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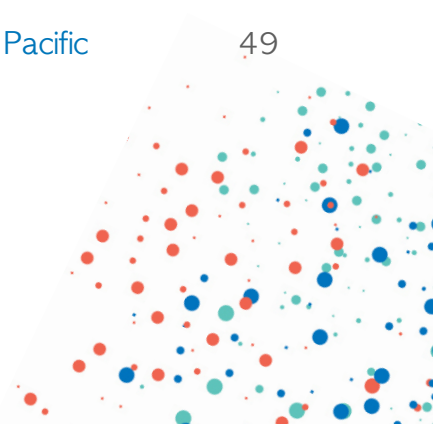
# 1st UN PACIFIC FORUM ON BUSINESS AND HUMAN RIGHTS SUMMARY REPORT

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1-2 DECEMBER 2020 | SUVA, FIJI

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# EXECUTIVE SUMMARY

The United Nations Guiding Principles on Business and Human Rights (UNGPs) provide the authoritative global framework for the respective duties and responsibilities of States and business enterprises to prevent and address business-related human rights abuses. They also offer a blueprint for how business respect for human rights can support the implementation of the Sustainable Development Goals (SDGs) in line with international human rights standards and what effective remedies are available when negative consequences of business activities lead to human rights violations.

The Pacific region continues to experience significant challenges in addressing adverse human rights impacts of business activities, especially those related to extractive industries (including deep-sea mining), fishing, and infrastructure projects. Individuals and communities across the Pacific have experienced loss of livelihood, forced displacement, environmental degradation, labour rights abuses, intimidation of human rights defenders, the loss of traditional knowledge and biodiversity, increased risks of community conflicts, and gender-based violence. Moreover, the Pacific region is disproportionately affected by the climate crisis, which directly and indirectly threatens the effective enjoyment of a range of human rights, including the rights to life, water and sanitation, food, work, health, housing, education, self-determination, culture and development. Individuals and communities continue to face significant barriers in seeking effective remedies and holding the involved businesses accountable for human rights abuses, making it difficult to implement the UNGPs and the 2030 Agenda in Pacific countries.

With a view to understand these challenges and identify opportunities to promote responsible and sustainable business conduct in the Pacific, on 27 November 2019, the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for the Pacific and the United Nations Working Group on Business and Human Rights (UNWG) organized the first ever session focusing on Business and Human Rights (BHR) issues in the Pacific region at the 2019 United Nations Forum on Business and Human Rights (2019 UN Forum). Building upon the 2019 UN Forum, the OHCHR Regional Office for the Pacific and the UNWG organized the 1st United Nations Pacific Forum on Business and Human Rights (2020 UN Pacific Forum) on 1-2 December 2020 to highlight key BHR issues as well as identify opportunities for effective implementation of the UNGPs in the region.

The 2020 UN Pacific Forum highlighted the threat of carbon emission-induced climate change for people in the Pacific and the extractive industry's impact on a myriad of human rights. Various recommendations were highlighted throughout the different sessions, notably the vitality of access to information and implementation of relevant policies and programs at community level. Noting the importance of compliance with the UNGPs, the concerted effort of States, businesses and other stakeholders alike in shaping a just and sustainable future was emphasized as a common approach going forward.



# LIST OF ACRONYMS

ACCR	The Australasian Centre for Corporate Responsibility
AusNCP	Australian National Contact Point
BCP	Business Continuity Plan
BHR	Business and Human Rights
CCRC	Climate Change Research Centre
CELCOR	Center for Environmental Law & Community Rights Incorporation
CICC	Cook Islands Chamber of Commerce
DTP	Diplomacy Training Program
EIA	Environmental Impact Assessment
FCEF	Fiji Commerce Employer Federation
FPIC	Free, prior and informed consent
FTUC	Fiji Trades Union Congress
GCNA	Global Compact Network Australia
GHG	Greenhouse Gas
HRD	Human Rights Defender
HRDD	Human rights due diligence
ILO	International Labour Organization
IOM	International Organization for Migration
IRMA	Initiative for Responsible Mining Assurance
LOSIDS	Large ocean small island developing states
NAP	National Action Plan
NGOs	Non-governmental organisations
OHCHR	Office of the United Nations High Commissioner for Human Rights
PIANGO	Pacific Islands Association of Non-Government Organizations
PIPSO	Pacific Islands Private Sector Organization
PNG	Papua New Guinea
RCO	Resident Coordinator Office
RMI	Republic of the Marshall Islands
RMIT University	Royal Melbourne Institute of Technology and Melbourne Technical College
SDGs	Sustainable Development Goals
SEEP	Social Empowerment and Education Program
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UDHR	United Nations Declaration of Human Rights
UNCAC	United Nations Convention against Corruption
UNCDF	United Nations Capital Development Fund
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNODC	United Nations Office on Drugs and Crime
UN-PRAC	United Nations Pacific Regional Anti-Corruption
UNSW	University of New South Wales
UNWG	United Nations Working Group on Business and Human Rights
WG	Working Group on the issue of human rights and transnational corporations and other business enterprises
WGEA	Workplace Gender Equality Agency
WMRRAF	Waste Management & Resource Recovery Association of Fiji



1 December 2020, 9:30 FJT

# OPENING PLENARY: PROMOTING RESPONSIBLE BUSINESS CONDUCT IN THE PACIFIC

## FOCUS OF THE SESSION:

- > Welcome remarks
- > Keynote address

## MODERATOR:

Ms. Heike Alefsen, Regional Representative for the Office of the UN High Commissioner for Human Rights Regional Office for the Pacific



Ms. Heike Alefsen, Regional Representative for the Office of the UN High Commissioner for Human Rights Regional Office for the Pacific

Ms. Heike Alefsen opened the Forum by noting the power of businesses and the private sector to create positive change and the importance of the UNGPs for setting examples and good practices. There are currently significant challenges in addressing adverse human rights impacts of businesses, including inequality, labor rights abuses and loss of traditional knowledge and biodiversity, while the added burden of the climate crisis poses a disproportionate threat. Ms. Alefsen indicated the hopes of this first Regional Forum creating a momentum for Pacific states to commit to a National Action Plan (NAP) on business and human rights. In order to do so, she noted the vitality of the joint effort of all stakeholders, highlighting businesses as an integral part of the solution in the Pacific to help avert climate harms and uphold environmental due diligence. With the COVID-19 pandemic creating new vulnerability globally, she emphasized that global partnerships should help transition to a more sustainable future as part of the Build Back Better initiative.



**THERE ARE CURRENTLY SIGNIFICANT CHALLENGES IN ADDRESSING ADVERSE HUMAN RIGHTS IMPACTS OF BUSINESSES...WHILE THE ADDED BURDEN OF THE CLIMATE CRISIS POSES A DISPROPORTIONATE THREAT.**





Dr. Anita Ramasastry, Chair of the UN Working Group on Business and Human Rights

Dr. Anita Ramasastry stated UNWG's hope to push for regional Race to the Top towards a Pacific State becoming a champion of the business and human rights agenda, driving responsible business conduct that respects people and the planet. She noted numerous disproportionate impacts and capacity challenges that Pacific countries face and the critical role that UNGPs play through enabling governments and businesses to respect their duties and responsibilities in safeguarding adverse impacts connected to businesses. Dr. Ramasastry highlighted several key messages from the Annual Forum on Business and Human Rights: UNGPs are guide posts in times of crises, our future is increasingly one of mandatory measures, the future is about protecting people and the planet, and taking a human rights-centered approach is critical. As very few states in the Asia-Pacific region have NAPs on business and human rights, the hope is that the discussions from this Regional Forum will pave way for policy commitments from States on this topic. Dr. Ramasastry emphasized the vital role that civil societies play in partnering with governments and businesses.

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**UN GUIDING PRINCIPLES PLAY A CRITICAL ROLE THROUGH ENABLING GOVERNMENTS AND BUSINESSES TO RESPECT THEIR DUTIES AND RESPONSIBILITIES IN SAFEGUARDING ADVERSE IMPACTS CONNECTED TO BUSINESSES.**

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Mr. Sanaka Samarasinha, Resident Coordinator, Resident Coordinator Office

Mr. Sanaka Samarasinha noted the importance of finding the space to start a conversation about BHRs. He posed two major questions about how we can hold businesses accountable and how we can create incentives, creating a sense of empowerment amongst those engaging with businesses. Mr. Samarasinha expressed his keen interest in a NAP on business and human rights, asking what steps need to be taken to initiate the process. He highlighted the vitality of having a conversation before engaging with businesses to understand their stance and to work out future steps together. He concluded with the need to bring together the entire UN system behind the initiative.

IT IS VITAL TO HAVE A CONVERSATION BEFORE ENGAGING WITH BUSINESSES TO UNDERSTAND THEIR STANCE AND TO WORK OUT FUTURE STEPS TOGETHER.



Ms. Emeline Siale Ilohia, Executive Director, Pacific Islands Association of Non-Government Organizations

Ms. Emeline Siale Ilohia noted the prominent issue of human rights in the Pacific which requires more talanoa. One of the main questions civil societies pose is how UNGPs can be operationalized at a community level with the basis of trust in the government to protect the community from various business investments in the country. She stated that Pacific Islands Association of Non-Government Organizations (PIANGO) and its network seek greater support for non-governmental organisations (NGOs), ultimately building capacity of local people and communities. In order to do so, Ms. Ilohia emphasized the importance of consent, ensuring that all business practices introduced to the communities obtain their consent, especially those of indigenous communities. Moving forward, Ms. Ilohia highlighted 2 main points: the need for National Human Rights Institutions (NHRIs) and a NAP on business and human rights. UNGPs provide a great opportunity for a common platform where everyone could come together to identify areas of moving forward with the agenda.



ONE OF THE MAIN QUESTIONS CIVIL SOCIETIES POSE IS HOW UN GUIDING PRINCIPLES CAN BE OPERATIONALIZED AT A COMMUNITY LEVEL WITH THE BASIS OF TRUST IN THE GOVERNMENT TO PROTECT THE COMMUNITY FROM VARIOUS BUSINESS INVESTMENTS IN THE COUNTRY.





Ms. Alisi Tuqa, Chief Executive Officer, Pacific Islands Private Sector Organisation

Highlighting the importance of involving the private sector in the conversation, Ms. Alisi Tuqa noted several characteristics of the private sector in the Pacific: it is a developing region largely made up of small and medium enterprises; it is composed of the informal sector full of women who are vulnerable at different levels; and it contains and depends upon a handful of small industries. Although there are challenges to incorporating business and human rights (e.g., exploitative conditions, health and safety standards, pollution and environmental degradation), Ms. Tuqa highlighted positive action taken by the Pacific private sector: gender equality advancement with government policies addressing gender gaps and the private sector addressing structural inequalities; anti-corruption compliance where the private sector is addressing wider issues; and climate change engagement of the private sector.

**ALTHOUGH THERE ARE CHALLENGES TO INCORPORATING  
BUSINESS AND HUMAN RIGHTS, POSITIVE ACTION CAN BE  
TAKEN BY THE PACIFIC PRIVATE SECTOR.**



Hon. Attorney-General Aiyaz Sayed-Khaiyum, Minister for Economy, Civil Service, Communication and Minister Responsible for Climate

Hon. Attorney-General Aiyaz Sayed-Khaiyum stated that a paradigm shift is important to gain traction on the issue of human rights. He noted that the pandemic has had an enormous socio-economic impact and new norms are being set as the world strives towards recovery. The Attorney-General highlighted the need to put everything into context. Under the context of businesses, small, informal and formal businesses exist and struggle. During the pandemic, many people have been affected and have fallen into the poverty trap. Climate change is also significant, although many people do not realize it to be an insidious factor that encroaches upon human rights. The Attorney-General noted that the climate change bill in the public space in Fiji puts a level of responsibility on companies to participate in the climate change space. He addressed the additional need to address corruption within the private sector through the judiciary and the need to address fundamental issues placing a disproportionate effect on women. In engaging businesses, The Attorney-General noted the importance of taking a nuanced approach, asking how businesses can be involved in the process towards sustainability and how to help mitigate issues faced by businesses.



“

IT IS IMPORTANT TO TAKE A NUANCED APPROACH,  
ASKING HOW BUSINESSES CAN BE INVOLVED IN THE  
PROCESS TOWARDS SUSTAINABILITY AND HOW TO  
HELP MITIGATE ISSUES FACED BY BUSINESSES.

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Photo Credit: Pixabay

# BUSINESS AND HUMAN RIGHTS: INTRODUCTION TO THE UN GUIDING PRINCIPLES AND LINKAGES WITH SUSTAINABLE DEVELOPMENT GOALS

## SPEAKERS:

- > Dr. Surya Deva, Working Group on the issue of human rights and transnational corporations and other business enterprises (WG)
- > Dr. Justine Nolan, Professor at University of New South Wales Faculty of Law

## General Introduction to UN Guiding Principles (UNGPs) :



The UNGPs apply to all business enterprises and covers all human rights.



The UNGPs are not legally binding but are based on binding norms; do not derogate from binding rules; could become binding by virtue of legislation, judicial decisions or market forces; and have been widely accepted by all stakeholders.



