather in addressing the varied and complex structural foundations of inequality, and ensuring redistribution of wealth.⁸ Addressing gross economic inequality

³ International Monetary Fund. 'Causes and Consequences of Income Inequality: A Global Perspective' 2015. Available at: <http://www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf>

⁴ Oxfam, 'Wealth: Having it all and wanting more' 2015. www.policy-practice.oxfam.org.uk

⁵ UNESCAP Economic and Social Survey of Asia and the Pacific 2014 <http://www.unescap.org/resources/economic-and-social-survey-asia-and-pacific-2014>

⁶ In the past 20 years the poorest 60% of the world received a mere 5% of income generated by global GDP growth, while the richest 40% received a staggering 95% For more information, see: <http://www.theguardian.com/global-development-professionals-network/2015/mar/30/it-will-take-100-years-for-the-worlds-poorest-people-to-earn-125-a-day>

⁷ International Monetary Fund. 'Causes and Consequences of Income Inequality: A Global Perspective' 2015. Available at: <http://www.imf.org/external/pubs/ft/sdn/2015/sdn1513.pdf>

⁸ Recently, economists considered how much consumption would be required to lift everyone out of poverty to the meagre level of \$5 per day, a rate that is still far below the poverty line of many countries in the region and far below a dignified livelihood. They found that current patterns would require consumption to be increased 175 times per person per annum to eradicate poverty. Refer to: David Woodward, 'Incrementum ad Absurdum: Global Growth, Inequality and Poverty Eradication in a Carbon-Constrained World' World Economic Review, 2014.

requires structural and systemic change: political and economic systems that are equitable, based on justice, and that work for the majority.

Erosion of economic sovereignty

The AEC blueprint makes it expressly clear that ASEAN economic growth is to be dependent on market liberalization, foreign direct investment, and export-oriented industries. The ASEAN Comprehensive Investment Agreement (ACIA) laid a pathway for an enabling environment for foreign investment at the expense of Member States' own sovereignty. Investor-state dispute settlement provision (ISDS), provided for in the ACIA, allow corporations to sue governments if policies and laws are believed to negatively affect the value of an investment. These lawsuits, which may amount to millions or even billions of taxpayer dollars going to corporations, may be successful even if the law or policy was necessary for public health, environmental protection, labour rights or other public interests.

Consequently governments may be deterred from enacting legislation that may trigger this form of dispute with a corporation. The legislative agenda is, in many cases, determined not by sovereign governments but by foreign corporations.

Market Liberalization and Human Rights

We also take note of the lack of synergy between the Community pillars, most particularly in regards to the protection and advancement of human rights. While the ASEAN Political -Security Community (APSC) and the ASEAN Socio-Cultural Community (ASCC) pillars make reference to human rights principles and include mechanisms to promote and protect human rights and women's human rights, these references are excluded from the Asean Economic Community (AEC) pillar and concrete human rights protections are altogether non-existent.

For women, especially rural, indigenous and urban poor women, this has meant a series of interconnected developments that further worsen their vulnerability. Injustices under the guise of development prevail as the feminisation of poverty intensifies. For instance, the development of economies as import-dependent and export-oriented has led to the influx of export-processing zones across ASEAN, which connotes the boost in employment and development. The trend continues to develop products in the region to supply the external market, competition grows fierce and inputs need to be managed with the lowest possible costs, which has generally translated into a gendered demand for women's labour- that is undervalued and underpaid- and increasing the 'feminization of migration' (both within and outside the country). Additionally, amidst increasing privatization of the health sector, women disproportionately suffer the burden of high out-of-pocket health costs and increased care work when family members are ill and health services are unaffordable. Available income opportunities for women are limited to devalued jobs like domestic work, childcare, etc which are invisible, subordinate, unstable, vulnerable, with few rights and protections and with incomes that are fractions of living wages.

For instance, the labour force in the garments and manufacturing sectors are overwhelmingly comprised of women workers who are generally less unionised and have lower bargaining power over their wages

and working conditions.⁹ As the labour market becomes deregulated, social protection systems are usually pushed out of the equation. This leaves the ASEAN people, especially poor and marginalised women, vulnerable to the impacts of crises, poverty, and rising inequality.

