

Instituting National Action Plans of the UN Guiding Principles on Business and Human Rights towards the Protection of Land Rights¹

Introduction

Context

Land acquisition has been contentious across millennia. By annexing land, kingdoms were consolidated and by expanding territories, empires were created. The parallelism between land acquisition then and now should not be lost on anyone, especially when, even in these times, human lives pay for the price of land.

“Land is the surface of the earth, the materials beneath, the air above and all things fixed to the soil” (UN Secretary-General, 2019). Land acquisition is being driven by growing demands for food and housing that is shrinking the supply of arable land. In addition, adverse environmental impacts contribute to the scarcity of viable land (Quizon, 2019). As many attach significant political, economic, cultural, spiritual, and symbolic value to land (UN Secretary-General, 2019), the competition to acquire and continue to hold on to land commonly leads to deep-seated conflict.

Conflicts could be traced to an increased demand for land in recent years. The increased demand is driven by State economic policies supporting massive corporate investments in agriculture and natural resources; the products of which are mainly exported (Pagsanghan, 2018). The result is that the largest one percent of farms hold more than 70 percent of agricultural land and deliver produce to a global food system run by big business.

¹This paper is a consolidation of the country reports prepared by the members of the LWA Working Group on Mainstreaming Land Rights and Human Rights, as summarized by Geminiano Sandoval, Jr. with the assistance of Nathaniel Don Marquez and Denise Hyacinth Joy Musni of the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC).

Meanwhile, over 80 percent of farms have an area of no more than two hectares and are mostly detached from global food chains (Anseeuw and Bardinelli, 2020). This skewed distribution of land is no accident. The current massive landholdings of corporations were a result of import-dependent strategy of countries to produce their own food from agricultural lands abroad as a reaction to the food crisis in the 2000s (Pagsanghan, 2018).

The disproportionate corporate ownership of agricultural land coincides with a dramatic increase in land conflicts where the rural poor bear the brunt of cases of human rights violations (Pagsanghan, 2018). The situation is compounded by tenuous tenure rights, which also result in conflict as competing interests fight for control of the land (Quizon, 2019).

Conflict is also exacerbated by rural landlessness caused by population growth, fragmentation, land use conversion, environmental degradation, and the impact of natural disasters (Wicker and Kalhan, 2010). The sad reality is that there is a direct relationship between conflict and the incidence of human rights violations.

Apart from food security, land acquisition by big business is also driven by the quest for alternative sources of energy. An unintended adverse consequence, the shift from fossil fuels to the supposedly more environment-friendly biofuels prompted large-scale acquisitions of land, including forest lands. The demand for biofuels is sustained by increasing demand for energy led by China's fast-paced development and geo-political instability in the oil-producing Middle East region (Pagsanghan, 2018).

For similar reasons, demand for land is tied to the demand for resources directly related to economic growth and development. Extractive industries like logging and mining continue to push the demand for land (Pagsanghan, 2018). Economic growth and development also gave rise to industrial estates and tourism-based real estates (Pagsanghan, 2018) which require conversion of agricultural lands.

Competition over land will not abate and deeper conflicts will persist. Land will become scarcer with climate change, population growth, food insecurity, migration, and urbanization. These pressures will continue to feed conflict not merely internally but may also spill over internationally (UN Secretary-General, 2019).

Even the COVID-19 pandemic is partially caused by these pressures, specifically by urbanization (Anseeuw and Bardinelli, 2020). The scarcity of land has driven resource-poor but cash-rich countries to make large-scale acquisitions of land in order to achieve food security and also mitigate the pressures on land-related conflict (UNHRC, 2009). Big businesses have also started to speculate on agricultural land on the belief that land prices will drastically increase (UNHRC 2009).

In acquiring land, corporations prefer lands in developing countries due to the relative low prices of available vast tracks of land that are conducive to agriculture coupled with inexpensive labor (UNHRC, 2009). It is also no coincidence that these developing countries suffer from ailing political and legal institutions that allow the exploitation of the poor and marginalized.

Box 1. Common reasons for large scale acquisitions of land

- The rush towards the production of agrofuels as an alternative to fossil fuels, a development encouraged by fiscal incentives and subsidies in developed countries;
- The growth of population and urbanization, combined with the exhaustion of natural resources, in certain countries, which therefore see large-scale land acquisitions as a means to achieve long-term food security;
- Increased concerns of certain countries about the availability of fresh water, which in a number of regions is becoming a scarce commodity;
- Increased demand for certain raw commodities from tropical countries, particularly fiber and other wood products;
- Expected subsidies for carbon storage through plantation and avoided deforestation; and,
- Particularly as far as private investors are concerned, speculation on future increases in the price of farmland.

Source: UN Human Rights Council. (2009, December 28). *Report of the Special Rapporteur on the Right to Food, Olivier De Schutter*. UN Human Rights Council. A/HRC/13/33/Add.2.

As big corporations gobble up land, especially in developing countries, conflicts begin to ripen. Unfortunately, there is an established link between land, armed conflict, and human rights violations (UN Secretary-General, 2019). This worrying development calls for a heightened observance of the United Nations Guiding Principles on Business and Human Rights (UNGPs).

Thus, the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC), in partnership with Land Watch Asia (LWA) members in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines, are implementing the program "Defending Land Rights and Human Rights Defenders." This initiative aims to contribute to the goal of reducing land rights violations and ensuring that the right to land is recognized as a human right, as land rights organizations and communities become part of the regional and country dialogues.

Objectives of study

This study was undertaken to:

- provide an overview of the legal status of land rights in international law;
- review the progress of implementing the UN Guiding Principles for Business and Human Rights and formulating National Actions Plans (NAPs) in six Asian countries; and,
- recommend ways to move forward the development of the respective NAPs in these countries and in Asia in general, with particular focus on land rights.

Methodology, scope, and limitations

Six country reports were prepared to give an update on the progress of efforts to mainstream BHR in the context of land and agricultural investments and when relevant, report on the development of NAPs to implement the UNGPs.

This regional summary report consolidates the country papers prepared by the LWA Working Group on Mainstreaming Land Rights and Human Rights (LWA WG LRHR) members in Bangladesh, Cambodia, India, Indonesia, Nepal, and the Philippines.

Given the COVID-19 pandemic, data were gathered mostly through digital meetings and online sources. To the extent possible, CSO partners engaged their respective National Human Rights Institutions/Commissions (NHRIs/Cs), other CSOs working on land rights, and governments in the dialogue process in relation to the formulation and monitoring of UNGPs.

An online regional meeting among the LWA WG LRHR members validated the contents of this paper. The main highlights of this document were also presented last 3 to 4 August 2021 during an *Online Regional Workshop on Mainstreaming Land Rights in UNGPs in Asia*, jointly organized by ANGOC, LWA WG LRHR, Commission of Human Rights of the Philippines (CHRP), International Land Coalition (ILC), Southeast Asia National Human Rights Institutions Forum (SEANF), United Nations Development Programme Business and Human Rights Asia (UNDP B+HR Asia), and the Office of the United Nations High Commissioner for Human Rights (OHCHR) Regional Office for Southeast Asia.

Political and human rights context

As this study deals with human rights in general and land rights in particular, it is important to understand the specificities of the country contexts. Governments that are resistant to the business and human rights principles may have opaque policies leading to the lack of information on their activities. A general picture on the political climate and treatment of human rights in six Asian countries is presented in Table 1.

Table 1. Political and Human Rights Context

Country	Context
Bangladesh	<p>The Bangladesh National Human Rights Commission has fettered jurisdiction since its mandate does not include economic, social, and cultural rights (UN CESCR, 2018). Its independence is also undermined when it does not have full financial autonomy and adequate staff (UN CESCR, 2018).</p> <p>Government critics and human rights defenders are also under threat due to restrictive provisions in existing laws and proposed legislation (UN CESCR, 2018).</p> <p>Indigenous people are not recognized and protected under the Bangladesh Constitution. It has been reported that their ancestral lands have been expropriated without the requisite free, prior, and informed consent (UN CESCR, 2018).</p> <p>Women do not enjoy the same property rights as men in light of religious laws and the discrimination in the provisions of the <i>Khas</i> land distribution policy (UN CESCR, 2018).</p>
Cambodia	<p>The Cambodian People's Party remains firmly in control of the Cambodian government, as it holds all 125 seats in the Parliament. The government established a Supreme Consultative Council where seats were offered to losing political parties of the 2017 elections, seemingly as a consolation, since laws continue to be passed through the Parliament (UNHRC, 2019).</p> <p>The Cambodia National Rescue Party (CNRP) is still dissolved with its members banned from participating in elections (UNHRC, 2019). Its elected members were stripped of their positions, which were then given to unelected members of the Cambodian People's Party</p>

	<p>(UNHRC, 2019). The leader of the CNRP was detained in 2017 and is now under house arrest.</p> <p>There is general mistrust of the judiciary which was not aided by a law passed in 2015 placing the judiciary under the control of the Ministry of Justice. There is also widespread corruption while criminal convictions are often based on coerced testimonies obtained by the police (Sek, 2018).</p>
India	<p>India touts itself as the largest democracy in the world. It has a federal government in place which leads to differences in policies at the Federal State level (UNHRC, 2017a).</p> <p>About 67% of its population live in rural areas, but urbanization is growing (UNHRC, 2017a). About 90% of those living in rural areas live below the poverty line and there is a wide gap between the rich and the poor (UNHRC, 2017a).</p> <p>The National Human Rights Commission (NHRC) of India has limited powers and no move has been made to sufficiently equip it with the proper authority under the Protection of Human Rights Act (UNHRC, 2017a). It has no authority to investigate members of the military or police. It also has a very short period of one year to consider cases of human rights violations (UNHRC, 2017a). Administratively, the NHRC also lacks resources to pursue its present mandate (UNHRC, 2017a).</p> <p>UNESCO also reported a shrinking space for freedom of speech and expression. Journalists have been murdered and well-known nationalists have been assassinated (2017 Report). The rights to free speech and assembly are also curtailed by holding acts in the performance of such rights as criminal (UNHRC, 2017a).</p> <p>Laws protecting the marginalized have been amended resulting in the dilution of the laws' efficacy (SDF, 2021). Laws have also been changed to benefit corporations (SDF, 2021). Compounding such adverse changes, in at least one instance, the government defied the Supreme Court by not publishing information on environmental laws in a local language (SDF, 2021).</p>

Indonesia	<p>The government has been described to have corruption at all administrative levels (UNHRC, 2017b).</p> <p>It was observed that excessive use of force and extrajudicial killings by the police and the military during protests have been increasing (UNHRC, 2017b). There are reports that Indonesia's security forces are used to punish political dissidents and human rights defenders (UNHRC, 2017b).</p> <p>Defamation provisions from the law on information and electronic transactions are being used against critics of government (UNHRC, 2017a). A law on mass organizations was enacted which regulates and imposes onerous registration requirements for domestic and foreign associations (UNHRC, 2017b).</p>
Nepal	<p>Nepal's Constitution is relatively new. It is still just a decade removed from conflict and efforts to build a functioning democracy continue. It was only in 2011 that a law was passed to eliminate its caste system.</p> <p>The government is proposing laws that would undermine human rights and its protection in the country. For instance, the Media Council Bill limits freedom of expression, as it would allow a Media Council to penalize members of the journalism or news industry if they supposedly tarnished the image of a person (Human Rights Watch, n.d.). Similarly, the Information Technology Bill seeks to impose penalties, including imprisonment, on persons expressing their views online based on overbroad definitions of violations (Human Rights Watch, n.d.).</p> <p>The government is also proposing a law that would limit the authority to determine cases to file against human rights abusers exclusively with attorney-generals and removing such authority from the National Human Rights Commission (hrw.org). They are also proposing a law that gives the government authority to monitor and control the activity of organizations; thus making human rights defenders vulnerable to harassment and intimidation person (Human Rights Watch, n.d.).</p>
Philippines	<p>The 1987 Philippine Constitution contains a bill of rights and provisions geared to promote civil, political, and economic, social, and cultural rights and likewise, to prevent human rights violations pervasive during the Marcos regime. The same Constitution established an independent Commission on Human Rights and from this, other human rights bodies were created.</p>

The Philippines ratified eight core human rights instruments. However, the present government has refused visits of special mandate holders from the UNHRC (UNHRC, 2020) with the last visit happening in 2015.

