

## Human Rights and Business: A vital partnership

By Josephine Langbien



Professor Sarah Joseph, Professor Gillian Triggs and King & Wood Mallesons Partner, Joanne Cameron

As influential global citizens, businesses have a vital role to play in upholding fundamental human rights and freedoms. At the 2013 Castan Centre / King & Wood Mallesons Annual Lecture, President of the Australian Human Rights Commission, Professor Gillian Triggs, discussed the importance of corporate social responsibility, and explained how respect for human rights is ultimately good for business.

Developing a positive relationship between businesses and human rights is an important strategic priority for Triggs and the Australian Human Rights Commission (AHRC). Community expectations of businesses are growing, and consumers now demand socially and ethically responsible conduct. Consequently, many businesses have assumed leadership roles by implementing human rights in practical ways. Triggs believes more businesses must be similarly encouraged to voluntarily change their culture by accepting the 'business case' for good human rights practice.

Triggs provided numerous examples of the direct connection between respect for human rights and economic success. In Australia, closing the gap between male and female employment and productivity would boost our Gross Domestic Product by thirteen per cent. Many large Australian corporations already have exemplary policies in place to promote indigenous employment, sustainable housing and community service. These organisations understand that embracing human rights reduces the risk of litigation, improves brand image, and creates new opportunities by offering a competitive advantage in emerging markets. Yet Triggs pointed out that it is often smaller businesses where human rights are most at risk. Smaller businesses tend to see human rights compliance as an administrative road block, but in reality abiding by human rights law is in the best financial interests of businesses, no matter how large or small.

At the international level, the global community has struggled in the past to articulate any definitive list of human rights obligations for businesses. The UN's 'Guiding Principles' for transnational corporations, developed by Professor John Ruggie in 2008, finally established an authoritative global standard for human rights practice. While the Principles do not create new legal obligations, they do create 'soft law' – a building block Triggs believes to be essential to meaningful cultural change. As Eleanor Roosevelt said, however, human rights begin at home. While Australia has always been a good international citizen, we still have no domestically enforceable human rights framework. This provides unique challenges to the AHRC as it tries to foster Australian businesses' respect for human rights.

## Forced Disappearances in Laos: the case of Sombath Somphone

By Stephanie Spratt

On Saturday 15 December 2012, Laotian community development worker and peace advocate Sombath Somphone disappeared after being stopped at a police post just outside of Laos' capital city. He has not been seen since.

During a recent trip to Australia, Mr Somphone's wife Shui Meng Ng spoke humbly and eloquently about his disappearance. In a poignant explanation of Mr Somphone's work and philosophies, Ms Ng urged the Australian government to take a stronger diplomatic stance on the issue of forced disappearances. Together with writer Andrew Nette, the organiser of Ms Ng's trip, and Andrew Beswick, Amnesty International's Director for Community engagement, Ms Ng prompted a thoughtful discussion about forced disappearances in unstable political environments.

Dr Adam McBeth, who chaired the evening, began with an overview of the complex political, social and economic issues facing the Asia-Pacific region. He then passed over to Mr Nette, who described Mr Somphone as a hardworking, humble man responsible for the creation of low cost farming and food distribution techniques in Laos. Mr Somphone's disappearance, he explained, has contributed to a culture of suspicion and fear amongst Laotian civil society.

Ms Ng continued the evening with a moving biographical account of Mr Somphone's life. A 'child of the soil' Mr Somphone grew up in a large rural family before studying agriculture in Hawaii. Deeply respectful of indigenous traditions, he was a moral man influenced by Engaged Buddhism and sustainable theories of development. Ms Ng said that Mr Somphone worked openly with government agencies and was retired at the time of his disappearance. While the occurrence coincided with his orchestration of the Asia-Pacific People's Forum, Mr Somphone was a peaceful, transparent and cooperative advocate for change. His disappearance, Ms Ng remarked, is worryingly indicative of governmental repression and surveillance in Laos.

Mr Beswick then gave a stirring explanation of the nature of enforced disappearances globally. Many politically precarious states in the Asia Pacific have disappeared individuals. Sombath Somphone was disappeared despite Cambodia being a signatory to the International Convention for the Protection of All Persons from Enforced Disappearance. Mr Beswick urged political leaders to apply international pressure to offending governments. He also encouraged the audience to write to their local MPs in an attempt to circulate the issue more widely.

To conclude the evening, the room was turned over to the audience for a thought-provoking discussion of what Australia's role may be in condemning these criminal acts. While no single solution was identified, the powerfully personal nature of the event sparked compassion amongst a receptive audience.