



DIPLOMACY  
TRAINING  
PROGRAM

# Human Rights Advocacy and Business

**A Capacity Building Program for Community Advocates in the Asia-Pacific**

**A Partnership between the Diplomacy Training Program and Cividep-India  
Chiang Mai Thailand, July 13-20, 2009**

## Program Report<sup>1</sup>

Author: Serena Lillywhite  
Published by the Diplomacy Training Program LTD  
The University of New South Wales  
UNSW Sydney NSW 2052

---

<sup>1</sup> This draft report is subject to final editing and a separate version of the report with pictures will be printed.  
*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

## Executive summary

I got a deep understanding about human rights mechanisms and UN instruments and some Guidelines that I have not understood and known before. Furthermore, I can see some linkage between business and human rights and how to deal with that if there is a violation.

*Quote from participant evaluation*

In July 2009, 27 participants from 13 countries came together in Chiang Mai, Thailand, to undertake the Diplomacy Training Program's fourth regional program on human rights advocacy and business. The program was developed to assist human rights defenders and community advocates to respond practically to the human rights challenges posed by the growing power and influence of multinational corporations and their subsidiaries, and governance gaps in regulatory frameworks at a national level.

The program was originally scheduled to be held in Bangalore, India at the invitation of program partner Cividep. One week prior to the event, DTP and Cividep made the reluctant decision to relocate to Chiang Mai due to permit delays in India, and consequent visa restrictions, despite the very best efforts of Cividep. Although the late change meant some participants could not attend, the program attracted participants from Sri Lanka, Thailand, Mongolia, Malaysia, India, Taiwan, Timor-Leste, Australia, Indonesia, Cambodia, Myanmar, Philippines, and Vietnam.

A diverse range of organisations and individuals were represented, including: labour organisations and trade unions, women's centres, migrant worker and Indigenous peoples' organisations, law firms and community legal centres, human rights NGOs, medical, health and land rights associations, as well as grass roots organisations working on peace, justice and young peoples' issues.

While coming from different countries and diverse experiences, it became apparent early on in the program that all participants displayed great enthusiasm, commitment, passion and leadership in their daily human rights struggles. The value of building capacity in the region was evident, as each participant identified strongly with their role as community advocates through their work in training, education, advocacy, campaigning, lobbying, research, counselling and provision of legal advice.

Among participants there was a common concern for, and interest in, the human rights responsibilities of corporations, and mechanisms available to address issues of transparency, accountability, and redress for social and environmental damage. Many participants had direct experience in seeking to hold companies accountable for their practices and their impact on communities and the natural environment.

Participants were asked to present a brief overview of their work within a human rights context. A number of common social and environmental themes emerged. Large scale infrastructure projects including the construction of dams and the building of ports and highways in Vietnam and Burma have a devastating effect on the livelihood of ethnic minorities and Indigenous peoples through contamination of soil and water, forced evictions, loss of income and land confiscation. Indeed, the impact on ethnic minority Indigenous peoples was a common concern for advocates from the Philippines, Australia, Malaysia, India, Sri Lanka, Malaysia, Cambodia, Vietnam and Burma.

The impact of the extractive sector in these countries and also in Mongolia, highlights the vulnerability of communities in many 'resource rich' countries in the region when nation states fail to protect human rights, and corporations fail to respect them. Further challenges are faced when dealing with powerful investment consortiums such as those between the Thai, Chinese, Burmese, Indian, Taiwanese, Cambodian, Vietnamese and Korean governments, corporations and military. Many of these 'deals' fail to uphold the principles of Free, Prior and Informed Consent (now recognised as a human right in the Declaration on the Rights of Indigenous Peoples), and result in forced evictions, human trafficking, bonded labour and

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

numerous labour rights concerns, frequently impacting most harshly on women and children. Migrant worker issues are also a concern throughout the region, particularly harassment, discrimination, unsafe working conditions, inadequate housing, lack of legal status, and lack of access to remedy.

Even in post-conflict societies such as Timor-Leste, the impact of foreign investment is being felt both positively and negatively--through employment and economic activity, but also in the alleged confiscation of land and in generous taxation incentives which limit revenue flows to the state. Participants heard the free trade zones of Sri Lanka, like other free trade or export processing zones, are exempted from national labour laws in the garment sector, and women in particular face significant human rights and labour rights violations. In the Philippines poor business practice, and the interests of pharmaceutical giants are seen as contributing to a lack of access to affordable medicines for the poorest.

While OECD country based multinationals are actively sourcing goods and services in the region, many Asian-based companies are developing their regional activities. The personal experiences of participants made it abundantly clear that the mandate of Professor John Ruggie, UN Special Representative of the Secretary General (SRSG) on Business and Human Rights - *Protect, Respect and Remedy: A Framework for Business and Human Rights* – is of great importance in the region, but the challenges of implementing the new framework are significant.

The Diplomacy Training Program in Chiang Mai was fortunate to be able to draw on both academic experts and experienced business and human rights advocates. These included: Professor Paul Redmond (Chair of the Board, Diplomacy Training Program), Gopinathan Kunhithayil Parakuni (General Secretary, Cividep, an organisation concerned with workers' rights and corporate accountability), Ravi Nair (Executive Director, South Asia Human Rights Documentation Centre), Nandita Rao (Lawyer and consultant to Child Line), Serena Lillywhite (Business and Human Rights advocate and consultant, representing OECD Watch and SOMO), Usha Ramanathan (International Environmental Law Research Centre), and Patrick Earle (Executive Director, Diplomacy Training Program). The final day included a session on advocacy and media skills, presented by award winning journalist Dean Adams.

The Diplomacy Training Program wishes to acknowledge all trainers for their generosity of time and expertise, and their willingness to actively engage with the program and participants. The training materials used have been developed by the Diplomacy Training Program. SOMO and OECD Watch provided supporting materials, case studies and practical exercises.

This program differed from those of previous years in being both longer (7 days rather than 5) and through including a greater focus on the trade and investment agreements that increasingly set the framework for business. Based on participant evaluations the program met its objectives to build awareness and knowledge of existing and emerging human rights standards, trade and investment frameworks, and codes of conduct relevant to corporations. The program endeavoured to address how these instruments can be applied in practice to hold business accountable to its human rights responsibilities. The program also facilitated the sharing of knowledge and lessons learnt in this area, and assisted in building the research, lobbying and media skills necessary for effective engagement in advocacy on business and human rights.

The Diplomacy Training Program would like to acknowledge with gratitude the support of the Norwegian Ministry of Foreign Affairs, New Zealand AID, the Friends of the Diplomacy Training Program and the Diplomacy Training Program's partners, Oxfam Australia and Caritas Australia, in making this possible.

I am more convinced about the need of networking at local, national and international level. There is a better realisation that the problems and human rights violations in general are similar in different countries. There is greater relevance in sharing the success stories in different countries to find multiple approaches to address the issues.

*Quote from participant evaluation*

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

## Background

The Diplomacy Training Program (DTP) organised its fourth regional program focussed on business and human rights advocacy in partnership with Cividep India. The program was supported locally in Thailand by the Human Rights and Development Foundation and the Asia Indigenous Peoples Pact, both based in Thailand.

Across the Asia-Pacific region businesses are being challenged over their impact on human rights. Trade and investment agreements have favoured major corporations, at the same time as constraining the regulatory scope of national governments. The use of child labour and the abuse of migrant labour, the exploitation of women workers through low wages and oppressive working conditions in the garment manufacturing sector by global brands and retailers, the displacement of Indigenous communities by mining companies, the impacts on community livelihoods of forestry, breaches of privacy by internet service providers, the patenting of traditional knowledge and collusion with state repression are some of the areas that have drawn the focus of advocates. Issues of corporate accountability and corporate social responsibility are moving up the global and regional agenda.

Industry codes of conduct, the UN Global Compact, multi-stakeholder initiatives and the OECD Guidelines on Multinational Enterprises, are responses to the demands for greater corporate accountability. The UN Human Rights Council has adopted a new framework on human rights and business – developed by the UN (SRSG) on Human Rights and Business, Professor John Ruggie. Over the next three years the SRSG has a mandate to explore how the framework can be applied in practice.

Globalization has brought unprecedented power and influence for corporations, along with jobs and investment returns for millions. But when corporations' activities violate human rights and drive people deeper into poverty, there is often no effective means to hold companies to account or to ensure redress for those affected.

Amnesty International, 2009

Companies operating in countries with inadequate and ineffective regulatory frameworks, and where corruption is widespread, can no longer offer the excuse of doing business in accordance with local practice. Accountability, transparency and full disclosure of business impact and financing arrangements across borders and throughout supply chains are increasingly demanded by international standards. The issue of home and host state capacity and willingness to protect and enforce national laws and standards for transnational firms doing business both from and within their country is a complex, but urgent challenge.

Governments must live up to their human rights obligations, including the duty to protect against abuses involving corporations or other non-state actors. Where governments are unwilling or unable to do so, there is a role for home states to play where multinational companies are listed or headquartered.

Mary Robinson, President, Realizing Rights: The Ethical Globalization Initiative, 2009

It has become apparent that existing systems of redress available to communities and individuals whose human rights have been violated through poor business practice are inadequate and ineffective when there is a lack of capacity or political will by national governments. Numerous barriers to remedy exist--communities in developing countries in particular are faced with, for example, financial and other barriers of litigation, and weak enforcement of non-judicial mechanisms, such as the OECD Guidelines for Multinational Enterprises.

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

These [barriers] systematically undermine the effectiveness of both local and international systems of human rights compliance and redress, and permit the continuation of ongoing violations of the human rights of many workers and communities around the world without any effective Remedy.