While the Philippines has passed a substantial number of laws protecting economic, social, and cultural rights, the current administration's focus on public order and security issues, including drug trafficking, has resulted in serious violations of civil rights (UNHRC, 2020). The tenor of public order and national security has also produced problematic legislation that threaten human rights defenders' freedom to advocate and campaign for better protection of human rights (UNHRC, 2020). The OHCHR verified at least 208 murders of human rights defenders, journalists, and trade unionists over a five-year period between January 2015 and December 2019 (UNHRC, 2020). It is also a worrying development that State law enforcement agents intimidate NGOs and CSO through visits, raids, and detentions (UNHRC, 2020). Since 2015, the OHCHR also found that at least 40 lawyers, representing farmers and indigenous people on land rights cases, were killed (UNHRC, 2020).

Legal framework of the right to land

In municipal law,² a country's constitution usually contains a bill of rights that protect its citizen's civil rights. In international human rights law, the Universal Declaration of Human Rights (UDHR) is termed as the international bill of rights.

The UDHR is the progenitor of treaty law as regards human rights, namely the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Being treaties, States may be called out to respect their obligations in these documents. These treaties also give teeth to the international bill of rights, as these three instruments have been traditionally referred as such.

The need to recognize and articulate human rights in less broad terms brought about treaties that address more specific human rights issues. They form part of the core international human rights treaties. These are:

² Also known as the national, domestic, or internal law of a sovereign State

- a. International Convention on the Elimination of All Forms of Racial Discrimination (ICEAFRD);
- b. Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW);
- c. Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment (CAT);
- d. Convention on the Rights of the Child (CRC);
- e. International Convention on the Protection of the Rights of Migrant Workers and Members of their Families (CRMW);
- f. Convention on the Rights of Persons with Disabilities (CRPD); and,
- g. International Convention for the Protection of All Persons from Enforced Disappearances (ICPPED).

Land Rights

A review of these treaties reveals provisions that should be considered as bases for the right to land. Land is a requisite of economic, social, political, cultural, and historical activity and is directly linked to peace and security, human rights, and development (UN Secretary-General, 2019). Land issues cut across various domains of human rights. This is echoed in the draft General Comment No. 26 on Land and Economic, Social, and Cultural Rights of the CESCR. Thus, even without a stand-alone human right to land, current international human rights standards and other relevant international law already encompass land rights issues (UN and OHCHR, 2015).

It may be presumptuous to state categorically that the right to land is a fundamental right in light of its relation to other fundamental rights. Absent any codification or ratification by a significant number of States, it remains to be part of soft law.³

It should be noted that the UDHR remains to be a non-binding instrument, yet its normative impact leaves such status inconsequential (Brownlie, 2008).

Nevertheless, since protection of land rights oftentimes are requisite to the enjoyment of fundamental human rights, the practical effect elevates land rights to a higher plane in law.

³ Refers to instruments or principles that do not have legally-binding force

In the absence of a binding treaty, elements of land rights may be observed in State practice. In addition, soft law instruments, like the UNGPs, are indicative of existing or developing legally binding norms and consensus among States and other stakeholders (UN and OHCHR, 2015). There is an observable set of rules of general application from the wide State acceptance (Brownlie, 2008) of the UNGPs. Adherence to UNGPs address wide-ranging conflicts and issues pertaining to land rights. Thus, coupled with the indivisible nature of human rights, land rights should not be viewed any less than other human rights.

Importance of enforcing and protecting land rights

The most common notion of human rights violations pertaining to land rights may be that of the pervasive evictions of marginalized people from their properties.

In 1997, the UN Committee on Economic, Social, and Cultural Rights, in its General Comment No. 7 underscored the interrelationship and interdependency of all human rights and thus, forced evictions may lead to the violation of other human rights, such as the *“right to life, the right to security of the person, the right to non-interference with privacy, family and home and the right to the peaceful enjoyment of possessions”* (UN CESCR, 2017). Investment-linked evictions have been found to result in cases of physical and sexual violence against women (UN CESCR, 2017). It should be noted that in its General Comment No. 4, the Committee stated that everyone should have a *“degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats.”*

Many forced evictions can be traced to the disingenuous approach taken by business or government with local communities in the process of acquiring land. Local communities are often not extended prior consultation nor provided accurate information about their land. They only find out about the loss of their land when they are dispossessed by armed groups, which is often preceded by harassment, intimidation, and coercion (Pagsanghan, 2018).

In many cases, the enjoyment of certain rights is connected to land rights. Thus, land rights violations also serve as means to commit violations of other fundamental human rights. It should be borne in mind that land rights do not only refer to losing land or title to property, as many other resources, abilities, and freedoms may be lost. Table 2 shows examples of the interrelatedness of human rights and underscores the relevance of land rights:

Table 2. Human rights dependent on land rights and vice-versa

Human Right	Main Source Instruments	How this Human Right is Affected When Land Rights are Threatened or Violated
Right to Food	a. Art. 25, UDHR b. Arts. 11.1, 11.2, ICESCR c. Art. 28.1, CRPD	<ul style="list-style-type: none"> ▪ When development prevents the vulnerable and marginalized from accessing land that is the source of their food
Right to Adequate Housing	a. Art. 25 UDHR b. Art. 11.1 ICESCR c. Art. 17.1 ICCPR	<ul style="list-style-type: none"> ▪ Rising land prices due to development, privatization, poor urban planning, gentrification; poor settles on land with low market value that are often times polluted or in hazard-prone areas ▪ Evictions in rural areas due to large scale developments; infrastructure projects, extractive and industrial activities, and even armed conflict
Rights to Freedom of Opinion, Expression and Assembly	a. Arts. 19 and 20, UDHR b. Art. 19, 20, and 21, ICCPR c. Art. 5 (d) (viii) and (ix), ICEAFRD	<ul style="list-style-type: none"> ▪ Affects human rights defenders of land rights ▪ Informal settlers or those victims of eviction are subjected to excessive use of force by police, or subjected to harassment ▪ Criminalization of acts of protest or criticism of government or business ▪ When urbanization results in smaller public spaces for assembly
Right to Freedom of Religion	a. Art. 18, UDHR b. Art. 18, 27 ICCPR c. Art. 5 (d) (vii), ICEAFRD d. Art. 14. CRC	<ul style="list-style-type: none"> ▪ When religious sites are expropriated by the State ▪ Mere limitation on the exercise of religion is a violation as when access to religious sites is limited or undermined due to conflict or development
Right to Life	a. Art. 3, UDHR; b. Article 6 (1) ICCPR	<ul style="list-style-type: none"> ▪ When land is the source of subsistence and is unlawfully taken ▪ When life is taken in defense of one's land or on behalf of others by human rights defenders ▪ When eviction violates the dignity of one's life
Right to Property	a. Art. 17 UDHR; b. Art. 5 (d) (v) and (vi), ICEAFRD c. Arts. 15 (2) and 16 (1) (c) and (h), CEDAW	<ul style="list-style-type: none"> ▪ When right to property is interpreted to give preference to current property arrangements ▪ Over-focus on individual titling without recognizing condition and needs of marginalized groups ▪ Gender discrimination on right to own property
Right to Information	a. Art. 19, UDHR b. Art. 19 (2), ICCPR	<ul style="list-style-type: none"> ▪ Marginalized stakeholders are left out of consultations or are not provided complete information on land deals, development projects or land reform; ▪ Minority groups are not given information on land issues in a language they understand

Source: United Nations (UN) and Office of the High Commissioner for Human Rights (OHCHR). (2015). Land and Human Rights – Standards and Applications. United Nations. https://www.ohchr.org/documents/publications/land_hr-standardsapplications.pdf

Threats to land rights

Land conflicts may either be land disputes or structural land conflicts (Quizon, 2019).

Land disputes normally involve opposing claims involving land or resource that may be resolved through civil proceedings or other pacific means within a legal system. Structural land conflicts are deeper and larger controversies involving lands or resources.

These conflicts may involve opposing interests of many large groups and even classes of people where the enormity of the issues could not be settled by the existing legal system (Quizon, 2019). Such conflicts at times would lead to violence and greater threats to human rights.

The UN Secretary General (UN Secretary-General, 2019) identified a number of land-related issues that normally escalate into conflict. These include:

- a. Politics of exclusion employed by powerful actors where people are displaced from their lands and homes;
- b. Scarce natural resources where disputes over land arise due to increasing demand from a growing population, adverse environmental impact on land, or battles over resources such as water;
- c. Population pressure where the demand for land as space increases because of high land-to-people occupancy ratios or urbanization;
- d. Economic and political competition between power blocs that include instances where foreign corporations compete with local communities for land; or,
- e. Weak land administration systems where a weak State, outdated or irrelevant laws, and lack of dispute resolution capacity further marginalize people from their lands.

Large investments in land are normally welcomed by troubled States that are impoverished with an unstable political environment. Big multinationals and wealthy governments engage with such countries to take advantage of their situations that normally feature weak laws that leave people unprotected. As a result, these businesses and governments do not realize the economic prospects of their investments. Instead, they create an environment for conflict and for rife human rights violations (Pagsanghan, 2018).

It should be underscored that deprivation of land rights not only arises through conflict. Climate change is a serious threat to land rights, not just to those who till the land, but it is a threat to each and every person's right to land. It is also becoming widely accepted in law that a safe, clean, healthy, and sustainable environment, including land, is essential for the enjoyment of human rights (UN and OHCHR, 2015).

Complex corporate and financial structures also threaten land rights especially as regards obtaining redress for abuses. Due to the many layers of such structures, actual ownership of the business is difficult to determine. Private equity firms and asset managers have started placing their client's money in farmlands and thus, those in control of a business may be geographically and institutionally distant from where abuses may happen (Anseeuw and Bardinelli, 2020).

While the human rights system emanating from the UDHR is largely within the ambit of international law, ultimately, the effective protection of human rights depends greatly on municipal legal systems (Brownlie, 2008). Even the State duty to protect is a mere standard of conduct where a State's duty to protect human rights is merely vicarious and its responsibility is only triggered when the violation may be attributed to it and mainly for its inaction.

In this light, the context of land rights issues in Asia is relevant. The six countries (Bangladesh, Cambodia, India, Indonesia, Nepal, and Philippines) are immersed in varying degrees of land-related issues and conflicts as shown below:

Table 3. Land-related conflicts in six Asian countries

Country	Examples of Land-Related Conflicts
Bangladesh	<ul style="list-style-type: none"> <li data-bbox="286 1450 1224 1522">▪ 75% of all pending court cases are land-related conflicts and account for 10% of the country's GDP (CDA, 2018). <li data-bbox="286 1522 1224 1663">▪ Indigenous people are not recognized and protected under the Bangladesh Constitution. It has been reported that their ancestral lands have been expropriated without the requisite free, prior, and informed consent (UN CESCR, 2018). <li data-bbox="286 1663 1224 1734">▪ There are incidents of land grabbing, as the government fails to fully implement it <i>Khas</i> land distribution policy (UN CESCR, 2018). <li data-bbox="286 1734 1224 1837">▪ Women also do not enjoy the same property rights as men in light of religious laws and the discrimination in the provisions of the <i>Khas</i> land distribution policy (UN CESCR, 2018).

	<ul style="list-style-type: none"> ▪ From 2015 to 2018, in relation to land disputes, 1,484 houses of indigenous people were burned down, 206 houses were looted and ransacked, 146 people were assaulted/injured, nine killed and 40 women were raped or were victims of attempted rape (Quizon, 2019). ▪ From 2015 to 2018, 1,544 indigenous families were forcibly evicted from their ancestral lands (Quizon, 2019).
Cambodia	<ul style="list-style-type: none"> ▪ The lack of governance through formal land titles, corruption and lack of legitimate land rights governance allows businesses to commit land grabbing and forced evictions with impunity (STAR Kampuchea, 2021). ▪ As many as a million people are dealing with land disputes (Quizon, 2019). ▪ As of 2019, 60,000 people are estimated to have been forcibly evicted from their homes (Quizon, 2019). ▪ Community activists who protested land grabs and evictions were arrested after being charged with incitement and damage to property as well as concocted common crimes (Quizon, 2019). ▪ There were reports of killings of community activists who protested land grabs and evictions (Quizon, 2019).
India	<ul style="list-style-type: none"> ▪ Approximately 70% of the traditional homeland of indigenous peoples in India has historically been designated as forest and has been brought under the control of the Government since colonial time. ▪ Many of the land disputes involve forest lands, thus affecting tribal groups or indigenous peoples. ▪ Use of force is commonly employed by government and businesses in acquiring land for infrastructure and industries (Pagsanghan, 2018). ▪ Current drivers of land conflict include: State-led development projects (for infrastructure, Special Economic Zones, etc.) which has led to the displacement of an estimated 60 million people from 1947 to 2004, of which 40% are tribals; continuing land conversion of forests to other uses; and, privatization of community lands that are under common property use and tenure.
Indonesia	<ul style="list-style-type: none"> ▪ Land conflicts between large corporations and small agricultural communities are very common. ▪ Between 2004 and 2015, 1,770 agrarian conflicts involving one million households over an area of at least seven million hectares were recorded (Quizon, 2019). ▪ Over a 20-month period, a review of agrarian land disputes revealed the deaths of 22 people and injury to 318 people usually committed by State security forces or private security (Quizon, 2019). ▪ In 2017, 369 persons from protesting communities were arrested after civil and criminal cases were filed against them and in the first eight months of 2018, 152 were arrested (Quizon, 2019). ▪ In 2017, 32% of agrarian land conflicts pertained to plantations, including those for oil palm (Pagsanghan, 2018).