The UNWG, comprised of five independent experts from five regions of the world, has the mandate to promote the dissemination and implementation of UNGPs. The UNWG developed guidance to assist states in establishing a NAP on Business and Human Rights.

PILLAR I: Duty of States to protect human rights



PILLAR II: Responsibility of Business to respect human rights

PILLAR III: Access to Effective Remedies

### PILLAR I: Duty of States to protect human rights

- ◆ Principles 1 to 10 lay down a number of steps that states shall/should take part of their duty to protect against human rights abuses by companies. This entails, but is not limited to, exercising adequate oversight and ensuring policy coherence.

### PILLAR II: Responsibility of Business to respect human rights

- ◆ All business enterprises have a (independent and complementary) responsibility to respect all “internationally recognized human rights”.
- ◆ Principles 11 to 24 describe this as avoiding infringing on the human rights and addressing adverse human rights impacts. Corporations may create human rights impacts by causing, contributing to, or being directly linked to the risks (Principle 13).
- ◆ Human rights due diligence (HRDD) is the key process that companies should adopt

to comply with their responsibility to respect human rights. HRDD is comprised of four key steps: assessing impacts, integrating findings, tracking responses, and communicating responses.

### PILLAR III: Access to Effective Remedies

- ◆ Both states and businesses are expected to play their part in realizing effective remedies.
- ◆ The UNGPs contemplate three broad types of mechanisms to seek remedies: state-based judicial mechanisms (Principle 26), state-based non-judicial grievance mechanisms (Principle 27), and non-state-based grievance mechanisms (Principles 28-30).
- ◆ Remedies should be responsive to the diverse experiences and expectations of rights holders. Remedies should be accessible, affordable, timely and adequate. Victims should not have any fear of reprisals in seeking remedies. A “bouquet of remedies” should be available.

### Introduction to SDGs in Relation to UNGPs:

- ▶ UN adopted 17 goals in 2015 as part of the 2030 Agenda.
- ▶ The UNWG has issued 10 recommendations as to what states and businesses should do. Concrete examples of how compliance with the UNGPs will also contribute to achieving the SDGs include:

Companies should pay a living wage to workers to respect several rights	No poverty (SDG 1) Zero hunger (SDG 2) Reduced inequalities (SDG 10)
Companies are expected to respect the right to equality and not discriminate on the basis of sex or sexual orientation	Gender equality (SDG 5)
Companies should eliminate worst forms of labour exploitation, such as child and forced labour, modern slavery and human trafficking	Decent work and economic growth (SDG 8)
Companies should not pollute the environment	Clean water and sanitation (SDG 6) Affordable and clean energy (SDG 7) Climate action (SDG 13) Life below water (SDG 14)
Companies should establish effective operational-level grievance mechanisms	Peace, justice and strong institutions (SDG 16)

# CLIMATE CHANGE AND CLIMATE JUSTICE

## FOCUS OF THE SESSION:

- > Threat of carbon emissions-induced climate change on Torres Strait Islanders
- > The Greenhouse Effect, sources of emissions, and climate modelling
- > Inquiry into the human rights impacts of climate change in the Philippines
- > Risk of climate change for the finance sector
- > Fighting against coal companies and for communities in Papua New Guinea

## MODERATOR:

Ms. Brynn O'Brien, The Australasian Centre for Corporate Responsibility (ACCR)

Ms. Tishiko King, Organising Coordinator, SEEDmob

Ms. King stated that Torres Strait Island is a place where people are intrinsically intertwined with nature and where knowledge from the ancestors is the most valuable asset. She noted how king tides, cyclones, overfishing and coral bleaching threaten the culture and livelihood of the people while the Australian government refuses to address the climate crisis, apparent through their insufficient means of reducing carbon emissions. Ms. King highlighted SEED youth indigenous network's movement to protect the Torres Islander people's land and oceans by building people power and making Australia accountable to meet the 1.5 degree Celsius target of the Paris Agreement by increasing efforts towards that aspiration.

Dr. Alex Sen Gupta, Research scientist and Lecturer, Climate Change Research Centre (CCRC) at the University of New South Wales (UNSW)

Dr. Alex Sen Gupta presented on three main topics: the cause of global warming (the Greenhouse Effect), activities causing warming (sources of emissions) and climate model projections. As the Greenhouse Effect is increasing, the earth is getting warmer, radically changing the level of carbon dioxide, methane and nitrous oxide in the air. He noted that from the 1950's, most emissions were coming from the United States and the European Union but are now contributed to China and India. Dr. Gupta highlighted climate models that can predict what happens to various climate parameters, in addition to metrics for sea level and ocean acidification. He emphasized that if the temperature is increased by 4-5 degrees, large parts of our planet will become unlivable.



### Mr. Roberto Eugenio T. Cadiz, Commissioner, Commission on Human Rights of the Philippines

Commissioner Roberto Eugenio T. Cadiz highlighted the inquiry he chaired, which looked into the human rights impacts of climate change in the Philippines and into the contribution of 47 major companies most responsible for industrial greenhouse gas (GHG) emissions. He noted the duty of the State to respond to the petition filed against the companies, investigating the role of the carbon majors on the issue of climate change and nature of responsibility. One of the major findings was that climate change is real and there are significant anthropogenic contributions to climate change, which brings us to a tipping point. Commissioner Cadiz noted that all efforts need to be made to transition from fossil fuels to renewable energy. He stated that under the context of climate change, duty of the State obliges the creation of policies that would effectively regulate the behavior of businesses. Companies also hold the responsibility to fulfill their duties of mitigating and helping all the parties globally. Commissioner Cadiz noted that the challenge comes from transitioning quickly from dirty fuel to clean energy. He highlighted the need to avoid 'business as usual' for carbon majors.

### Ms. Kate Mackenzie Consultant on climate, public policy, investment and finance, and Columnist, Bloomberg

Ms. Kate Mackenzie expounded upon the intersection between climate and finance. She noted that understanding the risk of climate change for the finance sector has crystallized in the past eight years, with the concern becoming accelerated and more solid in the past 3-5 years. Recently there has been growing interest in physical risks (losses that may occur and financial risks that result from climate change itself), becoming an increasing source of financing concern for many countries in the global

south. Ms. Mackenzie noted that interest in physical risks is important in terms of human rights as an increasing number of countries are already paying higher interest on their debts because of their vulnerability to the effects of climate change. She highlighted new interest in using analytics (e.g., climate modelling, satellite imaging, data on assets) to identify the most vulnerable areas and the most vulnerable financial assets.

### Ms. Samantha Kuman, Advocacy Officer, Center for Environmental Law & Community Rights Inc. (CELCOR)

Ms. Kuman noted that white coal is promoted as an energy source in Papua New Guinea (PNG) as it is considered a cheaper source of electricity. She expounded upon CELCOR, a non-profit legal entity in PNG that assists landowners to conserve their right to their customary land and natural resources. She noted that CELCOR has programs with direct legal systems, providing legal aid for landowners who require the service, and programs dealing with communities in the form of workshops and awareness-raising schemes. One of CELCOR's main campaigns is for no-coal in PNG in response to the desire to develop a coal industry in PNG, due to its ability to increase people's accessibility to electricity.

**CLIMATE CHANGE IS REAL AND THERE  
ARE SIGNIFICANT ANTHROPOGENIC  
CONTRIBUTIONS TO CLIMATE  
CHANGE, WHICH BRINGS US TO A  
TIPPING POINT.**

- Mr. Roberto Eugenio T. Cadiz

## Q&amp;A AND DISCUSSION

✔ **Torres Strait Island is responsible for none of the carbon emissions. How does it feel like for a region that causes negligible levels of emissions to be within a country that has a significant emissions footprint?**

▶ Ms. King noted that with the increase of emissions, the Torres Islanders are being greatly impacted. She also highlighted the fact that the Islanders are proud of who they are and are trying to change the narrative by championing for these climate issues.

✔ **To what degree has the Australian government enabled the participation of Torres Strait Islanders in climate adaptation discussions? What lessons have been learned from those processes?**

▶ Ms. Tishiko King noted that the Australian government has not done a lot and has called on the UN Human Rights Committee to dismiss the petition of Torres Strait Islanders alleging human rights violations resulting from the Australian government's inaction. Understanding the situation of climate negligence in taking action, Ms. King highlighted the importance of continuing the fight.

✔ **What are communities about? What is CELCOR's work in doing community training and pursuing legal strategies with the community?**

▶ Ms. Samantha Kuman stated that the communities' lack of knowledge about coal is apparent. CELCOR's information campaign on coal's impact on health, biodiversity, the environment and society revealed a need among the people to better understand the issues. Ms. Kuman noted that developers try to mine coal in communities that often times are oblivious of what is happening. After

CELCOR's intervention, however, people in communities began to raise questions and concerns. Ms. Kuman noted that CELCOR strives to instigate community legal education, seeking to raise communities' awareness about their human and institutional rights.

✔ **Will or has the National Inquiry in the Philippines proposed any time frame to transition to a lower GHG emissions economy?**

▶ Commissioner Roberto Eugenio T. Cadiz noted that they will be following the recommendation of the Intergovernmental Panel on Climate Change – 40 per cent decarbonization by 2030 from the 2010 levels and full decarbonization by 2050. The Commissioner highlighted various principles proposed under the Paris Agreement, like common but differentiated responsibilities and just transition.

✔ **To what extent is the financial sector taking account of human rights risk versus physical environmental risk?**

▶ Ms. Kate Mackenzie noted that the financial sector is not doing enough and needs to talk about the risks more. As an example, Ms. Mackenzie noted that the Fijian central bank was the only one with crisis response measures to COVID-19. She highlighted the need to push for these types of responses and leadership.



1 December 2020, 13:30 FJT |  
Session organized by United Nations Pacific Regional Anti-Corruption Project

## CORRUPTION, BUSINESS AND HUMAN RIGHTS

### FOCUS OF THE SESSION:

- > How the business and human rights agenda is articulated in the UNGPs and anti-corruption efforts
- > How corruption involving the private sector impacts rights holders
- > What measures should be taken by various actors to address corruption when it negatively impacts human rights in the context of business-related activities

### MODERATOR:

Ms. Sonja Stefanovska Trajanoska, UNDP Anti-Corruption Adviser

### Dr. Anita Ramasastry, Chair, UN Working Group on Business and Human Rights

Dr. Anita Ramasastry noted that when businesses engage in corrupt activity to gain economic advantage, they do so with significant human rights impacts. Business-related corruption is not victimless. Dr. Ramasastry highlighted a report recently published by the UN Human Rights Council, which provides examples of impacts. For instance, when businesses engage in fraud or pays bribes to gain land title, it leads to communities and people being displaced. She noted steps needed to be taken under the three Pillars. Under Pillar I, States need more policy coherence, requiring businesses to demonstrate commitment to no corruption and to respect human rights in procurement. Under Pillar II, Dr. Ramasastry emphasized that businesses need to consider how to engage in both corruption compliance and human rights due diligence. Businesses should actively screen their partners, inquiring about their human rights record. Under Pillar

III, she noted the importance of an integrated approach to criminal and civil remedy.

### Ms. Miliana Iga, Executive, Pacific Youth Forum Against Corruption

Ms. Miliana Iga expounded upon the role of civil societies in reducing corruption. She noted that corruption is at the center of all business-related human rights abuse. As part of the Pacific civil society organization community, the Pacific Youth Forum Against Corruption is lobbying and amplifying issues faced by resource owners by facilitating the exchange between the government and resource owners. She emphasized the importance of free, prior and informed consent for those who are impacted. There is a need to articulate to communities their rights as resource owners to question businesses. She noted the Forum's role in creating awareness and in bringing various stakeholders together. The Forum would also lobby for communities on the ground with businesses and the government, advocating their issues.

Ms. Annika Wythes, Regional Anti-Corruption Adviser - Pacific, United Nations Office on Drugs and Crime (UNODC)

Ms. Annika Wythes noted that corruption poses a serious threat to the enjoyment of civil, political, economic, social and cultural rights, which is exacerbated by the pandemic. She noted that systemic discrimination marginalizes far too many, including women, migrants and refugees. Under the Pacific context, human rights challenges include a drop in tourism and sharp downturns in GDP growth and employment leading to increased socio-economic uncertainties and inequalities. Ms. Wythes highlighted the United Nations Pacific Regional Anti-Corruption (UN-PRAC)'s survey on the oversight mechanisms for economic relief measures in the fight against COVID-19. She noted international and regional anti-corruption frameworks, notably the United Nations Convention against Corruption (UNCAC) with self- and peer-assessment, SDG 16 highlighting inclusivity, and the Blue Pacific leading to the Teieniwa Vision which is the Pacific blueprint against corruption. She highlighted several recommendations for Pacific governments, including enhanced cooperation between relevant government agencies, collaboration with the private sector, and creation of an environment conducive to protecting human rights. The UN-PRAC project seeks to promote and strengthen measures to prevent and fight corruption more efficiently and effectively in the Pacific region, focusing on a myriad of issues.

