

Human Rights Advocacy and Business

**A Capacity Building Program for Community Advocates
Organized by the Diplomacy Training Program in partnership with
the University of the Philippines Institute of Human Rights and
Action for Economic Reforms**

**23-27 June 2008
Manila, Philippines**

Final Project Report

1. Executive Summary

Exploring current international norms, standards and mechanisms for more effective domestic advocacy on human rights in the context of violations committed by business enterprises is the main theme of the third Human Rights Advocacy and Business held in Manila, Philippines on 23-27 June 2008. More than thirty participants from various parts of the Asia Pacific region – Australia, India, Fiji, Indonesia, Philippines, China, South Korea, Papua New Guinea, Sri Lanka, Thailand, Laos, Burma, Bangladesh, and Cambodia - gathered together to learn, share and enhance their capacities and skills on human rights and business.

‘Business can be an ally if harnessed; if unharnessed it could be detrimental’, thus the words of wisdom uttered by the Norwegian Ambassador to the Philippines, Stale Torstein Risa, at the opening of the program. Recognizing the need of third world countries for business opportunities to spark economic development, the ambassador further posed a vital question: should it be a ban against multinational companies or good governance and good business practices that must be observed?

Indeed, as profit is still the primary motivating factor for business, even the latter option could be difficult to implement. This and the fact that corporate entities are composed of undemocratically elected men and women make it more problematic to transfer human rights obligations from the states to corporations. Gerald Pachoud, the special adviser to the United Nations Special Representative to the Secretary General (SRSG) on Human Rights and Business, Prof. John Ruggie, presented the report of the SRSG’s two-year mandate in mapping out current international standards and practices regarding business and human rights. The SRSG report brings back the centrality of the state’s duty to protect human rights from the excesses of business activities. But it also points out the emergence of a growing body of international standards by which corporations could be made accountable, directly or indirectly, to individuals and communities.

As developing countries are in a weak bargaining position in relation to the power of huge corporations, the challenge among human rights advocates is two-pronged: one, how to harness the opportunities presented by international mechanisms and two, how to engage other sectors, including businesses, in making corporations take cognizant of their human rights responsibilities.

In a rapidly globalizing world, developing countries are competing against each other to attract foreign investments - which may come at the expense of human rights. Developing countries in the region have most often the case relaxed rules and regulations in order to create an ‘investment-friendly’ climate for foreign investors. The implication of this policy is that the states themselves are aiding corporations to disregard human rights and in the process violate their international commitments to protect, promote and fulfil human rights. The state’s tendency to protect and shield bad business practices often go hand in hand with poor and corrupt public governance which only reinforces the perpetration of a regime resistant to or suspicious of clamour for meaningful change in society. Representative Risa Hontiveros-Baraquel, the program’s guest of honour and a member of the Philippine House of Representatives, underscored the seeming unholy alliance between the state and favoured big businesses. In the context of the current Philippine government, she

stressed the need to reclaim and rebuild institutions of power by the civil society as the only decisive means of restoring human rights to the people.

A strong local content is readily apparent in the third program. It only affirms, according to Patrick Earle, the commitment of the Diplomacy Training Program (DTP) to ground human rights on the experiences and knowledge of the peoples in the Asia Pacific region. Case studies and exercises focused on Philippine experiences on national human rights commission, extractive industries and indigenous peoples and migrant workers. Out of eleven facilitators, eight were presented by Filipinos which reflects the expertise, experience and skills of human rights advocates working in the region. However, all the participants were given time to present their advocacy works which enable them to share, compare and learn from each other's experiences.

Gerald Pachoud readily acknowledged the wealth of experiences and specific human rights conditions of developing countries as articulated by the program participants. A common thread in the region is the interconnection between the so-called first generation and second generation rights in the experiences of the people. In other words, a violation in the economic rights of the individual such as for example low wages and poor working conditions may consequentially result to denial of political rights such as curtailment of the worker's right to form unions or to organize assemblies. Much worse, cases of disappearances, killings, coercion, and even rape of women as narrated by the participant from West Papua, have happened in areas where multinational corporations operate. It is hoped that the interaction between Mr. Pachoud and the program participants would enrich the process of the SRSB's mandate on finding and operationalizing international standards on human rights and business, particularly on the conditions of developing countries.