	<ul style="list-style-type: none"> ▪ Mining industries often damage water resources that are used for food production, forcing villagers and farmers around the mining area to use mine pit water for household use and for irrigation of crops and fish farming (UNHRC, 2018). ▪ As of 2018, the government has only issued its sustainable palm oil certification to 16.7% of plantations (UNHRC, 2018). ▪ In December 2017, the construction of the Batang-Semarang highway resulted in the forced eviction of hundreds of local community members, including peasants from nine villages (UNHRC, 2018).
Nepal	<ul style="list-style-type: none"> ▪ The Nepalese laws and government policies do not recognize traditional land and territories (Pagsanghan, 2018). ▪ Land conflicts arise due to complicated legal procedures, lack of awareness, loopholes, and duplications in land laws (Pagsanghan, 2018). ▪ Land conflicts also arise from discrimination against women and the minority group of <i>Dalits</i> (Quizon, 2019). ▪ From 2012 to 2016, an annual average of 25,000 land-related cases were filed in court (Quizon, 2019).
Philippines	<ul style="list-style-type: none"> ▪ 23% of land dispute cases resulted in the murder of a party, with 87.5% of such killings perpetrated by military or private armed groups (Quizon, 2019). ▪ From 2017 to mid-2018, businesses and landed families filed at least 147 trespassing or theft cases against community leaders and members (Quizon, 2019). ▪ In the Philippines, from January 2017 to June 2018, 431 instances of human rights violations were found in 233 of the conflict cases studied – 61 of these involved the assassination of individuals, most of whom were affiliated with CSOs or social movements (ANGOC). ▪ In 2017, the Philippines was classified as the second deadliest country for land and environmental rights defenders (Pagsanghan, 2018).

Business and Human Rights

In the 2000s, the dark side of globalization started to show its ugly face. While environmental protection came to the forefront of globalization issues and sustainable development became a byline, businesses making money at the expense of human rights were also being exposed. In 2003, the UN released the Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights, but reception was very lukewarm.

In 2007, however, the UN General Assembly categorically adopted the principle that under international law, "States have a duty to protect against non-State human rights abuses within their jurisdiction, and that this duty extends to protection against abuses by business entities (UNHRC, 2007).

This statement underscored a State's "Duty to Protect" in what would later be one of the three pillars in a framework on business and human rights. This Duty to Protect was also cited in the Human Rights Committee's General Comment 31 stating that the obligations under the International Convention on Civil and Political Rights (ICCPR) would only be fully discharged if the duty to protect against violations of the ICCPR extends to private actors (UNHRC, 2007).

The international legal system was also disabusing itself of the notion that corporations may not be subjects of international law and thus, they may be held responsible for their corporate actions (UNHRC, 2007). New realities point to corporations having duties and responsibilities in international law in light of their increased and active involvement in the international plane (UNHRC, 2007).

Moreover, with international criminal tribunals expanding individual responsibility and domestic statutes assigning responsibility to corporations for international crimes, corporate responsibility to respect human rights was becoming more established (UNHRC, 2007).

With corporations' responsibility for human rights having been established, the natural consequence of such development is the need to answer the question of enforcement. Standards regulating corporate action would be for naught if there were no processes for investigation, punishment and redress of violations of human rights (UNHRC, 2007). Thus, there should be judicial and non-judicial, and public and private means for victims to file their grievances or access to remedies.

The Ruggie Report, released in 2008, underscored the incompleteness of human rights instruments, as these did not cover compliance by businesses (Lubbers, Genugten, and Lambooy, 2008). This report established the Protect, Respect, and Remedy Framework (UNHRC, 2007).

Gaps in the human rights legal framework as regards corporations are partially filled by specific human rights enjoying *jus cogens*⁴ status. In theory, the peremptory nature of such rights directly impels corporations to respect and comply with human rights standards (Lubbers, Genugten, and Lambooy, 2008). In any event, many gaps remain as many continue to question the legal status of the so-called third generation human rights.

⁴ Overriding principle of international law, consisting of customary law that cannot be set aside by treaty or acquiescence; a peremptory norm from which no derogation is permitted (Brownlie, 2008).

In 2011, after numerous consultations, the UN Guiding Principles on Business and Human Rights (UNGPs) were released. While geared towards addressing many of the gaps involving compliance by enterprises with human rights standards, it should be noted that the Guidelines do not create new obligations under international law, as they are merely normative.

Recently, S&P Global submitted a report to the UN Working Group on BHR assessing compliance by 703 companies with the UNGPs (Rodriguez and Wild, 2021). The review was part of S&P Global's Corporate Sustainability Assessment covering the period of 2017 to 2020. S&P Global's evaluation covered the companies' level of commitment to human rights, their human rights due diligence framework, their assessment of impacts, and their disclosure policies.

The report revealed a positive reception for BHR among companies as the commitment level to human rights rose to 90 percent in 2020 from only 66 percent in 2017 (Rodriguez and Wild, 2021). These overall numbers reveal discouraging results when distilled per industry. While consumer staples companies were found to have a 98 percent commitment rate in 2020, the commitment to human rights by real property and industrial companies are at a rate of only 44 percent and 68 percent in 2020 (Rodriguez and Wild, 2021).

In terms of geography, the source of commitments skew towards Europe (Rodriguez and Wild, 2021). It can be seen that committing to human rights is not a matter of economic progress since North American companies lag in terms of rate of commitment.

The report also noted that the commitment to human rights by companies do not necessarily mean full compliance with the UNGPs. For instance, 17 percent of the companies which made commitments to human rights do not have a due diligence mechanism to ensure their compliance (Rodriguez and Wild, 2021). Companies are also hesitant to reveal remediation measures they undertook as only 33 percent made disclosures, and only 22 percent disclosed mitigation measures they implemented (Rodriguez and Wild, 2021).

Significance of NAPs

National Action Plans (NAPs) have been developed for responses on many global issues such as human trafficking, climate change, and water quality

(Quick and Wrzoncki, 2017). At the World Conference on Human Rights in 1993, the development of NAPs by States was promoted as a means to protect human rights (Quick and Wrzoncki, 2017). NAPs are also being developed in line with the programs under the 2030 Sustainable Development Goals (Quick and Wrzoncki, 2017).

A National Action Plan for UN Guiding Principles on Business and Human Rights is an “evolving policy strategy developed by a State to protect against adverse human rights impacts by business enterprises in conformity with the UNGPs” (UNWG on BHR, 2016). To be effective, NAPs must be: “1) be founded upon the UNGPs, 2) respond to specific challenges of the national context, 3) be developed and implemented through an inclusive and transparent process, and 4) be regularly reviewed and updated (UNWG on BHR, 2016).”

The institution, or mere process of institution, of a NAP, brings about inertia in promoting the principles of BHR. Once a government commits to participating in the NAP’s development, the following may be expected, as pointed out by the UN Working Group:

- a. Greater coordination and coherence within government on the range of public policy areas that relate to business and human rights;
- b. An inclusive process to identify national priorities and concrete policy measures and action;
- c. Transparency and predictability for interested domestic and international stakeholders;
- d. A process of continuous monitoring, measuring and evaluation of implementation;
- e. A platform for ongoing multi-stakeholder dialogue; and,
- f. A flexible yet common format that facilitates international cooperation, coordination, and exchanges of good practices and lessons learned (UNWG on BHR, 2016).



Governments are also encouraged to submit national reports to international bodies on the status of human rights in their jurisdiction (Quick and Wrzoncki, 2017).

So far, 30 countries have published a NAP for BHR while 15 countries have NAPs under development. In the Asia-Pacific Region, only Japan, South Korea, and Thailand have published their NAPs. While India, Indonesia, Malaysia, Mongolia, Pakistan, and Vietnam are the countries considered to have NAPs under development (National Action Plans on BHR Website, n.d.).

The process may also result in the prevention and reduction of business-related human rights abuses (Quick and Wrzoncki, 2017). It also promotes the provision of remedy to victims of non-compliance with BHR (Quick and Wrzoncki, 2017).

The involvement of stakeholders in the preparation of a NAP calls for the mobilization of resources. This empowers the rights-holders and even the human rights defenders advocating for BHR (Quick and Wrzoncki, 2017).

Governments usually involve various agencies, working through inter-agency committees or consultative groups, in developing a NAP (Quick and Wrzoncki, 2017). A clear lead agency or leader within government, equipped with the requisite authority and adequate resources, should be designated to lead the development of a NAP (Quick and Wrzoncki, 2017).

Stakeholders are often involved at all stages of the preparation of a NAP (Quick and Wrzoncki, 2017). It is recommended that stakeholders adopt terms of reference, objectives, a work plan, and a timeline to plan and manage their involvement in the drafting of a NAP (Quick and Wrzoncki, 2017).

It has been observed though that the poor and marginalized groups, for whom the NAP on BHR is being developed, are often left out of the drafting process (Quick and Wrzoncki, 2017). This already does not comply with the UNGPs. Governments are thus encouraged to include these groups by:

The process of developing NAPs has been found to bring about a stronger culture of respect for human rights and of honoring international commitments as the process also serves to hold governments accountable to stakeholders.

- a. Providing a mechanism for confidential or anonymous submissions;
- b. Giving financial support for travel and other consultation attendance costs;
- c. Translating and interpreting materials and proceedings into minority languages;
- d. Providing protection against negative repercussions for participation; and,
- e. Organizing local or stakeholder-specific dialogue events, such as gender-segregated events; and specific outreach to children and other groups (Quick and Wrzoncki, 2017).

In establishing a National Action Plan, the UN Working Group identified the following phases: 1) initiation; 2) assessment and consultation; 3) drafting of Initial NAP; 4) implementation; and, 5) update.

Box 2: Steps in the Development of a National Action Plan

Phase 1: Initiation

1. Seek and publish a formal Government commitment
2. Create a format for cross-departmental collaboration and designate leadership
3. Create a format for engagement with non-governmental stakeholders
4. Develop and publish a work plan and allocate adequate resources

Phase 2: Assessment and consultation

5. Get an understanding of adverse business-related human rights impacts
6. Identify gaps in State and business implementation of the UNGPs
7. Consult stakeholders and identify priority areas

Phase 3: Drafting of initial NAP

8. Draft the initial NAP
9. Consult on the draft with interested stakeholders
10. Finalize and launch the initial NAP

Phase 4: Implementation

11. Implement actions and continue cross-departmental collaboration
12. Ensure multi-stakeholder monitoring

Phase 5: Update

13. Evaluate impacts of the previous NAP and identify gaps
14. Consult stakeholders and identify priority areas
15. Draft updated NAP, consult on, finalize, and launch it

Source: UN Working Group on BHR. (2016 November). *Guidance on National Action Plans on Business and Human Rights*. UNWG on BHR. https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf

Status of NAPs in Six Asian Countries

Based on the country reports, the progress of the six countries in instituting their respective National Action Plans has been assessed as follows:

Table 4. Stage of NAP for BHR development

Country	Phase	Observation
Bangladesh	Not Initiated	There is no information whether the government, aside from the Bangladesh Human Rights Commission, has committed to the institution of a NAP.
Cambodia	Not Initiated	There is no information if Cambodia has committed to the development of a NAP. There are efforts by some CSOs to campaign for the establishment of a National Human Rights Institution (NHRI).
India	Drafting	The Indian Ministry of Corporate Affairs issued a National Guideline for Responsible Business Climate under its NAP for the UNGPs. The NAP refers to a Zero Draft document issued in 2019. In addition, the focus of discussions for this NAP refers to labor rights.
Indonesia	Assessment and Consultation	By Presidential Decree, BHR was added to the 2015 to 2019 National Action Plan for Human Rights. However, the country report clarifies that the decree only mandates policymakers to have a better understanding of BHR. Unfortunately, this NAP has not been renewed after it expired in 2019.
Nepal	Not Initiated	Efforts at instituting a NAP are being hindered by the COVID-19 pandemic. The government has only made a verbal commitment to implement BHR.
Philippines	Initiation	While a prior commitment to institute a NAP for UNGPs was secured from the previous administration, the current administration has not taken proactive measures to pursue the process. Though in its thematic report to the UNWG, the government reiterated its support for the drafting of a NAP.

