



SUMMARY REPORT

3RD AICHR CONSULTATION ON THE HUMAN RIGHT TO DEVELOPMENT TO ENHANCE THE ASEAN COMMUNITY: INTERSECTION OF BUSINESS AND HUMAN RIGHTS, ENVIRONMENT AND CLIMATE CHANGE

21 to 22 August 2025
Selangor, Malaysia

Introduction

1. The Association of Southeast Asian Nations ('ASEAN') Human Rights Declaration ('AHRD'), adopted in 2012, establishes the region's foundational framework for the promotion and protection of human rights. The Declaration affirms a broad spectrum of rights — civil, political, economic, social, and cultural — while also recognising collective rights such as the right to development, the right to peace, and the right to a safe, clean and sustainable environment. Despite the rich political, economic and cultural diversity of ASEAN Member States, ASEAN reached consensus on these principles through the adoption of the AHRD. The Declaration therefore serves as a guiding compass for ASEAN's efforts to build a rules-based regional community founded on shared values of human rights, democracy, and the rule of law.

2. The right to development, recognised under Article 35 of the AHRD, is one of the value-added rights that reflect ASEAN's regional priorities and context, and it reads as follows:

“The right to development is an inalienable human right by virtue of which every human person and the peoples of ASEAN are entitled to participate in, contribute to, enjoy and benefit equitably and sustainably from economic, social, cultural and political development. The right to development should be fulfilled so as to meet equitably the developmental and environmental needs of present and future generations. While development facilitates and is necessary for the enjoyment of all human rights, the lack of development may not be invoked to justify the violations of internationally recognised human rights.”

3. The inclusion of the right to development in the AHRD indicates ASEAN's collective commitment to recognising, promoting and protecting this right. In line with the United Nations ('UN') Declaration on the Right to Development (1986), the right places people at the centre of development, ensures their free, active and meaningful participation, promotes non-discrimination and equitable distribution of the benefits of development, and respects self-determination and sovereignty over natural resources, while advancing civil, political, economic, social and cultural rights.

4. While the right to development is often linked to economic growth and sustainable development, it represents a comprehensive process aimed at continuously improving the well-being of people while ensuring their free and meaningful participation in development. However, despite ASEAN's significant economic progress, many individuals remain marginalised and continue to face exploitation due to irresponsible or unethical development practices. Their voices are often overlooked, and development initiatives can sometimes exacerbate inequalities among social groups in the region. As ASEAN continues to grow as the world's fifth-largest market with the third-largest labour force, and is projected to become the fourth-largest economy globally by 2030, there is an increasing need to ensure that development initiatives protect the rights of vulnerable and at-risk segments of society.

5. Given the scale of development initiatives across the region, the right to development under Article 35 of the AHRD continues to require interpretation, contextualisation, and elaboration to strengthen regional awareness and standards. Although recognised in the AHRD, the right remains relatively underexplored, particularly where issues such as unequal access to development benefits and the marginalisation of vulnerable groups persist. The ASEAN Intergovernmental Commission on Human Rights ('AICHR') — as the overarching regional human rights body tasked with promoting and protecting human rights as well as the body that drafted the AHRD — is thus well placed to reflect on the right.

6. AICHR first explored this right in depth in 2019, when it convened the "AICHR Consultation on the Right to Development to Enhance the ASEAN Community" in Jakarta, Indonesia. The meeting delved into the origins of the right to development and took stock of ASEAN's progress in realising this right. Representatives of AICHR, ASEAN sectoral bodies, civil society organisations, academics and experts participated in the event.

7. As a follow-up, a second consultation ("2nd AICHR Consultation on the Human Right to Development to Enhance the ASEAN Community: Realising Article 35 of the ASEAN Human Rights Declaration 2012") was convened on 28 April 2025 in Kuala Lumpur, bringing together over 60 participants from the AICHR, ASEAN sectoral bodies and entities, national human rights institutions, civil society organisations, and international and regional experts. The consultation built on the outcomes of the 2019 Jakarta consultation and aimed to deepen ASEAN's deliberations on adopting a common regional approach to advancing the right to development, while exploring its interlinkages with the right to peace under Articles 35-38 of the AHRD.