Corporate Responsibility Coalition, 2009

The challenge of holding increasingly powerful corporations accountable and of ensuring that business fulfils its potential to contribute to the realisation of human rights is of growing urgency, including in the economically dynamic Asia-Pacific region. The Human Rights and Business capacity building program in Chiang Mai was timely in marking both the Diplomacy Training Program's 20 year anniversary of human rights advocacy capacity building in the Asia-Pacific region (1989-2009), and in light of the current global spotlight on business and human rights, reflected in the mandate of the UN's SRSG on Human Rights and Business.

The recent global financial crisis has highlighted failures in risk management and corporate governance, and shaken faith in the efficacy of market mechanisms. It is clear that regulators, directors, shareholders, policy makers and consumers must pay greater attention to business policy and practice, and to the social and environmental impact of large scale institutional lending and provision of financial services. This is particularly important to prevent negative human rights impacts on communities, violations of the rights of Indigenous peoples, and of women and children in developing economies and conflict zones.

For human rights advocates, developing an understanding of international standards, treaties and 'soft law' mechanisms, such as the OECD Guidelines for Multinational Enterprises, is important. This knowledge is particularly important in the Asia-Pacific region as the only region where there is no regional human rights architecture that can be used to seek redress when human rights are violated. The work of the SRSG on human rights and business is very relevant, providing as it does a new framework for understanding the obligations of governments to protect human rights, the responsibilities of businesses to respect human rights and the need for redress. The challenges of applying this framework to practice present key questions to human rights advocates in the Asia-Pacific region, and they and the communities they represent have a real stake in the outcome of the SRSG's work. For his part, the SRSG has emphasised the extent to which he wishes his work to be informed by the experiences and perspectives of affected individuals and communities.

Building knowledge and understanding, supported through practical exercises, such as 'role play', case studies and small group work also develops the skills to ensure that the voices of those people most affected by poor business conduct and governance failures will be heard.

As bilateral and free trade agreements continue to proliferate in the region, regional bodies such as ASEAN will face growing demands to ensure human rights are firmly recognised in all trade and regional agreements and in the regulatory frameworks for business.

## Program overview

In general I enjoyed the program a lot and it was great to learn about the projects and experiences of others. The information about human rights and the OECD [Guidelines for Multinational Enterprises] are very helpful and can add value to my work.

Quote from participant evaluation

The framework of the UN System and the OECD Guidelines has given me additional remedies against multi-national corporations. It gives me an idea to consider the supply chain and stakeholders action.

Quote from participant evaluation

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

## Objectives

The program was designed particularly for advocates from Asia/Pacific countries and Indigenous Australia who work for and with non-government and community based organisations. It was aimed at those who have an interest in learning more about the relevant standards and advocacy strategies in relation to the human rights responsibilities of business, and how these responsibilities can inform their own advocacy efforts. Applications were sought from those with experience of campaigning on corporations and those with little or no experience, but who have the interest and capacity to undertake advocacy on these issues in the future with organisations in the region. Applications from women advocates and Indigenous peoples' advocates were particularly encouraged.

The program had the following objectives:

- Build awareness and knowledge of existing and emerging human rights standards and codes of conduct relevant to corporations
- Develop practical skills for holding business accountable to their human rights responsibilities, including research skills, lobbying and working with the media
- Facilitate lessons from different strategies used by NGOs and the experiences of other advocates in the region.

## Program outline

The program was developed in consultation between the Diplomacy Training Program, CIVIDEP, and trainers. It also considered the participant evaluations of past programmes.

## Globalisation, Trade, Business and Human Rights

**Day one of the program** was designed to 'set the scene' and provide participants with an understanding of the impact of economic globalisation, with regards to investment and trade liberalisation and operations of business. Professor Paul Redmond, one of Australia's leading experts on corporate law, outlined the economic and political impacts of globalisation, particularly with regard to foreign direct investment and capital flows. Participants gained insight into the competition between nation states to attract foreign direct investment, through the lowering of barriers and deregulation, as the key driver of economic development. Protection of local industries, environmental standards, and of labour rights can all be seen as in tension with the need to attract foreign investment. Multilateral and bilateral trade and investment agreements, aimed in part at creating certainty for investors, have also pushed an agenda of privatisation in the provision of services, and the removal of protection or privileges for domestic business. These agreements have not generally addressed government obligations in relation to the environment, human rights and labour rights, although their impact may in effect have been to undermine the capacity of governments to fulfil their obligations in these areas.

As civil society in developed countries lobby for the protection of social standards, human rights and labour protection, these efforts have, sometimes justifiably, been seen as a disguise for trade barriers and protectionism to protect labour and other conditions in developed countries. Civil society advocates in developing countries have also been lobbying and campaigning on the direct human rights impacts of corporations who take advantage of the developing countries' perceived need to compete for investment – including through denial and abuse of labour rights, environmental destruction, and displacement of communities for development projects and export of profits.

What has emerged is an imbalance between the power of markets and corporations and the capacity (and willingness) of governments, particularly in developing countries to protect core values and rights. Trade

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

and investment agreements have facilitated a process through which the social and environmental costs of business have been externalised, and the benefits of trade liberalisation have flowed increasingly to major multi-national enterprises.

Paul then explored the structure of the modern multi-national corporation and the ways that corporations are currently regulated through corporations law and posed the question, 'does corporate law protect human rights'? He discussed in some detail corporate law issues such as the distinct legal personalities within a corporate group, limited liability and issues such the allocation of powers, responsibilities, and liabilities within the corporation, shareholder value and the externalisation of social costs.

The second session introduced the emerging international framework for corporate human rights responsibility and accountability. A key message was the limitations of current international human rights instruments as they do not impose obligations directly on companies. Rather, they are agreements made between states, addressed to states, and concerning state conduct. There is no international court that can enforce human rights standards with regards to the conduct of transnational enterprises. While international human rights agreements emphasise the responsibilities of sovereign states within their jurisdiction, the operations of transnational corporations pose challenges of accountability in their home and their host states. Advocates have sought to explore the possibility of extra-territorial litigation, but at this stage the Alien Tort Claims Act (1789) in the USA provides the only clear such avenue for action. This allows US courts to hear "any civil claim by an alien for a tort only, committed in violation of the law of nations". This can also apply to complicity in breaches of international law, and while no corporation has been found in breach, the Act has been used by advocates to reach significant settlements, such as the Unocal Burma gas pipeline and more recently in relation to Shell operations in Nigeria.

Finally, the critical issue of the role of institutional investors with regards to human rights was raised along with the challenges of monitoring their practices and influence over business behaviour and corporate culture.

**Day two of the program** was an opportunity for participants to benefit from Ravi Nair's wealth of experience advocating for human rights in the region. Over two sessions, participants gained a personal perspective insight into the development and changes that have occurred in the human rights movement in the region. Ravi emphasised the universal nature of human rights values, their expression in the religions, literature and cultures of the region – and in the region's history of struggles for equality and justice. Ravi emphasised the core values that human rights agreements express, and the way that solidarity and grass roots movements have worked to uphold these values – for example in the Bangkok NGO Declaration in the lead-up to the Vienna World Conference on Human Rights. Ravi explained that his focus had been on the abuse of state power in relation to civil and political rights, but that economic social and cultural rights were just as important – and that you could not separate one from the other. Ravi expressed concern at the influence of donors and annual reporting (to funders / donors) requirements in undermining solidarity and grass roots movements. Ravi urged participants to

Re-create a transnational solidarity movement as the churches and trade unions did in the 60's and 70's, and use a combination of the legal and normative frameworks that have evolved.

Ravi Nair

Ravi also outlined the development of international mechanisms to promote and protect human rights, and to bring about greater accountability, such as the work of the UN Commission on Human Rights and more recently its replacement, the UN Human Rights Council. He emphasised that the promotion and protection mechanisms were largely the outcome of effective advocacy by NGOs.

The second session focussed on how to make government more accountable for human rights violations. NGOs with a focus on human rights were advised to give greater attention to the work of the UN Security

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

Council and Human Rights Council and to lobby ('create more trouble') to protect the UN Special Procedures, the Optional Protocols and complaint mechanisms, all of which are 'under attack' by governments that seek to undermine effective international accountability mechanisms on human rights. For the UN to fully understand the magnitude of business and human rights issues, Ravi advised NGOs to 'create some dynamic tension and regularly send reports with information distilled as key points in executive summary.'

Participants were advised to actively engage with national human rights institutions and use existing complaint mechanisms. Greater use of the UN Special Procedures such as the UN Special Rapporteurs (e.g. on the Right to Health), along with engagement with parliamentarians, legislative members and use of other relevant laws such as freedom of Information was recommended. Participants were encouraged to use, sometimes creatively, the mechanisms that had been established at the national and international level. Participants were cautioned that some Special Rapporteurs are quite ineffective as they have limited or non-existent resources. More active engagement with the UN treaty bodies and their reporting cycle was promoted. When governments ratify human rights treaties they agree to report regularly on their performance to these UN treaty bodies, such as the Committee on Economic, Social and Cultural Rights. These treaty bodies are comprised of independent experts and they invite submissions from NGOs. The preparation of 'shadow' or NGO parallel reports to the UN Treaty Bodies is important to bring issues into the international domain. However, in communications with both UN Treaty Bodies and the UN's Special Procedures there is a need to ensure claims are substantiated, well documented, and clearly presented.

Human rights advocates must start their work at a national level and then gravitate to an international and multilateral level through use of Special Procedures and Treaty bodies.

Ravi Nair

The afternoon was devoted to understanding the 'search for global human rights standards' that could be applied to business. Paul traced the evolution of various mechanisms, such as the OECD Guidelines for Multinational Enterprises, the ILO Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and various voluntary codes and sector specific initiatives. The story highlighted the tension between growing civil society demands for business accountability, and the resistance of business to the imposition of responsibilities and external regulation. The positions of different governments have reflected to some extent the relative power of these lobbies at different times.