Governments' policies also contradict their commitment or counter the efforts of implementing the UNGPs and instituting their respective NAPs. This situation fails against the operational principle of the UNGPs pertaining to general state and regulatory functions.

In India, while the stakeholders are working to build on their Zero Draft of a NAP, laws were enacted diluting their intended protections. In Cambodia, the government's seeming carefree grant of land concessions undermines any progress on protecting and preserving land rights. In Indonesia, there is the general view that human rights, more so BHR, are not a government priority.

There is also a consistent observation that NHRIs/Cs do not have adequate powers and resources. More importantly, their independence from the government is not always guaranteed.

Activities on BHR initiated by LWA Working Group on Mainstreaming Land Rights as Human Rights

Since 2018, members of the LWA Working Group on Mainstreaming Land Rights as Human Rights (LWA WG LRHR) have been active in mainstreaming concepts of BHR, and in advocating for the inclusion of land rights in discussions on BHR.

In 2020, due to COVID-19, most interventions of the LWA WG LRHR members were mainly conducted online. Activities revolved around raising awareness; consensus building among CSOs; and, engagement with stakeholders such as NHRI/NHRCs and governments.

Noting the need to popularize the UNGPs to the broader public, information and education materials were prepared. Briefing papers explaining BHR issues were produced in Bangladesh, Indonesia, and the Philippines. In India, articles on the status and commentaries on the Zero Draft were released to the media.

Focus group discussions among CSOs – with CSOs working on land rights in particular – were organized to update them on the status on the NAP formulation in the six countries as well as to generate inputs to the NAPs. Recommendations focused on protecting land rights of the poor as inputs to the NAPs. With regard to Cambodia, CSOs contributed to the discourse for the creation of an independent National Human Rights Institution (NHRI).

These processes then culminated in dialogues mostly with NHRIs/Cs. In Indonesia, Nepal, and the Philippines, engagements with governments and the private sector, though on a limited scale, were undertaken. Other BHR-related issues were raised during the consultations such as land grab sectoral studies and land conflict monitoring reports prepared by the

members of the LWA WG on LRHR. The recommendations are found in the succeeding section of this paper.

Summary of Hindrances and Challenges Observed

It appears that the biggest hurdle to enacting a NAP is securing the commitment of governments, in particular the executive branch. Arguably, this is the most important, as government's commitment does not only refer to agreeing to enact a NAP, but also includes its commitment to the contents and its continual updating.

This is evident in the case of the Philippines where a previous administration committed to the institution of a NAP for UNGPs, but the current initiatives towards such formulation do not involve the incumbent government.

In this regard, the observed shift in many countries towards authoritarianism hinders the development of a NAP for UNGPs. Aside from withholding commitment or support to such effort, authoritarian regimes often undermine the independence of National Human Rights Institution or Commission by not allocating funds and resources.

Governments must stay true to their commitments to human rights. As civic space is shrinking with the rise of authoritarian and populist governments, governments must be called to task for ignoring their commitments to binding human rights instruments.

It has been reported that governments use new laws to lessen the efficacy of existing laws that protect communities. These governments also pass laws that curtail freedom of speech and expression; thus, affecting the ability of affected communities and human rights defenders to raise awareness on human rights abuses. They also pass laws that are inconsistent with their commitments to human rights, but rather serve the interests of big business. This issue is indicative of the general BHR situation in a country.

Legislation enacted by such regimes can readily be attributed to them. As these are documents, they can easily be reviewed and assessed. The protection of human rights largely depends on domestic legal systems. Therefore, it is crucial that governments are made to comply with their obligations, primarily their duty to protect.

Addressing this issue is very complicated. First, while there is indeed a shift towards authoritarianism, it must be emphasized that not all governments pass laws or adopt policies contrary to human rights because of such attitudes. As can be seen in the reports, the issue may be purely in terms of awareness and understanding of the UNGPs not only on the part of government, but across all stakeholders.

Second, many governments are developing countries that also have young democracies or are in a post-conflict situation. These governments may still be finding their footing in balancing human rights and the rush of investments.

The COVID-19 pandemic also proves to be a major challenge in this respect. Governments may place the NAP lower on its list of priorities and those with poor human rights records may even use the pandemic as an excuse for their lack of interest in establishing a NAP.

Unfortunately, as can be seen in the reports, government commitment to the NAP and the pandemic are even less of a problem compared to the awareness of BHR. It was observed that in many States, the concept of BHR is still so alien that popularizing it still needs to be prioritized until a critical mass is achieved. Only when a sufficient number of people in government, business, communities, and civil society are aware of the UNGPs and the need to enact its NAP, will a NAP for UNGPs gain significant traction.

One reason for the lack of awareness, as observed in some of the country reports, is that the UNGPs is not translated into local languages. Local languages, in this regard, do not refer to the official languages of the countries, but the languages spoken by marginalized groups, including indigenous peoples.

Much more than this is that most, if not all, countries are not a monolith of people. Various peoples, indigenous and even migrants, of different cultures make up a population and in certain cases, a caste system, or remnants of or a semblance of a caste system that stratify the population into different classes. Thus, this may serve as a hindrance in the preparation of a NAP where not all interests are represented because members of a certain group are excluded or conversely, members of a particular class dominate the discussions. Other cultural biases may also affect participation in the NAP preparation.

With governments and corporations ignoring BHR standards, the issue of remedial measures comes to fore.

Access to remedy can be viewed as an issue on two levels. Primarily, under the UNGPs, it refers to the remedy provided to the person wronged. On the second level, there is the question whether a remedy, on a regulatory level, can be pursued against government and corporate actors who persistently do not comply with the UNGPs. The existence of a remedial measure on the second level may impel government and companies to participate in the NAP development process.

There is also a chicken and egg situation as regards conflict and violence and the NAP development. The NAP serves to guide all stakeholders in implementing the UNGPs and address BHR issues including land conflict.

However, because of violence or threat of violence and intimidation employed by armed security forces or militia (who are sometimes State agents), members of affected communities, the poor and marginalized, and even members of CSOs and human rights defenders think twice before participating in NAP-related activities. Closely related to this concern is the shrinking space for activists as freedom of expression and assembly are curtailed.

As observed worldwide, the shrinking civic space is also affected by false information propagated on the internet. Addressing this is a double-edged sword since laws that would regulate online information are used by authoritarian governments against their critics, including human rights defenders.

Thus, measures to protect truth and free speech must be addressed by other actors, in particular online platform companies. This is a necessary step, not only in ensuring that the correct information on UNGPs is circulated, but also to encourage wholehearted participation by all stakeholders in the development of a NAP for UNGPs.

Recommendations

The list of recommendations from the country reports can be summarized into three overarching proposals:

- continue efforts on popularizing or mainstreaming BHR in order for all the stakeholders to be aware of their responsibilities under the UNGPs;
- strengthen NHRC/NHRI with guaranteed independence and resources to perform an encompassing mandate in line with the Paris Principles to promote and protect human rights and implement the UNGPs; and,
- lobby for formulation and adoption of a National Action Plan for UNGPs, with a strong focus on protecting land rights.

Table 5 outlines the major recommendations of the country reports.

Table 5. Key recommendations to pursue UNGPs and the formulation of NAPs

Country	Recommended Actions
Bangladesh	<ul style="list-style-type: none"> ▪ Government should publish an annual status report of the implementation of UNGPs; ▪ Monitor efforts of government, private and civil society organizations involving UNGPs; ▪ Elevate policy advocacy at international level to make UNGPs an international legally binding instrument; ▪ Increase solidarity to protect land rights defenders; ▪ NHRC should assist the government in formulating the NAP, in conducting advocacy and awareness building campaigns with CSOs; and in monitoring business agreements, laws, and polices relating to BHR; ▪ Government should coordinate with CSOs and international agencies which are working on the National Baseline Assessment and National Action Plan towards UNGPs; and, ▪ A national committee with representation from NGOs, NHRC and other stakeholders should be formed towards NAP formulation.
Cambodia	<p><i>For Government:</i></p> <ul style="list-style-type: none"> ▪ Institute an independent NHRI with sufficient financial and human resources and compliant with international standards, including the Paris Principles, to ensure its independence; ▪ Organize a Working Group composed of representatives from CHRC, OHCHR, and CSOs to discuss the establishment of the NHRI in Cambodia; ▪ Prioritize awareness building on UNGPs among government officials, businesses and investors, CSOs and the general population;

	<ul style="list-style-type: none"> ▪ Streamline the communal land titling process for indigenous peoples; ▪ Investigate land-related incidents of harassment. It should hold those responsible accountable for human rights violations; ▪ Release land rights activists who are imprisoned for exercising their freedom of expression and assembly; and, ▪ Government should review the environmental and social impact assessments (ESIAs) of infrastructure projects or SEZ, including ELCs, and make findings available to affected communities and the public in a timely manner. <p><i>For Private Sector:</i></p> <ul style="list-style-type: none"> ▪ Increase awareness on BHR among field staff; ▪ Establish effective, accessible and transparent operational-level grievance mechanisms, in line with the principles of the UNGPs, for people who are adversely affected by their business activities; ▪ Companies involved in land disputes should take responsibility for disputes and seek to work with CSOs and affected communities in reaching a solution, rather than take legal action against them; ▪ Effectively remedy all human rights violations, and ensure that any remedy meets the effectiveness requirements of the UNGPs; ▪ Respect the principle of Free Prior and Informed Consent; and, ▪ Constantly engage with affected communities and CSOs involved in the land dispute resolution process. <p><i>For CSOs:</i></p> <ul style="list-style-type: none"> ▪ Prioritize activities that raise awareness on BHR among relevant stakeholders; ▪ Support communities seeking redress for land rights violations by providing legal support; ▪ Build capacity of focal persons/youth from communities concerned about legal land rights and entitlements; ▪ Encourage and facilitate dialogue between stakeholders to resolve land disputes in accordance with the UNGPs; ▪ Engage with HR and legal experts to analyze the draft law on the establishment of an NHRI and its compliance with the BHR and Paris Principles; and, ▪ Ensure that the NHRI will have independence from the RGC and that it will be staffed with independent and diverse representatives from stakeholders and experts.
India	<p><i>In relation to the Zero Draft of NAP:</i></p> <ul style="list-style-type: none"> ▪ Organize consultations with human rights defenders and community organizations; ▪ Issues of land, water and common property resources and livelihood should be included; and, <p>Gender and intersectionality of the issues must be included in the draft guidelines, covering issues of single women, <i>adivasi-dalit</i> women, and sexual minorities.</p>

	<p><i>In relation to BHR and land rights:</i></p> <ul style="list-style-type: none"> ▪ Generate more awareness and engage stakeholders, particularly <i>dalits</i>, <i>adivasis</i>, civil society organizations, and social movements; ▪ Emphasize that there should be no eviction or displacement without people's consent, prior rehabilitation and other financial compensation; ▪ Protect land rights defenders and environmental activists, particularly those working with <i>dalits</i> and <i>adivasis</i>; ▪ Support the NHRC's suggestion to make UNGPs mandatory; and, ▪ Restore land and "access" to resources to the communities or people once a company withdraws from the area after public protests or demands.
Indonesia	<p><i>In relation to NAP formulation:</i></p> <ul style="list-style-type: none"> ▪ For CSOs to continue advocating for a Presidential Decree on NAP for UNGPs that includes agrarian resources or a Presidential Decree that can complement the existing NAP for UNGPs with relevant agrarian issues; ▪ Include the creation of a work unit with a measurable program, and an adequate budget to implement NAP; and, ▪ Align the NAP for UNGPs with the SDGs. <p><i>In relation to BHR and land rights:</i></p> <ul style="list-style-type: none"> ▪ Authorities must resolve existing agrarian conflicts effectively and fairly; ▪ Business must be encouraged to comply with human rights principles, and the State must be at the forefront of protecting, respecting and fulfilling human rights; ▪ Strengthen the role and authority of Komnas HAM to encourage the incorporation of human rights principles into various institutions and their policies, especially those related to land; ▪ Since local governments have a more direct relationship with farmers, they should issue local regulations based on human rights principles; and, ▪ Advocate for a business and human rights treaty that will clarify the obligations of transnational companies as regards human rights. The treaty should also contain a rights restoration mechanism for victims in jurisdictions that fail to hold businesses accountable.
Nepal	<ul style="list-style-type: none"> ▪ Consult landless, informal settlers and pro-poor communities prior to setting the development agenda for the NAP; ▪ A separate unit should be established in the Office of Prime Minister and Council of Minister to monitor business and human rights; ▪ The NHRC should prepare an annual progress report on NAP for UNGPs and disseminate the findings to the concerned stakeholders; and, ▪ CSOs need to organize a joint campaign and advocacy for the formulation of the NAP for UNGPs.