The entire five-day program guided the participants through learning the fundamental concepts of human rights, the state's primary responsibility to protect these rights, and the increasingly complex development of international human rights norms and standards in the context of globalization. It is now being acknowledged that as globalization is creating winners and losers in the process of global market liberalization it is also observed to be creating both positive and negative pressures on human rights. The emergence of non-state actors as main players in globalization calls for an urgent need for more creative and fact-driven advocacy strategies among human rights defenders. Among the international standards that are of significant value to the advocates are the development of corporate social responsibility (CSR), Global Compact, OECD Guidelines and UN Draft Norms on Business.

The program also emphasized new avenues and strategy for advocacy as a result of the SRSB's recommendations and the extension of its mandate to a further two years. One of the SRSB's recommendations is the possibility to utilize the institutional capacities of national human rights institutions. Thus a session was devoted to exploring the mandate and capacities of national human rights institutions of each of the participant's country. Another significant part of the program was the presentation made by Norberto Lim, Executive Director of the Makati Business Club, on his organizations active campaign for corporate social responsibility and for more transparency and accountability of public governance. Relating the club's origin as anti-dictatorship crusade, Mr. Lim's presentation awed the participants which could

potentially inspire them to engage reformist sectors of the business community in their home countries.

Skills development was an important component of the program and participants were given exercises in researching the structure of the corporation, developing advocacy and strategies on corporations, negotiations, planning for a community dialogue, and developing media strategy.

As a whole, the program was a huge success. Based on the evaluation of the participants, the program met its objectives and the participants' expectations in enhancing their knowledge and skills particularly on emerging global standards and mechanisms on human rights and business. The program likewise provided them with a region-wide network of human rights advocates with whom they can establish links and solidarity. After the program, the participants have found a vast network within which to seek for advice or even for words of encouragement and support.

2. Background to the Program

It took a year to conceptualize and make preparations on this year's human rights and business program. Given that this is DTP's third year in running the same course, it was recognized that both the concept and structure, while still relevant to the human rights advocates in Asia Pacific, need some updating and tailoring. This is in view of fast-paced developments in developing countries in terms of capacities, experiences and challenges, as well as emerging trends in international human rights standards and mechanisms that could potentially be of significant impact or benefit to the peoples in the region.

The appointment of the SRSG on human rights and business, Prof. John Ruggie, on July 2005 has provided the necessary impetus for the third program. Dr. Ruggie's mandate was meant to break the deadlock and polarization brought about by the adoption of the United Nations Sub-Commission for the Protection and Promotion of Human Rights of the UN Human Rights Norms for Business. While human rights groups welcomed the adoption of the norms as a comprehensive statement on international human rights standards, it also fuelled opposition from member states, industry groups and corporations that the norms would impose new legal obligations on business.

The SRSG's report came out in March 2007. It drew out various criticisms which are anchored on the findings that seem to understate corporate accountability and bring back primary responsibility on human rights protection upon the states which might be unwilling, incapable or in a weak position to take in their duties. While the report recognized the 'large protection gap for victims', in terms of vague corporate responsibility for other kinds of human rights violations that may not come within the purview of international criminal acts, human rights activists have expressed concerns the victim's perspectives are not adequately brought into light. Another point is the seeming importance given to voluntary and self-regulatory initiatives and soft laws which have been observed to be sorely inadequate in protecting human rights and led many rights groups to press for binding international rules.

To the DTP, the SRSG's findings and recommendations present a new window of opportunity for civil society and human rights groups in pursuing their human rights advocacy. The SRSG's work needs to be explored, responded to, and pushed into the agenda of the states, corporations, and other international bodies in finding ways and means towards achieving the ultimate goal of human rights norms and standards.

