

**Indigenous Peoples, Human Rights and Business  
Regional Capacity Building Program for Indigenous Peoples  
Human Rights Defenders – Online Nov/Dec 2020**

**Program Report**



*The historic long march of Mro people protesting proposed 5 star Marriott hotel development, on their lands in Bandarban, CHT, Bangladesh. UN Human Rights Special Procedures raised their concerns about this case in a media statement in February, 2021*

## 1. Summary:

This is the report of an online regional capacity strengthening program – ‘Indigenous Peoples, Human Rights and Business’ - held in November and December 2020. The program was developed and delivered by the Diplomacy Training Program (DTP) in partnership with Asia Indigenous Peoples Pact (AIPP).



*Kapaeng Foundation, Bangladesh case study presentation*

DTP and AIPP selected 25 participants<sup>1</sup> from Indigenous peoples and organisations in Malaysia, Myanmar, Philippines, Thailand, Nepal, Bangladesh, Indonesia, Papua New Guinea and Niue/Australia.

The program was designed around 9 x 2 hour online sessions over 3 weeks in November-December 2020<sup>2</sup>. The sessions included expert presentations from leading practitioners<sup>3</sup> in the business and human rights field. The program was facilitated by a team from AIPP and DTP.

DTP and AIPP were committed to continuing their participatory approach to capacity building, respectful of knowledge, experience and needs of participants. Participants made presentations on specific cases they were working on – and these cases helped to ground and shape the program.

This report provides a background and context to the program and program objectives, a description of program design and content, some of the key issues and cases raised by participants before and during the program, and some reflections on the experience of taking this capacity building work online, program outcomes and suggested next steps.

<sup>1</sup> Bios of most of the participants are attached as Appendix 1

<sup>2</sup> The program schedule is attached as Appendix 2

<sup>3</sup> Bios of the trainers and facilitators are included as Appendix 3

The program was proposed and accepted as part of a broader strategy to build awareness, knowledge and understanding of business and human rights, and the UN Guiding Principles in Asia.

This program was proposed as a five-day face to face program to take place in Sabah, Malaysia in the first half of 2020. Because of Covid-19 and travel restrictions, the program was transitioned into an online capacity building program.

DTP would like to record its thanks and appreciation to the trainers and facilitators who donated their time and shared their expertise. It would like to thank the participants for their work and participation and UNDP for funding the program.

## **2. Program Background and Context:**

*"I learnt many things about human rights issues, especially about girls and mothers... women and girls in the community where I come from have been living under discrimination and pressure. With my experiences from the training, I will try my best to address part of it."*<sup>4</sup>

The program was designed to develop the capacity of Indigenous peoples' human rights defenders and their organisations to more effectively promote and protect their human rights, and their rights as Indigenous peoples, including the right to free, prior and informed consent.

The program is part of a longer-term collaboration and strategy between DTP and AIPP for Indigenous peoples' rights and human rights advocacy building capacity with and for Indigenous peoples in Asia.

The program recognises and responds to the marginalisation and discrimination experienced by Indigenous peoples, and their increased vulnerability to human rights violations and abuses by states and corporations.

Civil society advocacy has a critical role to play in ensuring that governments fulfill their responsibilities to respect, protect and fulfill human rights, and to ensuring that companies are accountable. Effective advocacy requires knowledge and skills building, experience sharing and networking.

Covid-19 is still changing the regional context for this work. There is evidence that Covid-19 is exacerbating existing inequalities and has further diminished the space for civil society voices. It will increase the poverty that disproportionately impacts on Indigenous peoples. It may further weaken the regulation of the private sector.

DTP brings 30 years of practical experience to this work. However, Covid-19 has required DTP, its partners, and human rights defenders to adapt. This program had to be redesigned from DTP's model of 5-day intensive residential training to an online delivery model. This was a valuable learning experience for DTP and AIPP, especially as the continuing impacts of Covid-19 make investment in effective online capacity building programs more important.

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<sup>4</sup> This and other quotes are taken from participant feedback surveys and written session chats and are available on request

### 3. Program Objectives and Outcomes.

*“The main highlight of the program for me is the introduction to strategic advocacy on BHR - mapping, targeting and advocacy option. The session really highlighted how connecting advocacy is directed at the business and how different stakeholders will have different strategies. I can't get enough for this session.”*

Objectives	Outcomes
Up to 50 advocates will have participated in an online training course over a period of 4-6 weeks (2 online sessions per week and two/three webinar sessions and “homework”/assignments in-between online sessions).	There were at least 25 participants in the program from 10 countries.  The program was compressed into 3 weeks with 9 sessions and homework and assignments between sessions.
Program content will include human rights standards, the Rights of Indigenous Peoples (UNDRIP/ILO 169), including Free, Prior and Informed Consent and the UN Guiding Principles on Business and Human Rights.	Program sessions covered these areas.
<p>Program participants will have developed a better understanding of:</p> <ul style="list-style-type: none"> <li>• UN human rights standards and increased capacity to link their concerns and work to these standards</li> <li>• UN human rights mechanisms and processes,</li> <li>• Other relevant policies and mechanisms and relevant safeguard policies and how Indigenous peoples’ organisations can use them to advance the BHR agenda.</li> </ul>	<p>The program was designed in a way that enabled and encouraged participants to see how they could connect their issues of concern to relevant international standards and mechanisms. There were sessions on the UN system, UN Special Procedures, OECD Guidelines and National Contact Points and the IFC’s CAO.</p> <p>Participants were involved in submitting a new case from Bangladesh to the UN Special Procedures resulting in action.</p>
Participants will have developed their skills in engaging business and government representatives in dialogue on Business and Human Rights.	It is hard to assess this in the short term. Participants made presentations as part of the course, and were encouraged to think about making recommendations that were practical. DTP/AIPP will continue to work with these participants to assist them in initiating dialogue with business and governments based on human rights.
Program participants will have drafted model UPR recommendations focused on BHR and IPs, including on BHRNAPs, for application in subsequent advocacy strategies.	Participants completed a session and practical exercise on drafting BHR focused UPR recommendations.

Establishment of a core group/community of practice of Indigenous peoples advocates with specialised knowledge and skill in the area of business and human rights, and relevant policies and guidelines relating to Multi-National Enterprises and International Finance Institutions (IFIs).	In progress.
Commitment to next steps in a longer-term strategy of promoting BHR in Asia.	Commitment is there. Discussions on implementation underway.
A program report and documentation on key BHR issues for Indigenous peoples across Asia with the potential to be developed into case studies.	Drafted and in progress. Outline of a BHR Advocacy Manual for Indigenous Peoples being drafted with case studies.

**4. Program Design and Content**

*“The BHR &IP was run successfully and being a participant, I have learnt a lot from it. We have had some very wonderful speakers from around the world or region and were well experienced lectures and professors. I am very pleased with outcome of the DTP and have learnt a lot successfully.”*

DTP was committed to retaining and adapting its participatory capacity building methodologies, within the constraints of online delivery. It is not possible to replicate the experience or to replace the value of bringing people together, and the immersive learning experience.

DTP and AIPP reached out through their networks to promote the program – agreeing that priority be given to participants with some experience and working on actual cases, and to ensuring gender balance among the participants. 12 of the 25 participants in this program were women.

While the reach out was extensive, there were fewer applications than anticipated. The partners believe that this was partly linked to the rescheduling of the program towards the end of the year.

DTP and AIPP designed the course using Zoom as the platform given its flexibility and ease of use. DTP notes the concerns in relation to privacy and security of using Zoom and will use other platforms in future. DTP/AIPP used the chat, polls and break out room functions to facilitate participation and interaction.

Most participants joined the course individually – on their own computers/tablets/phones. However, those participants in Sabah and in Kathmandu were able to be come together for the sessions in their NGO offices. Interpretation was provided for the Nepalese participants.



It was agreed by DTP/AIPP to design the course as much as possible in response to the issues and concerns of participants – and the cases that they had identified both prior to the course beginning and raised during the first few sessions. Cases from Nepal, Bangladesh and Malaysia were focused on. Participants made presentations on these cases and sessions looked at how international standards and mechanisms could be applied to them.

## The affected communities

- Indigenous communities : Gurung, Ghale, Tamang
- Non-Indigenous : Baun, Chhetri, Dalits
- The transmission line passes over homes, lands forest and sacred/cultural sites of the communities



*LAHURNIP's case study presentation on European Investment Bank funded 220 kV Marsyangdi Corridor Transmission line, Western Nepal*

*“Hearing the actual cases from other countries in the Asia region is really helpful because we learn the actions taken by communities, what difficulties they have in the process. Aside from this, it also helps ground regional and global advocacies on human rights, because we can situate our human rights advocacies, not only in our countries but in other Asian countries as well.”*

Individual runsheets were prepared for each session and summaries of these prepared and distributed to participants. Case studies presented by participants were included in most sessions. Each session was joined by an expert trainer, and co-facilitated by the AIPP/DTP team. Presentations were limited to allow maximum time for interaction, questions, advice. The sessions provided a really good opportunity to access expert advice. At the end of most sessions participants were given assignments, guided to relevant links and asked to read relevant materials.