This was followed by practical exercises in pursuing legal remedies and accountability with regards to human rights and the corporation. Participants worked in groups to examine case studies including:

- The Construction of the Candonga Dam and the Communities of Santa Cruz do Escalvo, City of Rio Doce (Minas Gerais, Brazil)
- Union Carbide Corporation (UCC) DOW Chemicals and the Bhopal Communities in India
- Placer Dome and the Marinduque Mine, the Philippines
- Use of Caterpillar Bulldozers in House Demolitions in the Occupied Palestinian Territories

**Day three of the program** focussed on the work of the UN Special Representative to the Secretary General on Business and Human Rights (Professor John Ruggie), and his work: *Protect, Respect and Remedy: A framework for Business and Human Rights*. The sessions were led by Nandita Rao and Professor Redmond. Nandita critiqued the framework and identified some of the remaining challenges, arguing:

Ruggie is giving impunity to home states (of multinationals) and putting all of the pressure on host states that have a weak regulatory environment.

Nandita Rao

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

Further, she argued that the Ruggie framework suggests there is a universal social norm that corporations ‘do no harm’, however this has not been globally accepted as a norm. Indeed, many NGOs believe corporations have a responsibility to go beyond ‘do no harm’, and must ensure their business operations are making a positive contribution to sustainable development. Nandita expressed concern with regards to the lack of guidance regarding remedies in the framework.

Remedies are absent, the suggestion is to negotiate remedies, however this is highly offensive – who wants to negotiate when people are dying.

Nandita Rao

The final session for the day was facilitated by Serena Lillywhite, and provided participants with a detailed understanding of the OECD Guidelines for Multinational Enterprises. For many, this was their first introduction to the Guidelines. There was significant interest in how to use the complaint mechanism under the Guidelines to raise concern with regards to poor business conduct, the function of the National Contact Point, and the experience and use of the Guidelines by other NGOs.

The OECD Guidelines were the most useful session for me because we are still unable to make complaints at a high level, but [Guidelines] allows negotiating with an exact person and place...understanding the OECD Guidelines is much useful for a larger level advocacy.

*Quote from participant evaluation*

**Day four of the program** was designed to enable participants to practically apply their understanding of the OECD Guidelines for Multinational Enterprises. Gopinath Kunhithayil Parakuni and Rashmi Venkatesan commenced with an introduction to the garment industry in India, which employs 2.8 million workers, fifteen percent of the global garment trade. This was followed by a case study analysis of their experience in using the Guidelines to raise a complaint against the Dutch jean manufacturer G-Star. Participants were required to review the facts of the case, use the OECD Guidelines to identify provisions to demonstrate a violation by the global brand G-Star, and identify the appropriate National Contact Point.

Serena Lillywhite followed up with a case study analysis of another OECD Guidelines complaint involving Global Solutions Limited, the company that previously managed Australia’s immigration detention centres. In this instance, the complainants demonstrated the company had failed to uphold the human rights and consumer interest provisions of the Guidelines. This case resulted in a mediated outcome whereby the company agreed to a number of policy and practice changes in their day-to-day operations. The Australian National Contact Point accepted the case and facilitated the outcome.

Participants were provided with background information on the case and then asked to work in groups to prepare for a ‘mock’ National Contact Point (NCP) mediation. Program trainers assumed the roles of company representatives and the NCP, and each group was required to present their case and demonstrate skills in mediation and negotiation.

**Day five of the program** involved an overview of the challenges of campaigning for corporate accountability drawing on lessons from Bhopal and an assessment of the ways that processes of globalisation are affecting relationships between the state, individuals and business. Usha Ramanathan facilitated this discussion. Usha emphasised that some of these changes pose fundamental questions about how society is organised and its values. Usha highlighted the need to challenge assumptions, to retain a critical perspective and noted how easily long cherished liberties and rights have been abandoned, for example in relation to the “war on terror”. Participants gained an understanding of the different relationships’ that exist between individuals, society and the state, and between society and corporations. Usha highlighted the importance of tailoring advocacy campaigns to reflect the power / relationship analysis, and the need to guard against using the same language and demands of multinational enterprises as are made of States. In some circumstances, NGOs are asking companies to go beyond their mandate,

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

and by doing so accord them even greater power and influence. The UN SRSG, John Ruggie has also emphasised the importance of keeping this distinction clear.

We need to be careful not to confuse the human rights obligations of multinational enterprises (horizontal application) with the states responsibilities (vertical application).

*Quote from Usha Ramanathan*

While there is an increasing trend of states contracting out functions to companies, Usha noted that increasingly states seem to have become contracting parties for corporations, thereby changing the relationship between people and the state. This has also changed the meaning of risk for multinational enterprises. States agree to take on all of the risks for companies of doing business in emerging economies and weak governance environments through offering tax breaks and incentives to both attract and protect investment and profits. Understanding the scope and complexity of risk management is important for human rights advocacy. Usha stressed the importance of following, understanding, and influencing the law making process at an early stage. The example of Bhopal illustrated the value of making changes to the law to ensure Directors are responsible for occupational health and safety.

In the final sessions of the day, Professor Paul Redmond asked participants to revisit the relevance of different bi-lateral and multilateral trade and investment agreements, including the importance of stabilization clauses in these agreements. These agreements are of central importance--through these binding treaties the changed relationships between state, society and business that Usha highlighted are given legal form.

Professor Redmond then concluded the day with a session introducing the role of export credit agencies (ECA) and human rights. For most participants this was a new and challenging topic. Participants learned of the scope, influence and monetary spend of export credit agencies in the provision of loans and guarantees for the financing of projects in which corporations from that country were involved. This funding is often made without the human rights and other social impact assessments that accompany World Bank funded projects. Japan's ECA, for example, lends as much as the World Bank. Projects funded are predominantly large in size – pipelines, dams, forestry plantations, chemical plants and major government purchases such as military equipment. ECAs are state ministries, state-owned corporations, or a consortia of private / public companies under some form of state control. They are another expression of a development highlighted by Usha – governments removing the risks from doing business, by taking on those risks themselves – and a blurring of the lines between state and corporations. They provide state funding/guarantees to the benefit of business, providing competitive advantage to businesses from their countries. ECAs are coming under increasing scrutiny from advocates, because as state agencies they are bound by the human rights obligations of the state, and are potentially accountable in a way that business is not. In relation to the framework proposed by the UN SRSG John Ruggie, both the state responsibility to protect human rights, and the responsibility of business to respect human rights are relevant to ECAs.

In concluding his sessions, Professor Redmond, encouraged participants to revisit the framework proposed by the UN SRSG, Professor John Ruggie and in particular his proposal that all companies have a duty to respect all human rights. Professor Redmond noted that exploring the potential of this responsibility called for advocates to know and understand the content of the expanding body of international human rights standards.

**Day six of the program** focussed on campaigning techniques and in particular researching the corporation and value chain advocacy strategies. Patrick Earle commenced a session with participants sharing their knowledge of techniques available to activists, including traditional methods such as demonstrations and protests, petitions and letter writing, public meetings and strikes, lobbying, litigation, fact-finding, complaints to the UN and naming and shaming. He also discussed the development of advocacy options specially suited to advocacy on corporate conduct such as disinvestment, shareholder

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

action, celebrity support, the use of social networking sites and video to strengthen media coverage and visual understanding of human rights violation and use of soft laws such as the OECD Guidelines complaint mechanisms. The importance of integrating different advocacy techniques into clear strategies for change based on research and analysis of the problem, the need for campaign planning and the value of having clear objectives were stressed.

This set the scene for the two sessions led by Serena Lilywhite on researching the corporation and supply chain advocacy. Given the influence and global reach of multinational enterprises, and the prevalence of human rights abuses in emerging economies and conflict zones, understanding the ownership and institutional financing of business operations is an important skill for activists to have in building their capacity and credibility and in building support for campaigns. Participants developed an understanding of the importance of research planning, e.g. identifying the problem and desired outcome, risk assessment identification of stakeholders, methodology, timeframe and resources, report and evaluation. Emphasis was placed on research quality to ensure credibility, for both the data that could be gathered from desk and field research to support the campaign. Participants were encouraged to develop a company profile e.g. holding company name, contact details and countries of operation, profit and loss, products and services, management structure, key customers and production networks. Numerous sources of information were provided.

The second session focused specifically on supply chain advocacy and in particular the value of mapping and understanding supply chains, and identifying leverage points – spots in a supply chain where an advocacy campaign can have the most impact. Participants heard how researching a company, supply chain advocacy, and understanding ECAs and institutional funding can be very important for deciding advocacy strategies and targets, particularly when applied to specific sectors and projects. The need to demonstrate the impact on those adversely affected by projects/operations, particularly vulnerable groups such as migrant workers and Indigenous peoples was also noted. Links were made to the G-Star case previously introduced by Rashmi and Gopinath, and case studies of work undertaken by Serena in the textile industry in Australia, and the optical industry in China.

Participants were then given a practical exercise involving human rights violations by a hypothetical mining company with operations on the Thai Burmese border. While company names were fictitious, the issues were very real and not uncommon in the extractive sector.

**The final day** of the program provided participants with some insight into how to most effectively use the media in support of advocacy campaigns. Dean Adams, an award winning freelance journalist emphasised the importance of media as a forum to tell a story. From an advocacy perspective, it is critical to tell the story through building characters and avoiding the abstract. Activists must describe the situation that communities and individuals face on a daily basis. Strong characters and strong stories have a greater impact than just describing the issue – they connect with an audience, build empathy and support for action.

In support of previous sessions which stressed the importance of being strategic and planning carefully for research and campaigns, this was again reinforced in working with the media – participants were urged to be strategic and methodical, consider the audience they are trying to reach and what will motivate them to act for change. The media can play a vital role in making a complex situation easy to understand and compelling. For example, it took widespread demonstrations by monks in Burma to gain media attention on widespread human rights violations. The monks became the ‘poster child’ of the movement for democracy which became known as the ‘Saffron Uprising’.