Q&A AND DISCUSSION

- ☑ How accessible is the information on the environmental impact assessment for use in Fiji?
- ▶ Ms. Miliana Iga noted that some of the environmental impact assessments (EIAs) reported to date have not been openly shared to the public nor resource owners. Ms. Annika Wythes stated that right to information is a powerful anti-corruption and human rights tool that gives all persons access to information held by public bodies. She noted that the voice of civil societies pushing for this access is instrumental as many Pacific countries currently do not have laws around the right to information. Dr. Anita Ramasastry emphasized that human rights due diligence calls for consultation of affected communities and people throughout the entire process.
- ☑ In cases of land grabs linked to corruption/human rights, are there remedy options? How could risks of conflict be managed given the implication of land ownership in the Pacific?
- ▶ Dr. Anita Ramasastry shared on the case study of Cambodia where an NGO called Equitable Cambodia has been successful in challenging the land grabbing done by the private sector and seeking restitution of land as a remedy option. Ms. Annika Wythes highlighted implementation as a key aspect of laws. She noted that in the Pacific, conviction-based forfeiture takes place where you need to convict the person before looking into his/her assets.



**WHEN BUSINESSES ENGAGE IN CORRUPT ACTIVITY TO GAIN ECONOMIC ADVANTAGE, THEY DO SO WITH SIGNIFICANT HUMAN RIGHTS IMPACTS.**

- Dr. Anita Ramasastry





## GENDER DIMENSIONS OF BUSINESS IMPACTS

### FOCUS OF THE SESSION:

- > Adverse impacts that businesses have on women and children
- > Abuse experienced by environmental and human rights activists
- > Importance of empowerment
- > Gender dimensions of business practices through the lens of the LGBTIQ+ communities

### MODERATOR:

Ms. Roshika Deo, Feminist and Social Development/Inclusion Specialist

### Dr. Najat Maalla M'jid, Special Representative, UN Secretary-General on Violence against Children

Dr. Najat Maalla M'jid set the global context of violence against women. The UN study of violence against women and children recognizes that the elimination of the violence against them is only possible if a gender dimension is integrated and the interlinkage between violence against children and gender-based violence is made visible. She highlighted the timeliness of the Forum as the world is facing an unprecedented humanitarian socio-economic crisis. This crisis is caused by COVID-19 effects of increased poverty and the risk for women and children experiencing violence and exploitation, with the most vulnerable being hit the hardest. Dr. M'jid noted how all companies have an impact on children and families. Ending gender-based violence and violence against children are key for the sustainability of companies' operation to contribute to a healthy labor force and creating inclusive, tolerant and peaceful societies which leave no one behind. She highlighted the critical role of companies in ensuring the effective implementation of the

2030 Agenda by promoting gender equality, sustainable and inclusive economic growth and decent employment, ending child labor and building resilient infrastructure and peaceful societies where violence has no place. Dr. M'jid urged Pacific countries to adopt a NAP on business and human rights, integrating a focus on gender and children's rights.

### Ms. Cressida Kuala, Founder and CEO, Founder of Porgera Red Wara (River) Women's Association (PNG)

Ms. Cressida Kuala noted that human rights and environmental activists experience many forms of abuse, but too few have voiced these issues at the global frontier. Ms. Kuala emphasized the need for companies to follow the UNGPs and the need for a NAP on business and human rights to provide remedy for the people. She highlighted the important role of national policies in promoting companies to comply with the UNGPs. Ms. Kuala stated that COVID-19 has not only had a negative impact on women, but also shifted the focus away from mining issues.

### Ms. Chantelle Khan, Coordinator, Social Empowerment and Education Program (SEEP)

Ms. Chantelle Khan highlighted Social Empowerment and Education Program (SEEP)'s work on empowerment, transforming power structure at community level to create spaces where there is more power sharing and collective decision-making. Under the context of the extractives industry, providing empowerment is important for communities to engage with the process more honestly. In trying to answer the question of laws in Fiji that can help protect human rights of communities, Ms. Khan noted policies guided by the Environmental Management Act monitored by three main government authorities – Department of Environment, National Environmental Council, and approving authorities. Implementation at community level is complicated as there is a huge gap between what is on paper and what is in reality. Ms. Khan highlighted that lack of participation of women in the decision-making process when talking about the impact of various companies on gender dimensions.

### Mr. Sidhant Maharaj, Community Working Group Lead (Australia and the Pacific), Royal Commonwealth Society

Mr. Sidhant Maharaj noted gender dimensions of business practices through the lens of the LGBTIQ+ communities. He highlighted the distinction between important gender terminologies, “transgender” and “gender non-conforming”, detailing how discrimination manifests for both groups of people. Businesses fail to take into account transgender and gender non-conforming people through the following ways: failure to recognize pronouns, subjected to gender inclusive tokenism, lack of policy, lack of staff education and sensitization, lack of gender-neutral bathrooms, lack of inclusivity, discrimination during recruitment, and lack of investment in trans leadership. Mr. Maharaj

noted that businesses could incorporate policies that include gender identity as a protected category, provide information and training, develop an action plan and document, especially to ensure that businesses fulfill their responsibility to respect transgender and gender non-conformity rights.

## Q&A AND DISCUSSION

- Native owners may not be fully aware of the impact of setting up a huge factory. Do you think for the betterment of the future of the region, it would be better to bring in awareness? Would it be good to highlight environmental damage?

▶ Ms. Chantelle Khan emphasized the need to highlight the importance of reflection for the native owners. She advised beginning the process by raising the awareness and understanding that there may be an unexpected turn of events.
- With online grooming, sexual exploitation and online bullying, there has been a lot of negative impact. How can the technological industry create an internet environment that empowers children that promotes their rights?

▶ Dr. Najat Maalla M'jid noted that with widespread digitalization, there has been an increase in child abuse materials online. As the main problem today is grooming and livestreaming, she emphasized the importance of the technological digitalization, there has been an increase in child abuse materials online. As the main problem today is technological industry and international union of telecommunication in establishing guidelines for States, children and caregivers. She noted that strong legislation is also crucial to fight the crimes.

✔ What would the Porgera community like to do in terms of gender-based violence? How should the company response if there are different views about mining within the community?

▶ Ms. Chantelle Khan recommended the inclusion of “social impact” in the environmental impact assessment, focusing on the inclusion of women.

▶ Ms. Cressida Kuala noted the lack of transparency in the remedy process, highlighting the need to create a more formal litigation process at the national level, providing free, independent and transparent legal aid for victims to speak more freely about the effect.

✔ Are there any initiatives of building community economies as an alternative to extractive industry?

▶ Ms. Chantelle Khan noted that mining should be considered an alternative to farming, and building local economies is crucial. She noted the importance of building a community base and economy through the empowerment of individuals as a person and as part of the community.

▶ Ms. Cressida Kuala noted that women victims do not know how to report harms, which calls for a well-established court system reporting on cases at all levels. If issues are not dealt with satisfactorily at a national level, international legal advice must be sought.

✔ Please highlight some of the challenges and limitations experienced by non-binary people in accessing remedies under the context of business practices, especially since the anti-discrimination provision in Fiji constitution is counted as one of the best in the world?

▶ Mr. Sidhant Maharaj noted that true engagement of non-binary people remains a challenge. When it comes to community-level engagement, people who are supposed to be the flag-bearers of the policy are often the ones to have internal bias. He highlighted tokenism as a

major limitation as gender minority groups are included in the space, but do not have access to actual decision-making processes.

✔ Under COVID-19, families in Fiji have suffered, losing their jobs or displaced from homes. However, everyone needs to work in Fiji. Where is the balance here?

▶ Dr. Najat Maalla M’jid noted the need to work around many different issues in order to end child labor. Besides adopting legislation, she noted the need to build alternatives, namely strong education and social protection for families.

**ALL COMPANIES HAVE AN IMPACT ON CHILDREN AND FAMILIES. ENDING GENDER-BASED VIOLENCE AGAINST CHILDREN ARE KEY FOR THE SUSTAINABILITY OF COMPANIES’ OPERATION TO CONTRIBUTE TO A HEALTHY LABOR FORCE AND CREATING INCLUSIVE, TOLERANT AND PEACEFUL SOCIETIES WHICH LEAVE NO ONE BEHIND.**

- Dr. Najat Maalla M’jid

# BUILDING BACK BETTER IN TIMES OF COVID-19: SMALL BUSINESS' RESILIENCE IN AN ERA OF CLIMATE EMERGENCY AND A GLOBAL PANDEMIC

## FOCUS OF THE SESSION:

- > Access to finance
- > Business response to COVID-19

## MODERATOR:

Mr. Robert Vaughan, Human Rights Officer, OHCHR

### Ms. Alisi Tuqa, Chief Executive Officer, Pacific Islands Private Sector Organization (PIPSO)

Ms. Alisi Tuqa noted the characteristics of the private sector in the Pacific, which is largely composed of small and medium enterprises, micro-businesses and the informal sector. She highlighted the role of the private sector in building resilience, whether it be climate or pandemic related. In 2017, PIPSO launched the Business Continuity Plan (BCP) which enabled PIPSO and its members to have robust discussions about where to invest for preparedness. Ms. Tuqa noted understanding the risk and rehabilitation as key areas. The pandemic, for example, has created a business crisis for the Pacific, to which she highlighted the importance of partnerships for recovery. Ms. Tuqa noted the vitality of greater investment in infrastructure, including skills and capacities of people. PIPSO has been part of the decision-making body under the framework

of resilient development in the region, ensuring that the private sector concerns are raised at the high-level forum. Ms. Tuqa noted the new strategic plan focusing on post-COVID recovery and climate change resilience and the launch of [A global survey of employer and business membership organizations: Inside impacts and responses to COVID-19](#), with hopes that PIPSO's members use the examples to effectively lobby governments and partners.

### Mr. Krishnan Narasimhan, Deputy Programme Manager, UN Capital Development Fund (UNCDF)

Mr. Krishnan Narasimhan identified the improvement of access to finance for Pacific islanders as a core mandate of the UNCDF program. He introduced three important projects running in the Pacific region at the moment: 1) improving remittances in the region by offering fee-free remittances for 2-3 months, 2) establishing a digital

marketplace for small businesses in the Solomon Islands, and 3) launching free micro-credential courses for individuals and small businesses. Mr. Narasimhan highlighted the launch of the Pacific Insurance and Climate Application program, which is aimed at immediate payment post disaster.

**Ms. Lati Qoro, Group Manager HR, Governance & Corporate Affairs, Vinod Patel Group**

Ms. Lati Qoro shared the experience of Vinod Patel Group, especially on the Group's response mechanisms during COVID-19 and learnings. She noted that once the pandemic hit, one of the first priorities as an entity was to plan and harmonize Board and management team responses to various scenarios. The Board valued a people-first approach where sending employees home was not an option. Ms. Qoro shared a few important points: the need for business continuity planning; importance of diversification, versatility and communication; the use of technology; and emphasizing efficiency. She noted that currently most branches are back to normal hours and nobody was sent home, yet social issues such as counseling and helplines for domestic violence still need to be addressed. She emphasized the importance of a concerted effort towards an action plan that is geared towards providing a safety net.

**A CONCERTED EFFORT TOWARDS AN ACTION PLAN THAT IS GEARED TOWARDS PROVIDING A SAFETY NET IS IMPORTANT.**

- MS. LATI QORO

## Q&A AND DISCUSSION

- ✔ How has the pandemic affected Fiji's economic relations with countries like China, USA, and Australia?

  - ▶ Mr. Robert Vaughan noted that the WG has devised a report on economic diplomacy, discussing how states conduct trade agreements with one another and how to bring in human rights due diligence to the UNGPs. Ms. Lati Qoro commented from the private sector's point of view, stating that the pandemic has brought changes to the supply chain relationships with entities existing in countries like Australia. She noted the importance of discussing what trade offices can do to bridge any supply chain issues that come up in the private sector.
- ✔ Please share some good examples and learning.

  - ▶ Mr. Krishnan Narasimhan noted an example from Samoa where two brothers came up with an application, collaborating with some of the larger supermarkets, to connect farmers and small growers to customers. The small company made the connection between farmers' excess produce and someone's need for the product. Mr. Narasimhan noted that such innovative connections are becoming robust business models for people to follow. He noted that the traditional banking system does not permit small loans, which remains an issue for people who do not have collateral to access finance. He stated the efforts in creating an alternative credit scoring model based on certain proxy indicators.



- ☑ I was part of a training on the business continuity plan (BCP) post COVID-19. I found out that the need was greater amongst members of the women's entrepreneurs business council and young entrepreneur council. How can BCP be taken down to the level of small- and medium enterprise owners and small-scale market vendors?

  - ▶ Ms. Lati Qoro emphasized the importance of using scenario planning to understand the risks associated with businesses at the initial level. When contextualizing scenario planning, the market vendor is made aware of the risks and pushed to think about what they would do under those circumstances to continue operating.
- ☑ Looking across the region, many governments are threatening to shut down Facebook. In the move to the digital businesses, is there anything UNDP is concerned about?

  - ▶ Mr. Krishnan Narasimhan noted that one of the primary themes to reach the SDGs and the 2030 Agenda is embracing the use of digital economies as global and local economies are becoming increasingly digital. At UNDP, the new theme is leaving no one behind in the digital era. Mr. Narasimhan noted that in order to do so, there needs to be a value-based dialogue, ensuring that human rights are not violated.
- ☑ Does Fiji have a contingency plan in the event the pandemic has a negative effect on remittances?