The use of case studies, including for example on the OECD Guidelines National Contact Points, provided extensive information on both the opportunities and the challenges of various forms of advocacy and the available grievance and complaints mechanisms. The course provided a realistic overview – extremely valuable for advocates to determine, given their particular cases and the resources they have available, on where best to focus their efforts.

DTP/AIPP were impressed by levels of participant engagement and interaction and can see the advantages of working with participants over a period of time, building knowledge and engagement, allowing time for reflection, consolidation of the material and deeper engagement with individuals and issues – and for bringing a greater diversity of trainers/facilitators into the course.

*Week 1: Indigenous Peoples and an Introduction to Business and Human Rights - Sessions 1, 2, 3*

- Issues and Cases; UNDRIP, ILO 169 & FPIC, Advocacy Strategies – Mapping and Targetting

*Week 2: The UN Guiding Principles and Human Rights in the UN System - Sessions 4, 5, 6*

- Applying The UN Guiding Principles on Business and Human Rights in Advocacy; UN Human Rights Mechanisms; UPR and National Action Plans on Business and Human Rights

*Week 3: Development Finance, the OECD Guidelines, Complaints Mechanisms and Recommendations – Sessions 7, 8, 9*

- The IFC standards and CAO mechanism, the OECD Guidelines and NCP and developing UPR Recommendations

DTP recorded the live sessions and made them available to the participants. In addition, DTP established [web content for the course that](#) included links to further information and resources.



*Participants/Facilitators attending online sessions*

## 5. DTP's Trainers

DTP is profoundly grateful to the trainers in its programs. These trainers provide their services to DTP on a pro bono basis from a shared commitment to human rights, and an understanding of the value of investing in community advocates and human rights defenders. All of these trainers are also committed to a participatory methodology that respects and values the knowledge and experience of the program participants.

DTP seeks to ensure that there is gender balance among the selected trainers across each program. In this program just under 50% of the trainers were women.

DTP records its thanks of Jannie Lasambang, Shankar Limbu, Professor Surya Deva, Debbie Stothard, John Southalan, Margaret Wachenfeld, and Joshua Cooper.

## 6. Key issues and cases raised by participants

*“This is very valuable for HRDs who fight to protect the rights of indigenous people when businesses make money over the misery of the people, and grieves them. Issues such as damages to environment, culture, land and basic human rights. HRD need to know they are not alone and that there are people out there who can help them.”*

At the beginning of the program participants were asked to identify some of their key issues of concern and their expectations<sup>5</sup> from the course.

Participants identified common issues of concern including lack of consultation with Indigenous peoples; lack of recognition of Indigenous peoples' rights, or of their specific and distinct relationship to land and place; environmental destruction; loss of traditional knowledge; forced displacement, impunity and lack of accountability of perpetrators/companies; and impacts on women and children.

The extractive industries of mining and forestry/palm oil were identified as most associated with negative impacts, but cases raised also included infrastructure and tourism projects, and the financing provided to these projects.

The five cases highlighted by the participants and that were focused on in the course were from Nepal, Bangladesh and Malaysia.

Nepal:

- *Marsyangdi Corridor Transmission Line, Western Nepal* – lack of FPIC, lack of compensation even after successful mediation of case.

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<sup>5</sup> Participant expectations are listed in Appendix 4



- *Kathmandu Expansion – displacement of Indigenous communities, lack of FPIC*

Bangladesh:

- *Attack on indigenous Santal peoples in Bangladesh by state-backed industrial corporation, 'Rangpur Sugar Mill Ltd.' - killings and displacement of Indigenous peoples, impunity of perpetrators, lack of compensation.*
- *Tourism Resort/Marriott Hotel Development, Bandarpan – lack of FPIC, displacement of Indigenous Mro peoples, breach of CHT Peace Accord*

Malaysia:

- *Kaiduan (Papar) Dam, Sabah, Malaysia - lack of FPIC, forced displacement of Indigenous Dusun peoples. Challenge of finding out the companies and finance involved in order to be able to target advocacy.*

Participants were introduced to the UN's Universal Periodic Review (UPR) mechanism, and to the way that this mechanism could be used to highlight and seek action on BHR issues in their countries, including through promoting the adoption of National Action Plans (NAPs) on Business and Human Rights. Participants were introduced to some examples of different UPR recommendations on BHR<sup>6</sup> from the UPR Info website – and asked to draft their own UPR recommendations.<sup>7</sup> These indicate further work is needed.



*PACOS Trust case study presentation on Papar Dam, Malaysia*

<sup>6</sup> These are included as Appendix 5

<sup>7</sup> These are included as Appendix 6

## 7. Evaluation, Reflections, Lessons Learnt and Next Steps

After each session, participants were asked to complete an online feedback form. At the end of the program, participants were asked to complete an evaluation of the program. The program was positively evaluated by the participants, and by DTP's partner AIPP.

DTP/AIPP are still learning how to best deliver online capacity building. The approach taken in this course was labour intensive. The number of participants was less than envisaged, but as with face-to-face courses, allowed for greater interaction and participation. It was good to have participants from the Pacific – especially as it is increasingly businesses from Asia that are engaged in the extractive sectors in the Pacific. There is potential for experience sharing and building practical solidarity and advocacy strategies.

In future courses more focus will be given to the participants in helping them to develop their advocacy strategies, and to developing more specific knowledge and skills, e.g. researching company ownership, value and supply chains, advocacy skills.

Online courses and engagement with participants over time offers some advantages over face-to-face trainings and should become a more permanent part of DTP's capacity building work – in a hybrid and blended learning model. DTP needs to invest further in developing the platform to enable participants to continue sharing and engaging between sessions and following the program. DTP and AIPP will work further on developing the knowledge network on BHR among Indigenous advocates in the region.

The program also highlighted the need to develop a more specialised Business and Human Rights Advocacy Manual for Indigenous Peoples Advocates as no such resource exists, and it would be helpful in assisting advocates to promote the UN Guiding Principles and their implementation and as a complement to this course. This manual is currently being drafted.

*“Thank you DTP and AIPP team.. great training and enjoy all the session. New learning for all of us here and participants and all speakers and presenters another great course and meeting HRD's.”*

Since the program:

- UN Special Procedures have issued a media statement expressing concern about the Marriott Hotel/Tourism Development in Bandarban – following representations from program participants/NGOs;
- Pacos Trust Malaysia has sought further assistance in developing knowledge and skills in their advocacy to stop the Kaiduan Dam;
- A request has been received to run a course for Chin Indigenous community advocates in Myanmar in relation to a World Bank funded road project;
- Further cases of concern have been highlighted in Bangladesh and North East India; and
- Drafting of a BHR and IPs Advocacy Manual is underway.

DTP has continued to work with participants in the program. It has reached out to SOMO Netherlands to seek their assistance in providing training to Indigenous peoples in Sabah, Malaysia. It is responding to the requests from DTP alumni in Chin state, Myanmar to develop a targeted training for community advocates there.

DTP will work with AIPP to support Indigenous peoples' engagement with the South Asia and Asia Regional Forums on Business and Human Rights and in upcoming Universal Periodic Reviews.

Indigenous peoples organisations have a critical role to play in promoting the implementation of BHR standards in Asia, and capacity building will enable them to play this role more effectively.

Covid-19 is hitting the already marginalized and poor hardest. The UN is calling for governments and business to "build back better". This can only happen with the active and informed participation of Indigenous peoples and their organisations.

For more information about the course, the partners and the Diplomacy Training Program please visit [www.dtp.unsw.edu.au](http://www.dtp.unsw.edu.au) or contact [dtp@unsw.edu.au](mailto:dtp@unsw.edu.au).



*Mro peoples Long March to protest the building of a 5 star tourism development and Marriott Hotel on the their lands in Bandarban, CHT, Bangladesh. Photo: IWGIA*

## Indigenous Peoples, Human Rights and Business

### Selected Participants Draft Biographies

#### AUSTRALIA

##### **Fuatai Williams (F), Executive with *Pacificwin Pacific***

Fuatai is a member of the Niue Island ethnic minority group and currently resides in Australia. She holds the position of Executive with Pacificwin Pacific and has key responsibilities in legal governance, fundraising, building collaborative relationships with partners, developing resources, and seeking further training opportunities. More recently, the organisation was mandated by the Pacific Islands Association of Non-Government Organisations (PIANGO) to submit a document in support of the Safe Transport and Orderly Migration of people across the globe in support of New York Declaration for Refugees and Migrants. Fuatai held a key supportive role in attending meetings and ensuring a smooth transactional process. Through this training, she hopes to improve on her skills to contribute more effectively to her organisation and as a Not-for-profit worker for human rights across the globe. She also hopes to use her learned skills to provide support and create opportunities for others.