'The presentation by Gerald Pachoud was the highlight. Though a binding treaty on corporate responsibility is important, in the medium term the remedial mechanisms would be very important for real change in the lives of victims of human rights violations.' – Quote from a participant

DTP's selection of the Philippines in this year's program could never have been more opportune. A climate of impunity has developed after a new wave of disappearances and extra-judicial killings were perpetrated against suspected communists but also against activists, journalists and enemies of the regime. The aggressive strategy of the Philippine government in promoting the country as a premier mining destination has undermined the constitutionally-guaranteed human rights of its citizens and indigenous groups. The opening up of democratic space and fundamental rights protection were gained through years of bitter struggle against the past dictatorship. Prof. Philip Alston, the UN SRSG on extrajudicial killings, specifically noted the persistence of rampant human rights abuses committed on peoples in affected mining communities.

Yet, despite unabated assault upon their human rights, a vibrant civil society and NGOs continue to carry the torch for human rights protection in the Philippines. In recent years, more and more Filipino human rights defenders are learning and applying their knowledge of international rules by bringing complaints and suits before international bodies. One such case brought before the United States district court involves that of the massive mine tailings spillage in the province of Marinduque which wrought untold human suffering and environmental degradation. Another is the current NGO-led campaign before the UN to revoke the seat of vice presidency of the UN Human Rights Commission to the Philippines for failure of the government to fully implement Prof. Alston's recommendations.

Partly as a result of unceasing lobbying in international forums and partly as a consequence of Prof. Alston's findings, the spate of extra-judicial killings has ebbed. A month before the program was launched the government succumbed to pressures to appoint independent-minded persons in the Commission on Human Rights (CHR), an independent body created by the constitution. With a revitalized leadership, the CHR has begun its arduous task of investigating and monitoring the situation of human rights in the Philippines. In the past week, it has started to investigate human rights abuses allegedly perpetrated by Oceana Gold Corporation, an Australian mining firm operating in Dipidio, Nueva Vizcaya.

The Philippine experience only confirms the growing significance of international standards and mechanisms in human rights advocacy both at the domestic and international levels.

3. Program Objectives

There were six main objectives set by the program:

1. To build awareness and knowledge among NGO advocates in the Asia-Pacific region about international developments in relation to corporate accountability and the human rights responsibilities of business.
2. To develop practical skills of advocates for holding business accountable to its human rights responsibilities.
3. To contribute to developing practical advocacy materials and training tools based on the experiences of advocates, international law, and guidelines on human rights and business.
4. To enhance the capacity of NGOs and advocates within the Asia-Pacific region to contribute effectively to international processes and dialogue on the issues of human rights and business.
5. To facilitate greater networking among NGO advocates in the Asia-Pacific region with specialist knowledge and skills on corporations and human rights.
6. To provide an opportunity and a forum for participants to share perspectives and experiences, and identify key issues for further work in this area.

‘With the rich sharing of ideas/opinions aside from the presentations, the training gave the right form to build my awareness on international developments.’

‘The design of the training and the openness of the delegates to network and to build solidarity helped very much in attaining this objective.’

‘Good coordination because the training is so active and most of the sessions are very interesting and very useful.’

4. Program Outline

‘The overall organization. It was very participative. Every one got an opportunity to contribute, interact and learn. I felt as if we are all from one country. Dividing us into small groups made me feel at home.’

Considering the uneven levels of knowledge, skills and experiences among the participants, the program was designed in such a way as to give those with limited formal and practical training a solid grounding on important human rights concepts before guiding them through the more complex developments in international human

rights norms and mechanisms relating to business accountability. Practical exercises were included as a way to combine theory and praxis and to give them practical tips on planning and organizing advocacy campaigns. They were also intended to re-familiarize and provide other perspectives to those who have had more advance knowledge or experience on the subject. Case studies were introduced to enable the participants to connect their particular work of interest to the specific topic presented and to enable them to compare or learn from the advocacy strategies adopted.

'Case studies – it was good to hear other perspectives and see where we can improve in diagnosing and strategizing our own campaign plans.'