Another example is the negative impact of trade liberalization on the viability of small-scale agriculture and small enterprises.¹⁰ Foreign investment and market friendly land policies result in corporate land-grabbing for the production of food crops, and the development of export industries which deprive communities of access and control over their land and natural resources while failing to enhance the food security and livelihoods of local communities.¹¹ These projects, together with influxes of imported cheap agricultural products which result from a liberalized market exacerbate vulnerabilities, and disproportionately affect women, who make up the overwhelming majority of agricultural workers in the Asia Pacific region and are widely employed in small-scale or subsistence production.¹²

Climate Change

If the region's current growth trends persist, it is estimated that between today and 2035, ASEAN's energy demand will grow by approximately 80%, its coal demand is likely to triple, and, consequently, the region's greenhouse gas emissions are expected to double.¹³ ASEAN should recognize the human and economic costs already incurred due to climate change. For instance, in 2013, 78 percent of all people killed by natural disasters lived in Asia even though only 43% of global disasters occurred there.¹⁴ The impacts of climate change are not gender neutral. Research has found that women are 14 times more likely to die in disasters. Not only do they suffer the highest mortality, but often they must carry the burden of the long-term impacts of loss of land, livelihood and security.¹⁵

Asia has also already borne almost half the estimated global economic cost of disasters triggered by natural phenomena, amounting to almost \$53 billion USD annually.¹⁶ Evidence suggests there will be prominent increases in the magnitude and frequency of many extreme events such as heat waves, tropical cyclones, prolonged dry spells, intense rainfall, snow avalanches, thunderstorms, and severe dust storms, and that the Asia and Pacific region will continue to be among the most vulnerable to these events.¹⁷ The costs of climate change, both in terms of human life and economics, will therefore continue to rise significantly, a fact that the ASEAN must urgently and adequately address.

At a time when the dominant scientific opinion is that major reductions in global greenhouse gas emissions must occur to keep the planet from warming 1.5 degrees celsius above pre-industrial level in order to avoid devastating and irreversible climate change,¹⁸ ASEAN must not use its quest for global

⁹ APWLD Beijing +20 Asia Pacific Regional Review: Progress in the Asia Pacific Region

¹⁰ Ibid.

¹¹ Ibid.

¹² Oxfam, 'Can't Afford to Wait' 2015. https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-cant-afford-to-wait-asia-drr-cca-061114-en.pdf

¹³ http://www.iea.org/publications/freepublications/publication/SoutheastAsiaEnergyOutlook_WEO2013SpecialReport.pdf

¹⁴ <http://www.oxfamblogs.org/asia/on-asean-theme-and-our-common-asean-future-under-climate-change/>

¹⁵ UNDP, Overview of Linkages between Gender and Climate Change 2013, p.3

¹⁶ Oxfam, 'Can't Afford to Wait' 2015. https://www.oxfam.org/sites/www.oxfam.org/files/file_attachments/bn-cant-afford-to-wait-asia-drr-cca-061114-en.pdf

¹⁷ See: http://www.ifad.org/climate/infocus/index_apr.htm

¹⁸ <http://unfccc.int/resource/docs/2015/sb/eng/inf01.pdf>

economic integration as justification for growth which results in high energy consumption and increased fossil fuel dependence and usage. ASEAN should instead do all it can to undertake regional collaboration in terms of adaptation and mitigation and should be dedicated to protecting and advancing the capacities of those communities who will be most affected by the climate crisis, namely women.

Lack of Accountable Democracy

Over the years, ASEAN Member States have committed to the promotion of democracy and human rights and are signatories to numerous international human rights instruments. However, in a true democracy, people have the right to full, meaningful, inclusive and representative participation. The will of the people should be expressed through transparent governance and free, fair and public elections in a truly multi-party, pluralistic systems. Yet no effective regional consultation mechanism exists for civil society in ASEAN to participate in crafting and critiquing regional policies. There has been a systemic breakdown in electoral processes in the region; and the people's will continues to be suppressed at both the regional and national levels.

