

## Virtual Workshop on the Role of Scholars in Promoting Business and Human Rights Law and Policy Reforms in Asia

Michelle Fong  
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The discourse on business and human rights (BHR) has gained global momentum in the last decade. Intergovernmental organisations (e.g., the United Nations (UN) and the Organisation for Economic Co-operation and Development (OECD)) and the UN Specialised Agencies (e.g., the International Labour Organisation (ILO)) have established international standards (e.g., the UN Guiding Principles on Business and Human Rights (UNGPs), the OECD Guidelines for Multinational Enterprises, as well as the ILO Tripartite Declaration of Principles concerning Multinational Enterprises) to promote business respect for human rights.

Numerous actors (e.g., the UN Working Group, the Council of Europe, and the G20) have encouraged States to develop national action plans (NAPs) on BHR to implement the UNGPs. Two Asian States, Thailand and Japan, have launched stand-alone NAPS, while some other States (e.g., India, Indonesia, Malaysia and Pakistan) are in the progress of developing a NAP. However, inadequate evidence-based research and scholarship in Asia are undermining the effective implementation of global standards in varied local contexts. On 26 – 28 April 2021, the Public Law and Human Rights Forum (CPLR) at School of Law

of City University of Hong Kong (CityU), the World Benchmarking Alliance (WBA), the United Nations Development Programme (UNDP), as well as the Human Rights and Business Academy (HURBA) co-organised the three-day virtual workshop for fostering the role of scholars in promoting BHR reforms in Asia. This Workshop consisted of nine sessions in total (three sessions each day), and twenty-six scholars from fourteen Asia jurisdictions participated in it.



Dr. Surya Deva (Left) and Prof. Justine Nolan (Left)

The Workshop was kicked off by the opening speech of **Dr. Surya Deva** (CPLR Associate Director, School of Law, CityU) who welcomed all participants and explained the aims and format of this Workshop. It was followed by the first session entitled “From CSR to BHR; Introduction to selected international and national BHR norms (UNGPs, OECD Guidelines, SDGs, Modern Slavery Acts of the UK and Australia, and mandatory HRDD legislation in Europe”. **Dr. Surya Deva** and **Prof. Justine Nolan** (Director of the Australian Human Rights Institute, Faculty of Law, University of New South Wales) clarified the principal differences between BHR, corporate social responsibility (CSR), responsible business conduct (RBC) and Sustainable Development Goals (SDGs). Where countries use these terms interchangeably, people should look beyond the labels and focus on the substance. Human rights stand at the heart of BHR, which requires business commitment to respect international standards wherever they operate. Every State has different and unique BHR issues, and they should adopt a tailored approach in dealing with the matters.



Dr. Bonita Meyersfeld

**Dr. Bonita Meyersfeld** (School of Law, University of the Witwatersrand, Johannesburg) shared her research experience in the second session, entitled “Research methodologies in the BHR field”. During the research process, scholars should first consider their audience and understand different ideological perspectives.



Ms. Sandhya Drew (Left); Ms. Sudarshana Kundu (Middle); and Dr. Harpreet Kaur (Right)

The first day ended with the “Differentiated impacts on different rights holders (women, migrant workers, and indigenous persons); Relation of BHR standards and the SDGs” session. **Dr. Harpreet Kaur**

(Business and Human Rights Specialist, UNDP) introduced the basics of international BHR standards (e.g., SDGs, UNGPs). And **Ms. Sandhya Drew** (Assistant Dean, City Law School, City, University of London), **Ms. Sudarshana Kundu** (Co-Executive Director, Gender at Work Global) and **Dr. Harpreet Kaur** discussed the potential gendered impacts of business activities with participants.



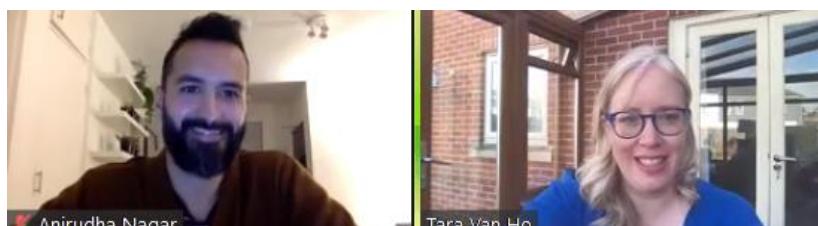
Mr. Livio Sarandrea (Left) and Ms. Bharti Birla (Right)

The second day of the Workshop started with the “National action plans on BHR in Asia (process, implementation, efficacy); Special challenges posed by MSMEs and informal economy” session. **Mr. Livio Sarandrea** (Lead Advisor and Team Leader, UNDP) explained the basics and process of NAP. **Ms. Bharti Birla** (Chief Technical Advisor, Sustainable Global Supply Chains, ILO) introduced the ILO and discussed the BHR challenges posed by Micro, Small and Medium Enterprises and the informal economy in India.



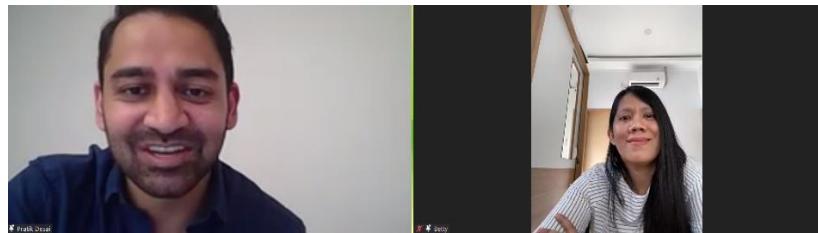
Prof. Erika George

It was followed by the “Writing and publishing” session. **Prof. Erika George** (College of Law, University of Utah) shared her experience in writing and publishing articles, books and commentaries.



Mr. Anirudha Nagar (Left) and Dr. Tara Van Ho (Right)

The last session of the second day was “Judicial and non-judicial mechanisms for effective remedy: Role of CSOs and HRDs and trade unions in corporate accountability”. **Dr. Tara Van Ho** (Co-Director of the Essex Business and Human Rights Project, School of Law, University of Essex) and **Mr. Anirudha Nagar** (Human Rights Lawyer and Communities Director, Accountability Counsel) illustrated the judicial and non-judicial remedies available for BHR victims, respectively.



Mr. Pratik Desai (Left) and Ms. Betty Yolanda (Right)

The first session of the last day was on the “Role of responsible finance, international financial institutions and benchmarks in promoting responsible business and conduct”. **Mr. Pratik Desai** (Strategic Engagement Lead, WBA) introduced the WBA benchmark mechanism and **Ms. Betty Yolanda** (Asia Regional Manager, Business & Human Rights Resource Centre) demonstrated the links between International Financial Institutions (e.g., World Bank Group, International Financial Corporation) and BHR.



Dr. Shelley Marshall

**Dr. Shelley Marshall** (BRIGHT Director, College of Business and Law, RMIT University) then shared her experience in conducting research and building networks through research platforms (e.g., ORCID, Academia) and social media (e.g., LinkedIn, Twitter) in the “Communicating and Networking” session.



Dr. Surya Deva (Left); Dr. Harpreet Kaur (Middle); and Mr. Namit Agarwal (Right)

The last session of the Workshop was “The future of BHR and its interlinkages”. **Dr. Surya Deva**, **Dr. Harpreet Kaur** and **Mr. Namit Agarwal** (Asia Policy Lead, WBA) discussed the key potential BHR issues (e.g., climate change, inequality, new technologies) in the next decade with participants, and thanked all participants and speakers for contributing to the Workshop.