  - ▶ Mr. Krishnan Narasimhan noted that in the beginning of the pandemic, the World Bank came up with a global report stating that global remittances are going to come down by 20%. Many of the Pacific countries are heavily dependent on remittances. Fiji, Tonga, and Vanuatu signed up to a global policy stating they will encourage fee-free remittance while lowering identification checks, aligning with digital transaction becoming easier and more accessible.
- ☑ What are your thoughts on cryptocurrency and Bitcoin?

  - ▶ Mr. Krishnan Narasimhan noted the global debate around the topic. There are countries with a central bank digital currency, which allows people to travel less distance with physical money. He noted the need for financial and digital literacy before people are able to start using the technology. Ms. Lati Qoro highlighted the demand and the need for a regulatory structure before venturing into it. Consumer protection and supervision of the surveillance are necessary, also accounting for the risk and risk mitigation.



## SPECIAL ADDRESS: CLOSING OF DAY ONE

### FOCUS OF THE SESSION:

> Closing remarks

### MODERATOR:

Mr. Robert Vaughan, Human Rights Officer, OHCHR



Dr. Saunoamaali'i Karanina Sumeo, Equal Employment Opportunities Commissioner, New Zealand Human Rights Commission

Dr. Sumeo noted that New Zealand Human Rights Commission fully supports the UNGPs and encourages all stakeholders to consider the UNGPs. She highlighted the significant impact of COVID-19, especially on women and young people and called on businesses to adhere to good-faith principles in treating their workers fairly and decently even under COVID-19. Dr. Sumeo emphasized the significant impact that the Māori and Pacific communities have experienced due to COVID-19, including discriminatory practices in terms of wages, determination and progression within businesses. She stated the difficulty of small businesses, where many of them are unregistered and unable to receive assistance from the government under COVID-19 challenges. Dr. Sumeo worried about climate change as it affects livelihoods and way that businesses conduct themselves. Moving forward, she highlighted the WG's support in encouraging the governments to establish a NAP on business and human rights, incorporating the UNGPs and ensuring that businesses are guided in the right way.



**BUSINESSES SHOULD ADHERE TO GOOD-FAITH PRINCIPLES  
IN TREATING THEIR WORKERS FAIRLY AND DECENTLY EVEN  
UNDER COVID-19.**



2 December 2020, 09:00 FJT |  
Session organized by Responsible Mining Foundation

# RESPONSIBLE EXTRACTIVES IN THE PACIFIC: REALITIES AND CHALLENGES

## FOCUS OF THE SESSION:

- > Various environmental and human rights issues and challenges encountered due to mining in Papua New Guinea, deep seabed mining in Cook Islands, and black sand mining in Fiji
- > Need for stronger accountability legislatures in the home country of multinational mining countries
- > Gender equality in the mining workforce
- > Environmental impacts of mining
- > Need for responsible mining

## MODERATOR:

Dr. Valmaine Toki, Associate Professor of Law, University of Waikato

### Ms. Cressida Kuala, Founder and CEO, Porgera Red Wara (River) Women's Association

Ms. Cressida Kuala highlighted various issues encountered in her work as an environmental and human rights defender in connection to mining in Papua New Guinea (PNG). As women are seen as minorities and are not allowed to speak in the PNG society, Ms. Kuala noted that it is very difficult leading women's and environmental rights. She noted her work in trying to establish a system to report and to create pathways for marginalized societies through access to the judiciary system. Ms. Kuala noted new knowledge arising in the society, endeavoring to push for the creation of a NAP on business and human rights. She highlighted the need to change the system to include more bottom-up participation and to talk about human rights issues from top-down in a culturally appropriate way.

### Mr. Emmanuel Peni, Human Rights Defender and Coordinator, Project Sepik

Mr. Emmanuel Peni highlighted consent as one of the biggest challenges in supporting local leaders in PNG campaigning against mining. He noted the disparity between the modern system of viewing land and the Melanesian way of doing so and the difficulty of communicating from the Melanesian point of view. Melanesians view land as a part of life, which belongs to future generations. Mr. Peni stated that communities in PNG have been saying no to mining for a long time, but businesses are persistent. Businesses' way of development is extracting what they need, and mistakenly assumes that people's development is only through payment, thereby failing to appreciate the communities' ancestral vision for the future.



**Mr. Jonathan Mesulam, Spokesperson,  
Alliance of Solwara Warriors, PNG**

Mr. Jonathan Mesulam noted the importance of pre-planned informed consent and various issues arising in PNG due to the lack of such consent. Mr. Mesulam stated that people in PNG are confused and unaware of what is happening due to the fact that the government fails to provide enough evidence and does not have a legislative framework. For example, in the logging sector in PNG, the process of consent does not follow the constitution, which requires meaningful consultation of various stakeholders.

**Ms. Alanna Smith, Conservation  
Programme Manager, Te Ipukarea  
Society, Cook Islands**

Ms. Alanna Smith shared Cook Islands' experience on seabed mining. In the 2019 Pacific Islands Forum, societies called on ending deep seabed mining and for a moratorium on the topic. Ms. Smith highlighted that the deep-sea area is largely unknown and the uncertain impact of mining on the ecosystem. She noted that there is low public awareness and engagement with people unsure of the potential impacts. Ms. Smith noted several ways to address the social challenges – networking with Pacific civil societies in order to obtain information on strategies on grassroots awareness raising programs; engaging with deep sea ecologists online to allow us to better inform ourselves on the issues; and sharing the information with the public to better inform them. As part of raising public awareness, Ms. Smith noted the need of a specific moratorium for people in the Cook Islands calling for a marine spatial plan to be completed, to ensure areas of conservation are identified and excluded from development, and for the collection of data and information.

**Mr. Tevita Naikasowalu, Human,  
Ecological and Indigenous Rights  
defender, Fiji**

Mr. Tevita Naikasowalu spoke about his work defending local communities on the issue of black sand mining. Mr. Naikasowalu noted that black sand mining is an issue because it impinges upon critical and fragile ecosystems. Mining digs deeper than the surface, making prevention of environmental harm and sustainable ecosystems impossible. He highlighted the importance of working with indigenous peoples, advocating and speaking out for an already existing network of relationships, knowledge and companionship. He described himself as the “net mender,” in which the net holds the fragile network of relationships, knowledge, companionships with one other, ultimately fighting against extractives.

**Dr. Catherine Coumans, Research  
Coordinator and Asia-Pacific Program  
Coordinator, Mining Watch Canada**

Dr. Catherine Coumans elaborated on some of the more significant mining issues, through her experience in working with communities affected by Canadian mining companies in the Asia-Pacific region. Dr. Coumans noted that geographic characteristics of the Pacific make mining particularly difficult and inappropriate in many locations. Many are along the volcanic deposits and there are high levels of seismic activity and tropical rain fall, making the production of mining waste extremely risky. She noted the risks for small islands, as mines take up land space that is critical for housing and food security. Dr. Coumans stated that mining on mountain tops and small islands should be considered no-go zones for mining in the Pacific. Deep sea experts are broadly in agreement that seabed mining will be destructive to biodiversity, which is critical for food security and livelihood of those in the Pacific. Dr. Coumans noted several concerns – international seabed authority that governs deep seabed mining in international waters is

not transparent and inclusive and there is an immense power imbalance between multinational mining companies and the governments and people of most small island states. She highlighted that such power imbalance can be addressed in part through stronger accountability legislatures in the home country of multinational mining countries.

### Ms. Val Madsen, Executive General Manager People, St Barbara Limited

Ms. Val Madsen described the effects and challenges she encountered regarding gender equality in the mining workforce, specifically St. Barbara. In Australia, over 100 organizations have been recognized through the Workplace Gender Equality Agency's (WGEA) 'Employer of Choice for Gender Equality' citation, which contains a number of requirements for the company to be recognized. Ms. Madsen highlighted that St. Barbara is the only mining company holding that citation for six years in Australia. She noted St. Barbara's five commitments include gender equality strategies, which became the foundation of the "Gender Safety" project that started in 2015 in PNG. Many women in PNG noted that they did not feel safe going to and from work and that a lack of safety had adversely affected their career opportunities. The project touches upon gender equality, health and safety, and psychological health. Ms. Madsen noted that interviews and focus group meetings were conducted in order to identify exactly where women felt unsafe and at risk. Interviews were also conducted with all the department leaders to understand their departmental diversity makeup and gender equality, ensuring that their workplace behaviors were appropriate.

### Dr. Gavin Mudd, Associate Professor, Royal Melbourne Institute of Technology and Melbourne Technical College (RMIT University)

Dr. Gavin Mudd noted some of the biggest

challenges for mining, based upon his research on the environmental impacts of mining. In trying to understand what type of development is appropriate, Dr. Mudd posed three questions, which need to be asked within social, environmental, regulatory, and economic context: What do we mine? Where do we mine? How do we mine? He noted that billions of tailings and waste rocks have gone to rivers and caused massive social and environmental impacts. Under environmental governance, Dr. Mudd emphasized that companies should make their data available to the public and be 'Initiative for Responsible Mining Assurance' (IRMA) certified, addressing various issues like gender, tailing, water, and economic transparency. He highlighted the importance of circular economy through the [Ellen Macarthur Foundation's "Butterfly" Diagram](#), where mining should be connected with recycling.

### Mr. Pierre De Pasquale, Head of Stakeholder Engagement, Responsible Mining Foundation

Mr. Pierre De Pasquale highlighted current practices of mining industries on the kinds of issues heard about today. The Responsible Mining Foundation analyzed the 38 largest mining companies in the world, in which the evidence or absence of evidence has revealed the following: we live in a world of data, with more access to information about tailings; the vast majority of companies are still unable to demonstrate that they are taking action beyond disclosure to meet their UNGP obligations; and data is a means for improvement, not an end in itself. Mr. De Pasquale noted the concern in the growing threat that tailings pose on the marine environment. Currently, not a single company can claim to fully meet society's expectations for responsible mining on land, which is troubling for any deep seabed mining projects. Mr. De Pasquale noted much less attention and research are being paid to gender equality issues for the mining industry overall. He highlighted the need for



common sense for responsible mining – respect, willingness to act as good a citizen and neighbor, and willingness to put people and the environment first.



**THERE IS A NEED TO CHANGE THE SYSTEM TO INCLUDE MORE BOTTOM-UP PARTICIPATION AND TO TALK ABOUT HUMAN RIGHTS ISSUES FROM TOP-DOWN IN A CULTURALLY APPROPRIATE WAY.**

- Ms. Cressida Kuala



Photo by Dion Beeton on Unsplash

2 December 2020, 09:00 FJT | Session organized by Center for International Environmental Law, Environmental Investigation Agency, Massey University, and WWF-Pacific

# PLASTIC POLLUTION IMPACTS ON HUMAN RIGHTS IN THE PACIFIC REGION

## FOCUS OF THE SESSION:

- > Connection between plastic pollution and human rights
- > Impact of plastic upon people of the ocean
- > Private sector's role in waste management and resource recovery
- > Plastic pollution prevention in small island developing states in the Pacific
- > New Zealand government's efforts against plastic pollution

## MODERATOR:

Ms. Catherine Murupaenga-Ikenn, Indigenous and Minorities Senior Fellow, OHCHR

### Dr. Surya Deva, Member, UN Working Group on Business and Human Rights

Dr. Surya Deva highlighted the connection between plastic pollution and human rights, giving examples of adverse impacts. People's right to information brings up the issue of participation, where consumers are not aware of how they can exercise that right. Plastics also impact the right to health for both current and future generations. Dr. Deva noted several implications of the UNGPs and its three pillars. Under Pillar I, he emphasized the need for States to implement a legal and policy framework to effectively control the adverse impacts on human rights in addition to strengthening extraterritorial obligations and policy coherence. He noted the need for positive incentives and sharing of technology to reduce plastic pollution and tackle the issue. Under Pillar II, Dr. Deva noted the idea of due diligence being a holistic process where businesses must consider the adverse impact of their products and services they are providing. Under Pillar III, he noted the

significance of remedy and accountability with regards to plastic pollution. Thinking beyond the UNGPs, Dr. Deva emphasized every individual's responsibility to ensure the fight against plastic pollution.

### Ms. Tina Ngata, Researcher, scientist, advocate, Ngāti Porou Indigenous peoples advocate

Ms. Tina Ngata shared on the impact of plastic upon the human and territorial rights of the people of the ocean. Ms. Ngata noted that the oceanic territories are not only part of the food system, but a home. Microplastics interrupt food systems, leading to wildlife entanglement, ingestion of toxins, digestive obstruction, increases in pathogen vectors and other impacts. Ms. Ngata noted that the Moana (ocean) diet consists largely of subsistence from the ocean, which means that toxic impacts would be greater for the Moana people. She highlighted various rights under the United Nations Declaration of Human Rights (UDHR) and the United Nations Declaration on the Rights of



Indigenous Peoples (UNDRIP), spanning from social, cultural, political and economic rights to right to research and development. She highlighted the importance of traditional knowledge providing guidance, especially as social justice and cultural relevance is the foundation of durable sustainability.