An alarming number of restrictions in the region deny freedom of expression and information, freedom of religion or belief, and peaceful assembly and association in both online and offline spaces. Laws in some countries deny the right to form civil society associations, people's movements, independent religious institutions, political parties, and free and independent labour unions.

States and non-state actors continue to commit violations with impunity, including police brutality, torture, enforced disappearances, extrajudicial killings and illegal detention against civil society activists. Human rights defenders continue to be persecuted under oppressive laws, including laws against activities such as "injuring the national unity", "propaganda against the State", "abusing democratic freedoms" and sedition laws, which deny the people safe and constructive political space. These restrictions, in both law and practice, are contrary to the human rights obligations of ASEAN member states.

Yet, despite increasing human rights violations in Southeast Asia, no human rights mechanism in ASEAN is able to address these concerns. Both the AICHR and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children (ACWC) need strong monitoring, accountability and enforcement mechanisms to provide effective human rights protection consistent with international human rights law and standards.

Need for Alternative Regionalism

Sixty years ago, Asian and African governments, led by the government of Indonesia, imagined an alternative form of regionalism in Bandung. Governments committed themselves to cooperate and end any manifestations of colonialism, notably economic colonialism, and rather seek economic independence and sovereignty. This conference planted seeds for an ASEAN vision that would advance a truly regional vision in the interests of ASEAN people, rather than foreign powers.

Yet ASEAN member states have cultivated the concept of sovereignty and non-interference only to protect themselves from providing remedies to people for human rights violations. ASEAN's human

rights institutions, the ASEAN Intergovernmental Commission on Human Rights, the ASEAN Commission on Women and Children cannot provide remedies or even conduct independent inquiries.

The ASEAN Vision 2025 draft document continues to advance the weak rhetoric of seeking to 'encourage, promote, enhance and strengthen voluntary actions' on provisions focused on critical issues such as human rights and gender equality without creating any concrete or binding commitments which would result in any genuine or substantial progress in these areas.

An alternative framework of regionalism should be based on human rights and must go beyond economic integration. The new agenda must be founded on development justice and deliver the five transformative shifts; Redistributive justice, Economic justice, Social and Gender justice, Ecological justice and Accountability to the peoples. It is only through redefining the development framework that women will be able to fully enjoy their human rights and gender equality and development justice will be delivered for all.

Principles of an Alternative Development Framework

In pursuit of an alternative regionalism that supports women's rights and gender equality and delivers development justice for all, ASEAN and its Member States should act in accordance with the following Principles :

- **Democratic ownership.** Governments must ensure all peoples are able to engage in participatory democracy and seek to strengthen meaningful participation of civil society, grassroots peoples organisations and social movements in policy making and implementation. Structural barriers in economic, social, cultural and political spheres that impede meaningful participation of women and other marginalized groups in any and all developmental processes must be eliminated.
- **Solidarity, cooperation and complementarity.** States should work in pursuit of strengthening cooperation amongst member states and to eliminating inequality within and between states. The principle of solidarity should be upheld to guarantee that governments remain the principal duty-bearers of human rights obligations. There should be a shared responsibility and understanding of the common structural causes of human rights violations and poverty in the region and focus should be given to achieving efficient and competitive specialisation which supports the balancing of economic development and building of national industries and capabilities in every member country.

ASEAN's development agenda has to be forged and guided *by international consensus, international cooperation, and principles of solidarity* as underscored in The Universal Declaration of Human Rights, article 22.