Philippines	<p><i>Government is called to:</i></p> <ul style="list-style-type: none"> ▪ Complete land and resource reform programs and ensure tenure security for the rural poor; ▪ Ensure the integrity of safeguard mechanisms that regulate land investments by integrating the UNGPs in all aspects of land and resource governance; ▪ Processes and protocols should be followed and regularly monitored when it comes to contracts between farmers/IPs and corporations; and, ▪ Pursue the commitment to formulate the NAP. <p><i>Business sector should:</i></p> <ul style="list-style-type: none"> ▪ Uphold FPIC processes and principles; ▪ Set up grievance mechanisms to provide a venue for concerns; and, ▪ Create dedicated offices to receive and process such complaints.
-------------	--

At the same time, CSOs in Bangladesh and Indonesia advocate for a binding treaty on UNGPs. While compliance with the UNGPs is greatly dependent on a State government's commitment to uphold it, having a binding treaty heightens a State's compliance with the BHR.

Under the principle of *pacta sunt servanda* in international law, States must comply with their obligations in good faith. A treaty also helps define the specific obligations of a State, including the obligation to enact laws consistent with the treaty. The treaty would also allow mechanisms to call out an erring State and checks that allow international bodies to monitor and inspect the country.

Based on the observations from the situations of the six countries in the study, the following actions are also recommended under the three pillars of UNGPs:

Protect

- Governments must adhere to their commitments to human rights and their "Duty to Protect." They must be progressive and responsive in their policies and legislations and should not slide back to traditional positions that ignore the UNGPs in favor of investments. Governments are responsible in filling governance gaps and market failures (UNWG on BHR, 2018) and should not be the ones creating stumbling blocks in the promotion of BHR. A prime example of such contradiction is the Economic Land Concession policy adopted in Cambodia where government itself actively awards large tracts of land to agri-business investments – undermining land rights of its citizens in the process.

Thus, governments must refrain from enacting laws that undercut BHR. They must also be creative in promoting compliance with the UNGPs.

- Governments must address the root causes of human rights abuses. For instance, as regards land rights, governments must enact and enforce national legislation and policies that promote access and tenure security to land, forests, waters, and pastures of smallholder farmers, fishers, indigenous peoples, rural women, pastoralists, youth, differently-abled persons, and other marginalized sectors; and prevent the unnecessary destruction and conversion of fertile land, forests and water bodies.
- Governments should uphold the spirit of and comply with its obligations under international human rights instruments (e.g., CEDAW, ICCPR, ICESCR, ICERD, CBD, Paris Agreement, UNGPs, VGGT, ILO 169, UNDRIP, UNDROP, etc.), specific to land rights for marginalized sectors, such as smallholder farmers, indigenous peoples, rural women, tenants, sharecroppers, leaseholders, agricultural laborers, fisherfolk, and pastoralists.
- Governments should ensure the integrity of safeguard mechanisms that regulate public and private land investments and strengthen local mediation mechanisms for the resolution of land and other resource conflicts.
- Governments should strengthen the principle and practice of Free, Prior, and Informed Consent (FPIC) and other safeguard measures. Together with the full and effective participation of indigenous peoples, States should establish mechanisms to ensure the implementation of FPIC prior to the entry of development activities or investments in the lands and territories of indigenous peoples. Safeguards must have a precautionary approach that should guide decision-making on any measure that may affect rights over lands and resources, and other rights that are instrumental to the survival of indigenous peoples.
- The integrity of safeguard mechanisms that regulate land investments should be ensured by integrating the UNGPs in land and resource governance. Governments should take the lead in promoting good business practice by immediately applying UNGPs principles in all State-run corporations and plantations.
- Curb corruption in all its forms within land agencies. Prosecute violators along with the government officials engaged in bribery and extortion, preparation of fake documents, forgery, and related crimes in grabbing land and property.

- Governments must include BHR in their COVID-19 response. It has been reported that the COVID-19 pandemic accentuated human rights abuses. Thus, governments must address the pandemic not only as a health issue, but also as a human rights issue. For example, land rights holders and affected communities are often the poor and marginalized. With COVID-19 affecting their livelihood, they may become more vulnerable to giving up their rights to government projects and realty developers.

Respect

- Companies must realize that UNGPs has become a norm and investing in understanding it and implementing it company-wide is worthwhile. Before long, States will require corporations' compliance with risk-mitigation, even elimination, measures and systems and remedial mechanisms in line with the UNGPs. It may prove more costly for a company to try to catch up in implementing the UNGPs than embedding the principles in its core now. This is no truer than in land acquisition transactions that run the risk of being undone or the development being reduced to a white elephant some years later when stakeholders successfully claim relief for ignoring their right to land.
- The private sector has a responsibility and duty to respect human rights of people in all their operations, regardless of the State legal framework or government actions in the host countries.
- Corporations must listen to their shareholders or investors. Investors appear to be more conscious about BHR and have become more active in calling for responsible action from their companies. In turn, corporations must be more detailed in delivering their reports to their shareholders.
- Stock exchanges are private companies and by themselves are also part of big business. It has been found that in countries where stock exchanges require environmental, social and governance disclosures, there is also high compliance with disclosures relating to BHR (Asia Pacific Forum). Thus, stock exchanges can require more BHR relevant disclosures from companies listed on their exchanges. For example, real estate companies or conglomerates involved in development may be required to report their land acquisitions and the impact on communities or indigenous peoples in the area.
- Businesses must learn to balance their COVID-19 responses between buoying up their financial position and human rights. They must be mindful of the UNGPs in addressing the effects of COVID-19 on their business. In land acquisitions, companies must find ways to comply with

obtaining the free, prior, and informed consent of affected communities even when personal contact is limited. While the company's survival is at stake, businesses must also accept that the externality of a pandemic affects all and that losses are to be expected. Businesses must not cut costs at the expense of BHR.

Remedy

- State-based judicial and non-judicial mechanisms are wholly dependent on relevant laws. Even an independent and functioning judicial or non-judicial body is only as good as the laws on which any grievance is based. Thus, this issue goes back to the commitment of governments to the human rights accords they ratified.
- Establish independent land dispute commissions to speed up the response to, and resolution of, land-related cases.
- Strengthen local mediation mechanisms for addressing local land conflicts, especially those involving civil cases at community level.
- Complex financial structures have also blurred the ownership of international conglomerates in that the true owners of land are beyond the reach of remedial measures. Thus, companies must disclose their ownership and investors when acquiring land and offer information on how jurisdiction over such persons may be acquired in order that full and effective relief may be delivered to victims of land rights violations.
- There should be a shift in focus from the wrong when remedial measures are undertaken by companies. Companies appear to have low compliance rates with this pillar of the BHR because of the negative effects on their reputation, not to mention their share prices. The UN Working Group identified this as the "first mover challenge" where companies which publicize risks to human rights in their companies are castigated (UNWG on BHR, 2018). While violations of BHR are contemptible, efforts of businesses to remediate and redress their shortcomings must be appreciated. Showcasing such efforts will encourage other businesses to implement similar mechanisms and will also aid in promoting the UNGPs.
- Covid-19 pandemic should not be an excuse to close offices addressing BHR issues or grievances. It should be the complete opposite given that the pandemic has left rights holders more vulnerable. Aside from providing alternative access to remedy, like utilization of online platforms, governments and business should start preparing plans for the immediate reopening of offices providing remedies or addressing grievances. Such plans should include addressing case backlogs.

Conclusion and ways forward

The Protect, Respect, Remedy Framework has attained consensus in the community of nations. There is also a significant growth in the number of businesses committing to human rights. The UNGPs is steadily gaining prominence, though in terms of acceptance and implementation on the ground, much is desired.

The Protect, Respect and Remedy Framework relies heavily on national action to have significant effect. It can be seen in the profile of the countries that were reviewed that they ratified many of the core human rights instruments, yet most, if not all, come far short in complying with the UNGPs. There is incongruence between their accepted obligations under international law and their adopted policies domestically.

There is no question on the enormity of the task ahead to give effect to BHR, more so on the specific area of land rights. Lack of awareness and capacity remains an issue. Even with knowledge of the UNGPs, comprehension and understanding of the principles cannot be presumed.

The COVID-19 pandemic clearly held back efforts on mainstreaming BHR and formulating the countries' respective NAPs for UNGPs. Governments and businesses must exert all efforts to protect peoples not only from the health effects of COVID-19, but the amplifying effects it has on human rights issues.

With the world slowly healing and recovering from the pandemic, it is hoped that efforts to institute NAPs get back on track and bear fruit. ■

List of acronyms	
ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
BHR	Business and Human Rights
CAT	Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment and Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CHR	Commission on Human Rights (Philippines)
CHRC	Cambodia Human Rights Committee
CRC	Convention on the Rights of the Child
CRMW	International Convention on the Protection of the Rights of Migrant Workers and Members of their Families
CRPD	Convention on the Rights of Persons with Disabilities
FPIC	Free, Prior and Informed Consent
HRD	Human Rights Defender
ICAR	International Corporate Accountability Roundtable
ICCPR	International Covenant on Civil and Political Rights
ICEAFRD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social, and Cultural Rights
ICPPED	International Convention for the Protection of All Persons from Enforced Disappearances
ILC	International Land Coalition
LWA	Land Watch Asia
LWA WG LRHR	LWA Working Group on Mainstreaming Land Rights as Human Rights
OECD	Organization for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
NAP	National Action Plan
NHRC	National Human Rights Commission
NHRI	National Human Rights Institution
RGC	Royal Government of Cambodia
SDG	Sustainable Development Goal
UDHR	Universal Declaration of Human Rights
UN	United Nations
UN CESCR	United Nations Committee on Economic, Social, and Cultural Rights
UNDP	United Nations Development Programme
UNGPs	United Nations Guiding Principles on Business and Human Rights
UNHRC	United Nations Human Rights Council

Acknowledgment

The Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) would like to thank the members of the Land Watch Asia Working Group on Mainstreaming Land Rights as Human Rights (LWA WG LRHR) for their drive and commitment to mainstream land rights in the United Nations Guiding Principles on Business and Human Rights (UNGPs).

In particular, ANGOC expresses our gratitude to Land Watch Asia (LWA), particularly the LWA WG LRHR members who have prepared the country reports: Community Development Association (CDA), Community Self Reliance Centre (CSRC), Konsortium Pembaruan Agraria (KPA), Social Development Foundation (SDF) and STAR Kampuchea (SK).

Disclaimer

This report was made possible with the financial support of the International Land Coalition (ILC) and the Business and Human Rights Team of the United Nations Development Programme (UNDP B+HR in Asia). The views expressed in this document do not necessarily reflect those of ILC and UNDP B+HR in Asia.

Citation

Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC). *Instituting National Action Plans of the UN Guiding Principles on Business and Human Rights towards the Protection of Land Rights*. ANGOC, LWA, LWG WG LRHR, ILC, and UNDP B+HR Asia. [Paper prepared for the projects, "Defending Land Rights and Land Rights Defenders in Asia" and "Land Rights as Human Rights: Protecting Land Rights and Rights Defenders in Southeast Asia"].

