

Thank you chair. I speak on behalf of the Asia Pacific Forum on Women, Law and Development, a network of 220 members in the Asia Pacific region. We align ourselves with the feminist organisations present who support a gender perspective for the treaty. Firstly, we welcome the eagerness of the states in this room today to get to work and we look forward to seeing a draft treaty in the coming year.

We appeal to states that are committed to women's rights and Goal 5 of the 2030 Agenda to see this treaty as a women's rights issue. I remind those present today that corporate abuse is gendered: Women workers, women farmers, indigenous women, urban poor women and migrant women across Asia Pacific bear the direct and indirect impact of the violations committed by transnational corporations and other business enterprises. This is a treaty is also a priority for human rights defenders: already in October, 153 environmental and land defenders were killed worldwide. By the end of the year the figure might exceed the record 201 deaths in 2016.

We were very pleased to see that the draft elements were explicit in its recognition of the primacy of human rights obligations over trade and investments agreements, an overarching principle without which the objective of the treaty cannot be met.

Across Asia Pacific, trade agreements are being pursued that conflict with the 2030 Agenda and core human rights treaties. As UN human rights experts have noted, trade agreements award power to multinational corporations to challenge national policies designed to advance gender equality, environmental protections, fiscal policies, labour rights, public health and public access to basic needs and services. These are incompatible with state human rights obligations. The treaty must be explicit about the primacy of this convention and the UN Charter over Investor State Dispute Settlement (ISDS) procedures as well as other conflicting obligations in trade agreements, loan agreements or any other competing source of national, regional, bilateral or international law. We welcome further deliberation on extraterritorial obligations and particularly welcome Namibia raising the Maastricht principles.

We propose that the treaty explicitly recognise the right of indigenous peoples to free, prior, and informed consent (FPIC) as a corollary of their internationally-recognised right to self-determination and suggest that the absence of FPIC should be a violation within the treaty's ambit.

Sanam Amin
Programme Officer
[Asia Pacific Forum on Women, Law and Development \(APWLD\)](#)