- **Mutual respect for sovereignty and equality among nations.** Regional cooperation should give high regard to the independence and sovereignty of member states and their peoples. Threats and use of force to intimidate in pursuit of self-interest over other countries are impermissible. Each member states should be able to implement laws that enable the promotion of the common good of the peoples that subsumes national interests and national identities.
- **Environmental Sustainability.** ASEAN’s development framework should be based on the right of the people to live in a healthy environment and recognize the importance of safeguarding the Earth’s carrying capacity¹⁹. The principle of common but differentiated responsibilities (CBDR) should be upheld and ASEAN should assist least developed member states in their efforts to mitigate and adapt to climate change. A gender-responsive approach should be integrated in all disaster risk reduction strategies, humanitarian assistance and reconstruction policies and measures; while ensuring that women are included in all decision-making processes related to the management of natural resources.
- **Human rights over Investment.** Governments are primary duty-bearers of human rights obligations. The collusion of politics and corporate interests in all forms must be prohibited. The private sector should be regulated in accordance to international, regional, and domestic norms and standards. Human rights and peoples' well-being should not be compromised in the name of investment. Governments must reject any trade pacts and mechanisms, such as the Investor State Dispute Settlement mechanism, which deprive them of their sovereign regulatory authority to govern in the interests of the citizenry. The human rights of all women from across sectors (e.g. rural, indigenous, migrant, youth, urban poor) must be respected, fulfilled and promoted, and they should be ensured benefits from officially measured economic growth.
- **Inclusiveness and an enabling environment for the people.** ASEAN must seek to build a society which is inclusive of the diverse and multiple sectors of society and where the well-being, livelihood and welfare of women, especially rural, indigenous and migrant women are enhanced. ASEAN should provide adequate and stable financial support and capacity development to create the conditions for and guarantee the involvement of women and other marginalized groups, and must also build the capacity of decision-makers to facilitate meaningful citizenry participation. ASEAN must eliminate discriminatory laws and policies that inhibit women's ability to enjoy equal rights and freedoms in society. It is only through a bottom-up, decentralized process owned by people that the perspectives and recommendations of women and other vulnerable groups will be properly recognized and integrated in decision-making at all levels of governance.

¹⁹ Earth's Carrying Capacity for humans is the concept of Earth's limit to provide subsistence to humans. Many scientists think Earth has a maximum carrying capacity of 9 billion to 10 billion people. The carrying capacity depends on several factors – mainly the 'lifestyle' that dominates exploits earth's limited non-renewable resources.

- **Accountability and Transparency.** ASEAN must move beyond the rhetoric of political declarations to ensure in real terms that human rights, and particularly women’s rights and gender equality, are the topmost priority in building the ASEAN Community. The primary function of ASEAN should be to elevate the disadvantaged, improve the conditions of the marginalized, and to enable and protect the disempowered.
- **Substantive Equality.** ASEAN must recognize existing gender disparities and act to redistribute benefits equally between women and men, and to promote women’s rights by transforming the unequal power relations between women and men in the process. ASEAN must secure the human rights of women and men in equal measure by enacting gender-sensitive policies and gender-mainstreaming in government and decision-making bodies which deliver substantive results for women such as equal access as men in opportunities, land and property ownership, resources, education, benefits, information, and more.
- **Rights-based.** ASEAN must embrace a holistic, rights-based approach that is grounded in universal human rights obligations, and ensures that the human rights principles of equality, equity, non-discrimination, inclusive participation and decision making, non-retrogression and progressive realization of economic and social rights underpin its policies and practices. Under international obligations²⁰, ASEAN Member States have the duty, regardless of their political, economic and cultural systems, to respect and protect all human rights and fundamental freedoms, including those which are broader than civil and political rights such as the fundamental rights to peace, life, and food.

We urge the ASEAN to reaffirm the principles of a people-centered alternative regionalism as stated above in order to secure the fundamental rights and freedoms of its people, advance women’s rights and gender equality and deliver development that will benefit the people.

Restructuring the ASEAN: Peoples’ Goals and Illustrative Targets

We reject the current structure of the ASEAN, as the ASEAN Economic Community, the ASEAN Political-Security Community and the ASEAN Socio-Cultural Community are insufficient and unable to promote human rights, sustainability and Development Justice.

We call instead for a people-centered and justice-based ASEAN in which the ASEAN roadmap is structured in five pillars based on the five transformative shifts of development justice: (i) redistributive justice; (ii) social and gender justice; (iii) economic justice; (iv) environmental justice; and (v) accountability to peoples.