8. Building on the earlier consultations on the right to development, the "3rd AICHR Consultation on the Human Right to Development to Enhance the ASEAN Community: Intersection of Business and Human Rights, Environment and Climate Change" ('Consultation') aimed to delve deeper into the intersection between business and human rights, migration and climate change, as its outcomes would help shape AICHR's common position on related issues. The Consultation brought together more than 60 participants, including AICHR Representatives, Alternate Representatives and Assistants, representatives from Timor-Leste, ASEAN sectoral bodies and entities, national human rights institutions, civil society organisations, and international and regional experts. The Consultation was jointly supported by ASEAN through

its AICHR Fund, the International Organization for Migration (‘IOM’), Australia, through the Australian Human Rights Commission and Australian AID, and Migrant Forum in Asia, and in collaboration with the Human Rights Commission of Malaysia (‘SUHAKAM’).

Opening Session

9. In his welcome remarks, **H.E. Edmund Bon Tai Soon**, the AICHR Chair for 2025 and Representative of Malaysia to AICHR, recalled that, at the “Building Peace — From Conflict Prevention to Sustainable Peace” workshop convened on 2 July 2025 as part of AICHR’s series of workshops on the intersection between conflict and human rights in ASEAN, participants had identified climate change, authoritarianism, and impunity as among the top threats to peace in Southeast Asia. He noted that these concerns reflected the lived assessments of diplomats, senior government officials, and civil society actors working on the ground in the region. While acknowledging that the causal link between climate change and conflict in ASEAN remains understudied, he referred to the 20-year conflict in Darfur, Sudan as an example of climate-exacerbated violence linked to pressures on, and competition over, usable and life-sustaining land. He observed that the security and non-security consequences of a warming world are increasingly difficult to ignore.

10. He further highlighted that environmental degradation discourse continues to be shaped largely by Global North actors, while States in the Global South bear disproportionate and excessive burdens arising from rising sea levels, extractive activities, biodiversity destruction and pollution. He noted that Southeast Asia faces severe environmental threats, including extreme heat, transboundary haze, intensifying storms, coastal erosion and ecosystem decline, despite contributing far less to cumulative greenhouse gas emissions. Against this backdrop, he stated that the 3rd Consultation would — for the first time within AICHR — deliberate on the critical intersection of business and human rights, the environment and climate change. He underlined that the right to development is reflected in the AHRD, particularly Articles 35, 36 and 37, which affirm the rights of all peoples to participate in, contribute to and enjoy the benefits of economic, social, cultural and political development. He further linked this to Malaysia’s 2025 ASEAN Chairpersonship theme, “Inclusivity and Sustainability”, as well as the recently adopted *ASEAN 2045: Our Shared Future*.

11. While stressing that development must be people-centred, participatory, equitable and inclusive, and must leave no one behind, he emphasised that the voices of persons and communities made vulnerable and marginalised must be heard and placed at the centre of regional efforts, including women, children, persons with disabilities, Indigenous Peoples, *Orang Asli*, *Orang Asal*, migrant workers, refugees, asylum seekers, stateless persons, ethnic, religious, linguistic and gender minorities, as well as human rights and environmental rights defenders. However, development in the present context faces two major and often interconnected challenges: climate change and human mobility. He stated that climate change is not merely an environmental problem or a convenient buzzword, but a reality that impedes development by undermining livelihoods where survival is already fragile, deepening

inequality, fuelling internal tensions and conflict, and forcing families to leave their homes in search of survival.

12. He invited participants to rethink existing approaches in light of these realities. He called for ASEAN to move beyond government-to-government approaches and to build new, as well as strengthen existing, alliances with the private sector, which drives much of the region's economy. He noted that businesses are already expected to be transparent about their human rights impacts and the measures they take to address them, including through human rights due diligence. He also stressed the need to strengthen bodies and mechanisms so that they are more decisive, responsive, timely and future-ready in addressing global and regional challenges, as envisioned in the *ASEAN 2045: Our Shared Future*. He stated that the Consultation would provide an opportunity to reflect on how ASEAN could strengthen its response to issues concerning business and human rights, the environment, climate change, and migration, and to consider practical steps that could be put in place.

13. The AICHR Chair 2025 and Representative of Malaysia to AICHR also provided two updates of relevance to the consultation. First, he noted that Malaysia had launched its first National Action Plan on Business and Human Rights ('NAP-BHR') 2025–2030 on 12 August 2025, which he described as one of the most progressive action plans in the world. He highlighted that the action plan covers areas such as environmental human rights defenders, climate justice, mandatory human rights due diligence and anti-Strategic Lawsuits Against Public Participation ('SLAPPs') laws, and expressed support for its full and immediate implementation. Secondly, he informed participants that AICHR had consulted ASEAN bodies and stakeholders on Malaysia's proposed 'ASEAN Declaration on Promoting the Right to Development and Peace Towards Realising Inclusive and Sustainable Development'. He noted that the draft declaration was under AICHR's deliberation, with a view to adoption later in 2025. His remarks appear as **Annex A**.