#### BANGLADESH

##### **Khokon Suiten Murmu (M), Program Coordinator with *Kapaeeng Foundation***

Khokon is based in Bangladesh and is a member of the Indigenous Santal Community from Northern Bangladesh. Khokon is currently working as a Program Coordinator for Kapaeeng Foundation, which is a human rights organisation established with a view to promote and protect the rights of Indigenous peoples of the country through advocacy and strong partnerships. As a Program Coordinator, Khokon has key responsibilities in maintaining the advocacy and campaigning activities at a local and national level and further liaises with various key stakeholders in the country. He also has responsibilities in bolstering the capabilities and providing support to Indigenous Peoples Human Rights Defenders (IPHRD) and preventing risks they might face. Khokon has further contributed to the research and publication process of various human rights issues which serves to alleviate and raise awareness of the violations that indigenous communities experience. Khokon hopes that through this training, he can contribute effectively and benefit his organisation by expanding on his understandings of various international human rights mechanisms and concepts. This includes a better understanding of the different situations that indigenous peoples are placed in due to the varied business contexts around the world.

##### **Falguni Tripura (F), Program Coordinator of Women Program with *Bangladesh indigenous Women's network (BIWN), a network of Kapaeeng Foundation***

Falguni, preferably known as Flora, is a member of an ethnic minority group in Bangladesh. She is currently working as a Program Coordinator for the Bangladesh Indigenous Women's Network (BIWN), which is a network of the Kapaeeng Foundation formed by indigenous women leaders and

representative of organisations and aimed at realising rights through social, economic, political and cultural movements. Flora's responsibilities as a Program Coordinator includes carrying out advocacy and lobbying for indigenous peoples' rights, supervision of proper documentation of human rights situations surrounding Indigenous peoples and engaging with stakeholders at various levels. As a representative of BIWN, she is also the key contact with other stakeholders with regards to BIWN's activities. Flora has also contributed to the research and publication process of the Kapaeeng Foundation, with a focus on Women Rights issues. Coming from an area which has been impacted by tourism, Flora hopes that through this program, she will be able to better protect and promote Women's rights by enhancing her knowledge on international human rights mechanisms and concepts. Flora also hopes to learn more on situations of indigenous peoples' based on business contexts around the world, especially for her region, Chittagong Hill Tract (CHT). Through this program, she hopes to build strong networks and be better equipped to perform her responsibilities.

**Chanchana Chakma (M), Member Secretary with *Bangladesh indigenous Women's network (BIWN)*, a network of Kapaeeng Foundation**

Chanchana is a member of the Chakma ethnic minority group and currently resides in Bangladesh. As a member secretary of the Bangladesh indigenous Women's network (BIWN), he is involved in the promotion and protection of Indigenous Women's Rights and Human Rights. More recently, Chanchana and his organisation has committed to activities that aim to raise awareness through community awareness training on Indigenous Women and further documentation on violence against Indigenous Women. Through this training, Chanchana hopes to campaign effectively by sharing information he has acquired, having a collaborative discussion on issues faced by the Indigenous communities and planning of advocacy strategies.

**Ripon Ronjon Das (M), Project Coordinator with *Indigenous Peoples Development Services (IPDS)* and Secretary of Youth and Student Affairs with *Bangladesh Indigenous Peoples Forum (BIPF)***

Ripon is a member of the BANAI Indigenous community and is currently residing in Bangladesh. He is currently working for the Indigenous Peoples Development Services (IPDS) as a Project Coordinator. IPDS is a national non-governmental organisation that aims to protect and promote rights of Indigenous peoples'. Ripon is responsible for liaising with key stakeholders such as donors, civil society members, other organisations, government officials etcetera. He is also responsible for preparing reports, presentations, facilitating training sessions and conducting programs. Ripon was also recently involved in the process and facilitation of a BIPF organised Capacity Building training program for Indigenous youth and Women on the rights of indigenous Peoples and Human rights. Through this program, Ripon believes that the knowledge, experience, and lessons from the training will assist him and his organisation. He hopes to apply the knowledge for the betterment and assurance of rights of Indigenous communities in Bangladesh.



## INDONESIA

### **Putri Nidyaningsih (F), Program officer with *The Institute for Policy Research and Advocacy (ELSAM)***

Putri currently resides in Indonesia and is a program officer for a business and human rights program. She is actively involved in the process, strategy, and advocacy to ensure a policy impact. Putri is also the key liaison officer responsible for collaborating and communicating with business and civil society organisations. As a program officer, she has responsibilities in building and maintaining relations with multiple stakeholders across Indonesia and at an International level. She is also involved in the research of human rights practices in companies and conducts training programs with her team. Through a series of campaigning, Putri and her organisation hopes to show corporations the importance of integrating human rights' values into their company operations. In recent times, Putri and her organisation had conducted training programs aimed at improving capacities of Indigenous peoples'. The program aimed to advocate help for victims affected by operations, products, and services of corporations. The training aims to increase advocacy on victims' rights to access remedy.

Putri and her organisation are currently building a relationship with Indonesian Chamber of Commerce and Industry, and other business associations. Through this program, Putri hopes to learn about the mechanisms and concepts such as sustainable development goals, UNGPs, OECD guidelines and skills in strategic advocacy in relation to multiple stakeholders, so that she can raise awareness and enhance advocacy to stakeholders.

### **Yohana Baransano (F), Program Managing Director with *Yayasan Yum Yaf Papua***

Yohana is an Indigenous Pacific Islander woman, currently residing in Sentani, Jayapura. As the Program Managing Director at Yayasan Yum Yaf Papua, Yohana is responsible for program planning, proposal writing, and developing partnerships with other institutions with shared objectives and values. Yohana is also responsible for ensuring the implementation and monitoring of the programs, and that their respective reports are produced. Yohana and her team are currently working on a project with HAPIN Netherland on domestic violence issues. This project aims to positively impact the organisation's indirect beneficiaries and partner communities- the Indigenous Peoples (IP) in the highland and coastal areas of Papua. From this training program Yohana hopes to better her understanding of the impacts of business on IP, so that she can effectively empower the IP she and her organisation work with.

### **Nicodemus Wamafma (M), Papua Forest Campaigner with *Greenpeace SEA-Indonesia***

Nicodemus, preferably known as Nico, is from Indonesia and is a member of an ethnic minority group. His key responsibilities as a Papua Forest Campaigner includes the development and implementation of Greenpeace's forest campaign work in Indonesia in support of the goals of the Global and National Forest Campaign Project. Greenpeace has done research over the structural corruption and destruction of living spaces in relation to expansion of oil palm plantations and continuously campaigns for "No Deforestation" in West Papua Land. Nico provides assistance where directed and is also responsible in ensuring that the goals of the international forest campaign are within the

framework of the organisation's objectives. More recently, Greenpeace has conducted research on the Expansion of Oil Palm, State Capture Corruption and Destruction of Living Area in the Land of West Papua. Nico has subsequently campaigned for state recognition and protection of the rights of West Papuan Indigenous Peoples' over Land, Forests and Natural Resources, also encouraging law enforcement of corruption cases in licensing processes and illegal logging. Nico is committed to implementing and encouraging Education and Public Awareness for indigenous Papuans, especially the younger generation, regarding the protection and recognition of basic rights of Indigenous Peoples. Through this program, Nico hopes to increase his personal capacity in advocacy through an understanding of local, national, and international collaborative networking channels for advocacy and campaigning.

## MALAYSIA

### **Billy Paten (M), Youth President with *Indigenous Network of Malaysia (JOAS)***

Billy is a Malaysian and a member of the Dusun Bundu ethnic group. He currently works for the Indigenous Network of Malaysia (JOAS) as a Youth President. He is responsible for providing training and advising Indigenous peoples' in relation to human rights violations and other similar cases and lobbying to prevent discrimination. Billy is also responsible for compiling reports and claims on discrimination peoples', especially Indigenous Youth. More recently, Billy and his organisation have been involved in advocacy on customary land cases and dam construction, where they have been actively collecting information, conducting social research and supporting dam construction protests. Billy sees this training as an opportunity to gain more experience and skills related to human rights to improve future generations. He further hopes to apply it to future programs to help Indigenous Youth gain and develop more skills and experience regarding human rights.

### **Rojieka Mahin (F), Coordinator with *PACOS Trust***

Rojieka is a Dusun woman, from Penampang, Sabah. As PACOS Trust's Coordinator for the Local and International Relations Unit, Rojieka coordinates the internship and volunteer desk, which is mainly responsible for the communication process and managing the logistics, as well as working directly with the program and community involved. Rojieka is responsible for a small project related to the celebration of World Indigenous Peoples day, for the Malaysia level, and for implementing the advocacy plan related to women and leadership. Rojieka also represents her organisation at various meetings and conferences. Rojieka sees this training as an opportunity to enhance her understanding and application of effective advocacy, and hopes to share what she learns with her colleagues and community, in order to guide lobbying processes.