'The case analysis was one of the most useful sessions as it made me to start thinking in line with what was taught and I came to understand the actual purpose of each session.'

'All sessions were useful because as advocates of human rights, we need to look at all facets of human rights/violations. We need to be aware and be concerned as informed citizens.'

The program was developed by the DTP in consultation with its partner organizations, the Action for Economic Reforms and the UP Institute of Human Rights.

Day 1

The program was formally opened in the morning with a welcome to the participants and guests by Ibarra Gutierrez, the Director of the UP Institute of Human Rights. Patrick Earle introduced the origin and work of the DTP emphasizing that when it was founded in 1989, it was difficult to discuss human rights and thus the need to adopt a strategy, the 'people's diplomacy', among human rights advocates in the Asia-Pacific region. He also noted that it had been engaged in two occasions in the past with other Philippine partners involving capacity building programs on human rights and indigenous peoples. He presented the objectives and main outline of the program and stressed the shifting of the role of the state to private companies resulting from the advent of rapid globalization. Filomeno Sta. Ana from the Action for Economic Reforms (AER) emphasized that in the Philippine context, there is a growing sector in the business community which is becoming more publicly involved on the issues of good governance, accountability and the necessity of advocating for reforms. He also pointed the fact that some businesses are also becoming 'victims' of human rights and so there is a need for more sophisticated analysis in approaching the issue of human rights and business. Prof. Marvic Leonen, Dean of the University of the Philippines College of Law, discussed the interconnection between law, economics, and attainment of legal rights and mentioned specific examples on how business activities are affecting the lives and rights of people. Prof. Leonen thus concluded that to make human rights more dynamic, it should be treated as a lifestyle, a part of everyday life.

The keynote address was given by Risa Hontiveros-Baraquel, the Akbayan Party-List Representative to the Philippine Congress. She echoed the unprecedented rise of the power of big businesses since the 70s and how this new phenomenon is affecting the dynamics of developing states in current decades. A state-centric form of struggle is no longer tenable in this globalizing age. Her group, Akbayan, specifically works in

the Special Economic Zones which grant special privileges to large export-oriented corporations which appear to have been given a license of exemption from human rights standards by the government. She reported that as a consequence of the \$1.6 billion shipyard project of the Korean company, Hanjin Industry operating in the Subic Bay Freeport, hundreds of fisherfolk were displaced, environmental destruction occurred, and about thirty deaths happened in just two years. Ambassador Risa of the Norwegian Embassy gave a ray of hope to the participants by citing the current trend among big institutional investors such as Norway's sovereign wealth fund to scrutinize prospective investments and to ensure that certain human rights standards are met or observed by companies invested in.

After the opening ceremony, Patrick Earle gave the participants the overview of the entire program and asked them to write their expectations about the program and the key challenges for them on the issue of human rights and business. House rules and other administrative concerns were also discussed between the participants and organizers.

The afternoon session was spent on discussing two introductory topics. This was designed to ensure basic understanding and familiarity of key human rights concepts, standards and mechanisms as well as an introduction on the primary obligation of the states on human rights. Ibarra Gutierrez introduced the participants to the framework on international human rights standards by giving them an overview and historical perspective on the development of the International Bill of Human Rights which specifically comprised of the UN Declaration of Human Rights, the Covenant on Civil and Political Rights, and the Covenant on Economic, Social and Cultural Rights. A group exercise preceded the presentation by which each group was to make a visual presentation of their understanding about human rights.