#### Mr. Andrew Irvin, Waste Management & Resource Recovery Association of Fiji (WMRRAF)

Mr. Andrew Irvin shared on the private sector's role in waste management and resource recovery. He noted several ongoing issues: the lack of endorsement for a multi-sector industry-wide waste management and resource recovery body, exacerbation of trade imbalances as plastic products are derived entirely from imported materials, lack of mechanism for the recovery chain and lack of integration of industry expertise with governance mechanisms or consultation. Mr. Irvin emphasized the broad impact of solid waste management under both socio-economic and environmental scope, and the urgency of prioritizing the move towards plastic-free economies. He noted the need for the transformation of the linear economy to a circular model, which requires the support of the government. Under the UNGPs, Mr. Irvin noted that the State's existing obligations require equitable application of a non-discriminatory legal framework, while business enterprises are required to comply with all applicable laws and to respect human rights. He stated that in order for effective remedies to be given, a more transparent and consultative process of reviewing, updating and improving the legislative framework for dealing with plastic waste needs to be taken.

#### Dr. Sacha Fuller, Research and Innovation Division, University of Newcastle

Dr. Sacha Fuller presented on the research of plastic pollution prevention in the Pacific large ocean small island developing states

(LOSIDS), which is threatened by the transboundary movement of plastics and its environmental, health, sociocultural and economic impacts. The research aims were to identify the limitation and strengths of countries to be able to prevent the inflow of plastics under the current framework and to understand challenges faced by Pacific LOSIDS. Dr. Fuller noted that Phase I consisted of conducting a policy gap analysis of 52 national level, publicly available documents. She identified the following as some key findings: lack of access to latest science-based evidence, no reference to microplastics and other harmful elements, few references to health implications, few connections between plastic pollution and climate change, lack of traditional alternatives and lack of inter-ministerial coordination specific to plastics, to name a few. Dr. Fuller noted that Phase II consists of an ongoing narrative analysis, conducting semi-structured in-depth interviews with various key stakeholders. The interviews have demonstrated the tremendous pressure Pacific nations are under to continue importing plastics while trying to prevent the inflow of plastics into the region. She provided several recommendations for Pacific islands leaders moving forward.

#### Ms. Liese Galvin, Policy Officer, Environment Division, New Zealand Ministry of Foreign Affairs & Trade

Ms. Liese Galvin emphasized the importance of the role of governments and New Zealand's various investments in tackling plastic pollution, namely investing more on inshore recycling, banning microbeads and single use shopping bags, public education programs and regulatory frameworks. Emphasizing the importance of a just transition, Ms. Galvin noted New Zealand's efforts in encouraging bilateral work between countries and multilateral funds to invest in the fight against plastic pollution.

## Q&amp;A AND DISCUSSION

**✓ How do you stop bad policies in the space of plastic pollution?**

► Mr. Andrew Irvin noted that bad policies come about due to lack of appropriate consultation and consideration of the alternatives. He provided an example of single-use plastics in Fiji, where the enforcement of a ban is not being appropriately handled. Mr. Irvin recommended the revision of the Environment Management Act to place all aspects of enforcement on the Ministry of Environment, which has the capacity to enforce the ban. Ms. Sacha Fuller noted the need for plastic pollution to be captured in the UNGPs.

**✓ Is the inclusion of plastic waste in the UNGPs discussed at higher UN levels?**

► Dr. Surya Deva noted that the Working Group could create more guidance notes unpacking the UNGPs in the Pacific context. He highlighted the increasing prominence of plastic pollution, climate change and environmental pollution in the next decade.

**✓ Comment by Ms. Tina Ngata**

► Ms. Tina Ngata stated the need to be cautious with biodegradables because the words degradable, biodegradable and compostable have been abused in the Capitalist system as a branding mechanism to falsely market a product's eco-friendliness. She noted that traditional practices can provide insight as they have been built up to provide more sustainable methods, processes and ideologies to carry out our work.

**OCEANIC TERRITORIES ARE NOT  
ONLY PART OF THE FOOD SYSTEM  
BUT A HOME.**

- Ms. Tina Ngata



Photo by Dustan Woodhouse on Unsplash

# IMPLEMENTING UN GUIDING PRINCIPLES: PATHWAYS FOR THE PACIFIC

## FOCUS OF THE SESSION:

- > Importance of awareness-raising schemes and peer-learning
- > NAP on business and human rights under the context of Australia
- > Need to harmonize economies and respect fundamental human rights and freedoms
- > Developing a NAP on business and human rights

## MODERATOR:

Dr. Surya Deva, Member, UN Working Group on Business and Human Rights

### Mr. Livio Sarandrea, Chief Adviser and Manager, Business and Human Rights in Asia, United Nations Development Programme

Mr. Livio Sarandrea noted that traction has started for business and human rights in the past five years in Asia. The most visible progress has been made in awareness, which is step one in bringing business and human rights in the region. Mr. Sarandrea highlighted the need to engage and explain to all stakeholders in order to start the discourse. In at least 6 out of 12 countries, awareness-raising schemes have triggered policy commitments, step two of the process. He stated that peer-learning and cooperation between countries at bilateral and regional levels make the difference. He noted several regional level concerns, including different speed of progress within the continent, need to concentrate at local level, and increased attacks on human rights defenders.

Mr. Livio Sarandrea highlighted several lessons-learned through the process of

drafting NAPs on business and human rights in Asia:

- ▶ The process should not be rushed as drafting a good NAP on business and human rights takes time
- ▶ Roadmap to a NAP on business and human rights starts with awareness-raising
- ▶ Stakeholder consultation at central and decentralized levels is critical
- ▶ There is no need to start from scratch if governments already have policies in place
- ▶ The development of a NAP on business and human rights should be continuously advised by multi-stakeholder group
- ▶ Access to experiences can facilitate use of best practice
- ▶ There is a need to prioritize as a NAP on business and human rights cannot list endless amount of issues
- ▶ One-size-fits all approach should not be taken
- ▶ There will be ups and downs along drafting a NAP on business and human rights
- ▶ UN family has technical expertise available for drafting a NAP on B&HR



### Ms. Vanessa Zimmerman, CEO / Board member, Pillar Two / Global Compact Network Australia

Ms. Vanessa Zimmerman highlighted the Australian government's initial commitments to a NAP on business and human rights and the current lack of progress. In 2017, the Australian government set up a multi-stakeholder advisory on BHR to provide recommendations to the Australian government on whether or not they should have a NAP on business and human rights. Ms. Zimmerman noted how the group of experts saw the value of a NAP on business and human rights, which sets out concrete steps of implementing the UNGPs. The government stated that they would not proceed with a NAP on business and human rights at that stage, which Ms. Zimmerman noted could be due to a lack of awareness and support from various stakeholders. She noted that the Modern Slavery Act, a new piece of legislation that requires large Australian companies to report every year on how they are identifying, assessing, and addressing modern slavery in their own operations or supply chains, could also have made a NAP on business and human rights seem redundant at the time. Regarding the way forward, Ms. Zimmerman stated that there is a need for policy coherence within the Australian government and for greater consensus within the community.

### Mr. Ashwin Raj, Director, Fiji Human Rights and Anti-Discrimination Commission

Mr. Ashwin Raj noted that under the context of COVID-19 and the existential threat of climate change, the pressing need is to harmonize economies and respect fundamental human rights and freedoms. Businesses have an important role to play in preventing human rights violations, but also in creating the conditions of possibility for victims of human rights have access to remedy. Mr. Raj highlighted the ultimate goal of policy commitment where businesses take

responsibility and uphold non-discrimination. There is a need to identify how we can use existing mechanisms to uphold human rights principles and assess potential human rights impacts. In order to do so, Mr. Raj noted the importance of the relationship between the state, private sector and communities.

### Ms. Natasha Khan, Coordinator, Diploma in Leadership, Governance and Human Rights, University of South Pacific School of Governance

Ms. Natasha Khan highlighted Phases 1-3 of developing the initial NAP on business and human rights, where NGOs play a strong role by approaching the government for formal commitment to begin the process. Phase 1 is the initiation phase, consisting of seeking formal Government commitment, creating a format for cross-departmental collaboration and leadership designation, creating a format for engagement with NGO stakeholders, and developing a work plan and allocating adequate resources. Phase 2 consists of assessment and consultation through getting an understanding of adverse corporate human rights impacts, identifying gaps in State and business implementation of the UNGPs, and consulting stakeholders and identifying priority areas. Phase 3 consists of drafting an initial NAP on business and human rights through the consultation of interested stakeholders.

**PEER-LEARNING AND  
COOPERATION BETWEEN  
COUNTRIES AT BILATERAL AND  
REGIONAL LEVELS MAKE THE  
DIFFERENCE.**

- Mr. Livio Sarandrea

## Q&amp;A AND DISCUSSION

- ✔ How many cases has the Fiji Human Rights and Anti-Discrimination Commission received on the right to environment under the constitution? When workers' rights are not upheld by the governments and there is ongoing harassment of workers in Fiji, how can businesses be held accountable?

  - ▶ Mr. Ashwin Raj noted that the Commission has received various types of complaints around the environment – issues of degradation of residential areas, complaints of adverse health impact, complaints around pollution, and people's rights to sanitation and housing. Mr. Raj stated that people have the right to democratic dissent, raising issues of concern, as long as it does not incite hatred. Creative ways need to be found in order for people to be able to express themselves. He highlighted the need to use mechanisms that are already available under workers' rights and freedom of assembly, like collective bargaining and courts and tribunals. Mr. Raj noted the imperative need to bring businesses back into the conversation, using legislature and constructively engaging with the private sector.
  
- ✔ It seems as though there is no systemic monitoring of human rights risk for abuses of businesses in Asia generally. Who can monitor those abuses?

  - ▶ Ms. Vanessa Zimmerman noted that there can be a role for different groups of stakeholders. NHRIs can hear complaints and help monitor systemic issues coming up from industries. Australia and New Zealand can play a role in providing a mechanism for people to come to and to continue ongoing monitoring. Ms. Zimmerman noted that the Business and Human Rights Resource Centre can be a mechanism to reveal particular types of issues in a public setting.
  
- ✔ There have been some comments in this forum that pushing businesses to respect human rights will mean they lose economic development that businesses offer. Can you (Mr. Livio Sarandrea) share some of the experiences in Asia on how NAPs have been received and responded to by businesses, particularly some of the bigger global businesses?

  - ▶ Mr. Livio Sarandrea highlighted Thailand as a concrete example of the fact that NAPs on business and human rights can actually help with economic development. A NAP on business and human rights resolved reputational issues that Thailand was facing in their fishing sector and modern-day slavery, as the European Union (EU) withdrew the yellow card and opened the market for Thai companies to sell fish in the EU.
  
- ✔ When human rights defenders (HRDs) stand up against state and corporations and demand accountability for violations linked to corporate activities or state-supported expansion of land-intensive industries, they experience repercussions (e.g., rape, death, persecution). What work is being done to protect HRDs and to lobby states to adopt into domestic law the principles of UN Declaration on Human Rights Defenders?

  - ▶ Ms. Natasha Khan noted HRDs' lack of awareness as one of the key issues in the Pacific. Ms. Khan noted that other means to taking the legal mechanism require funding and support from the community, which is often lacking. She highlighted the hopes of HRDs taking courses for understanding access to justice, knowing the process, and knowing how different mechanisms exist in five years' time. Surya Deva noted that the WG is developing a guidance for HRDs.

2 December 2020, 11:00 FJT |  
Session organized by The Diplomacy Training Program

# BUILDING BACK BETTER - THE UN GUIDING PRINCIPLES, THE RIGHT TO DEVELOPMENT AND THE 2030 AGENDA

## FOCUS OF THE SESSION:

- > Linkages between the UNGPs and SDGs
- > Building awareness and enabling multi-stakeholder dialogue
- > Identifying practical recommendations

## MODERATOR:

Mr. Patrick Earle, Executive Director, Diplomacy Training Program

### Mr. Dante Pesce, Vice Chairperson, UN Working Group on Business and Human Rights

Mr. Dante Pesce shared his reflections on the UNGPs and the WG's interest in SDGs 16 and 17. He stated that structural conditions and processes of the UNGPs have been positive in the past ten years, but outcomes have been limited as there is not enough action on the ground. Mr. Pesce noted several drivers for BHR, notably that societal expectations are on the rise, business-to-business relations are pushing the agenda of BHR through the supply chain, the regulatory side is being pushed for human rights due diligence, and the risk of human rights violations is increasingly recognized. He noted areas in which the WG voiced its concerns, especially in consideration of the SDG Agenda. Human rights is a cross-cutting issue, which for the most part is not highlighted when the SDGs are presented. There is the need to recognize that the SDGs are not separated in silos but are interconnected with a systemic approach. Businesses should contribute to

the sustainable development agenda through the lens of international norms or behaviors, including UNGPs. Mr. Pesce highlighted SDGs 16 (peace, justice and solid institutions) and 17 (collaboration and partnerships) as entry points to looking into the next ten years of the business and human rights agenda. He noted that in building a roadmap for the future, various stakeholders in both the public and private sector are on board for the agenda.

