

RCEP: A Betrayal of ASEAN's Goal to Protect Human Rights

10 December 2021. ASEAN has announced that the RCEP agreement shall enter into force on 1 January 2022. We, the civil society and grassroots community in ASEAN Countries, urge ASEAN and the ASEAN Intergovernmental Commission on Human Rights (AICHR) to conduct a Human Rights Impact Assessment on RCEP Agreement before it takes into force next year. The impact assessment is crucial as ASEAN continues to pursue a development agenda that often prioritizes profit over people and planet.

RCEP has been widely criticized as a trade agreement designed without transparency and public participation. The RCEP reflects ASEAN's failure to become a people-centered organization. As an economic agreement that would have tremendous impacts on various levels of society, RCEP has failed to realize the vision of an inclusive ASEAN. Unfortunately, the RCEP negotiation processes show that people-centeredness is only rhetoric and ASEAN has returned to its elitist character.

The RCEP agreement does not only cover market access, but the government also negotiated "*Rules*" which contain principles or legal rules prescribing how states should meet their obligations to implement the agreement, including what states may or may not do in terms of domestic regulations. The provisions of the *rules* in the FTA are also considered to have the potential to cause social and human rights impacts

The discussions in trade negotiations are always focused on the issue of economic growth based on the government's projections of cost and benefits on the economic side. On the other hand, the discussion of social impacts, human rights, including the impact on the environment often escapes the attention of policymakers, especially in addressing the impact and risks due to the implementation of international trade agreements.

Furthermore, The RCEP agreement would set rules that will facilitate further the interest of investors to gain more monopoly practices in all aspects of the economy. The obligations under RCEP, which are binding for States, will weaken the capacity of States to effectively respond to issues that communities could potentially face from corporate investments. Therefore, in the context of regulatory reform, at least the intersection between macroprudential, lawmaking, and rights of affected communities will become a vortex of conflict of interest from three parties, namely the state, corporations/investors, and affected communities, in implementing the commitments under the RCEP Agreement.

The agenda of ASEAN Regional Value Chains (RVC) under the RCEP Agreement will further accelerate the 'race to the bottom' competition among ASEAN countries. RVC is more focused on production efficiency by considering the source of raw materials and lower labor costs. Only countries that can offer the best, in this case offering the lowest production costs, utilizing cheap labour, tax relief, and access to natural resources, will be the winner. Certainly, the ASEAN RVC agenda will sacrifice peoples' rights, especially labor rights, and would have a broad impact on people's lives, and on extraction of natural resources.

Therefore, in ensuring social justice and human rights issues are taken into account in international trade agreements, a comprehensive human rights impact assessment is required at various stages –before it is negotiated, before the agreement is ratified, and after the agreement is implemented.

The weak aspects of human rights protection in the RCEP Agreement must be the basis for ASEAN to immediately conduct a comprehensive Human Rights Impact Assessment of the RCEP Agreement before it take into force on 1 January 2022.

Signatories:

Indonesia for Global Justice (IGJ)

Focus on The Global South

Asia Pacific Forum on Women, Law and Development (APWLD)

Trade Justice Pilipinas

Koalisi Rakyat untuk Keadilan Perikanan (KIARA)

Kesatuan Perjuangan Rakyat (KPR)

Indonesia Aids Coalition (IAC)

Serikat Petani Indonesia (SPI)

Social Action for Community and Development (SACD)

Viet Labor Movement

Malaysian Food Security and Sovereignty Forum

Solidaritas Perempuan

Women's Network for Unity

Positive Malaysian Treatment Access & Advocacy Group (MTAAG+)