14. **Mattias Carlson**, representing IOM, began his remarks by congratulating AICHR for convening a consultation focused on the right to development and its implications for international migration. He noted that within ASEAN, approximately 10 million migrant workers are employed in the private sector across various industries, including agriculture, construction, and manufacturing. He highlighted that migrant workers are three times more likely than local workers to face labour exploitation and remain vulnerable to a range of labour rights violations. In this regard, he stressed the need to strengthen responsible business conduct among enterprises to better protect migrant workers. He further observed that AICHR is well placed to bring together ASEAN Member States and companies to strengthen labour protection within the business sector.

15. He also emphasised the important linkages between the environment, climate change and migration. He stated that climate change has already compelled some segments of the population to migrate in search of protection, and that this trend is expected to continue in the years ahead. While migration is often viewed as a consequence of climate change and environmental stressors, he noted that negative social and human rights impacts also contribute

to increased vulnerability among affected populations. He stated that IOM works closely with governments, the private sector and civil society organisations to address the different forms of vulnerability faced by individuals and migrants, and to promote safe migration. Through its migration, business and human rights programme, IOM would continue working with partners, including AICHR, to promote safe migration and strengthen collaboration with private sector actors in advancing responsible practices within the business sector.

16. **Sumitha Shaanthinni Kishna**, representative from the Migrant Forum in Asia, began her remarks by congratulating the Government of Malaysia on the recent launch of its NAP-BHR 2025–2030. She described the NAP-BHR as a step in the right direction and, on behalf of Migrant Forum in Asia and its partners in Malaysia, expressed readiness to work with and support the Government of Malaysia in its implementation.

17. She shared that civil society organisations in the region had recently organised a stakeholder consultation involving more than 40 stakeholders from across the region on issues relating to forced labour, safe migration and ethical business practices. She shared several key insights from the consultation, which are as follows:

- (i) The need for governments to ensure greater transparency in decision-making processes, particularly in relation to policies affecting migrant workers. This includes engaging civil society organisations in drafting Memoranda of Understanding and bilateral agreements.
- (ii) Employers in Malaysia and other destination countries should be directly involved in the recruitment process and should rely less on third-party and private recruitment agencies to source workers on their behalf.
- (iii) The need for companies to establish internal mechanisms to conduct post-arrival orientation for newly arrived migrant workers and to make a public commitment that all recruitment-related costs are borne by employers.
- (iv) The need to establish a regional accreditation or certification system to recognise companies that are committed to ethical recruitment practices. Governments should consider incorporating certification or accreditation requirements into binding agreements between destination and origin countries.
- (v) For all parties, particularly trade unions, civil society organisations and migrant communities, to raise awareness among migrant workers of their labour rights and safe migration pathways. The issues raised would only be effective and fully realised through sustained cooperation among all relevant stakeholders, including through dialogues such as the present consultation.

18. She concluded by expressing hope that the consultation would continue to explore opportunities for collaboration.

Keynote Address: Framing Climate Justice and Climate-Induced Migration in the Context of the Right to Development

19. The keynote address was delivered by **Professor Dr. Surya Deva**, the UN Special Rapporteur ('UNSR') on the Right to Development. He addressed the intersection between business and human rights, climate change, environmental issues, peace and migration. He began by highlighting the significance of the consultation in two respects. The first was normative, referring to two important advisory opinions issued in 2025 by international and regional courts, namely the Inter-American Court of Human Rights and the International Court of Justice ('ICJ'). He noted that both advisory opinions addressed climate change and human rights, and underscored the importance of pursuing sustainable development. He observed that the Inter-American Court of Human Rights had stressed the importance of adaptation and litigation in addressing climate change, while also emphasising the need to achieve sustainable development in practice rather than merely in symbolic terms. Similarly, he noted that the ICJ had referred to the Sustainable Development Goals ('SDGs') as among the general principles guiding the interpretation of States' obligations. He further stated that other relevant general principles also relate to the right to development and sustainable development.