²⁰ For instance: Universal Declaration of Human Rights (UDHR), the Vienna Declaration and Programme of Action (VDPA), Convention on elimination of all forms of Discrimination Against Women (CEDAW) and Convention on the Rights of the Child (CRC), etc

For each of the five pillars, we offer the following illustrative targets:

A. Redistributive Justice Pillar

1. Goal - Wealth, power, resource and opportunities are redistributed more equitably between and within countries.

A1. Target - Palma ratio is reduced to xx by 2025

As ASEAN moves towards regional economic integration, unequal and unsustainable economic growth will result in worsening poverty, inequalities of wealth, resources, power and opportunities between countries, between the rich and the poor and between men and women. Reducing wealth inequality will require genuine agrarian reform, progressive corporate and wealth taxes, strict regulation of corporate and political collusion overseen by a country's independent anti-corruption commissions, and more equitable distribution of labor to capital ratio. Member States should monitor wealth distribution patterns using the Palma Ratio, measured as the ratio of the richest **10%** of the population's share of gross national income divided by the poorest **40%**'s share, and should set specific and ambitious lowered Palma value targets to be reached by 2025.

A2. Target - Multi-dimensional measure of well-being

Economics-centric measures of well-being fail to recognize that those whom the economic growth is truly most dependent on are often the people who suffer most from growth-led development, such as the subsistence farmers, women garment workers, and migrant and domestic workers upon whom ASEAN's economic growth depends yet who are paid poverty wages and offered little to no protections. Achieving redistributive justice requires a shift to a multidimensional measure of people's well-being based on principles of sustainable, equitable, and just development and which includes enjoyment of human rights by all, political voice and participation, community trust, and the quality of governance.

A3. Target - Increased number of people having access and decision making control over productive land

The single largest predictor of poverty is the absence of access and control over land. As land in ASEAN has been increasingly privatised and the 'commons' diminished, the most vulnerable have been denied access and control over productive resources. Land in ASEAN countries is increasingly monopolised by a few and ASEAN has facilitated the sale of land to foreign investors. Poverty reduction, equality, sustainability, human rights and food sovereignty would all be aided by genuine agrarian land reform. ASEAN states should be required to report on the

distribution of land and the level of land concessions provided to foreign and national corporations, individuals and state development projects.

A4. Target - Equitable distribution of wealth between countries:

Within ASEAN, some countries like Singapore and Brunei have the highest GDP per capita (PPP) with nearly 50 times that of Myanmar. This indicates the high inequality between countries within ASEAN. Measures ranging from establishing a regional fund for universal social protection to adopting labor codes applicable to all nations could aid in reducing the inequality between countries in the region.

B. Social and Gender Justice Pillar

2. Social and Gender Justice aims to eliminate all forms of discrimination, marginalization and exclusion that pervade our communities and guarantee the human rights of all peoples.

B1. Target- Universal Social Protection:

A truly people centered ASEAN must provide universal access to comprehensive, integrated, quality and non-discriminatory sexual and reproductive health and rights, information and support services regardless of gender, socio-economic status, citizenship, age, ethnicity, caste, sexual orientation, gender identity, engagement in sex work, disability, marital status, HIV status, pregnancy status, or other status. The most basic and fundamental rights of all people are fulfilled and so the people may realize their full capacities as productive members of society. Possible indicators could be budget allocations on health, percentage of population reportedly able to access healthcare services and education, sufficient pension policies and a reduction of military expenditure.

B2. Target- Elimination of Violence against Women:

Despite years of international and regional commitments including CEDAW, Beijing Declaration Platform for Action, and ASEAN Declaration on Violence Against Women, there has been little improvement in the elimination of violence against women (VAW). ASEAN still has unacceptably high rates of violence against women, further aided by discriminatory laws and problematic policies and practices that do not provide protection to women and girls. The lack of political will and the absence of accountability mechanisms that can provide redress remain the major hindrances in eliminating VAW. There is also a need for ASEAN to recognize that violence against women can be perpetrated by the State, private persons, or by non-State actors including transnational corporations and other business enterprises. Impunity for violence against women remains a persistent challenge that needs to be systemically addressed. The existing human

rights mechanisms of AICHR and ACWC should be mandated to make enquiries, and provide protection to the victims and survivors.

Possible indicators could be the number of law reforms that protect women and girls, new laws on domestic violence, marital rape, etc, implementation of National Action plans on VAW, establishment of VAW units, specialized courts, and gender mainstreaming in governmental bodies and other decision-making spaces.

