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Towards a coherent policy framework on business and human rights: Challenges, gains, and lessons learned



BUSINESS AND HUMAN RIGHTS REGIONAL WORKSHOP IN JAKARTA. Oxfam's Private Sector Advisor in Asia, Pongsagorn Satjipanon, highlights the need for partnership and collaboration as key ingredients in advancing BHR in the ASEAN region. (Photo by Mark Vincent Aranas / Oxfam)

In 2015, the Association of Southeast Asian Nations (ASEAN) launched a blueprint for economic integration designed to sustain high economic growth, enable the free flow of capital and investment, and develop a single market and production base. However, in the absence of a coherent policy framework to regulate and govern private sector investment, this economic integration model risks exacerbating resource grabbing, excessively benefiting corporate interests and adding to rising inequalities in the region.

OXFAM'S ADVOCACY ON BUSINESS AND HUMAN RIGHTS (BHR)

To address these concerns, Oxfam and its partners conceptualized and implemented the project *"Influencing ASEAN: Agricultural Investment Policies that Work for Small Farmers and Fishers."* This project advocates a regional policy framework that will ensure compliance with the United Nations Guiding Principles on Business and Human Rights (UNGPs).

Complementing and informed by the work of the Gender Transformative and Responsible Agribusiness Investments in South East Asia (GRAISEA) programme, funded by the Embassy of Sweden in Bangkok, the advocacy project called for:

1. Private sector companies to comply with their duty to respect human rights in their business practices, as a way to promote more sustainable

- and inclusive investments in agriculture in the ASEAN region; and
2. ASEAN member-states to develop and implement a framework to both regulate and hold the private sector to account, for the impact of their business practices, including providing access to remedy for communities adversely affected.

Oxfam's ASEAN advocacy has three priorities:

1. Promotion of BHR, particularly in the agriculture and aquaculture sectors;
2. Promotion of gender equality and transformation at all levels of agricultural value chains; and
3. Promotion of sustainable and inclusive investments in the agriculture sector.

Not without challenges, the BHR advocacy project faced issues, such as:

1. The need to respond to the ever-changing political context of the ASEAN due to its annual leadership rotation arrangements;
2. The need to choose and use appropriate language sensitively, given the different contexts of countries and stakeholders;
3. Changes in governments' commitments and focal leadership in drafting national action plans (NAPs) on BHR; and
4. Unfavorable political environments in some countries.



ADDRESSING POLICY NEEDS ON BHR. Findings and recommendations on addressing labour rights in fishing vessels and enhancing the shrimp industry's social standards in the ASEAN region were presented by the SEAFish for Justice Movement to a representative of Indonesia's Ministry of Foreign Affairs during the ASEAN Regional Workshop on BHR in Bangkok, Thailand. (Photo by Shubert Ciencia/Oxfam)



MOVING FORWARD WITH BHR. A Regional BHR Workshop convened to discuss multi-stakeholder cooperation in the implementation of the UNGPs in Southeast Asia was attended by more than 100 stakeholders from the private sector, CSOs, trade unions, academia, international agencies, and government representatives from ASEAN member states. (Photo by Mark Vincent Aranas/Oxfam)



TOWARDS A REGIONAL STRATEGY ON BHR. ASEAN CSOs met in Manila in July 2017 to share their perspectives on the UNGPs towards collectively engaging multiple stakeholders in the crafting of the Regional Strategy on Promoting Corporate Social Responsibility and Human Rights in the ASEAN. (Photo by Shubert Ciencia/Oxfam)

MAJOR ADVOCACY GAINS

The quality and size of stakeholder engagement propelled the project to achieve major advocacy gains, including:

SIGNIFICANT SUCCESSES OF OXFAM'S BHR ADVOCACY WORK



RECOMMENDATIONS FOR THE RECOGNITION OF THE DISTINCT NEEDS OF WOMEN AND ENABLING WOMEN'S ECONOMIC EMPOWERMENT WERE VOICED FOR INCLUSION IN THE DRAFT "REGIONAL STRATEGY ON PROMOTING CORPORATE SOCIAL RESPONSIBILITY (CSR) AND HUMAN RIGHTS IN ASEAN," led by the ASEAN Intergovernmental Commission on Human Rights (AICHR). This was achieved thanks to the large number of CSO representatives attending the Regional Conference on BHR in Bangkok in June 2017, with Oxfam's support. Their participation enabled CSOs to engage and articulate their proposals and aspirations.