A fascinating presentation on Human Rights, State Obligations and Corporate Behaviour was made by Prof. Harry Roque from the UP College of Law. He emphasized that human rights remain to be fundamentally a state responsibility owing to the consensual nature of international law. There is however an increasing trend to acknowledge generally recognized principles of law, *opinio juris*, which can be enforced with or without a treaty. This has developed however more along international humanitarian law (IHL) which has seen the emergence of specialized international criminal courts such as the International Criminal Court (ICC) empowered to bring to the bar of justice individuals found to commit crimes against humanity. In terms of business accountability on human rights, there is still no treaty imposing a direct obligation upon corporate entities and owing to the position of strength of businesses vis-à-vis the states, a bilateral agreement cannot be relied either. Prof. Roque related his own particular experiences in resorting to the laws and mechanisms of the corporation's home countries as giving more opportunities for redress than the host country. He also cited the emergence of corporations being contracted out by governments in providing security and paramilitary services in conflict areas which present another legal, not to mention moral, dimension to an already complex relationship between governments and business. A practical group exercise in which participants were asked to make a brief presentation to the SRSB on their particular concerns closed the session.

Day 2

An in-depth and probing facilitation on Globalization and the Corporation and Human Rights and the Corporation was presented by Prof. Paul Redmond, Chairperson of the DTP and former Dean of UNSW Faculty of Law.

‘Prof. Paul Redmond’s paper and presentation offered me a sound theoretical grounding to base strategies. It will have value for our work for quite some time to come, determining our strategic choices.’

Globalization has profoundly changed the world. A fundamental transformation that occurred is the fragmentation of the power of the states resulting from the increasing influence and mobility of corporations. As a consequence, corporations have increasingly escaped the controls and jurisdiction of the states. It is being observed that with their increasing power, corporations tend to violate the human rights of peoples in host states. The countries where rampant abuses have been committed are those mainly with low income economies, weak governance and existence of socio-political conflicts. This necessarily leads to a conclusion that some multinational companies are indeed exploiting the vulnerabilities and insecurity of developing states to make huge profits.

Given that human rights instruments are creation of states and that corporations are not states, there is an urgent need according to Prof. Redmond, for *‘translation of state-like accountability’* to corporations. This requires looking beyond the remedies applied to state’s violations but also looking inwards into the structure and core ethics of the corporations. Corporate entities can be made accountable for their criminal and civil liabilities pursuant to their domestic laws and there are a growing number of countries that have adopted extra-territorial legislation for acts committed beyond home countries such as the Alien Tort Claims Act of the US. Although still limited in number, there are big corporations which are increasingly becoming more reliant on goodwill and reputation for their main capital or selling point to consumers and investors. This is a potentially effective site for engagement or struggle that human rights defenders can look into.

The search for human rights standards for transnational corporations has yielded the existence of various international instruments that could possibly impose direct or indirect obligations to corporations. These range from those mechanisms that could possibly have binding and direct effect on corporations such as the UN Norms on Business, UN Principles for Responsible Investments and the OECD Guidelines on Multinational Enterprises to ‘soft laws’ and voluntary codes of conduct or initiatives such as creation of certification and labelling schemes. The work of the SRSB is another new framework within which remedies and advocacies for business accountability can be explored.

Thereafter, case studies were given to the participants where they were required to analyse the specific issues involved and to strategize on the codes applicable or suited to the problem.

Day 3

The whole day was devoted to four case studies which also involved exercises from the participants. The first study was on Corporations and the Role of National Human Rights Institution (NHRI) which was facilitated by Nerissa Piamonte, a director from the Philippine Commission on Human Rights. The session was started with an exercise from the participants where they have to answer the following questions: whether they have a NHRI in their countries, a brief description of the nature of their NHRI, the purposes and activities for which people come to their NHRI, and activities participated to between the participants' NGOs and their NHRIs. A common characteristic identified among the participants of their NHRIs is the perception that they are not very effective as the state's guardian of human rights which arise from lack of prosecution and enforcement powers and not being completely independent from the government. A gap was also identified on the inadequate engagement between the NGOs and NHRIs and to learn, complement and strengthen each other's work on human rights. Although the session was not particularly insightful on the role of the NHRI to business responsibility, the participant from Fiji noted that the Human Rights Commission is actively engaged with local NGOs in working on human rights issues relating to forced evictions from development projects. One participant challenged their own NHRI in preparing a comprehensive human rights guideline on foreign investments.