### **Jherrica Justin (F), Coordinator Community Organiser (CO) with *PACOS Trust***

Jherrica is a Dusun woman, from Tamparuli, Sabah. As the CO at *PACOS Trust*, Jherrica runs capacity training programs for indigenous youth, that are aimed at empowering them with knowledge of their rights, and the tools to ensure they are upheld. Jherrica and her organisation are running training from September to November, in which she is responsible for coordinating all activities, logistics, and delegating tasks to staff. Further, she is responsible for ensuring that the chairperson of the respective Indigenous Youth Councils, in her region, effectively implement the program. Jherrica

hopes that this training will develop her capacity to further empower and educate the Indigenous youth she works with.

**Nasiri Sabiah (F), Area Base Coordinator with *PACOS Trust***

Nasiri is a Paitanic woman from Penampang, Sabah. As the Area Base Coordinator at *PACOS Trust*, Nasiri communicates and networks within her community to have open discussions regarding the issues the community is facing, and to illustrate the need for capacity building, to the PO's leader. Recent activities that Nasiri and her team have been undertaking include; community mapping, and documentation of community protocol in resources management. Nasiri sees this training as an opportunity to share the information she learns from the DTP's participants and trainers, among her community, and as a way to develop her advocacy strategies.

**Maslah Rompado (F), Chairman with *PR Mawasi***

Maslah is a Malaysian woman from Sabah and is a member of the Dusun Tinagas ethnic minority group. Maslah is currently an executive in one of the State Government Agencies and has key responsibilities in preparing witness statements for trial. Through this program, she hopes to learn from other participants and experts and apply the knowledge to plan future community advocacy strategies.

## MYANMAR

**Aung Than Oo (M), Program Officer with *Equality Myanmar (EQMM)***

Aung is a Thai Mon man, currently living in Yangon, Myanmar. As the Program Officer of *Equality Myanmar*, Aung heads the Human Rights Education and Advocacy Program, which aims to strengthen human rights defender networks, build capacity for human rights defenders, and share human rights education through workshops. Aung oversees the finances of the program, facilitates reviews of strategy and logical framework analysis, identifies new opportunities for sector-based or community training, and represents EQMM at donor meetings in consultation with the Deputy Director. Aung and EQMM's recent activities have involved supporting indigenous groups in land rights and environmental issues, using relevant legislation and the integration of community advocacy, and by providing technical assistance. Aung and his team have also been supporting the security of human rights leaders lobbying against the local government, assisting them with media literacy. Aung believes that this training will be invaluable in supporting his and EQMM's ability to build capacity for human rights education and improve the implementation of human rights awareness programs.

## NEPAL

**Dinesh Kumar Ghale (M), Lawyer and Vice Chairman with *Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP)***

Dinesh, also known as Advocate Ghale is a lawyer and a member of the Ghale Indigenous Peoples' of Eastern Nepal. He is currently serving as a Vice Chairman of the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP). Dinesh has been serving as a legal advisor to various organisations and has done several research studies, published articles and has also been

leading the legal litigation process for the justice of affected Indigenous and local communities. More recently, Dinesh and his organisation have been providing legal support to communities affected by issues relating to Land Territories and Resources, development aggressions such as Hydropower and road expansion projects etcetera. Some of the representative cases of his organisation are the European Bank Funded Power Transmission Line Project, Kathmandu Road Expansion Project and Mukkumlung. Through this training, Dinesh hopes to enhance his knowledge and skills to support the Indigenous and local communities through advocacy for development justice and self-determination.

**Bhim Rai (M), Lawyer and Treasurer with *Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP)***

Bhim, also known as Advocate Rai is a member of the Rai Indigenous Peoples of Eastern Nepal. He is currently serving as the Treasurer of LAHURNIP and as a National Coordinator of *Indigenous peoples' Human Rights Defenders (IPHRDs)* Network of Nepal. Bhim has also been acting as legal advisor to various Indigenous Peoples' Organisations and has conducted several policy research studies in relation to Indigenous Peoples' rights and development. Bhim has had key contributions as a lawyer, to the legal litigation process for the justice of affected Indigenous and local communities. In particular, he is a training expert on human rights and fundamental freedoms of Indigenous Peoples. Bhim hopes to better support the Indigenous and local communities by enhancing his knowledge and skills and advancing advocacy.

**Durga Mani Rai (Yamphu) (M), Lawyer and Program Coordinator with *Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP)***

Durga Mani, also known as Advocate Durga Mani Rai is a licensed attorney and currently works for LAHURNIP as a Program Coordinator. He is a member of an ethnic minority group in Nepal. As a Program Coordinator, his main responsibilities include managing overall programs, outreach in communities and providing technical and legal assistance to Indigenous Peoples' and local communities who have suffered from rights violations. Durga Mani has been working in the field of Human Rights and Development for the past 18 years with different governmental and non-governmental institutions. He has also conducted several project evaluations, baseline studies of various programs and conducted workshops on human rights and development. Through the training, he hopes to enhance his knowledge and skills to support and advance advocacy for the Indigenous and local communities.

**Laxmi Rai (F), Lawyer and Board member with *Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP)***

Laxmi is a member of the Rai Indigenous Peoples of Eastern Nepal. She currently works as an Indigenous lawyer and is serving as legal advisor in different organisations. She has been involved in Indigenous Peoples Rights advocacy for the past 19 years and has provided legal aid to Indigenous and local communities. Laxmi has also conducted research studies on Indigenous Women Rights issues and development. More recently, Laxmi has responsibilities as a training facilitator on human rights and fundamental freedoms of indigenous Peoples. Through this program, Laxmi hopes to

enhance her knowledge and skills to better support the Indigenous and local communities through better advocacy for self-determination and development justice.

**Bhabana Rai (F), Lawyer and Indigenous Peoples' Human Rights Defender (IPHRD) with Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP)**

Bhabana, also known as Advocate Rai is a lawyer and an Indigenous Peoples' Human Rights Defender (IPHRD) based in Kathmandu, Nepal. She is also a member of an ethnic minority group. Her responsibilities include coordinating the IPHRD network and monitoring their work. She has also been associated with the Lawyers' Association for Human Rights of Nepalese Indigenous Peoples' (LAHURNIP) for the past year and has been involved in documenting cases of human rights violation. Her organisation is currently working with Business and Human Rights issues and deals with private companies, public companies and corporations including the Development Finance Institution who has activities in their territories. Through this training, Bhabana hopes to enhance her understanding of Indigenous Peoples' rights and development, including more documentation and advocacy skills on rights and businesses of Indigenous Peoples'. She hopes to apply her skills from the training in advocacy work.

**Subodh Kumar Chaudhary (M), Program Officer with Spiral Farm House**

Subodh is a member of an ethnic minority group in Nepal and has responsibilities as a Program Officer with Spiral Farm House, an organisation that aims to create sustainable organic farming solutions to reduce use of harsh chemical fertilisers while increasing livelihood for rural farmers. As a program officer, Subodh has responsibilities doing research, documentation and writing proposals and reports. He is also a key representative for the organisation in the participation of different local, national, and international programs to showcase the organisation's work and objectives. Spiral Farm House aims to train farmers about indigenous sustainable farming and sell organic products and services to maximum number of customers and consumers. More recently, indigenous farmers trained by Spiral Farmer House's initiative have expressed satisfaction due to the decreased investment in chemical fertilisers and the organisation has plans to train indigenous farmers using a peer teaching method. Further, the organisation also plans on buying the products and outsourcing them to bigger cities in Nepal, as well as further development of farmers by making them farming managers and social entrepreneurs. Through this training, Subodh hopes to further contribute to his organisation by increasing organic production capacity as a form of motivation and inspiration to other farmers and motivate trained farmers to implement peer teaching on sustainable farming. Further, in an increasingly digitised world, he wants to apply his skills to connect local farmers to consumers at a global level in an aim towards self-sufficiency.

## [PAPUA NEW GUINEA](#)

**Johannes Pook (M), Executive Director and Project Coordinator with Ronimb Community Development Foundation INC. (RCD Foundation Inc.)**

Johannes is an Indigenous Pacific Islander man, from Port Moresby, Western Highlands. As the Project Coordinator of a Community-Based Organisation (CBO) known as *Ronimb Development Foundation Inc.*, Johannes' main responsibilities include the management of Covid-19 Community



awareness, and Climate Change Mitigation projects- in which he assists in managing the organisation of project activities, communicating risks and opportunities, and the current progress of projects. As Executive Director, Johannes' duties also involve overseeing the respective processes and activities within his organisation, and the management of his team. Johannes and his team are currently working on two projects; 1. *Community Awareness on how to avoid contracting Covid-19*, and 2. *Climate Change (Land Degradation & Sustainable Forest Management)*. Johannes hopes to develop his management and leadership skills through the DTP training, in order to manage his organisation successfully, and to assist in addressing human rights issues locally.

