

“Building Back Better” - BUSINESS AND HUMAN RIGHTS AND THE SDGS IN THE PACIFIC – Summary Report on Capacity Building Program



The Diplomacy Training Program’s (DTP) first online training course on Business and Human Rights in the Pacific was held in October 2020. Over 40 participants from 11 Pacific Island countries joined the course, from civil society, government and business.

The program continues a partnership with UN’s Office of the High Commissioner for Human Rights (OHCHR) for the Pacific Region, the Pacific Islands Association of NGOs (PIANGO), Citizen’s Constitutional Forum (CCF), Business and Human Rights Resource Centre (BHRRC), UNSW’s Institute for Global Development (IGD) and the UN Working Group on Business and Human Rights (UNWG).

The course took place over four weeks, in eight sessions, ahead of the [1st Regional Pacific Forum on Business and Human Rights](#) to be held on December 1st-2nd. It focused on developing knowledge of the UN Guiding Principles on Business and Human Rights (UNGPs) – and their relevance to realising the Sustainable Development Goals (SDGs), action on climate change in the Pacific – and to *building back better* after COVID.

“The DTP training program facilitators and staffs have made it easier and transparent for participants to get the comprehensive knowledge and understand the concept of business and human rights and how to go about finding solutions to issues that affects livelihood and the environment; and how to realize human rights and fulfill them.”

WEEK 1 – Key Business and Human Rights Challenges & the UNGPs

SESSIONS 1 & 2

These sessions highlighted some of the current BHR challenges in the Pacific and introduced the BHR framework/UNGPs as a response to these challenges. Manu Peni, a community leader from The Sepik River region of PNG, Cressida Kaupun, a Porgera woman and founder of the Red Wara River Women's Association and Emeline Siale Ilolahia (PIANGO) highlighted examples of the negative impacts of mining on communities and the environment. Expert facilitators included Robert Vaughan (OHCHR), Professor Surya Deva (UNWG), and Professor Justine Nolan, who introduced the BHR framework and UNGPs – built on the pillars of the state duty to protect human rights, business responsibility to respect human rights and for the state and companies to ensure access to remedy.

The UNGPs emphasise the State's Duty to Protect Human Rights from Harms by Business and the facilitators explained what this means for governments of Pacific Island countries in relation to regulation and accountability of business - and the different ways the Pacific governments can fulfil this duty. This duty to protect also applies to the governments that have companies investing or operating in the Pacific – such as China and Australia.

“This course has given me a better understanding of my role as civil society and how important it is that I continue to actively work towards the success of UNGPs/SDGs/OECD Guidelines/ UN mechanisms/ other accountability tools or methods to collaborate effectively with Businesses and governments of the Pacific to cease HR abuses in the region as well as globally.”

WEEK 2 – Businesses Responsibility to Respect Human Rights – and the Right to Remedy

SESSIONS 3 & 4

These sessions focused on Pillars 2 & 3 of the UNGPs, with Surya guiding participants through the corporate responsibility to respect human rights - to have a clear human rights policy, to have processes of due diligence that assess human rights impacts and to provide access to remedy and remediation when harms are done. The session developed understanding that companies have responsibilities through their supply chain and of the distinctions between Cause/Contribute/Linked to human rights harms. There was a focus on gender and how business impacts women differently.

Pillar 3 - Access to Remedy - is the final pillar in the UNGPs with duties for governments and responsibilities for companies. The session looked at what access to remedy means for those negatively impacted by businesses. Surya and Justine took participants through different approaches to accessing remedies, and the pros and cons in different approaches: OECD NCPs/NHRIs/Litigation/Shareholder Action; Experience of CSOs, and highlighted that it is a flexible and dynamic space. The session also built understanding of Principles 1, 22 &

25 - and related them to cases in the Pacific - and the expectations of participants. In this session we were joined by Amy Sinclair, from the BHRRC, who introduced us to BHRRC's work as an innovative example and approach in supporting access to remedy. Participants were also invited to share their views on remedy - relating back to cases/issues we have heard about.

"The course really helped me in understanding deeper...I love how the training invited expert trainer so that we can learn from the fact and not only the concept."

WEEK 3 – Linking the UNGPs to the SDGs and Paris Climate Change Commitments

SESSIONS 5 & 6

This session highlighted that the private sector/business is seen as critical to development - and the role of the UNGPs in making sure business has positive, rather than negative impacts. Siale and Alisi Tuqa (PIPSO) took us through what sustainable development looks like from perspectives of Pacific civil society and Pacific private sector/business. Joshua Cooper and Robert Vaughan introduced the SDGs – and Framework, and how compatible this framework is with Pacific perspectives on sustainable development. Participants learnt that while there are very limited accountability mechanisms on the SDGs, building awareness and understanding of them, and focusing on those most deprived of their rights - can help to build social accountability and the framing of development discussions.

There was a focus on the opportunities that exist to promote the implementation of these frameworks including the Voluntary National Review (VNR) and Nationally Determined Contributions) processes. National Action Plans on Business and Human Rights (NAPs) were highlighted along with the forthcoming 1st Pacific Regional Forum on Business and Human Rights. Participants broke into groups to discuss and exchange views about some of the barriers and opportunities that there are to collaboration between government, business, and civil society.

WEEK 4 – Remedy, Human Rights Accountability Processes and Next Steps

SESSIONS 7 & 8

Session 7 introduced and provided an overview of the UN's human rights mechanisms - with a focus on how they relate to BHR, and how participants can engage with them. This session developed participants' awareness of the UN's human rights accountability processes and their relevance to BHR and included content on the OECD Guidelines on MNEs as a process for making specific complaints and for seeking redress and remediation. The session introduced the Universal Periodic Review (UPR), which takes place for each country every 4.5 years. Participants learnt that the UPR, is a peer review (governments reviewing other governments) that can be used to build awareness of human rights, highlight specific issues and make recommendations. The UPR draws on recommendations

from the UN Human Rights Treaty Bodies (TBs) and Special Procedures (SPs). Joshua Cooper led participants through such mechanisms and provided practical tips on how to engage with them effectively. In this session we were also joined by John Southalan, lawyer, mediator, and academic, based in Perth, who also has the part-time role of Independent Examiner with the Australian National Contact Point for the OECD Guidelines on Multinational Enterprises. John introduced the OECD complaints process and how it works in practice, and provided advice on how to engage with it.

The final session of Business and Human Rights and the SDGs in the Pacific consolidated participants' knowledge on BHR. Participants were broken into groups to work on an exercise simulating a consultation with the UN Working Group on Business and Human Rights (one of the UN's special procedures). This exercise identified some of the key issues and priorities in the region. Siale and Alisi shared their perspectives on regional opportunities for promoting awareness and adoption of BHR frameworks.

"It was an enriching learning experience. I have learned so much from the session and experiences shared by the rest of the participants."

Participants agreed on the need for continuing awareness building, dialogue and cooperation on these issues – and Robert Vaughan highlighted plans for the 1st Regional Pacific Forum on BHR to be held on Dec 1-2.

The course is being evaluated and the evaluations will be available. DTP thanks all the trainers and partners that made the program possible – and OHCHR ROP for providing the funding.

For more information about the course, the partners and the Diplomacy Training Program please visit www.dtp.unsw.edu.au. Or contact dtp@unsw.edu.au