The second case study was on Developing Advocacy Strategies on Corporations – Analysis and Objective Setting presented by Filomeno Sta. Ana of the AER. He discussed the theoretical framework of public interest advocacy which starts from recognizing that as advocates are facing both state and corporate power, a necessary target of advocacy is in winning public opinion. Where there is tremendous resource and institutional constraints upon the advocates, it is necessary to devise a good advocacy strategy which could be dependent in large measure from conducting a good diagnostics of issues and problems and setting of clear and specific objectives. He stressed the need for building the confidence of victims of violations as well as for science or hard data to back-up claims of human rights violations. The fight over Cheaper Medicines Bill in the Philippines was a good example on the importance of drawing a good campaign strategy where both the corporations and civil society were both alleging human rights violations and presenting divergent empirical studies. The participants were asked to prepare and present an advocacy plan on a specific issue chosen.

The third case study involved Extractive Industries and Indigenous Peoples in the Philippines. Jose Molintas made a brief presentation on the history of indigenous land rights in the Philippines. He narrated the development of the Carino doctrine under early Philippine jurisprudence which awarded native titles to indigenous lands but later development projects such as the World Bank funded Chico Dam and licensing of mining industries had defeated these rights. He related both the peaceful and violent struggle for the recognition of indigenous rights which started with the formation of the Cordillera People's Alliance after an indigenous chieftain, Macliing Dulag, was murdered to building camaraderie and regional alliance in Asia and to negotiations at the United Nations. A negotiation exercise followed where participants had a role-play either as an advocate or representative of the corporation. The results of the exercise reveal the need for advocates to develop negotiation skills and skills and tools for gathering empirical data about the corporation and on human rights breaches.

The fourth case study was on using the OECD Guidelines on MNEs. Patrick Earle gave an overview of the emergence of the OECD Guidelines as a voluntary code signed by governments to ensure that OECD-based companies comply with agreed standards of conduct wherever they may operate. Under the Guidelines, a National Contact Point, usually located within the Treasury Department, Finance Ministry or related agency is tasked with promoting and monitoring compliance of the guidelines. The presentations made by Phil from South Korea and Gopinathan from India show the possibilities and limitations in utilizing the guidelines. Both experiences confirm that the guidelines can only achieve its full potential, in combination with other strategies, locally and internationally. An interesting dynamic shown in using the guidelines is that once the NCP or government calls the attention of the corporation, both the host state and corporation involved also begin to change their 'tone'. However, considering that the process involves negotiation and mediation between the affected parties, it appears that corporations actually prefer the process which could again put the victims of violations at a disadvantage given their limited skills, resources, and overall bargaining power.

Day 4

'The lowlight of the program has been the presentation of Gerard Pachoud – Special advisor to the SRSG as his presentation brought to light the reality of the politics that goes on in the UN.'

'Primarily (the most useful session) was the report on UN SRSG on human rights and business.'

'After the training, I feel that regarding corporate responsibility, the UN system is not reliable. I learn therefore that UN system is not first priority and we have to approach other bodies such as shareholders.'

The quotes above show both the ambivalence as well as hope that participants have on Gerald Pachoud's presentation on the UN SRSG's findings and the opportunities and challenges that human rights advocates may gain from the report. Human rights is still a fundamental responsibility of the state. Considering that international law is voluntary and that the UN remains as a political body, a new treaty on human rights and business is not forthcoming in the near future but also may not be the appropriate solution. Negotiating a treaty does not only entail polarizing the positions of the parties as happened with the UN Draft Norms but also involves exclusion of certain issues. The inherent 'weakness' in the UN system mentioned above as well as its lack of resources, monitoring and enforcement capacity have necessitated the SRSG to look beyond the treaty solution as the answer to increasing human rights violations committed by transnational corporations. It looks up to the state, as the central actor in human rights, as well as the corporations in bringing about remedies to victims of human rights. The SRSG is thus considering the possibility of engaging the national human rights commissions and national ombudspersons to deal with the corporation's human rights responsibility. It is articulating existing mechanisms directly applicable to corporations from the extra-territorial legislation of states to certification bodies, application of criminal laws to voluntary mechanisms and enforceable global

standards. With the extension of its mandate, the SRSG is now in the process of operationalizing the three pillars of human rights with respect to business and is undertaking major consultations across wide sectors throughout the world. It is also developing a web-based system similar to Wikipedia to disseminate all possible remedies in particular human rights situations.