**Helen Mangula (F), Public Officer with *Eden Empowerment***

Helen is an Indigenous Pacific Islander woman, residing in Kokopo, East New Britain. In November 2019, soon after attending DTP training in Port Moresby, *Eden Empowerment*

Received its Association Certificate. As the Public Officer of Eden Empowerment, Helen carries out official instructions handed down by the Association Committee, and sits on the Committee when it meets. Helen also has voting power on certain decisions and resolutions. Helen technically serves as the Chief Executive Officer of Eden Empowerment, as well as the Head of the Administration and Operation Structure. Helen is a passionate advocate for women's empowerment, serving as the Project Officer for PNG Women Empowerment. The fundamental goals of Helen's organisation closely align with UN Millennium Development Goal #3 and Sustainable Development Goal #5- Promoting Gender Equality and Empowering Women. Recent activities undertaken by Helen's organisation include; petitioning against Deep Seabed Mining in the Bismark Sea, and a 2-week conference engaging Volunteers in the Cultural Village Project- a project designed to showcase the practical application of 'Promoting Gender Equality and Empowering Women and Girls'. Helen sees this training as an opportunity to build Eden Empowerment's capacity to ensure communities are carrying out responsible business operations in relation to the environment, and to empower women and girls to have agency over the businesses in their communities.

**Joelson Anere (M), Aid Coordinator with the *Department of National Planning and Monitoring (DNPM)***

Joelson is an Indigenous Pacific Island man from Port Moresby, National Capital District. As the Acting Aid Coordinator of the DNPM, Joelson is responsible for the Regional, United Nations Aid Effectiveness & Regional Branch, and the Development Cooperation and Management Division. Joelson and his organisation recently assisted customary landowners in the development of their landowner companies, including the write-up of their Constitution, Business Plans, and Company profiles. They also assisted customary landowners in an Oral History review of the ancient folklore and other materials that impinge on land matters throughout Milne Bay Province of PNG. Joelson believes that this training will significantly benefit him and his organisation, by building their capacity to establish a human rights Help-Desk to assist Customary Landowners in properly documenting human rights abuses in business practices. Joelson also sees this training as an opportunity to partner with other private business partners in his region.

## PHILIPPINES

### **Abigail Kitma (F), Indigenous Peoples Rights Program Staff Member with *Tebtebba (Indigenous Peoples' International Centre for Policy Research and Education)***

Abigail is an Ibaloy-Igorot woman from Northern Philippines. She currently lives in Baguio City, Cordillera Administrative Region (CAR). As a staff member of the Indigenous Peoples Rights Program, some of Abigail's responsibilities include; monitoring and engaging in national and global (currently the CBD and more recently Business and Human Rights) policy processes relevant for indigenous peoples, and coordinating Tebtebba participation in national networks relevant for indigenous peoples' rights. Recently, Abigail and her organisation, in partnership with the IPMG Secretariat, provided support to a series of activities under the Global Indigenous Peoples Technical and Strategy Meeting. Abigail's main role was to support the work of the Secretariat (coordinating participants, steering committee and logistic support to the orientation webinars, etc.), as well as to assist in some substantive elements to the work. Abigail sees this training as an opportunity to develop her understanding of possible regional and global mechanisms her organisation's partner communities can utilise when sharing their issues and concerns. She also believes that the training can inform NGO workers such as herself with the knowledge and tools to engage in business and human rights processes autonomously.

## THAILAND

### **Saw Taw Nee (M), Head of Foreign Affairs with *Karen National Union (KNU)***

Saw Nee currently lives in Maesot, Tak Province. As the Head of the Foreign Affairs Department at KNU, Taw liaises with diplomats in peace processes. Recently, Taw and his organisation have been working with Indigenous Peoples in Myanmar on issues of land ownership and rights. The confiscation of land from ethnic minorities in Myanmar, by its government, is a common occurrence. Though a new, democratic government was elected in 2016, this is still happening frequently, and thus, Taw and his team are passionately working on this issue right now. Taw and his organisation hope that this training will assist them in using new techniques to liaise with local authorities. Taw aims to share his new knowledge and skills with his colleagues and those within his organisation with an interest in diplomacy.



***Indigenous Peoples, Human Rights and Business***  
***A Regional Online Capacity Strengthening Program for Indigenous Peoples***  
***Human Rights Defenders – December 2021 - Draft Schedule v.03***

Week	Dates	Theme		Session 1		Session 2		Session 3
Week 1	23 <sup>rd</sup> - 27 <sup>th</sup> November	Indigenous Peoples and an Introduction to Business and Human Rights	<b>Monday</b>	<b>Monday 23<sup>rd</sup> November</b> The Rights of Indigenous Peoples – Business and Human Rights  Introductions – Course Overview - Cases	<b>Wednesday</b>	<b>Wednesday 25<sup>th</sup> November</b>  The Rights of Indigenous Peoples – UNDRIP / ILO 169 & FPIC Jannie Lasambang Shankar Limbu Cases	<b>Friday</b>	<b>Friday 27<sup>th</sup> November</b> Introduction to Strategic Advocacy on Business and Human Rights – Mapping, Targeting & Advocacy Options Debbie Stothard Cases
Week 2	30 <sup>th</sup> November - 4 <sup>th</sup> December	Business & Human Rights Advocacy Strategies		<b>Monday 30<sup>th</sup> November</b> Applying The UN Guiding Principles on Business and Human Rights in Advocacy  Surya Deva		<b>Wednesday 2<sup>nd</sup> December</b> The Human Rights Obligations of States & UN Accountability Mechanisms Joshua Cooper Cases		<b>Friday 4<sup>th</sup> December</b> Approaches to Advocacy - Building National Alliances on Business and Human Rights – The UPR, NAPs and More AIPP/DTP Cases
Week 3	7 <sup>th</sup> - 11 <sup>th</sup> December	Business & Human Rights Advocacy Strategies		<b>Monday 7<sup>th</sup> December</b> Development Financing & Investment – the IFC & CAO Plus  Margaret Wachenfeld  Cases		<b>Wednesday 9<sup>th</sup> December</b>  The OECD Guidelines on MultiNational Enterprises  John Southalan Cases		<b>Friday 11<sup>th</sup> December</b>  Presentation of Case Study Strategies & Next Steps  Arul Prakash WITNESS Piseth Duch BHRC AIPP/DTP  Feedback



## ***Indigenous Peoples, Human Rights and Business***

***A Regional Online Capacity Strengthening Program for Indigenous Peoples  
Human Rights Defenders – November/December 2021***

***Diplomacy Training Program (DTP) and [Asia Indigenous Peoples Pact \(AIPP\)](#)***

### **Program Trainers and Facilitators**

#### **Surya Deva, UN Working Group on Business and Human Rights**

Surya Deva is an Associate Professor at the School of Law, City University Hong Kong and member of the UN Working Group on Business and Human Rights. Deva's research and publications have contributed substantially to the areas of Business and Human Rights. He has also previously advised UN/EU bodies, states, multinational corporations and civil society organisations on matters related to business and human rights. Surya has authored several books on business and human rights, including *Building a Treaty on Business and Human Rights: Context and Contours* (co-editor with David Bilchitz) (CUP, 2017); *Human Rights Obligations of Business: Beyond the Corporate Responsibility to Respect?* (Co-editor with David Bilchitz) (CUP, 2013); and *Regulating Corporate Human Rights Violations: Humanizing Business* (Routledge, 2012). He is one of the founding Editors-in-Chief of the *Business and Human Rights Journal* (CUP).

#### **Jannie Lasimbang**

Jannie Lasimbang is a Kadazan from Penampang, the first-term state elected representative of N19 Kapayan, Sabah from the Democratic Action Party (DAP). Although she joined politics only in January 2017, she garnered the highest votes among the state assembly members in Sabah. Jannie is currently serving as the Sabah Assistant Minister of Law and Native Affairs since May 2019. In her party, she holds several posts namely as the Sabah Women Chief, National Women Executive Committee member, and Central Executive Committee member. Before joining politics, Jannie had served as a member of the United Nations Expert Mechanism on the Rights of Indigenous Peoples; a Commissioner with the Malaysian Human Rights Commission; and the Secretary General of the Asia Indigenous Peoples Pact and the Indigenous Peoples Network of Malaysia. She also worked for 17 years as a grassroots trainer and organizer.