20. The second area of significance, according to the UNSR, was contextual. He referred to the declarations expected to be adopted by ASEAN Leaders in October 2025, during Malaysia's ASEAN Chairpersonship, which he stated would provide a roadmap for ASEAN to come together and lead in creating a more inclusive and sustainable development model. He observed that business and human rights discourse has often operated in silos and has historically focused primarily on human rights and labour rights, without adequately addressing environmental and climate change concerns. He further noted that the United Nations Guiding Principles on Business and Human Rights do not expressly refer to the environment, climate change, sustainable development or the SDGs. However, he emphasised that this compartmentalised approach is changing rapidly, and that the consultation provided an important pathway to highlight that climate change, peace, migration and the responsibilities of businesses in relation to each of these areas are not only relevant but crucial.

21. He then outlined three further areas of relevance to the consultation:

- (i) The transformative nature of the right to development;
- (ii) The role of States and businesses in relation to the four facets of the right to development;
- (iii) Possible considerations for an ASEAN Plan of Action to further realise relevant ASEAN declarations.

22. He explained that the transformative potential of the right to development can be understood through five aspects, namely human rights, dimensions, elements, facets and principles.

23. On the transformative nature of human rights, the UNSR stated that human rights do not focus solely on governments or the role of States, but bring together the different facets of development, including human, societal, economic, social, political, and cultural elements. He highlighted that the right to development places particular importance on participatory processes. In this regard, realising the right to development requires not only achieving development outcomes, but also ensuring meaningful participation by groups such as women, Indigenous Peoples, migrants, refugees, and children. He also referred to the broader recognition of animals within the development framework. He stated that this intersectional approach broadens participation in realising the right to development.

24. The UNSR further emphasised that human rights capture both the means and the ends of development. He stated that the right to development is an end in itself, while also serving as a means to realise other human rights. He described this nexus as crucial and noted that it also requires attention to historical injustices, including those rooted in colonisation. In relation to climate change, he stressed that it cannot be properly understood without acknowledging that certain countries have contributed disproportionately to the crisis. He added that inequalities based on gender, race, ethnicity and colour must also be adequately addressed.

25. Professor Deva also underlined that the right to development is transformative because it underscores the importance of international and regional cooperation. He noted that ASEAN has begun cooperating on challenges such as transboundary haze and cross-border migration and stressed that such issues cannot be prevented or addressed without cooperation among States. He referred to the recent advisory opinion of the ICJ, which reaffirmed that international cooperation is an obligation of States under both treaty law and customary international law.

26. Turning to the role of States and businesses in relation to the four facets of the right to development, the UNSR first addressed economic development. He observed that one of the critical challenges facing States, including those in ASEAN, is deepening inequality, in which resources and the benefits of development are not equitably shared across different segments of the population. He suggested that States should give greater attention to progressive taxation. He also identified the digital divide as a growing concern, particularly for older persons, noting that while many public services now require digital access, large segments of society continue to struggle with technology. He posed the question of how technological advancement can be pursued without leaving more people behind.

27. The UNSR further noted that unsustainable development remains a critical challenge. He stated that development models must be considered in light of each State's unique socio-political and demographic characteristics. In this regard, he raised questions about development priorities, including whether emphasis should be placed on projects such as golf courses or on public housing for ordinary people. He described such questions as legitimate, as they go to the heart of whether development benefits a few or serves all. From the business perspective, he highlighted the continuing importance of a living wage, stressing that fair wages are essential to decent work, a dignified life and the equitable distribution of development benefits. He called on businesses to step up their efforts and act collectively in addressing these concerns.

28. From the perspective of social development, Professor Deva highlighted the importance of access to education. He noted that development requires not only primary and secondary education, but also tertiary education, where world-class and critical knowledge is created and produced. He further emphasised the need to eliminate gender-based violence and all forms of discrimination against women and girls. He stated that substantive gender equality is critical, as half of humanity cannot fully enjoy the right to development without it. He also addressed the challenge posed by artificial intelligence ('AI'), noting that many people and workers are already losing jobs due to AI, and that this trend is expected to continue. He raised questions regarding the reskilling and upskilling of affected workers and the responsibilities of businesses, particularly those investing significantly in AI technologies. He described these as urgent questions requiring a response from ASEAN.

29. From the perspective of cultural development, the UNSR stressed the importance of preserving culture, including the cultures of minorities. He stated that businesses should promote diversity and inclusion, as diverse teams and workforces bring value to organisations. He further noted that development projects must respect the rights of Indigenous Peoples, including the principle of Free, Prior and Informed Consent ('FPIC'). He emphasised that land is not only an economic asset, but also a cultural one. He also observed that climate change and climate-induced mobility threaten cultural heritage, citing the example of farmers in Viet Nam who have been forced to leave ancestral lands due to climate change, resulting in cultural disconnection.