Again, the SRSG's framework is in the process of development and is not intended as a panacea for making corporations accountable. There is a huge challenge among human rights advocates in the developing world to make it work. As the Burmese participant lamented, *'how can we apply the SRSG's human rights framework to Burma which has a very poor record on human rights and where the oil and gas corporations tend to prop up the regime?'* Indeed, the solution is not easy.

The afternoon sessions were case studies on Targeting Companies and Public Campaigns- The Campaign on Western Union and Engaging the Business Community – EJE's and the Voice of Business. Bernice Roldan presented the campaign strategy used by NGOs in the United States against the exorbitant fees charged by Western Union on migrant workers sending money to their home countries. She stressed the importance of creativity, networking and fact-gathering on the corporation and its shareholders including the salaries of its officers in devising campaign strategies. A role-play on how to conduct a community dialogue with business and other sectors was presented by each participant's group.

The evolution of the Makati Business Club (MBC) from an anti-Marcos crusade in 1981 to an association of businesses advocating for corporate social responsibility and good governance in public service was the focus of the presentation by Norberto Lim. The corporation's motivation for profit is not necessarily incompatible with protection of human rights although the business and NGOs may come from different languages and perspectives. This is why there is a necessity for engagement between human rights advocates and corporations. *'But what about the need to engage government especially when business and government are involved in systemic corruption?'*, asked the Indonesian participant. In the Philippines, it might be difficult to engage the government when it is being perceived as the most corrupt and threatening reform-minded businesses with inauspicious tax investigations or government take-over to distract the people from other pressing concerns of the country. Participants commented that legislations are not being properly implemented such as Indonesia's law on Corporate Social Responsibility or Lao's anti-corruption legislation. The Indonesian participant remarked that in Indonesia, some corporations are merely equating corporate responsibility with giving funds for community development but doing contradictory activities.

Day 5

Glenda Gloria's presentation on Media Skills enlightened the participants on the many aspects of utilizing the media in human rights advocacy. Glenda began her presentation by discussing the function of journalism in society. Because of its capability to record the day's significant events and to aim for relentless pursuit of truth, responsible journalism shapes history, builds democracy and promotes good citizenship. If it is properly harnessed, the media is a powerful tool in allowing

people to be self-governing and be capable of making informed decisions. To use media effectively in human rights advocacy, the advocate needs to know the constraints of as well as the way media works. It starts with recognizing that media does not operate in a vacuum, free from the levers or leverage of the powers-that-be in society. Thus, while journalists are supposed to be independent, they can sometimes be agents of society's powerful interests. The second is to realize that the newsroom is a 'kingdom' in itself with its own peculiar rules and processes and idiosyncratic personalities. The challenge to the participants is on how they can be creative and innovative in engaging the media.

A good media plan which involves addressing key elements can spell the difference between an effective or disastrous media campaign.

'What do you do about the existence of state-controlled media?', asked Lamphong from Laos. That's when you have to exploit new forms of mass media tools such as the internet, blogs, social networking, among others.

'What about the tendency of the media to give more space to high profile personalities?', asked Salic, a participant from Muslim Mindanao in the Philippines. Your challenge is on how to present a 'new face' of an advocate who is articulate and does not present a stereotype of NGO personality. You also need to make political investment with the media.

The results of the participants' group exercises in drawing up a media plan shows a skills gap in human rights advocacy that the program has attempted to fill in.

'Media skills was a new topic for me and it is very rare that we got to hear about it.'
'Media strategy – provided useful tips and information.'
'Media skills – it is more valuable to my work.'

The rest of the day was devoted to presenting the participant's work and organization.