#### **John Southalan, Barrister**

John Southalan is a lawyer, mediator and academic based in Perth, Australia. He also has the part-time role of Independent Examiner with the Australian National Contact Point for the OECD Guidelines on Multinational Enterprises. John's legal practice and academic work particularly focusses on the extractive sector, government regulation and human rights. He has previously worked with NGOs in Australia and Thailand, Dundee University, the Australian Human Rights Commission, and Corrs Chambers Westgarth. John writes on issues of Indigenous land rights, mining regulation, and human rights. He undertakes regular volunteer legal training with NGOs in Myanmar and Australia. W: <https://resourceslawnetwork.com/john-southalan/> E: [john@southalan.net](mailto:john@southalan.net)

### **Advocate Shankar Limbu**

Advocate Limbu – a lead defense lawyer on collective human rights in Nepal– belongs to "Limbu" Yakthung Indigenous Peoples of Eastern Nepal. He has been practicing law for the past 25 years in all levels of courts (District, High and Supreme) and has been contributing to establish court precedents to secure the rights of Indigenous Peoples through Public Interest Litigations.

He has served as an Advisor (2008-2009) of the taskforce that was formed by the government of Nepal to develop National Action Plan to implement ILO 169. He was a board member of United Nations Voluntary Fund for Indigenous Peoples, and executive board member of Asia Indigenous Peoples Pact (AIPP) foundation, Thailand. He has provided legal expertise to the National Inclusion Commission, IDEA International etc. He is providing his expertise in international arena, and is severing as legal advisor for various Indigenous Peoples Organizations and Non-Government Organizations in Nepal. He engages Public Interest Litigation (PIL) and with accountability mechanisms of the Development Finance Institutions and UN mechanisms to hold them accountable to human rights. Currently, he is serving as Secretary of LAHURNIP



### **Debbie Stothard, Secretary General of the International Federation for Human Rights (FIDH)**

Debbie Stothard, a Malaysian national, was a student in Sydney in the early 1990s when she became engaged with the Diplomacy Training Program (DTP) in its early years. She went on to lead efforts to put human rights in Burma on the ASEAN agenda – to break their silence and inaction – becoming the Founder and Director of ALTSEAN-Burma. Debbie Stothard developed the first ongoing women-specific training program for Myanmar in 1997, an initiative which is ongoing, as has supported many local and national young women leaders in Myanmar. She has delivered training workshops in Australia, Myanmar, China, India, Japan, Jordan, Malaysia, Philippines, Sri Lanka, Thailand, the United Kingdom and the United States of America. Debbie is now a global leader on human rights – becoming the first woman from the region to be elected to leadership of the oldest established international human rights NGO the Paris based – International Federation of Human Rights (FIDH). Debbie has worked as a journalist and community educator in Malaysia, Thailand and Australia.

## **Program Facilitators**

### **Asia Indigenous Peoples Pact**

#### **Frederic Wilson, Programme Officer at Asia Indigenous Peoples Pact (AIPP)**

Frederic Wilson is a Zero Tolerance Initiative Steering Group Member and Programme Officer in the Human Rights Campaign and Policy Advocacy Programme. He is from the Dusun Putih Indigenous community in Sabah, Malaysia. He is currently looking for Indigenous Peoples Human Rights Defenders facing threats, seeking sanctuary, and community mobilization. He has interests in Indigenous Peoples movements, culture and natural resource management based on Indigenous communities traditional knowledge. In addition, he seeks to learn and understand other marginalised group experiences from different social, culture and values.





**Guangchunliu Gangmei, Programme Coordinator with Asia Indigenous Peoples Pact (AIPP)**

Guangchunliu Gangmei is a Naga Indigenous woman from Manipur, India. She is currently working as a Programme Coordinator for the Human Rights Campaign and Policy Advocacy Programme. She has primary interests on the subject of Indigeneity, Indigenous Peoples Movements, Indigenous Data Sovereignty, Land Rights and Indigenous human rights defenders. Her interest is also in understanding multiple marginalities experienced by persons from diverse social and gendered identities. Contact email: [guangchunliu@aippnet.org](mailto:guangchunliu@aippnet.org) or [guangchunliu.gangmei@gmail.com](mailto:guangchunliu.gangmei@gmail.com)



**Diplomacy Training Program**

**Andy Symington**

Andy Symington is a PhD candidate in the Faculty of Law at UNSW Sydney, an associate of the Australian Human Rights Institute and a UNSW Public Policy Fellow. He is working in the area of business and human rights with a particular focus on South America's lithium mining industry. In 2018 he received UNSW's inaugural Judith Parker Wood Memorial Prize for human rights law. He is also an experienced and widely published freelance travel writer and journalist.

**Clare Sidoti, Communications and Office Coordinator of Diplomacy Training Program**

Clare Sidoti has been working with the Diplomacy Training Program since the beginning of 2019. Prior to that she was the Executive Officer of the Australasian Council of Deans of Arts, Social Sciences and Humanities (DASSH), the authoritative agency on research, teaching and learning in these disciplines in Australian and New Zealand universities. Clare graduated from the University of Essex, UK with an MA Theory and Practice of Human Rights. She has worked with the University of Western Sydney, the British Academy, and the Human Rights Centre at the University of Essex in a variety of research, communications and administrative positions.

**Joshua Cooper, Academic in Human Rights, USA**

Joshua Cooper teaches at the University of Hawaii as well as guest lecturing at the National University of Ireland, and University of the District of Columbia and the International Training Center for Teaching Peace and Human Rights in Geneva. He lectures in political science and journalism, non-violent social movements, ecological justice in Oceania and Indigenous peoples' rights. Joshua has also had a number of leadership and supervisory roles, including as an Asia Pacific Leadership Program Fellow at the East-West Center, Board member of Peace Action, the Human Rights Task Force for the United National Association of the USA. Joshua has also been selected to work with Nobel Peace Prize Laureate and former U.S. Vice-President Al Gore on The Climate Project.

**Matthew Coghlan, Human Rights Lawyer, Australia**

Matthew is a lawyer and Southeast Asian expert with a post-graduate degree in the region's political systems and foreign policy, with 16 years living in Cambodia, Thailand, Singapore and Indonesia and working throughout the region. He is a development practitioner and human rights advocate with 12 years of experience in strategic planning, program management and M&E, and policy analysis, technical assistance and capacity building, to strengthen the rule of law, promote access to justice, achieve human rights and support civil society. He is also a dispute resolution lawyer with five years of experience, advising and representing clients in trade and investment disputes.

**Mong Marma, Indigenous Consultant**

Kyasingmong Marma (Mong) belongs to the Marma Indigenous community from the Chittagong Hill Tracts region in Bangladesh. Mong has undertaken human rights, peace advocacy and field work in the South and South-East Asian region, including in Bangladesh, Nepal, Thailand, Philippines, and Myanmar. His work has focused on promoting the rights of Indigenous peoples, promoting the rule of law, and engaging in non-violent forms of conflict resolution. Mong is a Rotary Peace Fellow having graduated with a Masters in Peace and Conflict Studies from the University of Queensland. He is currently pursuing a doctoral research in Indigenous philosophy at the Gnibi College of Australian Indigenous Peoples at Southern Cross University, Lismore. Mong is a DTP alumnus, and currently involved with DTP as an Indigenous consultant.

**Patrick Earle, Executive Director of Diplomacy Training Program**

Patrick Earle has over 25 years' experience working in the human rights movement, in Australia and internationally. Since 2003 Patrick has been the Executive Director of the Diplomacy Training Program, and in this role has developed and facilitated over 50 human rights courses in the region – including new thematic courses focusing on human rights business, human rights and migrant workers and the rights of Indigenous peoples. From 1996 until 2003, Patrick worked with the Human Rights Council of Australia with a focus on its ground-breaking project on the relationship between human rights and development and is co-author of “The Rights Way to Development – Policy and Practice”. Prior to that he worked for Amnesty International in London and produced their first International Campaigning Manual.

## ***Indigenous Peoples, Human Rights and Business***

***A Regional Online Capacity Strengthening Program for Indigenous Peoples  
Human Rights Defenders – December 2020***

### **Participant Expectations**

- Basic concept of HRB and its relation with the rights of indigenous peoples
- Strategy and Advocacy of HRB
- learning from other countries
- What is the relationship of business and human rights violations in different participating countries?
- How to make accountable to the government and different parties involved in the BHR process?
- How to seek remedies and solutions strategically?
- Learn about the impact of business on indigenous peoples and their solutions.
- To get more ideas about enhancing indigenous rights.
- To learn more about strategies and advocacy for the protection of indigenous rights
- Enhanced knowledge on BHR and approach to advocacy
- Use of UN and DFIs mechanisms for access to remedy
- OECD guidelines and its implementation mechanisms and complaint process
- How we can take good strategy on violations of the rights of indigenous peoples.
- About complaint mechanism of UNGPs. and other safeguards policies of Investors as WB, EIB, etc.
- One of my expectation is to know the overall human rights situations of indigenous peoples all over the world, what types of human rights violence these are? What factors are responsible/main reasons for these violence? and what is the mechanism or role of regional and international networks to promoting and protecting the human rights situations of indigenous peoples?
- Second one is to better understand the UN mechanism particularly UNDRIP, ILO co-107 and 169, other international declarations and documents related to IPs
- Good practices of other countries, how they dealing with and facing? What kinds of role youths are playing regarding that?
- to know clearly about the definition of what is indigenous people because we are arguing about the definition of who really are indigenous peoples among ourselves for many times but we do not receive the best proper definition yet.
- after knowing the exact meaning of this term then what are their rights and the way how to protect them from impacting them.
- how to develop a strategy for raising awareness and advocacy for them. I do hope that this training will be very useful and supportive to our struggle when we face a big challenge
- To discuss rules and more on the Existing HR Laws of indigenous people, their

environment and cultures in regards to large scale extraction projects by private developers and how we can work together to create a safe and win-win situation with foreign developers for the benefit of all parties.