Participants heard that building a sustainable long-term strategy with the media also builds capacity and relationships with the community in question. He emphasised the need to develop a character driven media campaign that a broader audience can relate to. The use and impact of photo journalism and new  
*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

tools such as Twitter cannot be underestimated. Similarly, making the transnational connections to demonstrate the global dimensions of the problem, are also effective in capturing the media's attention in an increasingly 'spot news' driven domain. Dean concluded by encouraging participants to build a relationship of trust with specific journalists, possibly providing opportunities for making their issues 'side stories' when relevant big news stories breaks. For example many journalists were sent to the Thai/Burma border to cover the "Saffron Uprising" and activists were able to interest them in the plight of Burmese migrant workers in Thailand. Prioritising who to work with i.e. credible journalists and media is also an important aspect for activists to consider – as not all media coverage is positive, and some kinds of media coverage, for example media that reinforces negative stereotypes, may undermine broader advocacy objectives.

Media is the most useful session for me because related to my work. We release booklet and month report and interview, and other media links to publicise to our community, locally, regionally and internationally.

*Quote from participant evaluation*

## Training methodology

The program was designed to incorporate both seminar style presentations and some practical exercises and case study analysis, drawing on the expertise of trainers and facilitators. In asking each participant to prepare an overview of their work it was hoped that opportunities for collaboration and networking would be established among participants, as well as an awareness of the common challenges they face.

Striking the right balance between delivering content and providing the time and space for the sharing of knowledge and experience among participants is always difficult. Some participants found the sessions on globalisation, trade, investment and ECA's challenging, while others responded positively (through the evaluation) that these sessions provided the conceptual basis they needed to support their advocacy work. Participants clearly enjoyed the group work, case studies and practical exercises. Most participants identified these activities as a highlight of the course, along with the presentations by participants themselves. Another feature of DTP training methodology is to involve everyone in the organisation of the workshop – through time-keeping, energisers, introducing speakers and providing daily recaps.

Other activities such as the welcome and closing dinners, film night and solidarity night were also designed to encourage collaboration and networking among participants in a less formal setting. Not surprisingly, perhaps some of the most long-lasting relationships and opportunities for collaboration were established outside the formal structure of the program as participants socialised. In both the written evaluations and final feedback sessions, a number of participants indicated the training methodology was too intense and too long, there were not sufficient practical exercises and the program did not allow enough free time.

## The participants and their work

The participants in the program represented a broad spectrum of human rights issues in the region, including: labour rights, migrant workers, Indigenous peoples, land confiscation and forced evictions, food and water security, environmental degradation, bonded labour and militarisation, loss of livelihood and culture, sexual harassment, human trafficking and unsafe and unhealthy working conditions.

There was concern that large scale infrastructure programs such as dams, roads and ports are often approved and financed through complex cross border consortiums and deals involving governments, corporations and the military with little or no stakeholder and community consultation. The right to free, prior and informed consent, recently recognised in the UN Declaration on the Rights of Indigenous Peoples is not generally respected by either governments or business. The power imbalance is stark, and opportunities for redress for negative impacts of projects are largely non-existent. The day-to-day operations of global brands in the garment and other sectors, is seen to systematically violate the rights of

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

workers, frequently women, and migrant workers. Governments are seen as complicit in these violations either through the absence of effective regulation of labour, environment, and health and safety standards, the failure to uphold standards or creation of free trade and export processing zones that exempt companies from national and international standards. There is also a perception that the benefits that should flow on from foreign investment are undermined by incentives, public subsidies and generous ‘tax holidays’ to attract foreign direct investment.

During the program all participants provided an overview of their work and day-to day challenges. Analysis of the participant evaluations clearly indicates that participants really valued this aspect of the program, but would have liked more time for in-depth sharing of experiences and advocacy strategies. There is clearly a tension in making time available for this sharing and the need to develop knowledge and understanding in often complex areas of law and policy through the delivery of content.

Following is a selection of participant presentation titles (and some detail) to illustrate the diversity of work being undertaken and the challenges faced:

- **Failure to Extend Human Rights Protections to Indigenous Peoples Affected by Australian Mining Companies (Australia)**

Stand Up for the Burrup encourages groups to Stand Up, because it is a simple and effective way to gain publicity for the cause [mining in sacred and heritage sites], and show Woodside, the West Australian Government, and the Australian Government, that the world is watching and listening.  
Quote from participant presentation

- **Burmese Migrant Workers, Business and Human Rights (Thailand)**

- 75-85 % of unskilled migrant workers in Thailand are from Burma
- Unofficial estimates suggest 2-3 million migrant Burmese workers in Thailand
- Most arrive through informal mechanisms including labour hire brokers and human traffickers
- Burmese migrant workers undertake the dangerous, dirty and difficult jobs
- They are seen as a national security threat by the Thai Government, but also a necessity for the Thai economy
- An accident at the Shangri-La Hotel left a female Shan (ethnic minority) construction worker with a permanent disability. A sophisticated campaign and advocacy strategy was developed against the corporation, the contractor and the subcontractor. The case was filed with the National Human Rights Commission. Meetings were held with the Thai Ministry of Labour. There was extensive media publicity. Compensation was awarded. A civil case with regard to migrant worker discrimination was pursued. ILO and UN human rights mechanisms were activated to address systematic discrimination.

Human rights considerations are often overlooked in policy decisions favourable to business needs and flexibility.

Quote from participant presentation

- **Kaladan Multi-Modal Transit Transport Project (Burma)**

- Joint venture between the Governments of India and Burma
- Construction of a seaport, an inland waterway terminal and highway
- Loss of livelihoods for local people who rely on a diet of rice and fish, and income from fishing and farming
- Land confiscation, displacement, forced labour and militarisation and environmental damage

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

The land required for the project will be provided gratis by the Government of the Union of Myanmar.

Quote from participant presentation

- **Free Trade Zones and Workers Rights in Garment Sector in Sri Lanka**

- Low wages, long hours, poor occupational health and safety and inadequate accommodation
- No job security and social security benefits
- Poor career development opportunities
- Discrimination, humiliation, sexual harassment and violence against women
- Suppression of trade union rights
- Labour laws not enforced.

- **Konh Kong Sugar Industry (Cambodia)**

- Thai, Taiwanese, Cambodian joint venture
- Land confiscation, lack of compensation and housing rights
- Loss of livelihood and income
- Food security and livestock kidnapping
- Water security
- Security and intimidation
- Environmental degradation.

- **Bauxite Mining in Central Highlands of Vietnam**

- Vietnamese and Chinese (Chinalco) joint venture
- World's third largest reserves of bauxite
- Employs 6000 workers from China
- Water intensive mining practices result in inadequate supply for communities
- The red sludge waste pollutes rivers and impacts on the cultivation of coffee, rubber, tea, pepper and cashews, and damages the ecosystem
- Loss of land, livelihood and culture of ethnic minorities.

- **Trade Union Rights in Indonesia**

Indonesia has 237 million people but only 30 million work formally, and of these only three million are unionized. The labour law does not function at all and the outsourcing and contract working system has been legalised... union busting is common.

Quote from participant presentation

- **Human Rights and Migrant Worker Issues in Taiwan**

Human rights are not a big topic in Taiwan...the foreign labour policy is anti-migrant and migrant workers rights, especially domestic workers are overlooked.

Quote from participant presentation

- **Business, Human Rights and Access to Medicines (Philippines)**

Right to health and medicine must be accessible, available, with quality, acceptable and appropriate.

Quote from participant presentation

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

- **Salween River Dam Project (Burma)**

- Forced evictions and relocation
- Loss of livelihood, food and water security issues
- Forced labour and sexual violence

Very large numbers of people are permanently displaced by dams – there is no going back. People effectively become environmental refugees.

Quote from participant presentation

When human rights are violated, the doors to creating statelessness, migration and refugees are opened. This all are at the nexus of human rights and displacement.

Quote from participant presentation

- **Kong Yu and Kong Thom Indigenous Land Confiscation (Cambodia)**

- Land confiscation to enable development of a rubber plantation
- Significant advocacy strategy developed involving the UNOHCHR Office in Cambodia, the UN Special Rapporteur, and the Australian Embassy (located next to the land in question)
- The case attracted international media with BBC radio and SBS / Dateline TV in Australia.

In this case the complainants, the Kong Yu and Kong Thom indigenous communities were dealing with a businesswoman with connections with high ranking officials within the Royal Government of Cambodia, a sister of the Minister of Finance, and wife of the Secretary for Ministry of Lands.

Quote from participant presentation

- **Working for the Empowerment of Indigenous Peoples by Providing Human Rights Awareness and Legal Help (India)**

Only indigenous peoples can change their living conditions, NGOs and human rights organisations can only support from behind. Networking at local, national and international level can make results.

Quote from participant presentation

- **Mining and Human Rights in South Cotabato (Philippines)**

- Exploration is in an area rich in agricultural resources and a significant food source
- It has the largest undeveloped copper deposits in South East Asia.

Xstrata Copper, with headquarters in Switzerland and listed on the London Stock Exchange, is the world's fourth largest producer of copper. Glencore is its major shareholder. Exploration permits were granted in May 1995, without any Free, Prior and Informed Consent being obtained.

As more and more actions are undertaken by the NGOs against the mining activity, more and more human rights violations are committed starting from railroading of the process of securing Free, Prior and Informed Consent, militarisation, and extra-judicial killings of those who are advocates of anti-mining issues.

Quotes from participant presentation

- **Business and Human Rights in Mongolia**

The key issues is wages, working conditions and a healthy and safe environment...30 Mongolian companies have joined the UN Global Compact, this is very important.

Quote from participant presentation

- **Human Rights and Business in Timor-Leste**

We have unemployment, inadequate housing, infant mortality and pollution from second hand cars...companies from Australia, Portugal, China, Korea, Singapore, Malaysia and Indonesia are all

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

investing in oil, tourism, civil construction, transportation and civil aviation, but they have five years free from tax.