References

- Anseeuw, W. and Bardinelli, G. (2020). *Uneven ground: Land Inequality at the Heart of Unequal Societies*. Asia Pacific Forum. [Submission to the UNGPs 10+/Next Decade BHR Project]. <https://www.ohchr.org/Documents/Issues/Business/UNGPsBHRnext10/inputs/nhris/asia-pacific-nhrinetwork.pdf>
- Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC). *Following through on BHR commitment as government, CSOs and private sector commit to find ways forward despite the pandemic: Summary Report on BHR Interventions in the Philippines*. ANGOC and ILC. [Article prepared for the projects "Defending Land Rights and Land Rights Defenders in Asia" and "Land Rights as Human Rights: Protecting Land Rights and Rights Defenders in Southeast Asia"].
- Brownlie, I. (2008). *Principles of Public International Law, 7th Ed.* Oxford University Press.
- Committee on Economic, Social and Cultural Rights, *General Comment No. 24 on State Obligations under the International Covenant on Economic, Social, and Cultural Rights in the Context of Business Activities*, 10 August 2017, E/C.12/GC/24.
- Community Development Association (CDA). (2018). UN Guiding Principles on Business and Human Rights: A policy brief toward a Bangladesh action plan. In ANGOC (Ed.) *Upholding Land Rights Amidst the Land Rush: A situationer on the United Nations Guiding Principles on Business and Human Rights in selected countries in Asia* (pp. 31-36). Quezon City: ANGOC and KPA
- Community Development Association (CDA). (2021). *Laying the groundwork for the formulation of the National Action Plan for UNGPs in Bangladesh*. ANGOC, CDA, and ILC. [Paper prepared for the project, "Defending Land Rights and Land Rights Defenders in Asia"].
- Feiner, L. (2021, June 14). Google, Facebook, Amazon and more urge SEC to mandate regular climate reports. *CNBC*. <https://www.cnbc.com/2021/06/14/google-facebook-amazon-and-more-urge-sec-to-mandate-regular-climate-reports.html>
- Gautam, B. (2021). *Taking the first steps in the right direction: Summary Report on CSO Interventions on UNGPs in Nepal*. ANGOC, CSRC, and ILC. [Paper prepared for the project, "Defending Land Rights and Land Rights Defenders in Asia"].
- Human Rights Watch (HRW). (n.d.). Nepal Events of 2019. *Human Rights Watch*. <https://www.hrw.org/world-report/2020/country-chapters/nepal#>
- Lubbers, R., Genugten, W. van, & Lambooy, T. (2008, December 10). *Inspiration for global governance: The Universal Declaration of Human Rights and the Earth Charter*. Kluwer.
- National Action Plans on Business and Human Rights Website. (n.d.). [Website]. <https://globalnaps.org>
- Nuridin, I. (2021). *Fighting to move from voluntary to mandatory: 2020 Status of National Action Plan for UNGPs in Indonesia*. Konsorsium Pembaruan Agraria. KPA, ANGOC, ILC, and UNDP B+HR in Asia. [Paper prepared for the projects, "Defending Land Rights and Land Rights Defenders in Asia" and "Land Rights as Human Rights: Protecting Land Rights and Rights Defenders in Southeast Asia"].

- Pagsanghan, J. (2018). Regional summary, Mainstreaming the UNGP BHR in Asia. In ANGOC (Ed.) *Upholding Land Rights Amidst the Land Rush: A situationer on the United Nations Guiding Principles on Business and Human Rights in selected countries in Asia* (pp. 11-30). Quezon City: ANGOC and KPA.
- Quick, P. and Wrzoncki, E. (2017). *National Action Plans on Business and Human Rights Toolkit, 2017 Ed.* The Danish Institute of Human Rights (DIHR) and International Corporate Accountability Roundtable (ICAR).
- Quizon, A. (2019). A Perspective Overview of Land Conflicts in Six Asian Countries. In ANGOC (Ed.) *In defense of land rights: A monitoring report of land conflicts in six Asian countries* (pp. 10-45). Quezon City: ANGOC
- Rodriguez, E.S. and Wild, M. (2021). *Business and Human Rights: Towards a Decade of Global Implementation.* S&P Global Inc. [Submission to the UN Working Group's Call for Inputs on "Business and human rights: towards a decade of global implementation" — UNGPs10+].
- Sek, S. (2018). Cambodia: Business and Human Rights Principles. In ANGOC (Ed.) *Upholding Land Rights Amidst the Land Rush: A situationer on the United Nations Guiding Principles on Business and Human Rights in selected countries in Asia* (pp. 37-42). Quezon City: ANGOC and KPA.
- Social Development Foundation (SDF). (2021). *From the voluntary to mandatory: A commentary of land rights CSOs on the Zero Draft of the National Action Plan for UNGPs in India.* ANGOC, SDF, and ILC. [Paper prepared for the project, "Defending Land Rights and Land Rights Defenders in Asia"].
- STAR Kampuchea (SK) and Sophorn, S. (2021). *In Pursuit of a National Human Rights Institution (NHRI) in Cambodia: Summary Report of Interventions on UNGPs and Establishment of NHRI.* ANGOC, SK, ILC and UNDP's. [Paper prepared for the projects, "Defending Land Rights and Land Rights Defenders in Asia" and "Land Rights as Human Rights: Protecting Land Rights and Rights Defenders in Southeast Asia"].
- UN Committee on Economic, Social, and Cultural Rights (UN CESCR). (2018 April 18). *Concluding Observations on the Initial Report of Bangladesh.* E/C.12/BGD/CO/1. <https://undocs.org/en/E/C.12/BGD/CO/1>
- UN Development Programme Business and Human Rights. (n.d.). *UNDP's contribution to the call for inputs: UNGPs - Next Decade Project.* UNDP. https://www.ohchr.org/Documents/Issues/Business/UNGPsBHRnext10/inputs/undp_input_nextdecade_final.pdf
- UN Economic and Social Council – Commission on Human Rights. (2003, August 26). *Economic, Social, and Cultural Rights: Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights.* E/CN.4/Sub.2/2003/12/Rev.2. <https://undocs.org/en/E/CN.4/Sub.2/2003/12/Rev.2>
- UN Human Rights Council (UNHRC). (2007, February 13). *Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie - State responsibilities to regulate and adjudicate corporate activities under the United Nations core human rights treaties: an overview of treaty body commentaries.* A/HRC/4/35/Add.1. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/108/52/PDF/G0710852.pdf?OpenElement>
- UN Human Rights Council (UNHRC). (2009, December 28). *Report of the Special Rapporteur on the Right to Food, Olivier De Schutter.* A/HRC/13/33/Add.2. <https://undocs.org/A/HRC/13/33/Add.2>
- UN Human Rights Council (UNHRC). (2013, December 23). *Report of the Special Rapporteur on the situation of human rights defenders, Margaret Sekaggya.* A/HRC/25/55. <https://undocs.org/A/HRC/25/55>
- UN Human Rights Council (UNHRC). (2017a, January 10). *Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, on her mission to India.* A/HRC/34/51/Add.1. <https://daccess-ods.un.org/TMP/5253754.25815582.html>
- UN Human Rights Council (UNHRC). (2017b, February 17). *Report of the Office of the United Nations High Commissioner for Human Rights Compilation on Indonesia.* A/HRC/WG.6/27/IDN/2. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/035/11/PDF/G1703511.pdf?OpenElement>
- UN Human Rights Council (UNHRC). (2018, December 28). *Visit to Indonesia: Report of the Special Rapporteur on the Right to Food.* A/HRC/40/56/Add.2. <https://daccess-ods.un.org/TMP/2178792.95349121.html>

- UN Human Rights Council (UNHRC). (2019, August 27). *Situation of Human Rights in Cambodia: Report of the Special Rapporteur on the Situation of Human Rights in Cambodia*. A/HRC/42/60. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G19/253/48/PDF/G1925348.pdf?OpenElement>
- UN Human Rights Council (UNHRC). (2020, 29 June). *Situation of Human Rights in the Philippines: Report of the United Nations High Commissioner for Human Rights*. A/HRC/44/22. <https://undocs.org/en/A/HRC/44/22>
- United Nations Human Rights Special Procedures. (n.d.). New UN Working Group project: Business and human rights – towards a decade of global implementation. *UN Office of the High Commissioner for Human Rights*. <https://www.ohchr.org/Documents/Issues/Business/UNGPsBHRnext10/Announcement-UNGPsnext10.pdf>
- UN Secretary General. (2019 March). *Guidance Note of the Secretary General: The United Nations and Land and Conflict*. United Nations. <https://unhabitat.org/sites/default/files/documents/2019-05/sg-guidance-note-on-land-and-conflict-march-2019-1.pdf>
- UN Working Group on BHR (UNWG on BHR). (2016 November). *Guidance on National Action Plans on Business and Human Rights*. UNWG on BHR. https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf
- UN Working Group on BHR (UNWG on BHR). (2016 November). *Guidance on National Action Plans on Business and Human Rights*. UNWG on BHR. https://www.ohchr.org/Documents/Issues/Business/UNWG_NAPGuidance.pdf
- UN Working Group on Business and Human Rights (UNWG on BHR). (2018, July 16). *The report of the Working Group on the issue of human rights and transnational corporations and other business enterprises*. A/73/163. <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/224/87/PDF/N1822487.pdf?OpenElement>
- United Nations (UN) and Office of the United Nations High Commissioner for Human Rights (OHCHR). (2011). *Guiding Principles on Human Rights: Implementing the United Nations “Protect, Respect, and Remedy” Framework*. United Nations. HR/PUB/11/04. https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf
- United Nations (UN) and Office of the United Nations High Commissioner for Human Rights (OHCHR). (2015). *Land and Human Rights – Standards and Applications*. United Nations. HR/PUB/15/5/Add.1. https://www.ohchr.org/documents/publications/land_hr-standardsapplications.pdf
- Wickeri, E. and Kalhan, A. (2010). Land Rights Issues in International Human Rights Law. *Malaysian Journal on Human Rights*, Vol. 4, No. 10. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1921447
- World Bank. (n.d.). Small and Medium Enterprises (SMEs) Finance: Improving SMEs access to finance and finding innovative solutions to unlock sources of capital. *World Bank*. <https://www.worldbank.org/en/topic/smefinance>

Annex 1. The three pillars of the UN Guiding Principles on Business and Human Rights

The State Duty to Protect Human Rights

Foundational Principles	Operational Principles
<ul style="list-style-type: none"> ■ States must protect against human rights abuse within their territory and/or jurisdiction by third parties, including business enterprises. This requires taking appropriate steps to prevent, investigate, punish and redress such abuse through effective policies, legislation, regulations and adjudication. ■ States should set out clearly the expectation that all business enterprises domiciled in their territory and/or jurisdiction respect human rights throughout their operations. 	<p>General State Regulatory and Policy Functions</p>
	<ul style="list-style-type: none"> ■ Enforce laws that are aimed at, or have the effect of, requiring business enterprises to respect human rights, and periodically to assess the adequacy of such laws and address any gaps; ■ Ensure that other laws and policies governing the creation and ongoing operation of business enterprises, such as corporate law, do not constrain but enable business respect for human rights; ■ Provide effective guidance to business enterprises on how to respect human rights throughout their operations; and, ■ Encourage, and where appropriate require, business enterprises to communicate how they address their human rights impacts.
	<p>The State-Business Nexus</p>
	<ul style="list-style-type: none"> ■ States should take additional steps to protect against human rights abuses by business enterprises that are owned or controlled by the State, or that receive substantial support and services from State agencies such as export credit agencies and official investment insurance or guarantee agencies, including, where appropriate, by requiring human rights due diligence; ■ States should exercise adequate oversight in order to meet their international human rights obligations when they contract with, or legislate for, business enterprises to provide services that may impact upon the enjoyment of human rights; and, ■ States should promote respect for human rights by business enterprises with which they conduct commercial transactions.
	<p>Supporting business respect for human rights in conflict-affected areas</p>
	<p>Because the risk of gross human rights abuses is heightened in conflict-affected areas, States should help ensure that business enterprises operating in those contexts are not involved with such abuses, including by:</p> <ul style="list-style-type: none"> ■ Engaging at the earliest stage possible with business enterprises to help them identify, prevent and mitigate the human rights-related risks of their activities and business relationships; ■ Providing adequate assistance to business enterprises to assess and address the heightened risks of abuses, paying special attention to both gender-based and sexual violence; ■ Denying access to public support and services for a business enterprise that is involved with gross human rights abuses and refuses to cooperate in addressing the situation; and, ■ Ensuring that their current policies, legislation, regulations and enforcement measures are effective in addressing the risk of business involvement in gross human rights abuses.
<p>Ensuring Policy Coherence</p>	
<ul style="list-style-type: none"> ■ States should ensure that governmental departments, agencies and other State-based institutions that shape business practices are aware of and observe the State's human rights obligations when fulfilling their respective mandates, including by providing them with relevant information, training and support; ■ States should maintain adequate domestic policy space to meet their human rights obligations when pursuing business-related policy objectives with other States or business enterprises, for instance through investment treaties or contracts; and, ■ States, when acting as members of multilateral institutions that deal with business-related issues, should: (a) seek to ensure that those institutions neither restrain the ability of their member States to meet their duty to protect nor hinder business enterprises from respecting human rights; (b) encourage those institutions, within their respective mandates and capacities, to promote business respect for human rights and, where requested, to help States meet their duty to protect against human rights abuse by business enterprises, including through technical assistance, capacity-building and awareness-raising; and, (c) draw on these Guiding Principles to promote shared understanding and advance international cooperation in the management of business and human rights challenges. 	