The program was formally closed at 5:00 o'clock in the afternoon by handing in the certificate of completion of the program to the participants. Prior to that, representatives of the DTP, AER and UP-IHR engaged with the participants in evaluating the objectives, challenges and future direction of the program.

'In India, there is weakening of the NGOs and increasing gap in marginalized peoples who are unrepresented. There is a need to produce young, passionate and informed activists. In this sense, DTP's contribution is very important. The course is balance from theoretical to practical. The SRSG's presence and brilliant presentation on media skills have made lasting impression on me. This is a big landmark to my career.' Gopinathan from India

5. The Participants and their Work

The participants to the program was a good mix of those who have had many years of experience on doing advocacy work and those who have just started their career in working with human rights NGOs in their home countries. They work in a range of

human rights issues such as the environment, land rights, mining, labour, women's rights, indigenous peoples, foreign debt, corruption and corporate social responsibility, among others. They also come from different backgrounds and disciplines with some working as lawyers, community organizers and researchers. They are passionate however in just one cause: to advocate and advance human rights in their home countries in particular and throughout the Asia-Pacific region in general.

While acknowledging that the state has the primary duty to protect human rights, the participants are one and united in recognizing that they could not leave that task alone to their governments. In those participants working on large-scale development projects sponsored by the government such as on mining and special economic zones, they have encountered weak government enforcement of human rights standards to assure foreign investor presence. Worse, they have not only capitulated on lopsided contracts in favour of the corporation but have also used or encouraged the use of military or security forces to ensure the 'safety' of business corporations.

'In spite of the drawback and other disadvantages of dealing with Asia Energy UK, Bangladesh government decided to implement it (coal mining in North West Bangladesh). Mass people and other classes of people were opposing this project. The administration deployed police and BDR (Border Security Force) to appease the agitated people but they fired on the people, killing five and left hundreds of people injured.' – relates Sheik Nasir Ahmed from ASK, Bangladesh.

Under the military dictatorship in Burma, the people could only express their voice of protest under the hail of bullets or under the cover of darkness. Jockai is working on raising awareness among the Burmese people and solidarity from international groups on the military junta's sponsorship of large oil and gas projects that displace thousands of people and destroy the environment. Having no regard for its people, the military regime is reaping huge profits from the billions of dollars generated by the projects conducted by corporations coming mainly from South Korea, Russia, India, Singapore, and China. The new Shwe Gas project alone is expected to generate another \$3 billion a year. With about 60% of revenues spent on military expenditure, the oil and gas projects are only maintaining and strengthening the dictatorship.

Neary from Cambodia conferring with her clients in connection with her work as counsel for the Public Interest Legal Advocacy Project

A popular or democratically elected government is no assurance either that human rights would be amply upheld. In many developing countries undergoing democratic transition, governments have to make hard choices and one significant consideration is itself to consolidate their own power by gaining international support. The issue of debt burden in Indonesia clearly underscores this dilemma. Chris from Indonesia reports that the current government has never pursued a debt cancellation solution to the country's almost \$145 billion loan which is eating up 30% of state budget annually for debt servicing and resulting on less than 10% spending on health and education. Most of these loans were incurred by the past regime under Suharto and are recognized to be 'odious'. GARPU, Chris' organization, works with other NGOs, religious groups and artists in raising mass awareness to the debt problem through film making, songs, and other various media of advocacy.

Corruption is another common theme facing the participants in their advocacy work. Albertus states that ‘there is systemic corruption in Indonesia involving government, law enforcer and business. Corruption has become a very invisible crime and hard to touch.’ He works as a researcher for Transparency International Indonesia gathering and collecting data on corruption.

Puangchompu’s work with the Thai Fund Foundation however shows that it is possible to work together with various stakeholders on human rights. TFF works with government agencies such as the Ministry of Social Development and Human Security and donor businesses along with other NGOs in raising funds and assisting grassroots organizations in conducting capacity building on human rights and democracy. There is still much to be done but the value of engagement and in building incrementally from joint activities could not be underestimated.

6. Participants’ Evaluation and Reflections

7. Opportunities, Challenges and Future Direction