Quote from participant presentation

## Participant evaluation

The best part of the program was participant presentation and group sessions. It made me understand more the work being done in other countries and the extent of their [participant] involvement.

Quote from participant evaluation

The Diplomacy Training Program regards participant's feedback as a critical component of ongoing program development and capacity building within the region. Each session is evaluated and then the overall program is assessed. This is done through both anonymous questionnaires and group feedback on the final day. The feedback session is an opportunity to highlight both those aspects of the course that have been most enjoyable and beneficial, and what could be considered for changes in the future.

Following is an example of some of the positive comments made in the open feedback session at the end of the program:

- Very good knowledge and information in the course
- The practical exercises, role play and case studies were most useful
- Networking was a highlight, especially the informal interaction
- Hearing other participants advocacy stories, knowledge and experiences was very useful
- The entire training was excellent and very good trainers
- Having a training manual and notes will help me understand some complex issues
- Being part of the DTP alumni feels good and I would like to build more networks with other alumni
- There were more young people in this program and that made it more energetic and I respect their commitment
- It helped build my confidence and my presentation skills
- I liked the selection of topics, especially the OECD, UN SRSG, researching the corporation, and media
- This program shattered some of my myths and assumptions
- The Program has opened new opportunities for my advocacy work
- Special thanks to Geoff Hazell for his organisation
- Business and human rights is new topic in my country and I feel better equipped to understand it

I would like to think like Usha, act like Ravi, speak like Serena, plan like Patrick and learn like Paul.

Quote from participant's public feedback

Following are suggestions participants made in the final open session to improve future programs:

- There needs to be more practical exercises and also a fieldtrip
- More time needs to be spent on the human rights framework and how it applies to business
- Some sessions are too long and should be shortened to keep concentration high
- Need to broaden the selection of trainers. These trainers were all from India and Australia

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

- There needs to be more time for discussion, debate and plenary sessions, and also time to question other activists on their presentations
- There was not enough time to really learn from each other, we need more discussion time
- There needs to be more time for informal interaction, if there are many younger people they need time to dance and party. Need to be aware of both young and old generation among participants and trainers
- Don't assume that participants will all have the same knowledge of some terms and understanding of international institutions
- There needs to be some presentation from business representative
- Provide participants with a list of useful websites at the beginning of the program, then they can look during program

Some of the concepts are very new and complex and the sessions are long...

Quote from participant's public feedback

At the conclusion of the program participants are asked to anonymously complete extensive evaluation questionnaires to elicit extensive and honest feedback that can help DTP understand the effectiveness of particular programs, to review content and make changes in future. Following is a selection of questions and responses. The complete set of evaluations is available on the DTP website, [www.dtp.unsw.edu.au](http://www.dtp.unsw.edu.au).

### **What was the best part of the program for you and why?**

- The speech by Ravi was inspiring, and it was great to engage with Cividep participant's on their practical campaign
- The UN SRSG and new framework on human rights and thinking, OECD Guidelines and research on corporation. This is the core/main reason why we are doing this business and human rights learning and been explained very well
- Participant's presentations. I enjoy listening to what others participants have to say about their work and struggles
- OECD is the best part for me to learn because it is very useful to take action on multinational who want more benefit from host country, and Serena is very good on explanation and speaking.
- G-Star case, OECD Guidelines, Usha Ramanathan's session, international human rights framework. Litigation and legal remedies at national level. Globalization, trade and investment agreements
- The best part of the program for me was how to do the business advocacy. It is a very new strategy that we will do with our current work

### **What was the lowlight of the program for you and why?**

- There was not enough practical tasks / skills / advocacy. Needed more, maybe a group project, more case studies as some of the lectures were very complex and hard to comprehend
- Media skills, I expected much more from it but it did not tell me anything new. More lectures and very little time for campaign exercises
- Too much seminar sessions, we need more discussions and exercises and sharing experiences
- Lowlight of the program?! The occasion didn't arise
- The UN SRSG & a new framework on human rights and business. These international standards are too heavy for us. Also sessions went so fast without enough time it is really difficult for us to understand
- The lowlight was the solidarity night. I was expecting to learn about the culture of other countries but instead it turned out to be just an ordinary rendition of numbers

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

- Business and advocacy, international human rights framework were lowlight...because I have no experience yet in the field of business, law and international human rights. But I have decided to study the handouts which provided from DTP after this training. It'll be really useful for me.

### **How will the knowledge of human rights, the UN system and the OECD Guidelines influence your work?**

- This one is very very helpful special in the case that I am handling on the issue of implementation of cheaper medicines Act which is still being blocked by TNC's. If we cannot do this nationally, then we might try the OECD and the UN system
- It will help me to address certain issues of Indigenous peoples with who I am involved in Kerala
- This knowledge on UN / OECD system will influence my work by using it as a tool in the campaign to put on hold government and company officials accountable of their work to the peoples
- Yes OECD Guidelines is very effective on my work. Most of the OECD member countries are investment in my country. It is very useful to use this Guidelines for campaign
- Through advocacy on the particular issue of e.g. gas and oil and their impacts on local communities and their culture, e.g. Shwe gas Project complaint to the Korean National Contact Point based on OECD Guidelines.

### **Do you plan to share what you have learned in this training with others in your community or organisation?**

- Yes. I have to provide a project report to my sponsors. I want to open my own business and be a consultant / advise so people are aware of human rights issues
- Yes. Pertains to the above issue [influence on work], this will be appropriate to share the alternatives that we can use the OECD and the UN system to pressure TNCs and the government as well
- Yes. The organisation that I work for is setting up a Migrant Workers Association which will include training and discussions
- I definitely will share to my school (organisation) researching the corporation. It is very useful for me and more than 12 people whom I am going to give them and share them
- Yes. I have big plan to share what I have learned in this training with my colleagues from my community / organisation
- Yes. I have plan to share what I have learned in this training with my organisation or my community. I plan to share about media and advocacy experiences. How we advocate to the people and the shareholders, and how to do documentation concerning media, and networking for sharing information and publishing.

### **What has changed for you his week?**

- It has motivated me to get passionate about human rights and business. Its given me more direction of how to start advocating and fighting the struggle of human rights violations, and I have learnt about different peoples skills, situation and country
- I believe I am more confident as a person due to the occasions when I presented. I have certainly made a lot of friends
- I am very happy to learn with the Professor and great trainers. Also get many friends from different places.
- A lot! New friends. New networks. New Knowledge
- More awareness of international instruments that can be used and how. There are ways to do something against TNCs

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

- What first changed was got new experiences from the lessons that I have not touched yet. Secondly, networking with friends from different countries. Thirdly, first experience of giving presentation with microphone in front of people got confidence. I can catch the different people’s English accents after two or three days training. Became more noticeable by myself that I need to study a lot in field of business and international awareness.

## Reflections, conclusions and looking forward

It should be noted that the need to relocate from India to Thailand one week prior to the event did impact negatively on some aspects of the program, requiring adjustments to the schedule, identification of new trainers/resource people etc. Moving the program meant that the plans for a practical field trip, and the opportunity to engage in dialogue with representatives from business were no longer possible. In the circumstances DTP and Cividep agreed that relocating the program was the best option available. DTP would like to acknowledge the hard work and preparations of Cividep in the lead-up to this program and the local partners in Thailand who made the change in location possible and the trainers who were able to adapt and be flexible at short notice. The Diplomacy Training Program hopes that it will be possible to offer further regional capacity building programs on business and human rights – and in looking forward it will reflect on the experience from this and other programs.

### Program focus, schedule and content

Balancing the need to make full use of allocated time and to get through often complex and unfamiliar content with the different learning styles, knowledge, experience and expectations of participants is a challenge in every program.

Feedback from course participants indicates the program focus and content was highly relevant and met expectations. However, most participants suggested more practical exercises, case studies and role play activities would provide a better balance with some of the more complex, theoretical aspects.

There is a tension between content and participatory teaching methodologies and on this occasion the balance was probably tilted too much towards content. In previous years this program has been run over 5 days rather than 7 days. This year it was extended to 7 days to include more substantive sessions on trade and investment early in the program. On reflection, and based on participant evaluations, 7 days without a break, or field trip, is too long with such long and intensive days. In usual circumstances there would have been a field trip and/or practical exercises that would have involved time out of the classroom and would have provided a very practical dimension to the program. This had been scheduled, but relocation to Thailand meant it was not possible to arrange.

Networking, through both formal activities and informal interaction, was extremely important for participants. Similarly, it was suggested that allowing more time for participant presentations and follow up questions and discussions, would enhance the program delivery and outcomes. With 27 participants each allocated 10 minutes for a presentation over 7 days, this provides a scheduling challenge.

Among the participants were many with great experience and commitment. It would have been fruitful to give those people an opportunity to share their presentation, and then discuss it on the background of what we have learnt in the session before.

Quote from participant evaluation

### Participants

The program was fortunate to attract participants from diverse backgrounds and countries. Having a spread of ages ensured high levels of energy and enthusiasm within the program, and great interest in networking

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

and social interaction. The intensive content and structure of the program was, however, challenging for some of the younger participants in particular who were perhaps less familiar and comfortable with this approach to learning and would have welcomed more free time, and more time for interaction.

While there is considerable concern, and action, across the region on the impact of corporations, the explicit linking between business and human rights remains new and unfamiliar to many. There is for example greater familiarity with the language of corporate social responsibility. The number of NGOs that have direct experience in advocacy on corporations is limited, and it is probably also the case that only a limited number of NGOs have the capacity to take up this work more systematically.

In looking forward there is a challenge to identify and target the right balance of participants –from organisations with interest and capacity in this area from countries such as Malaysia, Singapore, Taiwan and South Korea that have substantial international business interests, to participants from countries that are seeking more foreign direct investment such as Cambodia, Timor-Leste, the Philippines, Indonesia and Papua New Guinea.