The corporate responsibility to respect human rights

Foundational Principles	Operational Principles
<ul style="list-style-type: none"> ■ Business enterprises should respect human rights. This means that they should avoid infringing on the human rights of others and should address adverse human rights impacts with which they are involved. ■ The responsibility of business enterprises to respect human rights refers to internationally recognized human rights – understood, at a minimum, as those expressed in the International Bill of Human Rights and the principles concerning fundamental rights set out in the International Labour Organization’s Declaration on Fundamental Principles and Rights at Work. ■ The responsibility to respect human rights requires that business enterprises: (a) avoid causing or contributing to adverse human rights impacts through their own activities, and address such impacts when they occur; and, (b) seek to prevent or mitigate adverse human rights impacts that are directly linked to their operations, products or services by their business relationships, even if they have not contributed to those impacts. ■ The responsibility of business enterprises to respect human rights applies to all enterprises regardless of their size, sector, operational context, ownership and structure. Nevertheless, the scale and complexity of the means through which enterprises meet that responsibility may vary according to these factors and with the severity of the enterprise’s adverse human rights impacts. ■ In order to meet their responsibility to respect human rights, business enterprises should have in place policies and processes appropriate to their size and circumstances, including: a) policy commitment to meet their responsibility to respect human rights; (b) human rights due diligence process to identify, prevent, mitigate and account for how they address their impacts on human rights; and, (c) processes to enable the remediation of any adverse human rights impacts they cause or to which they contribute. 	<p>Policy Commitment</p>
	<p>As the basis for embedding their responsibility to respect human rights, business enterprises should express their commitment to meet this responsibility through a statement of policy that:</p> <ul style="list-style-type: none"> ■ Is approved at the most senior level of the business enterprise; ■ Is informed by relevant internal and/or external expertise; ■ Stipulates the enterprise’s human rights expectations of personnel, business partners and other parties directly linked to its operations, products or services; ■ Is publicly available and communicated internally and externally to all personnel, business partners and other relevant parties; and, ■ Is reflected in operational policies and procedures necessary to embed it throughout the business enterprise.
	<p>Human rights due diligence</p>
	<ul style="list-style-type: none"> ■ In order to identify, prevent, mitigate and account for how they address their adverse human rights impacts, business enterprises should carry out human rights due diligence. The process should include assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed. ■ Human rights due diligence: (a) should cover adverse human rights impacts that the business enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships; (b) will vary in complexity with the size of the business enterprise, the risk of severe human rights impacts, and the nature and context of its operations; and, (c) should be ongoing, recognizing that the human rights risks may change over time as the business enterprise’s operations and operating context evolve. ■ In order to gauge human rights risks, business enterprises should identify and assess any actual or potential adverse human rights impacts with which they may be involved either through their own activities or as a result of their business relationships. This process should: (a) draw on internal and/or independent external human rights expertise; and, (b) involve meaningful consultation with potentially affected groups and other relevant stakeholders, as appropriate to the size of the business enterprise and the nature and context of the operation. ■ In order to prevent and mitigate adverse human rights impacts, business enterprises should integrate the findings from their impact assessments across relevant internal functions and processes, and take appropriate action. (a) Effective integration requires that responsibility for addressing such impacts is assigned to the appropriate level and function within the business enterprise. Also, internal decision-making, budget allocations and oversight processes enable effective responses to such impacts. (b) Appropriate action will vary according to: (1) whether the business enterprise causes or contributes to an adverse impact, or whether it is involved solely because the impact is directly linked to its operations, products or services by a business relationship; and, (2) the extent of its leverage in addressing the adverse impact. ■ In order to verify whether adverse human rights impacts are being addressed, business enterprises should track the effectiveness of their response. Tracking should: (a) be based on appropriate qualitative and quantitative indicators; and, (b) draw on feedback from both internal and external sources, including affected stakeholders. ■ In order to account for how they address their human rights impacts, business enterprises should be prepared to communicate this externally, particularly when concerns are raised by or on behalf of affected stakeholders. Business enterprises whose operations or operating contexts pose risks of severe human rights impacts should report formally on how they address them. In all instances, communications should: (a) be of a form and frequency that reflect an enterprise’s human rights impacts and that are accessible to its intended audiences; (b) provide information that is sufficient to evaluate the adequacy of an enterprise’s response to the particular human rights impact involved; and, (c) in turn not pose risks to affected stakeholders, personnel or to legitimate requirements of commercial confidentiality.
	<p>Remediation</p>
<p>Where business enterprises identify that they have caused or contributed to adverse impacts, they should provide for or cooperate in their remediation through legitimate processes.</p>	
<p>Issues of Consent</p>	
<ul style="list-style-type: none"> ■ In all contexts, business enterprises should: (a) comply with all applicable laws and respect internationally recognized human rights, wherever they operate; (b) seek ways to honor the principles of internationally recognized human rights when faced with conflicting requirements; and, (c) treat the risk of causing or contributing to gross human rights abuses as a legal compliance issue wherever they operate. ■ Where it is necessary to prioritize actions to address actual and potential adverse human rights impacts, business enterprises should first seek to prevent and mitigate those that are most severe or where delayed response would make them irremediable. 	

Access to Remedy

Foundational Principles	Operational Principles
<p>As part of their duty to protect against business-related human rights abuse, States must take appropriate steps to ensure, through judicial, administrative, legislative or other appropriate means, that when such abuses occur within their territory and/ or jurisdiction those affected have access to effective remedy.</p>	<p>State-based Judicial Mechanisms</p>
	<p>States should take appropriate steps to ensure the effectiveness of domestic judicial mechanisms when addressing business-related human rights abuses, including considering ways to reduce legal, practical and other relevant barriers that could lead to a denial of access to remedy.</p>
	<p>State-based non-judicial grievance mechanisms</p>
	<p>States should provide effective and appropriate non-judicial grievance mechanisms, alongside judicial mechanisms, as part of a comprehensive State-based system for the remedy of business-related human rights abuse.</p>
	<p>Non-State-based grievance mechanisms</p>
	<ul style="list-style-type: none"> ▪ States should consider ways to facilitate access to effective non-State based grievance mechanisms dealing with business-related human rights harms. ▪ To make it possible for grievances to be addressed early and remediated directly, business enterprises should establish or participate in effective operational-level grievance mechanisms for individuals and communities who may be adversely impacted. ▪ Industry, multi-stakeholder and other collaborative initiatives that are based on respect for human rights-related standards should ensure that effective grievance mechanisms are available.
<p>Effectiveness criteria for non-judicial grievance mechanisms</p>	
<p>In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:</p> <ul style="list-style-type: none"> ▪ <i>Legitimate</i>: Enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes; ▪ <i>Accessible</i>: Being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access; ▪ <i>Predictable</i>: Providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation; ▪ <i>Equitable</i>: Seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms; ▪ <i>Transparent</i>: Keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake; ▪ <i>Rights-compatible</i>: Ensuring that outcomes and remedies accord with internationally recognized human rights; ▪ <i>A source of continuous learning</i>: Drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms; and, ▪ <i>Operational-level mechanisms</i> should also be based on engagement and dialogue; consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances. 	

Laying the groundwork for the formulation of the National Action Plan for UNGPs in Bangladesh¹

Community Development Association (CDA)

(February 2021)

Background

The UN Human Rights Council endorsed the UN Guiding Principles on Business and Human Rights (UNGPs), a set of guidelines to operationalize the UN “Protect, Respect and Remedy” Framework, in 2011.

Developed by the Special Representative of the Secretary-General John Ruggie, these Guiding Principles provide the first global standard for preventing and addressing the risk of adverse impacts on human rights caused by business activities. It provides the internationally accepted framework for enhancing standards and practice regarding business and human rights.

In 2008, the United Nations endorsed the “Protect, Respect and Remedy Framework” for business and human rights, which recognizes unequivocally that States have the duty under international human rights law to protect everyone within their territory and jurisdiction against human rights abuses committed by business enterprises.

This duty means that States must have effective laws and regulations to prevent and address business-related human rights abuses and ensure access to effective remedy for those whose rights have been abused (ANGOC et al., 2018).

¹This document was prepared to provide an overview and relevance of the **UN Guiding Principles on Business and Human Rights (UNGPs)** in the context of Bangladesh and its status and interventions towards its National Action Plan. This initiative is undertaken as part of the regional commitment based initiative “*Defending Land Rights and Human Rights Defenders*” coordinated by the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) and partners from Bangladesh, Cambodia, India, Indonesia, Nepal and the Philippines.

Each of the three pillars of UNGPs - protect, respect and remedy - defines concrete, actionable steps for governments and companies to meet their respective responsibilities to prevent human rights abuses in company operations and provide remedies for such abuses.

In 2014, the United Nations Human Rights Council (UNHRC) issued a call to all Member States to formulate a National Action Plan (NAP) to help implement UNGPs in their respective national contexts (Haque, 2020). Soon after, the UNGPs were endorsed by States in the Human Rights Council. The United Nations Working Group started to call upon governments to start the process to develop NAPs as a means to implement the UNGPs (UNWG, 2016).

What is the role or value of a NAP or why is an NAP important to implement Business and Human Rights?

The UN Working Group on Business and Human Rights says the NAPs and the process of coming up with them can provide for: i) greater coordination and coherence within government on the range of public policy areas that relate to business and human rights; ii) an inclusive process to identify national priorities and concrete policy measures and action; iii) transparency and predictability for interested domestic and international stakeholders; iv) a process of continuous monitoring, measuring and evaluation of implementation; v) a platform for ongoing multi-stakeholder dialogue; and, vi) a flexible yet common format that facilitates international cooperation, coordination, and exchanges of good practices and lessons learned (UNWG, 2016).

Bangladesh is yet to formulate its National Action Plan on UNGPs (NAP for UNGPs). It is urgent that an NAP for Bangladesh is formulated. The steps being taken to come up with one thus needs to be reviewed.

Objectives

This report aims to:

- explore the status of UNGPs in Bangladesh focusing on the engagement of State agencies and CSOs towards formulation of National Action Plan; and,
- identify the interventions of CSOs for popularizing UNGPs in Bangladesh.

Methodology

Mainly qualitative data were sought and used for this report. Data and information were collected from primary and secondary sources. Informal interviews were also conducted with key stakeholders and experts on business and human rights.

We intended to organize consultation and validation workshops to assess how the NAP is being formulated in Bangladesh and the current status. Unfortunately, due to the COVID-19 pandemic, data gathering was undertaken through online rather than face-to-face activities.

Status of UNGPs in Bangladesh

Main agencies responsible for formulating and implementing NAP

Three major acts -- popularizing the issue, conducting a National Baseline Assessment (NBA), and formulating a National Action Plan (NAP) -- are needed to implement UNGPs in Bangladesh (Haque, 2019).

The Cabinet is the country's highest collective decision-making body and is led by the Prime Minister. Various Cabinet Committees and Secretaries' Committees make decisions on various issues. NAP formulation needs Cabinet approval. Two ministries -- the Ministry of Commerce and the Ministry of Industries - can take the initiative to formulate NAP.

The Ministry of Law and Parliament Affairs and National Human Rights Commission (NHRC) along with other stakeholders can provide legal and technical support in this regard.

The UNGPs are not a legally binding instrument to be made by the UN. Bangladesh, like other UN member-States, only endorsed it in 2011. Bangladesh has many laws and policies related to business and human rights (BHR) but no laws and policies are specifically related to UNGPs (Haque, 2019).

Some agencies execute State duty to protect human rights abuses by business operations while some others (judiciary) are involved in remedial process following their human rights violations. Some State agencies themselves are doing business, forming limited companies in Bangladesh (Haque, 2019).

Various stakeholders can work as actors in the implementation process of UNGPs in Bangladesh as stated in the diagram below.