### Ms. Georgina Naigulevu, Vice-Chair and Board Treasurer, Pacific Islands Chapter of the Internet Society

Ms. Georgina Naigulevu shared her experiences as a disability advocate, entrepreneur, and a civil society leader around the issue of disability in Fiji and the Pacific. She noted the multiple forms of stigma and several preconditions necessary for meaningful consultation and participation of persons with disabilities. The right of the caregiver needs to be respected, fostering their ability to provide for children with disabilities. Various support services and

assistive devices are also crucial for setting up necessary preconditions. Ms. Naigulevu noted the challenges around creating the right environment for different types of disabilities, which needs to allow persons with disability to innovate, accelerate and contribute to society. She noted the challenges encountered by small and medium-sized enterprises in accommodating persons with disabilities due to their size and capital. Ms. Naigulevu posed questions about the type of regulatory measures or incentives able to be implemented to protect and assist persons with disabilities while emphasizing the importance of partnerships and collaboration with the private sector. The inclusion of persons with disabilities is crucial to ensure that no one is left behind and to accelerate growth.

**Ms. Evelyn Daimoi-Ofasia, Program Manager, Law and Justice Program, Australian High Commission, Government of Papua New Guinea**

Ms. Evelyn Daimoi-Ofasia shared her perspective as a development partner and an actor in PNG. She highlighted three challenges: the difficulty of prioritizing international human rights responsibilities in terms of political instability; prevalence of corruption that is deeply engrained and difficult to police; and populations living in extremely remote locations, limiting their access to various services. Ms. Daimoi-Ofasia shared her experiences of visiting remote communities, where government representatives are ignorant of the human rights abuses taking place and victims are not aware of their rights. Regarding the extent to which people have access to their rights for development in PNG, she noted that good legislation is in place, but there is lack of enforcement and awareness of the law. At the government level, Ms. Daimoi-Ofasia emphasized the difficulty of trying to bring in global perspectives and frameworks when most of the government resources are focused on domestic issues, making it a challenge translating high-level goals (e.g.,

SDGs) into tangible development on the ground. Reflecting upon the way forward, Ms. Daimoi-Ofasia emphasized the importance of revitalizing partnerships (SDG 17), where governments, NGOs, private sector and development partners meet regularly to monitor and pull resources on different thematic issues, in addition to trainings tailored to different levels of learners.

**Ms. Eveleen Hayden, Chief Executive Officer, Cook Islands Chamber of Commerce**

Sharing insights as a leader in the business community, Ms. Eveleen Hayden noted how the Cook Islands Chamber of Commerce (CICC) took active measures when COVID-19 hit the country. CICC produced a white paper noting recommendations for the government to assist the whole community and set up a business support office to allow people access to government aids. Ms. Hayden emphasized how the business community is wide and diverse, posing various challenges. She noted the important role that customers play through socially responsible investing, ensuring that one's money goes to areas and industries that do not have a negative influence on the society or environment. The Chamber continues to represent the private sector, informing the government, civil societies and businesses to adhere to policy, legislative reviews and to discuss the whole spectrum of human rights.

**Mr. Joshua Cooper, Lecturer at University of Hawaii & Director of Hawaii Institute for Human Rights**

Mr. Joshua Cooper highlighted the importance of the SDGs and the 2030 Agenda and in particular principles of leaving no one behind and furthest behind first. Learning from the context of Hawaii, Mr. Cooper emphasized the significance of education in raising awareness and fostering greater engagement, localizing the learning to the host culture. In the tourism sector, for



example, hotels invited Mr. Cooper's team to teach about the UNGPs, the Paris Principles, the SDGs and the UDHR. Building a network known as Hawaii Green Growth, Mr. Cooper noted the Aloha+ Challenge, a powerful tool to facilitate public agreement on effective SDG measures, setting up a State-wide matrix and tracking local progress of the 17 SDGs. Mr. Cooper asked key questions on the scalability of the solution and the ability of replicating promising practices, noting lessons learned from one another. He noted Vanuatu's voluntary national review as an example, which invited various stakeholders to review the report and discuss about the SDGs amongst the Pacific Islanders.

### Concluding remarks

Mr. Dante Pesce noted how regional Race to the Top could be a starting point for peers to learn from one another and accelerate progress and building coalitions. He emphasized that all key stakeholders at the global level are already on board, and that using the lens of the UNGPs (i.e., Pillars I, II, and III) is highly important. Noting access to remedy and justice, including historical and intergenerational justice, as key terms, Mr. Pesce highlighted the importance of government obligations, business responsibilities and access to remedy as drivers for systematic, coherent and logical action.

**BUSINESSES SHOULD  
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INTERNATIONAL NORMS OR  
BEHAVIORS, INCLUDING  
UN GUIDING PRINCIPLES.**

- Mr. Dante Pesce





# CONTEMPORARY FORMS OF SLAVERY AND LABOUR RIGHTS

## FOCUS OF THE SESSION:

- > Complex drivers behind modern slavery and human trafficking
- > Australian Modern Slavery Act and its impact in the Pacific
- > International Labour Organization's (ILO's) conventions and their impact in the Pacific nations
- > Current situation and challenges for the private sector
- > Labour under the regulator's point of view

## MODERATOR:

Ms. Peppi Kiviniemi-Siddiq, Senior Regional Migrant Protection Specialist, International Organization for Migration

Ms. Peppi Kiviniemi-Siddiq, Senior Regional Migrant Protection Specialist, International Organization for Migration (IOM)

Ms. Peppi Kiviniemi-Siddiq's introductory remarks set the background on the topic of contemporary forms of slavery and labour rights. Contemporary forms of slavery are a fundamental violation of human rights with a host of issues that fit within the scope of the UNGPs on business and human rights. Ms. Kiviniemi-Siddiq highlighted the complex drivers behind modern slavery and human trafficking. Governments and businesses can be taken by surprise by some of the practices found in supply chains. Ms. Kiviniemi-Siddiq noted how modern slavery is a development issue that is not new – a strong body of conventions and protocols address this issue (e.g., Palermo Declaration). Despite all the good work, modern slavery is not eradicated, and the Pacific island countries are a regular transnational destination for local and Asian victims of trafficking. Ms. Kiviniemi-Siddiq noted how States face the large and

complex task of putting out measures to address and redress these serious crimes.

The Hon. Lisa Singh, Head Government Advocacy, Walk Free

The Hon. Lisa Singh highlighted Walk Free's recent research in the Pacific and the Australian Modern Slavery Act and its impact in the Pacific. A recent Walk Free publication drew together existing research to conduct a comprehensive assessment of modern slavery in the region. Ms. Singh noted modern slavery in the Pacific is occurring in typically at-risk sectors (e.g., fishing, logging, tourism) and for those under vulnerable situations, like migration and discrimination against women and children. Ms. Singh noted that the aim of the Australian Modern Slavery Act in 2018 is to combat modern slavery globally in the supply chain. The Act creates awareness among Australian business, leading the companies to ask suppliers to ensure there is no forced labor. Ms. Singh highlighted the Bali Process, which is a positive step in the collaboration between governments and businesses in the

need to end the crimes.

**Ms. Elena Gerasimova, Decent Work and International Labour Standards Specialist, ILO Office for Pacific Island Countries**

Ms. Elena Gerasimova expounded upon ILO's conventions in their impact in the Pacific nations and how the private sector can lean into the guidance of ILO. She highlighted eight fundamental conventions on topics such as freedom of association (C87, C98), the elimination of all forms of forced or compulsory labour (C29, P29, C105), the effective abolition of child labour (C138, C182), and the elimination of discrimination in respect of employment and occupation (C100, C111). Ms. Gerasimova noted the critical aspect of Freedom of Association for the promotion and protection of all other rights most fundamental in all countries, as it provides the opportunity to organize trade unions. She shared some statistics for modern slavery: 40 million people are victims of modern slavery, 152 million children work under child labor, the majority of modern slavery are women, around 4 people per 1000 population in modern slavery are in the Asia-Pacific region, and around 62% of people in modern slavery are in Asia-Pacific.

**Mr. Rigamoto Taito, General Manager / Deputy Chairperson, WORMALD in Fiji / Modern Slavery Committee by the Fiji Commerce and Employers Federation (FCEF)**

Mr. Rigamoto Taito, representing FCEF (about 30% of the Fiji workforce), expounded upon the challenges the private sector faces and current actions taken. In collaboration with the Ministry of Employment, ILO, and PIPSO, FCEF aims to create awareness about what modern slavery is, drawing from past learnings. He noted that one of the reasons why businesses engage in exploitative practices is to save labour costs. Price is the big

motivator in the supply chain, but in some countries, cheapness comes with a negative undertone of worker exploitation. He noted the difficulty of bringing awareness to companies that engage in modern slavery and exploitation as exploited workers are afraid to speak up in fear of retaliation or they may not even be aware of their exploitation. Moving forward, Mr. Taito emphasized the importance of education around awareness and setting up a database on suppliers. Working closely with Fiji trade unions would be crucial to get feedback and better understanding. He noted the need to safeguard workers' rights for the sake of the economy, demonstrating that Fiji has a credible, strong, and regulated platform for workers.

**Mr. Atish Kumar, Acting Deputy Secretary, Ministry of Employment, Productivity and Industrial Relations, Fiji**

Mr. Atish Kumar spoke from the regulator's point of view, noting that the Fijian government has applied ILO's forced labour convention in the Employment Relations Act. The Fijian government has also ratified several ILO conventions on the freedom of association (87), right to organize in collective bargaining (98), worst forms of child labour (182), and harassment at the workplace (190). Mr. Kumar highlighted several aspects embedded in the Fijian constitution, including the right to a just minimum wage, the right to work, and a robust labour inspection process. Working with FCEF, the employer education program ensures that employers are advised on the rights. He noted the reporting mechanism, where grievances and issues on employment relations can be submitted to the Ministry as a complaint. Regarding child labour, Mr. Kumar noted various efforts in bringing awareness to the issue and devising a guideline on child protection and reporting mechanism for child labor.

Dr. Patricia Kailola, Chief Executive Officer, Pacifika Network (formerly Pacific Dialogue Ltd) (read by Vilsoni Inia, Human rights alumni, University of the South Pacific)

Dr. Patricia Kailola noted several reflections, including the importance of talanoa with respect for people and the need for businesses to recognize their harm and provide remedies.

conversation with their own employees.

- ✔ How would the application of Convention 87 on the freedom of association allow the Pacific islands to work more in the space to eliminating modern slavery in the supply chain?
- ▶ Ms. Elena Gerasimova noted that Convention 87 on freedom of association and Convention 98 on collective bargaining, which guarantee the right to organized workers in full freedom and to bargain collectively for improvement, have been ratified by six countries in the Pacific. She emphasized the importance of partnerships where different organizations work jointly. In the sphere of labour relations, she noted that the most efficient way to help the worker improve their working conditions and eliminate forced labour is through workers' organizations.
- ▶ Mr. Atish Kumar highlighted the importance of understanding the legislations in place, where every worker has the right to form and join a trade union, right to collective bargaining and right to vote in a trade union election.
- ▶ Mr. Rigamoto Taito noted FCEF's aim to create awareness on the issues of modern-day slavery and labor exploitation with HR representatives of different companies in FCEF so that they themselves encourage to have open

- ✔ What type of enforcement can be brought to fishing vessels? How can they be regulated when they do not come within territorial waters? What can be done to address the issue of flags of convenience?
- ▶ The Hon. Lisa Singh noted the joint activity between Greenpeace USA and Walk Free in relation to flags of convenience in the waters around Taiwan. She highlighted a way of addressing the issue through the legislative instrument, as it had been done in New Zealand.
- ▶ Ms. Elena Gerasimova noted that working conditions of fishing vessels and other ships in the Pacific are poor. ILO has been promoting the ratification of Convention 188 regarding working conditions on fishing vessels, in which its ratification and implementation through proper legislation will help address the issues. She emphasized the importance of joint effort.

**CONTEMPORARY FORMS OF  
SLAVERY ARE A FUNDAMENTAL  
VIOLATION OF HUMAN RIGHTS  
WITH A HOST OF ISSUES THAT FIT  
WITHIN THE SCOPE OF THE UN  
GUIDING PRINCIPLES ON BUSINESS  
AND HUMAN RIGHTS.**

- Ms. Peppi Kiviniemi-Siddiq

2 December 2020, 13:30 FJT |

Session organized by Associate Professor Shelley Marshall, RMIT University

# ACCESS TO REMEDY AND CORPORATE ACCOUNTABILITY

## FOCUS OF THE SESSION:

- > Assessing different avenues of accessing remedies and providing remedies to communities and workers as rights are breached
- > Understanding factors that communities and worker groups should consider
- > Assistance that communities and workers can access
- > Addressing challenges for business to address grievances in good faith

## MODERATOR:

Dr. Shelley Marshall, Associate Professor, RMIT University

### Ms. Padma Raman, Chief Executive, Australian Human Rights Commission

Ms. Padma Raman highlighted the Australian Human Rights Commission's role around BHR, carrying out its mandate through education, public awareness campaigns, investigation and conciliation service. She noted that the Commission has some capacity to assist Pacific Islanders living in Australia who submit complaints against Australian businesses. The Commission follows a standard complaint model where disputes are resolved through a conciliated process, usually resulting in an apology or some type of financial compensation, ultimately seeking systemic outcomes in the end. Ms. Raman highlighted a report published by the Danish Institute of Human Rights, which made a range of recommendations for NHRIs regarding access to remedy for business-related human rights abuses, including the need to include a broad range of business-related human rights abuses and to collaborate with other NHRIs for cross-border complaints. Ms. Raman noted the Commission's other

indirect ways of supporting the work around business and human rights: advocacy and awareness-raising work, publications, capacity building work and national inquiry into systematic human rights abuses by a range of actors.