### **Location**

The program was to have been held in Bangalore, and the schedule and content of the program was to have been informed by the work and experience of Cividep in their efforts to promote and defend the rights of workers, including women workers in the garment sector. Inevitably, in the relocation to Chiang Mai this aspect of the program was lost. Chiang Mai and the Phucome Hotel was a good alternate location for the program, although some participants found it a little noisy. DTP is extremely grateful to local partners, the Human Rights and Development Foundation and Asia Indigenous People Pact for their assistance and support in ensuring the program was a success, at extremely short notice. In particular, the day-to-day guidance and local knowledge provided by Kaew, a DTP alumna, ensured participants and trainers had a very enjoyable week in Northern Thailand.

### **Regional solidarity**

A clear outcome and participant expectation that was achieved was the opportunity to, and interest in building regional solidarity on business and human rights issues. There was great interest in the common challenges faced by activists and enthusiasm for sharing experiences in dealing with violations of human rights by multinational enterprises.

The DTP network of alumni continues to grow in strength and reputation and is clearly recognised as an important aspect of this and other DTP programs. Participants in this program were particularly keen to establish joint networking sites and to make full use of the technology available through Twitter, YouTube and blogs to facilitate regional solidarity. Establishing a DTP alumni website / dashboard was suggested.

As the business and human rights capacity among regional activists grows, and the international instruments are better understood, the benefits of regional solidarity and collaboration will grow.

### **Suggestions for future programs**

The Diplomacy Training Program will continue to fine tune and amend its business and human rights capacity building program to reflect regional issues, international developments, the needs of communities and individuals, and feedback from activists and campaigners.

Some suggestions in participant evaluation questionnaires included:

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

- Simplified updates on the UN SRSG framework
- More practical skills, case studies and group and role play exercises. More case studies on specific sectors especially, gas, oil and hydropower / dams from the region - from places like Bangladesh, Timor-Leste and Sri Lanka
- More practical aspects of using the media, and screen human rights films every day
- More focus on the cultural and other rights of Indigenous peoples
- A great focus on the responsibilities of business in relation to the rights of migrant workers
- More focus on available remedies when MNEs and governments violate human rights
- The role and function of financial institutions, including the Asia Development Bank and the World Bank
- Company specific information for MNEs operating in the region

Participants were urged to prepare for the UN SRSG framework consultation being held in Geneva in October 2009, and send submissions or comments to the BASESwiki site, <http://www.baseswiki.org/En>.

## References

Amnesty International, 2009, *Close the Accountability Gap: Corporations, human rights and poverty*, May 2009.

Corporate Responsibility Coalition, 2009, *The Reality of Rights: Barriers to accessing Remedies when business operates beyond borders*, London School of Economics, UK.

Mary Robinson, 2009, Foreword, *The Reality of Rights: Barriers to accessing Remedies when business operates beyond borders*, London School of Economics, UK.

## Appendix 1: Program

	Monday 13	Tuesday 14	Wed 15	Thurs 16	Friday 17	Sat 18	Sun 19
Participant Presentations 8:30 – 9	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations
Morning 1 9:00 – 10:30	Opening Ceremony  Welcome from Civedep and DTP  Participant introductions	The International Human Rights Framework	The UN SRSG and a New Framework on Human Rights and Business	Case Studies – Using the OECD Guidelines on MNEs – Lessons from Practice	The Challenges of Campaigning on Corporations – Reflections and Lessons Learnt from Bhopal and Since	Researching the Corporation – Value Chains and Advocacy Strategies	Media Skills
Facilitator(s)		Ravi Nair	Paul Redmond/ Nandita Rao	Gopinath & Serena Lillywhite	Usha Ramanathan	Serena Lillywhite	
Tea 10:30 – 10:45							
Morning 2 10:45 – 12:30	Human Rights Advocacy and Business – Identifying the Challenges Course Outline – What are Human Rights	Human Rights and the Responsibilities of States	Discussions The UN SRSG and a New Framework on Human Rights and Business	Case Studies – Using the OECD Guidelines on MNEs – Lessons from Practice	Developing Advocacy Strategies on Corporations – Practical Exercise	Researching the Corporation – Practical Skills Session	Media Skills
Facilitator(s)	CIVIDEP/DTP	Ravi Nair	Paul Redmond/ Nandita Rao	Gopinath and Serena Lillywhite	Usha Ramanathan	Serena Lillywhite	
Lunch 12:30 – 1:30							
Participant Presentations 1:30 – 2	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations	Participant Presentations
Afternoon 1 2:00 – 3:30	Globalisation, Trade and Investment Agreements	The Search for Global Human Rights Standards for Business	Litigation and Legal Remedies at National Levels – Lessons from India	Free Time	New Approaches – Export Credit Agencies and Human Rights	International Human Rights Framework - Review	Evaluations, Feedback and Future Directions
Facilitator(s)	Paul Redmond	Paul Redmond	Nandita Rao		Paul Redmond	Patrick Earle	
Afternoon Tea 3:30 – 3:45							
Afternoon 2 3:45 – 5:30pm	The International System for Corporate Human Rights Responsibility & Accountability	Human Rights and the Corporation – Practical Exercises in Pursuing Legal Remedies and Accountability	The OECD Guidelines for MNEs	Free Time	New Strategies Case Studies in Advocacy		
Facilitator(s)	Paul Redmond	Paul Redmond	Serena Lillywhite				
Evening Events	Welcome Dinner	Film – The Corporation	Free Time		Solidarity Night	Closing Dinner	

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

## **Appendix 2: Participant Biographies**

Note: not all participant biographies are included for their personal safety and security

### **Jayachithra Velayudan (F)**

**Women's Centre, Ja-Ela, SRI LANKA**

Jayachithra Velayudan has worked as a Programme Coordinator of the Women's Centre, an NGO based in Sri Lanka, since 2002. The Women's Centre aims to promote and protect workers' rights in the Free Trade Zones in Sri Lanka by collecting information about the conditions of workers, lobbying with concerned government agencies including the police, and organizing workshops aimed at raising gender sensitivity and rights awareness. The Women's Centre also organizes programmes that promote sensitivity to minorities and among the workers themselves, Sinhalese, Tamil, Hindu, Christian and Muslim. Jayachitra is currently responsible in coordinating workshops among workers in the free trade zones and garment factories in Batticaloa, Eastern Province of Sri Lanka. These workshops focus on worker's rights, women's rights, and peace and gender issues at the local and national levels.

### **Tsolmon Munkhdelger (F)**

**National Human Rights Commission of Mongolia, MONGOLIA**

Tsolmon is the Human Rights Education Officer of the National Human Rights Commission of Mongolia (NHRCM). The issue of Human Rights and Business has recently been identified as a priority area in the commission's strategic plan. As a Human Rights education officer, Tsolmon organises and facilitates workshops, seminars and campaigns to raise awareness of Human Rights within her community. As part of the current strategic plan she has conducted specific training seminars for trade unions, student and government departments the relevant issues relating to the actions of corporations. NHRCM has recently conducted research on the social and environmental impact of mining, the report made several recommendations and was used as a tool to lobby government to address the environmental and Human Rights issues associated with the mining that was taking place.

As a result of the research, the NHRCM has established a memorandum of understanding (MOU) with the Federation of Mongolian Trade Unions in order to raise concerns regarding the negative impacts of mining in Mongolia. The issue of 'Business and Human Rights' is new to Mongolia, Tsolmon is committed to raising public awareness of this issue.

### **Andrew Jonathan Hall (M)**

**The Human Rights and Development Foundation (HRDF), THAILAND**

Andrew is the director of HRDF's Migrant Justice Programme (MJP), which works to empower Burmese migrant communities to improve work and living conditions and attempts to combat systemic discrimination against the many Burmese migrant workers in Thailand. He plans MJP's activities and advocacy work, and liaises with central actors in Thailand's political, academic, business, human and labour rights communities to secure support for migrant workers. He was closely involved in the largest migrant accident compensation settlement so far in Thailand, a case of a paralysed Shan migrant worker, in which the Shangri-la Corporation was pressured to ensure the victim was provided compensation. In addition Andrew has worked on complaints to three UN Special Rapporteurs and the UN Committee on the Elimination of Racial Discrimination in relation to migrant workers rights in Thailand. He is currently working to finalise a second complaint submission to the International Labour Organisation.

### **Rabendran Chelliah (M)**

**T Balasubramaniam Advocates & Solicitor, MALAYSIA**

Rabendran works as a paralegal for a human rights law firm which aids migrants and refugees. He works closely with migrants in Kuala Lumpur and Petaling Jaya, as well as victims of human trafficking. Rabendran does research for cases handled by his firm, drafts legal documents such as statements of claims, and interviews clients to document facts relevant to their cases. He has also researched and prepared training material for a legal awareness training organised by a legal aid centre for the migrant and refugee communities. His research further includes his work on a report written for the International Labour Organisation on existing gaps in Malaysian laws applicable to migrant workers. Outside of work, Rabendran is currently working on a project to facilitate the formation of an Association of Migrant Workers to empower migrants to resolve any issues they might encounter. Rabendran identifies as a member of a Malaysian ethnic minority - Sri Lankan Tamil.

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

**Stephen Mathew Cheekkapparayil (M)**  
**Neethi Vedhi (Forum for Justice), INDIA**

Stephen is the Director of Neethi Vedhi, a group that seeks to combat rights violations of Indigenous peoples. In this position, he initiates court cases against these violations, organises educational seminars and workshops, and has recently formed a network of Indigenous rights organisations in four states of South India. Neethi Vedhi is an official “service provider” for female victims of domestic violence in the Kerala district, and Stephen initiates court cases on behalf of victims as well as organising workshops on female rights and gender equality. He hopes to learn more about the experience of Indigenous people in other nations, and to gain a better understanding of international human rights instruments in order to more effectively lobby the government.