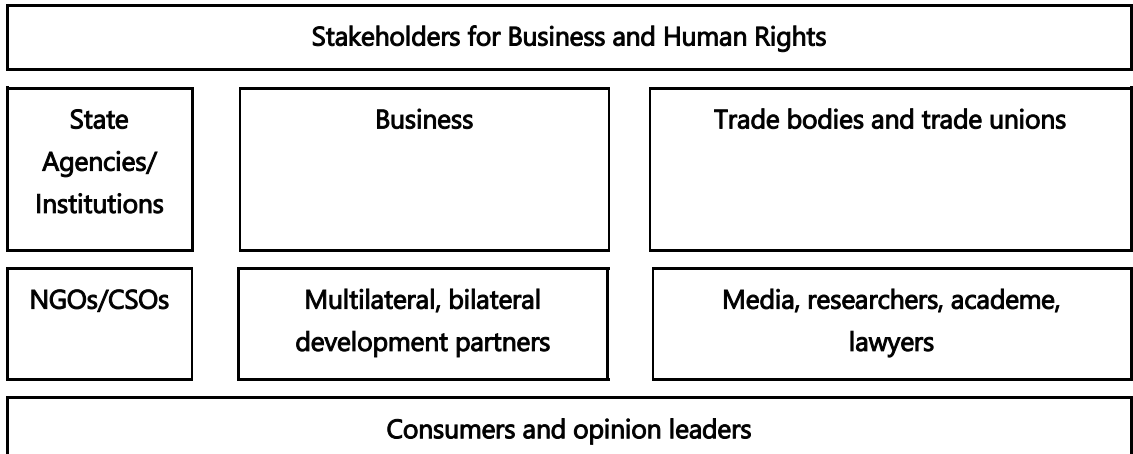


Diagram: Haque (2019)

The diagram shows that many State agencies/institutions/committees are responsible for formulating the NAP and the implementation of UNGPs in Bangladesh as the stakeholders. Over 100 State agencies, including the Prime Minister Office and at least 25 ministries, are responsible for its implementation, though most of the State agencies are still unaware of the issue.

Only the NHRC has engaged in some activities although it can request the government bodies concerned to take steps/action in this regard. Unfortunately, as it stands now, the NHRC is a tiger without teeth.

Thousands of business organizations, trade bodies and trade unions, civil society organizations, multilateral and bilateral development partners and agencies, mass media institutions, academe, research institutions, and researchers are also key stakeholders in the formulation of the NAP and its implementation and compliance with the UNGPs.

Progress of the UNGPs and formulation of the NAP as of December 2020

A non-State actor, the United Nations Development Programme (UNDP), conducted a National Baseline Assessment (NBA) on UNGPs under its regional project (Haque, 2019). The assessment focused on two components: i) stakeholder mapping and their engagements, and ii) state of judicial and non-judicial mechanisms for remedy.

Draft reports on the two assessment studies had been prepared but updates are yet to be provided.

Opportunities for CSO interventions on UNGPs and formulation of its NAP

Bangladesh has a vibrant NGO sector which has achieved some success in health care, income generating activities and promotion of human rights. CSOs can be engaged to popularize UNGPs on a massive scale to ensure good business and human rights practices in the country. CSOs can participate in the NAP formulation process, or can give opinions, but the final decisions will be made by the State agencies.

CSO interventions towards UNGPs and formulation of its NAP

2018 Interventions

A small scale project on UNGPs was implemented in Bangladesh by Community Development Association (CDA) and other NES members in 2018 with financial and technical assistance from ILC and ANGOC.

A discussion meeting and three consultation workshops were organized in 2018 with the participation of NHRC and CSOs to raise awareness on BHR issues and make an advocacy plan to formulate NAP. The 2018 initiative engaged NHRC and other stakeholders.

CSOs, including NES members, gained technical knowledge on BHR issues. NHRC and CSOs signed the *Bangkok Declaration on Land Rights as Human Rights*. Two policy reports -- UNGP-BHR: A Policy Brief Toward Bangladesh National Action Plan and Bangladesh Land Monitoring Report 2018 — were published. These reports were also disseminated among the stakeholders.

Under the same initiative, a scorecard was developed by ANGOC and Land Watch Asia to assess Responsible Agricultural Investment (RAI) in Bangladesh.

Interventions in 2020

Awareness raising activities on UNGPs were resumed in 2020 with the financial and technical assistance from ILC and ANGOC. The goal was to popularize the UNGPs and promote initiatives for the formulation of the NAP.

Unfortunately, meetings and discussions in 2020 had to be conducted online due to the COVID-19 pandemic. Focus group discussion meetings with NES members and ANGOC team were organized.

Data on the country situation and land conflicts (including case studies) were recorded. The status of UNGPs in the country was reviewed to prepare this report.

CSO recommendations on the NAP for UNGPs

Mainstreaming of the UNGPs and the implementation of the National Action Plan in Bangladesh require the following: a) recognition of UNGPs by NHRC and other government and human rights bodies; b) formulation of the national action plan; c) publication of annual State reports; and, d) monitoring of UNGPs involving State, private and civil society organizations.

The NHRC should assist the government in formulating the NAP, conduct advocacy and awareness building campaign with CSOs; and monitor business agreements, laws, and policies relating to business and human rights.

The government and civil society organizations should work towards the following:

- coordination among CSOs and international agencies working on the National Baseline Assessment and National Action Plan towards UNGPs;
- engagement with other concerned State agencies, along with the National Human Rights Commission;
- policy advocacy at the international level to make UNGPs a legally binding instrument for countries like Bangladesh;
- a strong commitment from political parties to implement UNGPs;
- formation of a national committee on the NAP formulation, with the representation of NGOs, NHRC and other stakeholders;
- solidarity to protect land rights defenders; and,
- translation of UNGPs into Bangla and publication of communication materials and books to help stakeholders internalize and popularize the guidelines in the country.

Plan of CSOs towards the continuation of engagement related to BHR in 2021

Stakeholders, including the government bodies, CSOs, businesses, are still unaware of the technical and implementing mechanisms of UNGPs and its National Action Plan in Bangladesh.

CSOs suggested organizing more dialogues, seminars, consultations as well as policy advocacy and mass media campaign along with publishing communication materials like posters, leaflets, books and booklets, in Bangla.

CSOs likewise proposed the following activities, processes and outputs to promote the implementation of the UNGPs in the country:

Major activities	Process	Outputs
Awareness building	<ul style="list-style-type: none"> ▪ Dialogue ▪ Seminar, Consultation ▪ Discussions ▪ References 	<ul style="list-style-type: none"> ▪ Consensus among the NHRC, CSOs, Media
Discussion Workshop	<ul style="list-style-type: none"> ▪ Orientation ▪ Information/Material distribution ▪ Participatory discussion ▪ Linking with SDG, ESCR, CEDAW ▪ Review of existing domestic policies/legislation/laws 	<ul style="list-style-type: none"> ▪ Unity ▪ Clear understanding ▪ Updated information ▪ Increased capacity ▪ Increased knowledge ▪ Internalization
Networking and Policy Advocacy	<ul style="list-style-type: none"> ▪ Negotiation ▪ Continuous information sharing ▪ Meeting ▪ Press conference ▪ Dialogue 	<ul style="list-style-type: none"> ▪ Publication of statement ▪ Connection with the sources and Influence ▪ Awareness on specific rights and solidarity ▪ Engagement plan ▪ Draft policy paper ▪ Formulation of Watchdog/ Monitoring Group ▪ Relationship-building at Regional and International level
Training and Capacity Development	<ul style="list-style-type: none"> ▪ Participatory ▪ Bottom up ▪ Workshop ▪ Using IEC materials/Case studies (UNGPs, Other International instruments and tools) ▪ Action research 	<ul style="list-style-type: none"> ▪ Internalization ▪ Capacity to identify conflict issues ▪ Skills for negotiations and advocacy ▪ Awareness on specific information and the conflicting issues happening countrywide ▪ Preparation of respective action plans

Research and studies/Fact Findings	<ul style="list-style-type: none"> ▪ Survey and Interview ▪ FGD/PRA/Scorecard ▪ Literature Review ▪ Data Analysis ▪ Case Studies ▪ Seminar 	<ul style="list-style-type: none"> ▪ Knowledge and guiding materials ▪ Advocacy tools ▪ Realistic/rational policy documents ▪ Increased engagement of research institutions including statistical agencies of the Government
Strategic Communication Campaign	<ul style="list-style-type: none"> ▪ Use of mass media, folk media, online media and social media ▪ Rally ▪ TVCs, Ads ▪ Human Chain ▪ Street meeting, Street drama ▪ Signature collection ▪ Distribution of IEC materials ▪ Public hearing ▪ Press release/conference/briefing, talk show, documentary films, column write-up ▪ Cultural events with the facts 	<ul style="list-style-type: none"> ▪ Sensitization ▪ Popularization ▪ Culture of Human Rights ▪ Responsiveness and Cohesion among State, policy makers and business enterprises ▪ Democratization and Land Governance ▪ Harmonization and respect
Monitoring Land Conflict Legal Aid Services	<ul style="list-style-type: none"> ▪ Visit HR conflict/abuse/violation area ▪ Fact finding ▪ Checking of secondary sources ▪ Situation analysis and validation ▪ Review and Follow-up 	<ul style="list-style-type: none"> ▪ Prepared Monitoring Report/ Periodical report ▪ Media Campaign ▪ Negotiation, Advocacy and Lobby for remedy ▪ Documentation (facts, photo, audio-video, news clippings, articles) ▪ Investigation by NHRC ▪ Strengthened rule of law
Annual Report Preparation	<ul style="list-style-type: none"> ▪ Collection of facts by CSOs ▪ Collection of all program documents by each CSO ▪ Collection of monitoring reports and documents by each CSO ▪ Sharing with stakeholders an NHRC 	<ul style="list-style-type: none"> ▪ Publication ▪ Accountability increase of State and Business Enterprises ▪ Lobby and Advocacy with national and regional State bodies with updated policy papers

List of acronyms

ANGOC	Asian NGO Coalition for Agrarian Reform and Rural Development
BHR	Business and Human Rights
CDA	Community Development Association
CSO	Civil Society Organization
ILC	International Land Coalition
NAP	National Action Plan
NES	National Engagement Strategy
NHRC	National Human Rights Commission
NBA	National Baseline Assessment
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
UNGPs	United Nations Guiding Principles on Business and Human Rights
UN WG	UN Working Group on BHR

Acknowledgements

Community Development Association (CDA) produced this report based on primary and secondary sources. CDA is grateful to all of the organizations and individuals for their contribution in preparing this study.

First, we would like to thank the Asian NGO Coalition for Agrarian Reform and Rural Development (ANGOC) for its technical and financial support. This study is part of the regional initiative “Defending the Land Rights and Human Rights Defenders” which ANGOC coordinates in partnership with the Land Watch Asia Working Group on Mainstreaming Land Rights as Human Rights (LWA WG LRHR). The project is supported by the International Land Coalition (ILC).

We must acknowledge the contribution of National Engagement Strategy (NES) members of Bangladesh, a country level platform of International Land Coalition (ILC) composed of ALRD, ARBAN, CDA, Kapaeeng Foundation and Nagorik Uddyag, for their encouragement and assistance in this endeavor. Their all-out cooperation and support are highly appreciated.

Finally, an appreciation to Bangladesh Focal Person of this initiative, Mr. Mahamudul Haque, a faculty member at the Department of Mass Communication and Journalism, Begum Rokeya University, Rangpur.

Shah-I-Mobin Jinnah
Executive Director
Community Development Association (CDA)

Disclaimer

This report was made possible with the financial support of the International Land Coalition (ILC). The views expressed in this document do not necessarily reflect those of ILC.

Citation

Community Development Association (CDA). (2021). *Laying the groundwork for the formulation of the National Action Plan for the UNGPs in Bangladesh*. ANGOC, CDA, and ILC. [Paper prepared for the project, "Defending Land Rights and Land Rights Defenders in Asia].

References

- ANGOC et al., (2018). *Towards a Philippine National Action Plan for the UN Guiding Principles on Business and Human Rights: Policy Brief*. [Prepared by Asian NGO for Agrarian Reform and Rural Development (ANGOC) and Xavier Science Foundation (XSF) with the assistance of the European Union, Consortium for Agrarian Reform (KPA), and International Land Coalition (ILC).]
- Haque, M.M. (2019). *Draft report on National Baseline Assessment on Business & Human Rights: Stakeholder Mapping & their Engagement with Human Rights Agenda and Judicial & non-judicial mechanisms in Bangladesh*. UNDP-Bangladesh.
- UNWG (2016). *Guidance on National Action Plans on Business and Human Rights*. UN Working Group on Business and Human Rights, Geneva.