- To discuss more on protecting women, girls and children's human rights in areas affected by large scale extraction projects such as oil palm and logging.
- Protecting women, girls and children in the context of COVID-19 Pandemic (should another wave hits PNG), in terms of mobility in crisis situations, and the effectiveness of accessing Justice and support systems.
- Rights and Support Services of a HR defender and our access to justice and support systems when necessary.
- to learn more on Business & Human Rights Advocacy Strategies and wish to apply it into our struggle.
- to learn what is UN Accountability Mechanisms and its application in my organisation
- to build an Alliances on Business and Human Rights.
- I want to have comprehensive understanding about IP's, Human Rights and Business and how to connect it with the current situation that happen in West Papua in relation with development process, land based licence and the impact on rights and life of IP's of West Papua.
- I do want to have better understanding about how to plan a advocacy and campaign regarding this issues in West Papua and how to develop national and international networking and solidarity in advocating this issue.
- After this training I will be able to push discussion among IP's in West Papua about this so we could speak more and more about our Rights when development and investment come to our doors.
- We would love learn also about CEDAW because from 25 November will start 16 days activism gender based violence globally
- to learn how to monitor funding about the big development project
- CHINESE INVESTORS POLICIES ON HR OF IPs
- i want to learn from other people's experiences in tackling issues facing IPs. I want to hear your successes as well as lessons learned in lobby and advocacy.
- learning from other experiences and relation of the instrument to do advocacy based on the issues Advocacy\*
- I expect to learn more about Indigenous HR and Migrant HR

***Indigenous Peoples, Human Rights and Business***  
***A Regional Online Capacity Strengthening Program for Indigenous Peoples***  
***Human Rights Defenders – December 2020***

**Using the UPR in BHR Advocacy – Some Examples and Lessons from UPR Recommendation on BHR**

**Key lessons:**

- **recommendations from UPR can lead to action/outcome** (e.g. Rec to Thailand on NAP)
- **that good recommendations are specific** – compare the rec from Sweden to Thailand with the rec to the Philippines from Colombia -same page of UPR info site)
- **that some governments more regularly make recs on BHR and NAPs** – and these governments can be approached through their embassies in your country – and through NGO coalitions etc
- **Good recs on BHR don't have just to be about NAPs**
- **UPR recommendations are most likely to be implemented if there is a wider strategy of advocacy – including coalitions, outreach and follow-up**

**Top 5 States making Business and human rights recommendations<sup>1</sup>:**

1. Norway (5)
2. Spain (5)
3. Netherlands (4)
4. United States (4)
5. Mexico (3)

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<sup>1</sup> <https://www.upr-info.org/en>



## Example Recommendations from [UPR Info](#)

Country	Recommendations	Action / Progress	Response	Recommending State	Cycle
Thailand	Develop, enact and implement a national action plan on business and human rights in order to implement the guiding Principles on Business and Human Rights	<p><b>Specific Action</b></p> <p>NB. On the 29 October 2019, Thailand's cabinet adopted a National Action Plan on Business and Human Rights and launched it publicly on 16 December 2019.</p>	Supported	Sweden	2012 – 2016
Australia	Adopt a National Action Plan to implement the Guiding Principles on Business and Human Rights	<p><b>Specific Action</b></p> <p><i>In October 2017, the Australian Government <a href="#">announced</a> that it would not be proceeding with a NAP at this time.</i></p>	Noted	Netherlands	2012 – 2016
	Begin a consultative process towards adoption of a National Action Plan on business and human right	<p>General Action</p> <p><i>It undertook a process then cabinet decided not to proceed –</i></p>	Supported	Norway	2012 – 2016
	Strengthen the normative framework for the protection of human rights, including the monitoring, investigation and reparation for human rights violations committed by Australian enterprises in their territories and in third States	<p>General Action</p> <p><i>Adopted a Modern Slavery Act</i></p>	Supported	<p>Ecuador</p> <p>GRULAC (Group of Latin American &amp; Caribbean States)</p> <p>OAS (Organisation of American States)</p> <p>OEI (Organisation of Ibero-American States)</p>	2012 = 2016

<p><b>India</b></p>	<p>Establish and implement regulations to ensure that the business sector complies with international and national human rights, labour, environment and other standards</p>	<p><b>Specific Action</b></p> <p><i>The Indian Government formally announced that it will develop a National Action Plan (NAP) on business a human rights at the Business and Human Rights Forum in Geneva in November 2018.</i></p>	<p>Supported</p>	<p>Uganda</p>	<p>2017 - 2021</p>
<p><b>Mongolia</b></p>	<p>Develop a National Action Plan on business and human rights, for the implementation of the UN Guiding Principles on Business and Human Rights, with special attention for the situation of nomadic herders and access to remedy</p>	<p><b>Specific Action</b></p> <p><i>In April 2019 the Mongolian Government has formally appointed a 60 members Working Group to begin work on a National Action Plan on business and human rights. They intend to finalise a national baseline assessment in June 2020, and publish the NAP end of 2020/ early 2021.</i></p>	<p>Supported</p>	<p>Netherlands WEOG (Western European &amp; Other States Group)</p>	<p>2012 - 2016</p>
<p><b>South Korea</b></p>	<p>Develop a national plan of action to implement the Guiding Principles on Business and Human Rights</p>	<p>General Action</p> <p><i>South Korea has a chapter on business and human rights within a broader human rights national action plan.</i></p> <p><i>South Korea adopted a Human Rights National Action Plan containing a chapter on business and human rights on 9 August 2018. A <a href="#">provisional English translation</a> has kindly been provided by the Korean House for International Solidarity.</i></p>	<p>Supported</p>	<p>Egypt</p> <ul style="list-style-type: none"> <li>• AL (League of Arab States)</li> <li>• AU (African Union)</li> <li>• OIC (Organisation of the Islamic Cooperation)</li> <li>• OIF (Organisation internationale de la Francophonie)</li> </ul>	<p>2017 – 2021</p>
<p><b>Laos PDR</b></p>	<p>Develop a national action plan for full implementation of the Guiding Principles on Business and Human Rights</p>	<p>Specific Action</p> <p>No action taken</p>		<p>Norway</p>	<p>2017 - 2021</p>

Indonesia	Further strengthen the commitment of Indonesia to strengthen the human rights dimension in business activities and continue its leading role in this regard	<p>General Action</p> <p>Indonesia began its current process to develop a NAP <a href="#">in early 2019</a> under the leadership of the Coordinating Ministry for Economic Affairs. The NAP is expected to be published in December 2019.</p>	Supported	Myanmar	2017 - 2021
Japan	Consider a possibility of establishing a National Action Plan on Business and Human Rights, pursuant to the Guiding Principles adopted by the Human Rights Council	<p><b>Specific Action</b></p> <p><i>On 16 October 2020 the Inter-Ministerial Committee for Japan's National Action Plan (NAP) on Business and Human Rights launched the NAP.</i></p>	Supported	<p>Chile</p> <p>GRULAC (Group of Latin American &amp; Caribbean States)</p> <p>OAS (Organisation of American States)</p> <p>OEI (Organisation of Ibero-American States)</p>	2017 - 2021
	Formulate a national work plan for the implementation of the United Nations Guiding Principles on Business and Human Rights to ensure that multinational companies headquartered in Japan do not violate human rights		Supported	<p>Egypt</p> <p>AL (League of Arab States)</p> <p>AU (African Union)</p> <p>OIC (Organisation of the Islamic Cooperation)</p> <ul style="list-style-type: none"> <li>OIF (Organisation internationale de la Francophonie)</li> </ul>	2017 – 2021
Philippines	Implement the Indigenous Peoples' Rights Act to ensure that economic activity, in particular mining, does not negatively affect the rights of	<p><b>Specific Action</b></p> <p>The Philippine Government has not committed to developing a business and human rights NAP</p>	Supported	Mexico	2012 - 2016

	indigenous peoples	Non-state initiative The Commission of Human Rights of the Philippines has been encouraging the development of a NAP since 2013, aside from other efforts to encourage enhanced respect for human rights by business		ACS (Association of Caribbean States) OAS (Organisation of American States) OEI (Organisation of Ibero-American States)	
<b>Cambodia</b>	Ensure transparent management of oil, gas and mineral revenues to meet the social and economic rights of people living in Cambodia by adopting international best practice, in particular implementation of the Extractive Industries Transparency Initiative	General Action  No action taken yet	Supported	Ireland  Western European and Other States Group European Union	2008 – 2012
<b>Myanmar</b>	Amend laws that permit the compulsory acquisition of land by private businesses so that the expropriation is only permitted in the cases of necessary, proportionate and narrowly construed public interest, with strong procedural safeguards		Noted	Netherlands  Western European and Other States Group  European Union	2012 - 2016
<b>Bangladesh</b>	Enhance its efforts to reduce the health hazards posed by industrial activities	General Action	Supported	Iran, OIC (Organisation of the Islamic Cooperation)	2012 – 2016