**Regina Fuchs (F)**  
**Hope Workers’ Center, TAIWAN**

Regina is involved in networking and lobbying for the Hope Workers’ Center, an NGO which provides counselling to migrant workers and that lobbies and campaigns on related issues. She has planned shame campaigns against companies that abuse and exploit migrant workers, and has also organised workshops on human rights to educate migrant workers. Regina is on the human trafficking team, and visits detention centres regularly to learn more of the situations and plights of detained migrant workers and victims of human trafficking. She has reported employer violations through the Migrant Rights Violation Reporting System of Migrant Forum Asia (MFA), and challenged companies and government policies that are abusive towards migrant workers. She has lobbied the government to formulate new laws that will give better protection for migrant workers and has provided information about migrant workers in Taiwan to the UN Special Rapporteurs. Regina believes this is an important time to focus on ‘business and human rights’ because it is often in times of financial crisis that employees are more willing to give in and accept working conditions that are not in line with human rights standards.

**Enkhchimeg Nanzaddorj (F)**  
**Association of Mongolian Advocates, Amnesty International Mongolia, MONGOLIA**

Enkhchimeg is an advocate at Amnesty International Mongolia, a job that includes dispensing legal advice. One of her campaigns includes the 2007 case of a group of “Ninja” miners arrested for trespassing at the Altan Dornod mining company, who were then forcibly taken to isolated areas without access to food, water, or medical services. Enkhchimeg is also a Human Rights Education facilitator, and has facilitated a series of discussions on torture and other human rights violations among law enforcement officials, prisoners and the general public. She hopes to develop her advocacy skills in relation to the business community, especially as Mongolia’s mining industry continues to develop.

**Xisto Goncalves (M)**  
**Forum Tau Matan (Eye on Human Rights), TIMOR-LESTE**

As the program coordinator of Forum Tau Matan (FTM), Xisto organises community education projects, runs a Critical Thinking Debate program on 6 campuses, and produces civic education materials such as books and pamphlets. He is also involved in FTM’s work in the area of forced eviction, and specifically on mediation for over 300 families who have been notified by the government of impending eviction without any standardised eviction procedure or compensation. He hopes to develop his advocacy skills to ensure international corporations respect human rights, as well as to hold the government accountable for implementing human rights treaties.

**Marina Christina Pangaribuan (F)**  
**Trade Union Rights Centre, INDONESIA**

Marina is researcher at the Trade Union Rights Centre, which is a centre of study and advocacy for trade union rights issues. She has done field research, written manuals, position papers, and reports, as well as worked on focus group discussions, workshops, and public discussions. Since April 2008 she has been researching Occupational Safety and Health in Indonesia, specifically in the chemical and automotive sectors, and is in the process of writing a manual for trade unions. Marina also has experience in assisting workers and trade unions, especially in Freedom of Association cases. She assists clients in forming legal opinions and represents them in meetings with employers and the human

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*

right commissioner. One of her most recent cases has dealt with union busting by a garment producer. She hopes to learn more about how to advocate for workers rights to empower Indonesian trade unions.

**Tsogzolmaa Tumur (Tsoogii) (F)**  
**Mongolian Gender Equality Center, MONGOLIA**

As the Victim Protection Program Coordinator of the Mongolian Gender Equality Centre, Tsoogii is responsible for the repatriation, rehabilitation and reintegration of trafficked persons. She deals with both their short-term needs such as security and medical assistance, and their long-term care such as housing and employment. She contributes to training programs on working with trafficked persons for legal professionals, social workers, academics, and police. As the MGEC lawyer, Tsoogii provides legal counsel to victims of trafficking, and gathers evidence and testimony for their cases. She has also worked as legal counsel for domestic violence victims at the National Centre Against Violence. Her work on domestic violence includes participation in the NGO legal working group on Domestic Violence law, which was passed in 2004. Much of her legal advocacy deals with corporations, who are responsible for human trafficking and labour exploitation.

**Sovanna Sek (F)**  
**Community Legal Education Center (CLEC), CAMBODIA**

Sovanna is a public interest lawyer for CLEC's Public Interest Legal Advocacy Project, which seeks to use the legal system to protect citizens' rights and encourage governmental and private sector accountability. Her responsibilities include preparing legal documents, case file management, representing clients, and community advocacy. She focuses on high profile human rights cases that generate publicity and debate, many of which deal with land grabbing. Sovanna hopes to learn more about human rights standards relevant to corporations, as well as practical skills for holding businesses accountable to human rights standards.

**Piseth Nov (M)**  
**Community Legal Education Centre (CLEC), CAMBODIA**

Piseth is a public interest lawyer for CLEC's Public Interest Legal Advocacy Project. His role entails representing community members in cases dealing with land issues, human rights violations, and criminal cases. As well, he provides legal advice for NGOs, conducts legal research, and educates local communities on their legal rights. Piseth has recently been working on a case involving the multinational Koh Kong Sugar Industry Company, which signed an Economic Land Concession agreement with the Cambodian government without the knowledge of the 248 families living on the land involved. The families have faced numerous human rights abuses as they have been forced off their land and their livestock has been confiscated.

**Abbey Shillingford (F)**  
**Aboriginal Legal Rights Movement South Australia, Yunggoendi First Nations Centre, Sinclair Knight Merz (SKM), AUSTRALIA**

Abbey is an active advocate for Indigenous rights in many capacities. She has been heavily involved with Yunggoendi, a student support centre at Flinders University. As a cadet with SKM, she has had significant exposure to the mining industry and the human rights struggles of local landowners. She visited mining sites in addition to her research and work on some of the legal issues surrounding mining, such as the renewal of lease agreements. She also conducts research for her Practical Legal Training with the Aboriginal Legal Rights Movement in South Australia, where she is focusing on the issue of the fiduciary relationship between the state and indigenous people under the Aboriginal Lands Trust Act 1966. As corporations begin to realize the importance of their responsibility to protect human rights, Abbey hopes to develop her advocacy skills to more effectively represent Indigenous Australians, particularly as they are affected by business sectors such as the mining industry.

**=Aung Marm Oo (M)**  
**All Arakan Students' and Youths' Congress (AASYC) MYANMAR (BURMA)**

As the general secretary of AASYC, Aung Marm Oo is responsible for managing the entire organisation, which includes overseeing AASYC's projects and organising training programs for members and staff. One of his most important responsibilities is building new alliances and establishing new branches both regionally and internationally, to reach

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

the global Arakanese community and strengthen the capacity AASYC's members. He has spearheaded many campaigns to combat the human rights abuses of corporate development projects, such as the Shwe Gas Movement and Laymro & Kaladan anti-development projects. Aung Marm Oo identifies himself as an Arakanese (Rakhine), an ethnic minority of Myanmar.

**Elnathan Sunny Emilio (Sunny) (M)**

**Justice and Peace Desk-Social Action Center (JP Desk-SAC), PHILIPPINES**

Sunny's responsibilities as the Legal Counsel for JP Desk-SAC include providing legal advice, conducting seminars to train people in paralegal skills, and liaising between corporations and workers. Much of his work involves defending the rights of workers, many of whom are exploited by corporations that try to circumvent labour laws. Sunny interviews workers and provides information on workers rights, in an effort to encourage workers to challenge the more powerful business sector. He also works with indigenous communities that are threatened by aggressive development, and handles their legal cases as well as lobbying for indigenous rights.

**Rosalia Revaldo (F)**

**Medical Action Group (MAG), PHILIPPINES**

As MAG's Administrative Officer and former program staff, Rosalia works to promote the right to health in poor communities. She has participated in MAG's many campaigns, which include advocating for a "Cheaper Medicines Law" and participating in the Cut the Cost, Cut the Pain Network's advocacy for increased access to drugs and medicine for Filipinos. Her work also includes conducting training in local communities, many of which have members who face detention for unpaid medical bills. Rosalia's experience in dealing with private corporations such as pharmaceutical companies has heightened her understanding of the importance of corporate social responsibility, and the negative impact business can have on human rights. She hopes DTP's training will enable her to more effectively deal with these corporations, and help her to change the business community's understanding of their obligations to protect human rights.

**Sam Correia Guterres (M)**

**Forum Tau Matan (Eye on Human Rights), TIMOR-LESTE**

Sam is the Liaison Officer for the Housing Rights Network and Housing Rights Program at Forum Tau Matan (FTM). One of his primary responsibilities is to monitor and report on cases of forced eviction, as well as to manage the Housing Rights Project, a job that includes providing training to member NGOs. A current case he is working on is a group of over 300 families who have been notified by the government of impending eviction without any standardised eviction procedure or compensation. Forced evictions often involve international corporations, who disregard the obligation to protect the environment and culture of the local community. As Timor-Leste continues the process of nation-building, FTM hopes to increase their institutional and personal capacity to ensure international corporations respect human rights, as well as to hold the government accountable for implementing human rights treaties.

**Tito Fiel (M)**

**DIOPIIM Committee on Mining Issues, PHILIPPINES**

Tito is the Executive Director of the DIOPIIM Committee on Mining Issues (DCMI), an organization that campaigns against the proliferation of large, foreign, and open cut mining, due to its exploitative and destructive nature. DCMI works through community organizing and advocacy, as well as by providing legal research and counsel in actions against mining firms. DCMI focuses on mining's harms to the rights of indigenous peoples to their ancestral domains, and the right of local communities to access resources. He is currently working on a campaign for the Scrap of the Philippine Mining Act of 1995. Through promoting human rights in business, Tito sees the opportunity to influence corporations and banks to invest ethically and responsibly.