FIRST-EVER JOINT ACTION OF THE "CSO CAUCUS ON BHR" during the Regional Conference on BHR organized by the Business & Human Rights Resource Centre and Oxfam, primarily **TO ENGAGE THE AICHR PROCESS AND PROMOTE THE CSO AGENDA ON BHR.**



Oxfam and its partners actively engaged governments and private sector groups in the drafting of **NAPS ON BHR IN INDONESIA AND THAILAND.**



DIGITAL PUBLIC CAMPAIGNS were launched in the Philippines to expose inequality issues in the banana industry, and in Indonesia and Thailand to raise awareness on the human rights issues in the seafood sector.

ICONS CREATED BY: Creative Mania, Mikicon, Gregor Cresnar, and Symbolon (Project Noun)

MAINSTREAMING GENDER AND WOMEN'S RIGHTS

Gender equality and women's rights issues were addressed through focused activities, such as the holding of roundtable discussions on women and agriculture in the Philippines, and ensuring the representation of women's rights organizations (WROs) in relevant national and regional consultations and conferences.

Likewise, baseline information on the impact of investments on agri-based livelihoods was generated through a partnership with the Business & Human Rights Resource Centre, who documented the experiences of rural women farmers and workers. The Centre designed information-gathering tools, questions, and approaches to elicit gender-sensitive information, and linked with WROs at regional and country levels, to raise Asian rural women's voices in international conferences and dialogues, among others.

LESSONS LEARNED

Oxfam's experience in convening stakeholders and advocates gives it the potential to strategically engage with ASEAN. Learning was documented and will inform the design of future advocacy engagement strategies with ASEAN or other regional bodies in order to create stronger cooperation, implement more effective activities, and achieve more significant results.¹

KEY LESSONS LEARNED IN MOVING FORWARD



ENGAGEMENT SHOULD START WITH ASEAN MEMBER STATES WHO SHOULD SET THE AGENDA of the AICHR-led process in crafting the Regional Strategy on Promoting CSR and Human Rights in ASEAN.



Aside from the UNGPs, **THE SUSTAINABLE DEVELOPMENT GOALS CAN BE USED AS AN ENTRY POINT TO INFLUENCE ASEAN GOVERNMENTS.**



CSOs need to continuously **BUILD AND NURTURE ALLIANCES WITH PARTNERS FROM BOTH THE GOVERNMENT AND PRIVATE SECTOR** to facilitate their effective engagement with ASEAN and its bodies on the UNGPs.



There is a need to further engage in the development of the UNGPs on BHR **TO ENSURE THAT THE SPECIFIC NEEDS OF WOMEN AND SMALL-SCALE PRODUCERS ARE RECOGNIZED AND PROTECTED.**



The UNGPs are not mandatory; therefore, compliance depends on the government and private sector. Hence, **A PARTNERSHIP WITH BOTH THE GOVERNMENT AND PRIVATE SECTOR IS ESSENTIAL IN CRAFTING AND ENABLING COUNTRY NAPS ON BHR.**

ICONS CREATED BY: Ted Grajeda, Mangaabguru, Sergey Demushkin, Davo Slme, and Miguel Balandrano (Project Noun)

¹ For more information about Oxfam's BHR advocacy project, please contact Shubert Ciencia at SCiencia@oxfam.org.uk.

GRAISEA is a regional programme funded by the Embassy of Sweden in Bangkok. It aims to improve the livelihoods of women and men small-scale producers in Asia through responsible, gender transformative value chains and private sector investments.

For more information about the programme, contact the GRAISEA Programme Management Unit at graisea.pmu@oxfam.org.uk.
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