### Mr. Ashwin Raj, Director, Fiji Human Rights and Anti-Discrimination Commission

Mr. Ashwin Raj noted a broad range of powers of the Fiji Human Rights Commission under the constitution, including the power to investigate, receive complaints, afford remedies, and monitor compliance of state regarding its obligations and international law. The Commission has worked in the area of human trafficking and around the vulnerability of women and children in the workforce. Since UNGPs are non-binding, he noted the need to understand how the existing legal framework can be used to afford remedy and hold businesses accountable. For example, the Bill of Rights in the Fijian constitution can be applied vertically and horizontally, holding the State

and private actors accountable. The Commission tries to derive a number of principles from the UNGPs, trying to see where the principles align with the national legislative work. Mr. Raj highlighted the need to think about the relationship between economy and ecology and to respect fundamental rights and freedoms under the context of the existential threat of climate change and COVID-19.

### Mr. John Southalan, Independent Examiner, Australian National Contact Point (AusNCP)

Mr. John Southalan noted that the remedy potential under the OECD Guideline for Multinational Enterprises is quite flexible. The OECD Guideline is very broad and covers many topics and the key issue is human rights. Mr. Southalan noted that if businesses do not follow through with the Guideline, the National Contact Point (NCP) could be engaged. The NCP process is not necessarily about enforcement or outcome but has the potential to assist with access to remedy. Mr. Southalan shared two case studies in which AusNCP played a role. The first complaint against ANZ bank resulted in the bank paying over all the profits from the project for use in communities in Cambodia. The second complaint against Mercer PR in Australia ended up with no mediation process as the company did not want to engage in the case.

### Mr. Joe Moses, Claimant, Paga Hill

Mr. Joe Moses shared the struggles that he encountered as a Paga Hill claimant. Since 2002, he had been involved with a legal battle against agencies engaged in conventional crime of destroying homes and suppressing communities' rights to express themselves. In seeking redress, Mr. Moses noted that the whole scenario was highly complicated, with various interests and internal legal battles, and there was a general lack of care for human lives. He noted that the government system does not serve the people but suppresses human

rights. In trying to screen the documentary he was a part of, "The Opposition", Mr. Moses noted the same issue of suppression from the government.

## Q&A AND DISCUSSION

- Does the Fiji National Contact Point sit within the Human Rights Commission?

  - ▶ Mr. Ashwin Raj noted the National Contact Point does not sit within the Human Rights Commission. He could not identify the contact point but was hopeful that UNGPs could create conditions for these entities to come together.
- What needs to happen from the Pacific to give better access to remedies for communities and workers, particularly where transnational businesses are concerned?

  - ▶ Mr. Ashwin Raj stated the imperative need to form a triangulation between NHRIs and various stakeholders across the region as the issues are transboundary. People's right to restitution, for example, becomes a real challenge. Mr. Raj highlighted the need to place human rights and dignity at the center of building back better. States should engage NHRIs in their conversation with business communities.
  - ▶ Ms. Padma Raman noted the lack of a regional mechanism in the Pacific. Ms. Raman reflected upon the past ten years since the adoption of the UNGPs where there is a slow evolution of businesses accepting the importance of human rights and risks considerations. She noted several recommendations, notably having a NAP on business and human rights, taking a creative approach when engaging with transnational cooperation and continuing the conversation beyond formal mechanisms.



✓ What does remedy look like for the community members in PNG? What kind of support is needed?

▶ Mr. Joe Moses noted that community members desire restitution and compensation as current restitution schemes are well below UN standards. Although there is a financial challenge, he highlighted the desire to take up a legal course of action. As people are scattered, Mr. Moses emphasized the need for a place where everyone is able to come together to devise a plan moving forward.

✓ Are there any Pacific island countries with national focal points for OECD guidelines?

▶ Mr. John Southalan noted that he is not aware of national contact points in any key Pacific states. He shared a case study from India: as the country itself does not have a national contact point, complaints were directed to foreign national contact points involved with the case. He highlighted the importance of looking into the supply chain and product value chain.

✓ Is there a need for HRDs to be trained in collecting evidence for scrutiny in court?

▶ Mr. Joe Moses acknowledged the importance of information gathering to compile evidence and documentation. He noted that gathering solid empirical evidence is the result of collaboration with academia and the media.

✓ What are some issues the Fiji Human Rights and Anti-Discrimination Commission is working on?

▶ Mr. Ashwin Raj emphasized transparency as one of the key points while pushing for Environmental Impact Assessment (IEA) as transparency intersects with the right to information and the right to scrutinize and participate in the process. He noted the importance of the Bill of Rights, which creates the right environment for such introspection through vertical and horizontal application.

✓ How can complaints be sent to the Fiji Human Rights and Anti-Discrimination Commission?

▶ Mr. Ashwin Raj noted the simplicity of the process, which can be done through email or other social network platforms like Facebook. He stated that the complaint, which can be lodged anonymously, is investigated on the basis of confidentiality, due to concerns about reprisal and recriminalization. As no costs are incurred by the complainant, the Commission is selective about the cases it takes on.

**THERE IS A NEED TO THINK ABOUT THE RELATIONSHIP BETWEEN ECONOMY AND ECOLOGY AND TO RESPECT FUNDAMENTAL RIGHTS AND FREEDOMS UNDER THE CONTEXT OF THE EXISTENTIAL THREAT OF CLIMATE CHANGE AND COVID-19.**

- Mr. Ashwin Raj

2 December 2020, 15:30 FJT |  
Session organized by Dr Luke Fletcher, Jubilee Australia Research Centre

## CIVIL SOCIETY AND HUMAN RIGHTS DEFENDERS IN THE PACIFIC

### FOCUS OF THE SESSION:

- > Challenges faced by HRDs in the Pacific
- > Creating a safer environment for HRDs in the Pacific
- > Role of different stakeholders

### MODERATOR:

Dr. Luke Fletcher, Executive Director, Jubilee Australia Research Centre

Ms. Natasha Khan, Coordinator, Diploma in Leadership, Governance and Human Rights, University of South Pacific School of Governance

Ms. Natasha Khan highlighted dangers and ongoing threats to HRDs in the Pacific, some of which are listed in the following: harassment and violence, arrests by the authorities, restrictive laws limiting the work of HRDs, abusive legal provisions, lack of data and documentation on the status of HRDs, travel bans, and lack of understanding of the rights and justice among HRDs.

Regarding the role of various stakeholders in improving the position of HRDs, Ms. Natasha Khan highlighted the need to negotiate with the government, training the judiciary, police, and legal aid in protecting, investigating, and promoting the work of human rights defenders. Various UN agencies like OHCHR, national human rights offices, and academic could also contribute through their respective work. Ms. Khan noted the need for HRDs to strengthen themselves, understanding the risks and the need to take a diplomatic approach.

Mr. Emmanuel Peni, Human Rights Defender and Coordinator, Project Sepik

Mr. Emmanuel Peni highlighted the types of constraints faced by HRDs in PNG and Project Sepik as well as human rights threats that come from businesses and the government. Particularly where Project Sepik is located, Mr. Peni noted mild forms of aggression where government policies and laws continue to encourage illegal activities of businesses. Project Sepik has worked with people on ground and the police in order to minimize security risks. He stated that human rights and environmental defenders do speak up, but their voices are sidelined and oftentimes ignored by the government as businesses are sponsored and sanctioned by the government.

Mr. Emmanuel Peni expounded upon the responsibility of governments, emphasizing the need to recognize that in the Pacific especially, many countries have indigenous peoples and peoples with cultures that are different from the cultures of the businesses that operate, where profit is the driving factor. No means no, as indigenous people emphasize.

### Mr. Andy Shen, Senior Oceans Adviser, Greenpeace USA

Mr. Andy Shen shared about Greenpeace's research and work on threats faced by HRDs in the fishing industry. He noted that in July 2020, Greenpeace co-filed a complaint to the UN Special Rapporteur of human rights defenders, Working Group on Business and Human Rights, and other UN agencies on behalf of a Kiribati observer who had died on board at the town's fishing vessel. He highlighted the briefing paper "Fishery Observers are Human Rights Defenders on the World's Oceans," which explains in detail that fishery observers are HRDs who need protection by the UN and other multilateral stakeholders. Mr. Shen noted that human rights-based approach has not been applied to fishery observers in the work that they do. Not much has been done on the death of several fishery observers, with much corporate impunity around the deaths. He emphasized the need for greater focus on migrant fishers and fishery observers who are protecting many human rights by directly observing and protecting in the seas.

Regarding the protection of human rights defenders in the Pacific, Mr. Andy Shen noted that various UN bodies and experts can do a lot through their mandates to ensure greater protection of HRDs. He stated that States should ensure proper policies and protocols are followed, emphasizing the importance of the protection and respect of observers' rights. Mr. Shen emphasized the leverage of businesses on fishing companies that operate in the Pacific to supply major markets.

### Mr. Tevita Naikasowalu, Human, Ecological and Indigenous Rights defender, Fiji

Mr. Tevita Naikasowalu expounded upon the situation, challenges, and difficulties of human rights and environmental defenders in Fiji, especially with respect to extractives industry. He highlighted the danger of not knowing and the volatile and risky nature of

the situation, as one works alone. He emphasized the importance of defending the rights of indigenous peoples as they can contribute towards the betterment of the land and for the common good of all.

### Mr. Iliesa Wise, Human Rights defender, Fiji

Mr. Iliesa Wise expounded upon his experience as a HRD, noting that HRDs are not allowed to speak freely and are volunteers in different provinces, finding the time to navigate between villages. He highlighted various dangers faced by HRDs, notably threat of losing their livelihood and work, harassment calls, confrontations by the provincial office, and government intimidation.

## Q&A AND DISCUSSION

- ☑ Please elaborate on the right to say no being recognized over the precautionary approach.
- Mr. Emmanuel Peni noted that some in PNG have difficulty with precautionary measures because as a way forward, those measures are based upon scientific uncertainty. Local knowledge and proven knowledge around sustainable development are not valued in terms of making decisions around precautionary measures.
- ☑ Mr. Tevita Naikasowalu and Mr. Iliesa Wise, what are some ways you have engaged with the government, in particular the Ministry of Environment? Was the engagement effective?
- Mr. Iliesa Wise noted the lack of response, monitoring, and evaluation from the government. There is no accountability. Mr. Wise highlighted the principle of free, prior and informed consent (FPIC) that needs to be upheld

by the developers when engaging with the indigenous communities. Mr. Tevita Naikasowalu emphasized the importance of networking as it allows one to be flexible. The UN, for example, plays an important role by making an enabling environment.

✔ **What is the next step?**

▸ Ms. Natasha Khan noted the strong need to create awareness for HRDs themselves and to nurture the existing network and collaboration.

✔ **Due to the ongoing fear of retaliation, there has been difficulty recruiting observers. How could we communicate with fisheries observers to encourage observers to recognize themselves as HRDs and empower them to come forward?**

▸ Mr. Andy Shen highlighted Greenpeace's call for recognition of fishery observers as HRDs in order to ensure that they have greater protection and measure to protect the observers. There is a need for greater education for fishery observers about the rights of the defenders and the entailed protection. Mr. Shen noted that it is the responsibility of States, the UN, and businesses to ensure protection and safeguards.

✔ **What are the key differences with respect to HRDs' engagement with businesses from "Western countries" versus businesses from Asian economic powers, notably Japan and China?**

▸ Mr. Emmanuel Peni noted the conversations he had with communities in PNG. In the past, under European colonization, people in PNG began to understand how they think. However, with Asian businesses today, people are not able to gain the same understanding about what and how they do business.

✔ **How do we make sure that HRDs are not labeled as anti-development?**

▸ Mr. Iliesa Wise noted the need to make

the government accountable to the constitution, which recognizes the rights and customs of indigenous peoples. The government should understand that there is no idle land in the context of indigenous peoples, encouraging genuine consultations as a way forward.

**THERE IS A NEED TO RECOGNIZE THAT IN THE PACIFIC ESPECIALLY, MANY COUNTRIES HAVE INDIGENOUS PEOPLES AND PEOPLES WITH CULTURES THAT ARE DIFFERENT FROM THE CULTURES OF THE BUSINESSES THAT OPERATE, WHERE PROFIT IS THE DRIVING FACTOR.**

**NO MEANS NO.**

- Mr. Emmanuel Peni



2 December 2020, 15:30 FJT |  
Session organized by Raeed Roshan Ali, Precious Plastic Fiji

# ENTREPRENEURSHIP IN SUSTAINABLE DEVELOPMENT AND FUTURE GENERATIONS

## FOCUS OF THE SESSION:

- > Women and young people in businesses
- > Entrepreneurship under the context of job loss
- > Entrepreneurship and sustainable development

## MODERATOR:

Ms. Miki Wali, Co-Founder, Haus of Kameleon

### Ms. Mue Bentley Fisher, Co-founder and Director, Weta Coffee

Ms. Mue Bentley Fisher noted the challenges in business for women in setting up the business and interacting with suppliers more accustomed to interacting with men. She noted the need to build relationships and eliminate barriers. Ms. Bentley stated that the policy and the private sector need to connect more, endeavoring to build the relationship and understand the priorities of both sides.

