



Regional dialogue pushes for rights-based reform of the agribusiness sector in Southeast Asia

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Tuesday 4 November 2014, Yangon, Myanmar – National Human Rights Commissions of ASEAN member countries, civil society organisations from Indonesia, Malaysia, the Philippines, Thailand, Cambodia, Myanmar and Lao PDR and United Nations representations are participating in a 3 day conference starting today, hosted by the Myanmar National Human Rights Commission, co-organised by UK-based international human rights organisation [Forest Peoples Programme](#) and Thailand-based international organisation [RECOFTC – The Center for People and Forests](#) and co-funded by the Rights and Resources Initiative (RRI), The Climate and Land Use Alliance (CLUA), Ford Foundation and DfID. The conference is the fourth in a series of annual regional dialogues ([Bali – 2011](#), [Phnom Penh – 2012](#), [Bangkok – 2013](#)) and will assess progress made since the [Bali Declaration on Human Rights and Agribusiness in Southeast Asia](#) (2011) towards building regulatory capacity and standards in Southeast Asia by promoting the application of binding international human rights standards on the agribusiness sector, thereby moving from a ‘business to business’ voluntary to one that imposes normative human rights obligations on private sector operators and national governments.

Agribusiness is central to the economy of most Southeast Asian countries. However, ill-regulated land acquisition and conversion, compounded with legal and policy frameworks that fail to recognise and protect the rights of indigenous peoples and local communities, and the lack of access to justice and remedy where these rights are violated, mean equitable development of lands and forests remains a key challenge for the region as a whole, and land-related conflicts are increasing in number, scale and gravity. A recent report by RRI Partner Forest Trends notes that commercial agriculture and timber plantations constitute the most significant threat to the world's remaining forests, accounting for over 70 percent of all deforestation across tropical and sub-tropical countries, and largely operating without the necessary social and environmental safeguards, or protection of the customary rights of forest-dependent peoples.¹

Tint Lwin Thaung, Executive Director of RECOFTC – The Center for People and Forests, says

Local communities and indigenous peoples are still being disadvantaged by large-scale commercial agricultural investment, and the key drivers of this are their unclear and insecure

¹ See http://www.forest-trends.org/documents/files/doc_4718.pdf

tenure rights. This is exacerbated when agribusiness land conversion is carried out on the lands already owned, used or otherwise occupied by local people. Promoting community forestry is one of RECOFTC's key activities, in order to secure the rights of local communities and as an essential precondition for win-win land use and investment.

Recent years have seen a proliferation of private sector-led voluntary standard-setting initiatives (eg the Roundtable on Sustainable Palm Oil) that recognise the importance of protecting customary rights in land and other natural resources. At the same time the *UN Guiding Principles on Business and Human Rights* emphasise the responsibility of businesses to respect human rights, which exists independently of States' abilities and/or willingness to fulfil their own human rights obligations. International instruments, such as the *United Nations Declaration on the Rights of Indigenous Peoples* (UNDRIP) and the *United Nations Convention on the Elimination of all Forms of Racial Discrimination* (CERD) reaffirm the rights of indigenous peoples and local communities to inter alia Free, Prior and Informed Consent, to natural resources, customary lands, livelihoods and food security.

The *Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security*, endorsed by the Committee on World Food Security (CFS) in May 2012, also encourage respect for rights, good governance and equitable outcomes that secure local people's livelihoods and promote long-term community-based development. However, the lack of harmonisation of these instruments with national laws poses a critical challenge to their implementation. Recognition of these challenges has led to policy reforms in several countries in an attempt to ensure that agribusiness operations are in line with principles of international law but the gap between policy and practice remains a serious concern.²

This year's workshop seeks to maintain the impetus generated through the previous three meetings to push for better regulation of agribusinesses and transnational investments in Southeast Asia so they respect human rights and prevent unjust land acquisitions, this time with a stronger inclusion of the Myanmar Human Rights Commission and Myanmar civil society groups in the expanding network. Daw Than Nwe, Commissioner at the Myanmar National Human Rights Commission, says

Myanmar being an agri-based economy country, the majority of the population is located and engaged in farming and forest areas. During this economic transitional period, there are many challenges. I hope this workshop will provide fruitful outcomes enabling us to counter challenges in securing community rights and achieving sustainable development in our country.

Devasish Roy, a member of the United Nations Permanent Forum on Indigenous Issues, notes that

The adoption of the Outcome Document of the recent World Conference on Indigenous Peoples by the UN General Assembly, drawing upon the Global Indigenous Peoples Preparatory Conference in Alta and regional-level processes, constitutes a significant advancement in commitment of UN member states to advance indigenous peoples' rights, including in Asia. The regional conference in Yangon offers, following soon after the WCIP in September 2014, offers a major opportunity to advance these global commitments at the national levels in Southeast Asia, through closer partnerships between these states and their indigenous peoples.

² See <http://www.forestpeoples.org/sites/fpp/files/publication/2013/08/lsla-briefings.pdf>

Expected outcomes of this regional conference include a better cross-country understanding of the challenges and opportunities in current legal and policy reform processes for the securing of communities' rights to land, resources and livelihoods; a strategy for enhance collaboration between National Human Rights Commissions and concerned Civil Society Organisations and; a sharing of lessons learned from conflict resolution processes towards better alignment with the UN Guiding Principles on Business and Human Rights.

Dr. Marcus Colchester, Senior Policy Advisor at Forest Peoples Programme, notes that

With investment in expanding agribusinesses far outpacing the capacity of governments and civil society groups to regulate and monitor them, National Human Rights Commission have a crucial role to play in exposing rights violations and strengthening laws to curb further abuses. As Myanmar opens up, it faces similar challenges to those already being experienced in other parts of South East Asia. We hope this meeting can spur reforms to secure the rights and livelihoods of natural resource-dependent communities and indigenous peoples.

Notes for editors

- UK-based NGO [Forest Peoples Programme \(FPP\)](#) and Thailand-Based partner NGO [RECOFTC – The Center for People and Forests](#) are co-organizing the Yangon Conference on Human Rights and Agribusiness in Southeast Asia on 4 - 6 November 2014 at the Kandawgyi Palace Hotel, Yangon, Myanmar. Journalists are welcome to attend the 3 day conference and the press conference taking place from 13:00 – 14:00 on 6 November 2014.
- The workshop brings together National Human Rights Commissions and Institutions, academics, civil society organisations and United Nations representatives from Myanmar, Indonesia, Malaysia, the Philippines, Thailand, Cambodia and Lao PDR to assess progress made in ensuring that agribusiness expansion respects and protects the rights of indigenous peoples and local communities, and to develop collaborative strategies to move from a 'business to business' voluntary to one that imposes normative human rights obligations on private sector operators and national governments.
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 - RECOFTC – The Center for People and Forests, P.O. Box 1111, Kasetsart Post Office, Phahonyothin Rd, Bangkok 10903, Thailand; tel. +66 (0)29405700; www.recoftc.org

- Myanmar National Human Rights Commission, 27 Pyay Road, Hlaing Township, Yangon, Republic of the Union of Myanmar; tel. +12 (0)34 567 899 (from abroad), 01 34567899 (from Myanmar); <http://www.mnhrc.org.mm/en/>
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