Papua New Guinea	Increase its scrutiny over extractive and logging industries and associated companies and businesses, with a view to reducing its negative impact on the environment and, consequently, its negative effects on the full enjoyment of human rights	General Action	Supported	<p>Maldives</p> <ul style="list-style-type: none"> <li>• Commonwealth</li> <li>• OIC (Organisation of the Islamic Cooperation)</li> </ul>	2008 – 2012
	Implement the accepted recommendations from the first universal periodic review of increasing the oversight of extracting and logging industries as well as related enterprises and businesses, with a view to mitigating the adverse human rights effects on affected populations and reducing its negative impact in the environment establishing more rigorous and transparent measures			Supported	<p><b>Guatemala</b></p> <p>GRULAC (Group of Latin American &amp; Caribbean States)</p> <p>ACS (Association of Caribbean States)</p> <p>OAS (Organisation of American States)</p> <p>OEI (Organisation of Ibero-American States)</p>

***Indigenous Peoples, Human Rights and Business***  
***A Regional Online Capacity Strengthening Program for Indigenous Peoples***  
***Human Rights Defenders – December 2020***

**Draft UPR Recommendations from Participants**

<b>Country</b>	<b>Recommendation</b>	<b>Comments 1</b>	<b>Comments 2 / Follow-Up</b>
Australia / NZ /Pacific Governments	Review the Pacific Labour Scheme and Seasonal Workers Program	Could be made stronger through reference to human rights / BHR	e.g. Undertake a Review the Pacific Labour Scheme and Seasonal Workers Program to ensure it is consistent with UNGPs, ILO and human rights standards
Bangladesh	Give constitutional recognition to the identity and integrity of IPs	This is ambitious – likely to have symbolic value – unlikely to be accepted? Has a domestic process of recognition in legislation/constitution been started that can be supported?  Not really related to BHR – need to think if can give a BHR angle to this recommendation.	See if there are any recommendations like this – look up in the UPR Info database? Look up which countries are strong on IP rights – and begin discussions with them? None: Recent Constitutional Amendment termed the Indigenous peoples in Bangladesh as Small/minor ethnic sects which is being rejected by the Indigenous people and some rights groups
Bangladesh	Ensure implementation of CHT Accord for peace, Security and development for indigenous peoples, and address indigenous women’s issues in the process.	This is one or two recommendations?  Has this recommendation been made before in UPR process? If so has any action resulted? Is there value in making the recommendation more specific?  This is also ambitious – how to link it to BHR?	Look up which countries are strong on IP rights – and begin discussions with them?  Is there value to link to BHR? e.g. <i>Take steps to ensure businesses operating in CHT are aware of and respect IPs rights in line with UNGPs and CHT Accord (Potential to build on concerns expressed previously by some European countries (Denmark/Norway/Netherlands) have made such recommendations earlier)</i>
Bangladesh	Declare a roadmap for proper and speedy	UPR recommendations are more likely to	This recommendation could be made by

	implementation the CHT Accord by the government of Bangladesh	be effective if they relate to specific human rights and human rights obligations.  Similar to above – ambitious not likely to be accepted – no ref to BHR	another government – but is likely to be ignored – unless it can be broken down into something smaller and more specific...
Bangladesh	Establish a Land Commission for plains IPs, and activate CHT Land Commission after amending contradictory provisions of The CHT Land Commission Act	Is this one or three recommendations? More likely to be effective if you can separate (can be broken down into two- A separate Land Commission for the Indigenous Peoples in the plains land, and Activating CHT Land Commission...) Can you relate to business e.g. by ensuring businesses respect the provisions of the CHT Accord/Land Commission – FPIC	Look up which countries are strong on IP rights – and begin discussions with them? Perhaps think of some alternative recommendations that might move you in the direction of this recommendation?
Indonesia	Invite the UN Working Group on Business and Human Rights to visit Indonesia, including West Papua.	Some governments may be reluctant to use this wording because the Indonesia government has two official provinces in West Papua.	
Indonesia	Ensure the involvement of Indigenous peoples in West Papua in the development, adoption of a national action plan on business and human rights	See above.	
Indonesia	Implement a strategy to promote the UNDRIP and UNGPs to all government officials and business operating in West Papua		
Malaysia	Establish an independent National Commission on Indigenous Peoples (NCIP) to promote and protect the rights of the indigenous peoples of Malaysia.	Has there been advocacy for this at national level? Does it have significant domestic support? Some NHRIs have an Indigenous focused	Look up which countries are strong on IP rights – and begin discussions with them? The Malaysian NHRI did a very good report on IP rights with recommendations – could call for



		commissioner? Is there a way to make this BHR related?	implementation of these?
Malaysia	Ratify ILO Convention No. 169 (Indigenous and Tribal Peoples Convention)		
Malaysia	Adopt a strategy and action plan to promote UNDRIP through all government media, and departments.	May want to reference UNGPs Malaysia has a national action plan on human rights	Could propose adoption of a National Action Plan on Business and Human Rights also?
Malaysia	Establish a consultative body with representative of the Orang Aslis and Orang Asal to identify and agree priority articles of the Declaration for implementation.		
Malaysia	The establishment of a special land tribunal or native title court to settle on going conflicts on indigenous lands, territories and resources,		
Malaysia	Adopt a national action plan specifically focusing on Indigenous peoples.		
Malaysia	Introduce laws and polices for the specific protection of indigenous rights		
Malaysia	Work with Orang Asal representatives selected by indigenous peoples organisations to adopt a compulsory FPIC mechanism for all making processes affecting indigenous communities and their development.		
Malaysia	Take specific steps to stop the intimidation and harassment of Indigenous peoples rights defenders acting to protect the rights to traditional lands, territories and resources.		
Myanmar	Ensure the return of internally displaced person Strengthen the process of peace reforms, and pay more attention on the problems related to military and ethnic armed groups and conduct the	Too many recommendations, not specific. May be good to focus on one specific recommendation- Conduct EIA on the impact of Kyaukse Special Economic	

	EIA impact of Kyuk Phyu special economic zone on the indigenous people in Rakhine state.	Zone concerning the rights of Indigenous peoples in Rakhine State.	
Nepal	The government of Nepal must recognize IPs Rights to land, territories and resources including right to self determination	<i>Must</i> is not such a diplomatic word – may not be used in recommendations - <i>should</i> is more usual. This recommendation is a little unspecific – recognise how? In law? The constitution?	Would a recommendation to include FPIC into land law and policy have a similar outcome?  Is it possible to relate more specifically to BHR/UNGPs
Nepal	The government of Nepal should develop a national action plan to implement UN guiding principles on BHR.	Other groups such as migrant workers will have a shared interest in this recommendation – provides potential to work together	Look up which countries regularly make recs on BHR and approach them – through their embassies in Kathmandu
Papua New Guinea	Ensure FPIC and provide compensation for the affected landowners and Indigenous peoples in East Pomio LLG, ENBP		
Papua New Guinea	Ensure the application of UNGPs to the regulation of the Palm Oil industry and prevent land grabbing by international companies.	Balakoma Land-Grabbing issue wants the Oil Palm Developer, Tzen Niugini to be more responsible in respecting the Social, Economic and Cultural Heritages irrespective of gender, age and disabilities and for the landowners and indigenous people to benefit from the development of the oil palm development in.	
Papua New Guinea	UPR recommendation from PNG is to amend the law of ownership of resources to be returned to the indigenous Landowners/Landowner Groups and not the state's.	UPR recommendation from PNG is to amend the law of ownership of resources to be returned to the indigenous Landowners/Landowner Groups and not the state's.	UPR recommendation from PNG is to amend the law of ownership of resources to be returned to the indigenous Landowners/Landowner Groups and not the state's.
Philippines:	Draft a NAP on BHR that recognizes and		Look up which countries regularly make recs on

	respects the Indigenous Peoples Rights act and with equitable participation of all stakeholders		BHR and approach them – through their embassies in Manila
Philippines:	Review human rights defenders bill for the Philippines		