Ms. Fisher emphasized the importance of having diversity in a team. Young people bring in a lot of energy and when they have the right attitude and are teachable, companies would want to employ them. Currently, the reality of COVID-19 is that companies are trying to cut costs to make ends meet.

In moving forward, Ms. Fisher highlighted the need for basic book-keeping training in running a business, like compliance requirements and access to funds. She noted businesses' ability to impact positive social change and the vitality for young people to have a strong work ethic from the beginning.

### Mr. Matin Karimli, Director, ILO Office for the Pacific Island Countries

Mr. Matin Karimli noted ILO's study about how the pandemic affects the people and how we can think about entrepreneurship under the context of job loss. He stated that many people transitioning from the formal to the informal sector do not have a lot of support. He noted inclusion as the key word, emphasizing the need to be inclusive of people with disabilities, single mothers and informal workers, to name a few.

In moving forward, Mr. Karimli emphasized the importance of financial resources with proper guidance and social support, which requires a comprehensive approach taken by all stakeholders. ILO, for example, has a tripartite structure working with governments, organizations and employers.

### Ms. Mererai Vatege, Chairperson-FTUC Youth Committee, Fiji Trades Union Congress (FTUC)

Ms. Mererai Vatege defined entrepreneurship under sustainable development as running a profitable business while accounting for the future generations and human rights –

ensure that one does not exploit natural resources at the expense of future generations and ensure that the pandemic is not used as an excuse to compromise workers' rights.

Ms. Vatege noted FTUC's survey on the impact of COVID-19 on the Union's members. She identified lack of proper negotiation or consultation with worker representatives prior to taking extreme measures as the key challenge. Mr. Karimli noted ILO's Impact Assessment, which highlights young people's lack of access to the labor market due to the limited amount of jobs during the pandemic and limited opportunities for education and training.

In moving forward, Ms. Vatege emphasized partnership between institutions, especially for young workers who have been affected by COVID-19 and transitioning to opening their own business.

#### Ms. Sagufta Salma Janif, Coordinator for Fusion Hub Social Enterprise Fiji, Fiji Youth Entrepreneurship Council

Ms. Sagufta Salma Janif introduced Fusion Hub's program in training women living in disadvantaged situations, fostering entrepreneurs and providing the right opportunities for those women. As the rate of unemployment for women is much higher than men in Fiji, she wanted to bridge the gap through capacity building programs, which are part of a cycle of sustainability. She emphasized the importance of considering the people, communities and the planet as a whole in the process. Ms. Janif noted having an innovative mindset as a vital characteristic for entrepreneurs. As entrepreneurs are change-makers and solution-providers, there is a need to think about (positive) changes one is able to make in one's community. Giving a tech-based startup she invested in as an example, Ms. Janif noted the importance of taking a holistic approach, asking What is the impact? How can the impact be measured? How is it going to be sustainable?

Ms. Janif noted that there is a disparity between the skills currently required and available in the market, giving rise to the need to invest in more capacity building programs and to conduct an assessment of areas we need to work towards. She emphasized that the mentality of being job seekers rather than job creators needs to change from the school level. Policies should promote entrepreneurs by creating an enabling, conducive space focused on growth.

#### Mr. Brian Kironde, Technical Specialist, adolescents and youth, UNFPA – Pacific Sub Region Office in Fiji

Mr. Brian Kironde noted that the UN Fund for Population Activities (UNFPA)'s main driver for its mandate is to place young people at the center of the government, ensuring that discussions at all levels include young people. As young people are unique, the conversation around business needs to be taken through the lens of young people who are different and left behind due to inhibitions or societal corruption. Mr. Kironde noted the large youth demographic in the Pacific, which means a high number will be job-seekers in the coming years. The need is to encourage governments to invest in the right area for these young people, providing education and access to social services helping them address barriers and become empowered. As information is key, Mr. Kironde highlighted the vitality of maximizing digital platforms to reach out to young people with information.

In moving forward, Mr. Kironde highlighted the importance of people working together as resources may be easier to access. He noted the need to widen people's access to the internet as interest for information is very high.

## Q&amp;A AND DISCUSSION

✔ What are some of the challenges around compliance? What are some of the best practices?

▶ Ms. Mue Bentley Fisher noted the issue of awareness as a challenge around compliance, where there is a lack of general understanding about the legal requirements. She highlighted the disconnect between different agencies as another challenge, which forces micro and small businesses to become non-compliant due to the amount of time required for certification and compliance.

✔ Noting that the Pacific with the geographical remoteness between the islands, how is ILO addressing the disparity between the young people in terms of accessing labor markets and entrepreneurship opportunities?

▶ Mr. Matin Karimli noted that youth unemployment is a very serious issue as many young people are getting ready to enter the market, and how to prepare them in entering the market is a real challenge. In addition to the geographical distance, the economy to create formal jobs is the issue. Mr. Karimli noted targeted employment policies by the governments and international agencies as a solution.

✔ There was much psychological, social and economic impact for people losing their jobs due to the pandemic – how do you close that gap while taking principles of leaving no one behind and the SDGs into account?

▶ Mr. Matin Karimli noted the importance of a basic social protection floor where policies cover at least the basic coverage for all citizens. For instance, many people are not covered by the formal social protection coverage when they reach their pension age as they were involved with unpaid work or the informal sector.

✔ If youth continue to enter into the business market without a huge market base, how do we expect or prepare for the competitive market with such a small customer base?

▶ Mr. Brian Kironde emphasized the need to innovate our own market, especially for youth preparing for entrepreneurial visibility within the market. He noted that if one looks in the right places, the market is wider than previously thought. Ms. Sagufta Salma Janif highlighted the need to diversify and innovate one's products to reach different markets.

✔ How is the relationship between businesses and the government?

▶ Ms. Mue Bentley Fisher emphasized the need to see the government as a business partner, where the relationship is mutually beneficial and there is an understanding of duty on both sides. Ms. Sagufta Salma Janif noted that the government is slowly working towards creating a conducive environment through grant support and COVID-19 relief support.

**AS ENTREPRENEURS ARE CHANGE-MAKERS AND SOLUTION-PROVIDERS, THERE IS A NEED TO THINK ABOUT [POSITIVE] CHANGES ONE IS ABLE TO MAKE IN ONE'S COMMUNITY.**

- Ms. Sagufta Salma Janif

## CLOSING PLENARY: WAY FORWARD IN IMPLEMENTING UN GUIDING PRINCIPLES IN THE PACIFIC

### FOCUS OF THE SESSION:

> Closing remarks

### MODERATOR:

Dr. Surya Deva, Member, UN Working Group on Business and Human Rights



Ms. Simona Marinescu, UN Resident Coordinator, Resident Coordinator Office (RCO)

Ms. Simona Marinescu emphasized that the private sector is a strategic partner for the UN, contributing to a more conducive business environment and to the expansion of businesses. In discussing the way forward, Ms. Marinescu emphasized the need for the business community to be strategic partners by being more inclusive, integrating poorer communities, and being mindful of the impact they make on the environment. In order to address some challenges, Ms. Marinescu posed a few solutions: establishing a trust-based relationship with the business sector and other actors that is both open and transparent, adopting a set of social and environmental standards by governments in their public investments and value chain by the private sector, and emphasizing the need to create a system in which safeguards are adopted and would govern partnerships. She highlighted that the UN is the private sector's partner, in which the partnership is mutually reinforcing and beneficial.



**THERE IS A NEED FOR THE BUSINESS COMMUNITY TO BE STRATEGIC PARTNERS BY BEING MORE INCLUSIVE, INTEGRATING POORER COMMUNITIES, AND BEING MINDFUL OF THE IMPACT THEY MAKE ON THE ENVIRONMENT.**







Ms. Kylie Porter, Executive Director, Global Compact Network Australia (GCNA)

Ms. Kylie Porter highlighted UNGPs as an authority on global frameworks and a blueprint for how businesses can support the implementation of the SDGs in line with international human rights standards. Although the Pacific is doing a good job in raising awareness and promoting responsibilities of businesses to respect human rights, Ms. Porter noted its room for improvement. In order to tackle various challenges the Pacific faces in implementing the UNGPs, like limited awareness about business and human rights standards and the disproportionate impact of climate change, forums and trainings have been organized and conducted. She emphasized the need to help businesses move from policy commitment to action. The reality is that businesses in the Pacific will not be able to implement the UNGPs alone. Ms. Porter noted that the UN Global Compact issued special appeal for businesses to take collective action in implementing the UNGPs across the whole spectrum of the UN Global Compact ten principles. She highlighted the issue of modern slavery and the supply chain, noting that businesses can address the issues around modern slavery by focusing on the responsibility to respect human rights. Ms. Porter noted the impact that COVID-10 has had by highlighting the responsibility of all stakeholders, businesses and governments, to ensure that human rights are respected and protected.

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**UN GUIDING PRINCIPLES ARE AN AUTHORITY ON GLOBAL FRAMEWORKS AND A BLUEPRINT FOR HOW BUSINESSES CAN SUPPORT THE IMPLEMENTATION OF THE SUSTAINABLE DEVELOPMENT GOALS IN LINE WITH INTERNATIONAL HUMAN RIGHTS STANDARDS.**

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Ms. Golda Benjamin, Programme Director, Business & Human Rights Resource Centre

Ms. Golda Benjamin noted three main points and take-aways from the Forum. She highlighted the pertinent issue of modern slavery. There is a need for commitment in pushing companies to first disclose their human rights policy, understanding where more support is needed for more innovative supply chains. Ms. Benjamin emphasized vitality of legislations and committed conversations about a National Action Plan (NAP) on

business and human rights. She noted that legal accountability needs to be applied to social auditors to ensure that vulnerabilities in the supply chain are identified early on. Focusing on the future agenda, Ms. Benjamin emphasized the importance of efforts towards net zero carbon economy, pushing for companies to decarbonize and ensuring a just transition. She noted the importance of protecting HRDs, calling on businesses to commit and for governments to establish necessary legal mechanisms. Ms. Benjamin ended with a note of optimism in our courage and abilities to make a change.

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## LEGISLATIONS AND COMMITTED CONVERSATIONS ABOUT A NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS ARE VITAL.

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H.E. David Kabua, President, Government of the Republic of the Marshall Islands

H.E. David Kabua noted the key role businesses play in socio-economic development and numerous challenges that COVID-19 has brought to both businesses and States. Closing the borders brought negative implications such as disrupted supply chains, slowed development, and laid-off workers. President Kabua highlighted health, economic, and climate crises that the Pacific face and the interlinked solutions that would help build back better and stronger. In seeking remedies to fight these crises, he emphasized the need to find innovative solutions for green recovery, investing in renewable energy and taking advantage of ICT resources. President Kabua noted fisheries, especially on tuna, as a major economic driver for the Republic of the Marshall Islands (RMI). Highlighting the need to continue assistance in building capacity and the need for a stronger political will from the full range of international actors, he noted that collaboration between the Pacific States and fisheries players will be a textbook example of the UNGPs. President Kabua stated, “It is particularly important that the UNGPs on business and human rights are equally applied to all nations, large and small, without exception and further that their obligation is a matter of transparent and objective accountability that support implementation, not political lip service.”



**IT IS PARTICULARLY IMPORTANT THAT THE UN GUIDING PRINCIPLES ON BUSINESS AND HUMAN RIGHTS ARE EQUALLY APPLIED TO ALL NATIONS, LARGE AND SMALL, WITHOUT EXCEPTION AND FURTHER THAT THEIR OBLIGATION IS A MATTER OF TRANSPARENT AND OBJECTIVE ACCOUNTABILITY THAT SUPPORT IMPLEMENTATION, NOT POLITICAL LIP SERVICE.**



Mr. Ernest Gibson, Pacific representative, UN Secretary General's Youth Advisory Group on Climate Change

Mr. Ernest Gibson emphasized the need for a futuristic agenda, where decisions taken or not taken today will determine the story told in the years to come. The future we want and need is based upon a mindset and multifaceted, intertwined work. He posed some questions to reflect upon: What systems and institutions do we want to give? What is our number one priority – people or prosperity? Mr. Gibson noted three key outputs of the conversation taken throughout the Forum – a shared vision that builds on consensus between many critical partners; engagement of communities and various stakeholders that is deliberate; and various approaches needed to be taken to tackle the multi-faceted issues of our society. Mr. Gibson emphasized the power to choose and the importance of working together as a team.



Photo by Joe Cakacaka on Unsplash

**THE FUTURE WE WANT AND NEED IS BASED UPON A MINDSET AND MULTIFACETED, INTERTWINED WORK.**



**UN PACIFIC FORUM ON BUSINESS  
AND HUMAN RIGHTS**  
SUVA, FIJI, 1–2 DECEMBER 2020