**Ch.Narendra (M)**

**People's Union for Civil Liberties (PUCL), Amnesty International, Forum for Human Rights, INDIA**

Ch.Narendra has been a journalist and human rights activist for over two and half decades. He currently serves as the State Vice President for PUCL, a local coordinator for Amnesty International programs in Hyderabad, India, and the Executive Secretary of Forum for Human Rights. He specialises in organising training programmes, seminars, and

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

workshops on human rights issues, as well as in lobbying and campaigning. He recently organised a symposium on the World Day for Indigenous People in 2007, and a seminar against the death penalty in 2006. He is particularly interested in combating the influence of corporations over India's government, which has given companies large areas of land as well as responsibility for the health and education sectors. The resulting displacement of peoples and lack of access to essential services has significantly harmed human rights.

**Sarathi VP (M)**

**Coimbatore Human Rights Forum, INDIA**

As the founder and chairperson of Coimbatore Human Rights Forum, Sarathi is responsible for a wide range of human rights advocacy efforts. These include providing training on human rights to law enforcement officials, documenting human rights abuses, providing legal assistance to victims of abuses, organising awareness programs on human rights for students and villagers, and providing advocacy support to local universities and NGOs on human rights curriculums and activities. He has also been a campaigner with Amnesty International and Greenpeace, and recently contributed to the halt of construction on the Damra port by an Indian multinational company, which saved the endangered Olive Ridley turtles. He hopes to learn more about international business standards and industry codes of conduct, and his organisation plans to translate some of the important standards into the Tamil language to reach a greater number of people.

**Adhitya Hadi (M)**

**Business Watch Indonesia (BWI), INDONESIA**

Adhitya is a Journalist and Researcher at Business Watch Indonesia, BWI is a NGO based in Central Java who works to build accountability of business, facilitate public participations towards democratic economic governance and promotes fair business practices. In his role at BWI Adhitya writes articles for BWI's magazine and website on CSR issues and conducts research in labour – retail sectors and tourism sectors. He is currently writing a report on the actions of an Australian sand mining company operating in Kulon Progo. The mine threatens the Kulon Progo community and its supporters are angry not just about the threat to the livelihoods of farmers but also about the mine's environmental and social impact.

**Rashmi Venkatesan (F), CIVIDEP-India, INDIA**

Rashmi comes from New Delhi where she grew up and did her schooling. Her admission to the National Law School of India University brought her to Bangalore and since then Bangalore has been home. During her student life, she was actively involved in supporting political movements and organisations through law and media. After a brief fancy for television journalism and higher education, she commenced work with Cividep. Rashmi's work at Cividep (an OECD Watch member), concerns the effective use of the OECD Guidelines to strengthen and support movements against damaging activities of giant corporations and through that process strengthen the principles encapsulated in the Guidelines. Research and networking with various groups therefore form an integral part of her work.

## Appendix 3: Trainer Biographies

### **Gopinathan Kunhithayil Parakuni (M)**

#### **Civil Initiatives for Development and Peace (Cividep-India), INDIA**

Gopinathan is the General Secretary of Cividep, an organisation concerned with workers' rights and corporate accountability. In this role, he is responsible for the overall management of Cividep, and achieving the organisation's goals of better working conditions for workers in global supply chains and holding corporations accountable for their actions. Cividep is currently campaigning for better working conditions for women workers in the garment export industry in Bangalore. Gopinathan is also responsible for building two grassroots organisations, Munnade (Women Garment Workers' Front) and GATWU (Garment and Textile Workers' Union). He now helps them evolve strategies and assists in their capacity building. Gopinathan is concerned about the state's willingness to dilute legal protection for vulnerable workers in their eagerness to encourage foreign investments.

### **Nandita Rao (F)**

#### **Lawyer and Consultant to Child Line India, India**

Ms Nandita Rao has been a practicing lawyer in India since 1998; she has a Masters in Law in International Law and Development from the School of Oriental & African Studies, University of London, UK. In her time as a lawyer she has represented people's organizations against Trans National Corporations of India, these cases include: **Bayer Corporation of India versus Union of India:** Bayer Corporation, a pharmaceutical company, which sort to preclude the Drug Controller of India from granting licenses for the production of said drugs. (This case is reserved for orders); **Alok Pratap Singh versus Union of India:** A Petition was preferred by a Citizen of Bhopal, in the Madhya Pradesh, High Court seeking a writ against Dow Chemicals to remove and destroy the highly hazardous and toxic waste lying at the site of the Union Carbide Ltd factory in Bhopal; **J.K. Bhasin versus Union of India:** This Petition was filed in the, Delhi High Court challenging the policy of privatization of the Delhi Electricity Board to the Indian Private sector. Nandita is also a consultant to ChildLine India and has written a number of publications including: "The mirage of justice and International Law (case study of Gujarat)" and "Manual – Copy rights and patent rights for tribal and traditional Artists for Social Action Forum for Manav Adhikar."

### **Professor Paul Redmond (M), Chair of the Board, Diplomacy Training Program (DTP), AUSTRALIA**

Professor Redmond is Emeritus Professor of Law at the University of New South Wales and a former Dean of the Faculty of Law. He is Chair of the Board of the Diplomacy Training Program. As a corporate law specialist, Professor Redmond has been a member of a number of professional and government bodies concerned with corporate law reform and development, legal education and the provision of legal services both in Australia and abroad. His research is devoted to the development and implementation of human rights standards governing international business in developing countries, corporate governance and corporate responsibility for the wider impacts of business operations.

### **Patrick Earle (M), Executive Director, Diplomacy Training Program (DTP), AUSTRALIA**

Patrick Earle is Executive Director of the Diplomacy Training Program and a visiting fellow at the Faculty of Law at the University of New South Wales in Sydney. He has over fifteen years of experience working in the human rights movement, both in Australia and internationally. From 1996 until 2003, Patrick worked with the Human Rights Council of Australia on its groundbreaking project on the relationship between human rights and development and is co-author of "The Rights Way to Development – Policy and Practice". Patrick previously worked for Amnesty International and produced Amnesty International's first International Campaigning Manual. Patrick is a Board Member of the Asia Pacific Regional Resource Centre on Human Rights Education and is a Board Member of the Human Rights Council of Australia and is a Visiting Fellow at the Faculty of Law.

### **Ravi Nair (M), Executive Director South Asia Human Rights Documentation Centre, INDIA**

Mr Nair is an Executive Director of the South Asian Human Rights Documentation Centre (SAHRDC). For a number of years, Mr Nair has played a key role in regional human rights advocacy by non-government organizations in the Asia Pacific region. He has an extensive background in activism, which includes being held in detention for one year for protesting against human rights violation in India. In December 1993 he was arrested for breaking the Indian

*"The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009"*

government's ban against the celebration of United Nations Human Rights Day. He was one of the four members of the Asia Pacific Facilitation Team which were chosen by NGOs to act as representatives at regional negotiations. More recently, Mr Nair has convened the Asia Pacific Human Rights Network. He has decades of experience in representation at regional and international forums, including the UN, and can provide practical examples of 'peoples' diplomacy' used in successful advocacy campaigns in which he has been involved. He also serves on numerous human rights bodies, including the executive committee of the Geneva-based International Service for Human Rights, and is a member of the International Editorial Board of Human Rights Tribune in Ottawa, Canada.

**Serena Lillywhite (F), Business and Human Rights Consultant, OECD Watch / SOMO, AUSTRALIA**

Serena Lillywhite an active corporate responsibility practitioner, researcher and advocate. She has experience in responsible supply chain management, labour and human rights issues in China, and issues facing home based outworkers in the textile sector in Australia. Serena is an expert on the OECD Guidelines for Multinational Enterprises and was involved in bringing the first OECD Guidelines case in Australia. She is the Australian representative on the OECD Watch Coordinating Committee and a member of the GRI Australian Focal Point Advisory Committee. She is a regular speaker at the OECD Investment Committee and other international CSR platforms. She works regularly with the business community to foster dialogue and multi stakeholder approaches to ethical business practices. Serena holds a Masters in International Business from the University of Melbourne and has lived and worked in China.

**Usha Ramanathan (F), INDIA**

Dr Usha Ramanathan, a member of the International Environmental Law Research Centre, is an internationally recognized expert on law and poverty. She is research fellow at the Centre for the Study of Developing Societies, teaches environmental law, labour law and consumer law at the Indian Law Institute and conducts training programmes at the National Institute for Programmes and Policies on Child Development in New Delhi. She is a research fellow at the Centre for the Study of Developing Societies, a member of Amnesty International's Advisory Panel on Economic, Social and Cultural Rights, a member of the Governing Board of the Centre for Equity Studies and has been called upon by the World Health Organisation as an expert on mental health on various occasions. She is also the South Asia Editor of the Law, Environment and Development Journal, a peer-reviewed academic journal jointly published by IELRC and SOAS. Her research interests include human rights, displacement, torts and environment. She has published extensively in India and abroad. In particular, she has devoted her attention to a number of specific issues such as the Bhopal gas disaster, the Narmada valley dams or slum eviction in Delhi.

**DTP/CIVIDEP Secretariat**

**Geoff Hazell (M), Programs Coordinator, Diplomacy Training Program (DTP), AUSTRALIA**

Geoff joined the Diplomacy Training Program as Programs Coordinator in 2007. He coordinates DTP's programs in Australia and across the region, which includes the recruitment and selection of participants. Geoff previously worked at Oxfam Australia for three years as Participant Coordinator of the Oxfam International Youth Partnerships Program (OIYP).

**Radhika Tumkur Shankarnarayan (F), CIVIDEP, India**

Radhika holds an MBA in Human Resource from Mysore University in India, she has 4 years of experience working as human resource executive for a local software firm. Radhika is now working for CIVIDEP-India as Programme Officer. In this role she supports managerial function to the organization, coordinates training programmes with staff and monitors programme expenditure and coordinates logistics.

*“The Diplomacy Training Program – marking 20 years of human rights advocacy capacity building in the Asia-Pacific Region 1989 – 2009”*