B3. Target- Non-discrimination

ASEAN member states must implement all commitments under international treaties, including the Convention on the Elimination of Discrimination Against Women (CEDAW), and should ratify those they have not, such as the UN International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Member States must adopt an intersectional approach to address and eliminate all forms of discrimination, marginalization, and exclusion faced by women, indigenous communities, migrants, refugees, children, youth, elderly, disabled, LGBTQ, domestic workers, people living with HIV & other diseases, and other minorities and socially excluded by class, ethnicity, religion, geographic location, gender identity or expression, etc.

C. Economic Justice Pillar

3. To achieve Economic Justice ASEAN states must develop economies that enable dignified lives, accommodate for needs and facilitate capabilities, employment and livelihoods available to all. Economies must not be based on the exploitation of people, natural resources and environmental destruction, but should instead work for people, rather than compel people to work for economies.

C1. Target- Decent Work and Living Wage for all

To eradicate poverty, ASEAN must ensure fair and just conditions of work, including proper remuneration. A living wage is required to ensure that workers and families can live on a wage with dignity.²¹ This should also protect all those engaged in labour, including informal and migrant workers. Recognising the right to a living wage is not only a legal and moral imperative; living wages also stimulate domestic markets and increase much needed tax revenue. The right to a living wage is based on numerous international conventions and agreements including ILO Conventions 95 and 131, ILO Recommendations 131 and 135, and article 23 of the Universal Declaration of Human Rights.

²¹ A living wage should be calculated on the cost of a basket of goods that would include sufficient calories for a family (using the local dietary habits) and a similar amount for non-food costs including housing, clothing, energy and material goods. From APWLD submission on Decent work, 2013

C2. Target- Equitable access and control over land

ASEAN member states need to introduce protection policies to ensure that farmers, women, indigenous groups have equitable access and control over the land and natural resources. Member states must recognize that women's fair and equal access to and ownership of land is critical to reducing poverty, and States should remove discriminatory provisions in laws which prevent women secure rights to land, and abolish other practices which discriminate on the basis of gendered land rights (i.e. credit applications which require land titles and are inaccessible to women who are unable to own land) in order to ensure that women realize their rights to property and productive resources on an equal basis as men.²² The local communities and relevant stakeholders that will be affected by various infrastructure projects must be consulted and given equal opportunity in decision making.

C3. Target- Compliance of trade agreements with universal human rights

ASEAN needs to take responsibility for ensuring that international trade agreements will benefit all the people of a country, especially the more vulnerable communities, by ensuring transparency of trade agreement negotiations, accessibility of trade negotiation documents and agreements, including availability in local languages; installing an inclusive and participatory review mechanism on trade agreements; enforcement of extraterritorial obligations; and institution of peoples' and communities' grievance and redress mechanisms for human rights violations under trade agreements. ASEAN must also reject free trade agreements that include provisions such as the investor state dispute settlement mechanism, which restrict state sovereignty and limit States' ability to enact public or environmental legislation that may damage the profits of transnational corporations.

C4. Target- Enhanced collective bargaining rights

Collective bargaining rights must be strengthened and supported in ASEAN. While women's labour market participation has grown in the region, the conditions and wages that the majority of women workers receive remain below subsistence and are disproportionate to those of men. Women must be able to unionize free from harassment, intimidation, violence, or threat of death. Women's union rights must be enforced in order for them to exercise their capacity to combat exploitation and protect their labour rights through demanding adherence to international labour standards and promoting decent working conditions.

D. Environmental Justice Pillar

²² See: <http://www.un.org/womenwatch/daw/csw/csw56/egm/Rao-EP-3-EGM-RW-30Sep-2011.pdf>

4. To achieve Environmental Justice ASEAN member states must recognize the people as sovereigns of our local and global commons and ensure that policies and practices do not jeopardize the rights of future generations to an environment in which they can grow and prosper.

D1. Target- Regulation on use of natural resources

Wealthy countries and elites historically and continue to exploit natural resources and disregard their sustenance for future generations and the environmental impacts of natural resource exploitation. Several studies have indicated that the construction of large hydropower dams do not reap benefits as compared to its environmental and financial costs. The exploitation of natural resources, especially for energy, needs to be regulated. ASEAN must aim to adopt the use of renewable energy with the least effects on the environment and reduce fossil fuel usage. Ending any form of subsidies on the use of fossil fuels, while providing subsidies for renewable energy, must be done.

D2. Target- Regulation on pollutants and carbon emissions

ASEAN must reduce fossil fuel usage, set ambitious and binding greenhouse gas emissions limits, and instrumentalize cross-country cooperation in monitoring and enforcing environmental laws and standards. ASEAN should commit to carbon emission reductions and provide new, adequate, predictable, and appropriate climate finance on the basis of historical responsibility for climate change.

D3. Target- Inclusion of and support for local communities

Environmental justice also requires the provision of funding to increase climate change preparedness, resilience and recovery that reaches the most vulnerable people, and is made readily accessible to women. The gender disaggregated impacts of climate change must be recognized, and substantive support should be provided to women. Women's indigenous, local knowledge should be recognized, respected and integrated into regional environmental policy and initiatives and appropriate technologies and resources should be provided to them. Women and local communities must be included in decision making spaces, and their knowledge and demands should be prioritized while corporate influence be rejected.

E. Accountability to People Pillar

5. Accountability to people demands democratic and just governments, transparency, and governance that enables people to make informed decisions over their own lives, communities and futures.

E1. Target- Democratic Institutions and Access to Justice

Member States must establish institutions that can promote genuine democracy and the rule of law at local, national, regional and international levels. This includes democratic and accountable institutions including an independent judiciary and processes that ensure full governmental oversight, including parliamentary oversight, law enforcement oversight, etc. These should also extend to macroeconomic governance and the private sector.

Accountability institutions that provide appropriate complaint and redress mechanisms for human rights violations must also be established. Such mechanisms should be recognized by ASEAN and all Member States, and must operate independently endowed with strong mandates and empowered with resources to hold State and non-state actors including corporate and private financial actors, to account for human rights violations. Genuine accountability requires that ASEAN guarantee a pathway to remedy that is effective for all people, and especially accessible to women and other marginalized and vulnerable groups.

E2. Target- Democratic decision making

ASEAN must ensure and protect the rights of people and advance equality for the people, before the interests of the investors or corporations. The ASEAN agenda and its policies and strategies should be drawn from consultation and participation of marginalized groups (women, workers, indigenous people, rural peasants, fisherfolks, youth, LGBTQ, farmers, etc.). ASEAN must strengthen its inclusion of and engagement with the people through increased democratic and meaningful engagement with civil society, grassroots peoples organizations, and social movements in policy making and decision making spaces.

E3. Target- Transparency and accessibility of information

Access to information is vital to a functioning democracy, and ASEAN must enact freedom of information laws and policies as well as adequate reporting mechanisms to ensure transparency in all of its functions. ASEAN must integrate timely reporting requirements and mechanisms in all commitments. All data should be disaggregated appropriately (by gender, migrant-status, income level, etc.). ASEAN must ensure accountability to women and the peoples of Southeast Asia through independent, transparent, effective and responsive processes and structures in order to create an enabling environment that is conducive to the full realization of women's fundamental rights and freedoms. ASEAN must make information freely available to all and guarantee the consideration of reports from beneficiaries, in particular from the most socially marginalized, on how ASEAN impacts their lives. Media freedom must also be guaranteed to allow for the free flow of facts and information.

E4. Target- Elimination of tax havens and illicit capital transfers

ASEAN must end the regime of tax competition that deepens inequality by preventing capital gains from being effectively taxed, and which thereby shift more of the fiscal burden onto increased labor taxes, and the imposition of cutbacks to public expenditure on essential services which affects lower-income groups and women disproportionately.²³ ASEAN must also implement regulatory measures that will prevent illicit financial flows from cross-border corporate tax evasion and capital flight through tax avoidance, which deprive developing countries of around a trillion dollars in due tax revenue annually.²⁴ These skewed tax schemes undermine sustainable development and contribute to under-resourced public institutions, in particular revenue authorities, with limited capacities to enforce the law and pursue those who conceal their funds through tax evasion.

²³ CESR & Christian Aid, A Post-2015 Fiscal Revolution (2014) 8.

²⁴ Ibid.