30. From the perspective of political development, the UNSR underscored the importance of active, free and meaningful participation. He stated that development must go beyond consultation and must empower people with agency. He highlighted the importance of community-led projects, civic space, and the participation of human rights defenders, environmental defenders, trade unions and academics. From the business perspective, he emphasised that the effective enjoyment of freedom of association and collective bargaining is essential. He also stated that businesses should examine and ensure diversity at the board level, including equal gender representation and the representation of ethnic minorities. He described board diversity as an expression of political development within society, and stressed that women and indigenous peoples should not be viewed merely as passive recipients of development, but as active agents in shaping ASEAN's future.

31. In relation to an ASEAN Plan of Action, Professor Deva stated that ASEAN should develop an action plan that guides businesses across relevant themes and pillars, including sustainable development, human rights, and peace and security. He observed that these issues currently exist in silos, and that most business and human rights discourse, both globally and regionally, does not adequately address sustainable development. He stated that ASEAN has an opportunity to take leadership in this area, as no other region has yet successfully brought businesses together around these cross-cutting themes.

32. The UNSR further stated that an ASEAN Plan of Action should not create another compartment labelled only as “business and human rights”. Instead, it should approach business responsibilities in a cross-cutting manner, taking into account human rights, labour rights, sustainable development, good governance, the environment, climate change, poverty and hunger. He also stressed that peace must not be taken for granted, and that both States and businesses must take steps to promote peace. He suggested that incentives should be provided to responsible businesses that actively promote the rights to peace and development, as well as sustainable growth.

33. In closing, Professor Deva emphasised that access to justice should not be taken for granted. He noted that access to justice aligns with the SDGs, particularly Goal 16, as well as with Pillar III of the United Nations Guiding Principles on Business and Human Rights. He further referred to AICHR’s recent consensus to accept complaints and communications concerning human rights violations across the region. He described this as a significant step towards realising access to justice within ASEAN.

Session 1: ASEAN Community Vision 2045 Outlook – Challenges and Opportunities on Climate Justice, Safe Migration, and Business and Human Rights

34. Session 1 was moderated by **Belinda Hlatshwayo**, Business and Human Rights Project Manager, UN Development Programme (‘UNDP’). The session examined new and emerging threats and challenges to human rights arising from climate change, forced displacement, unethical and irresponsible business practices, and migration. It provided a platform to consider how these intersecting issues affect vulnerable populations in ASEAN, and how such populations are, or should be, protected through existing and developing ASEAN mechanisms. The session also sought to situate these challenges within the broader discussion on the right to development.

35. In her introductory remarks, the representative from UNDP highlighted that Southeast Asia is among the regions most vulnerable to the impacts of climate change. She noted that business and human rights discourse provides an important framework for discussing and identifying climate-related risks, while businesses play a significant role in recognising these risks and taking the necessary measures to address them. She referred to the Kunming-Montreal Global Biodiversity Framework as an example of an international framework that recognises the role of businesses in adopting a human rights-based approach and conducting due diligence to address climate- and biodiversity-related concerns. She further underlined that, at the national level, several ASEAN Member States have developed national plans addressing the intersection between business, human rights and climate change, including Thailand, Viet Nam, Indonesia and, most recently, Malaysia.

36. **Paul Buckley**, representing the ASEAN-Australia Counter Trafficking programme (ASEAN-ACT), began his remarks by congratulating the Government of Malaysia and AICHR for organising the consultation. Drawing on his work, he highlighted that within the broader ASEAN landscape, migration is a critical issue that is both shaped by and affected by business

expansion. He noted that migration is also closely linked to deepening inequality, polarisation and interstate violence. These issues are interconnected and mutually reinforcing, with one development often affecting another in different ways. He observed that these human rights risks are recognised in the ASEAN Vision 2045 and require prompt action by all relevant stakeholders.

37. He stated that ASEAN remains the primary driving force in shaping the regional architecture and contributing to a rules-based international order. He noted that AICHR plays an important role in advancing and ensuring a rights-based approach across the region. He stressed the need to develop regional frameworks to ensure safe migration, while also mainstreaming inclusive and gender-responsive approaches across all stages of the migration cycle. He further highlighted the importance of cooperation with relevant private entities and other partners. In this regard, he called for a system-level and rights-based approach, involving multiple stakeholders, to address the negative impacts of business on people.

38. He further noted that, under the economic pillar of the ASEAN Community, there is recognition of the need to pursue regional collaboration to mainstream the adoption of environmental, social and governance standards. He stated that this would help establish social standards for businesses in the years ahead. Among the most prominent issues to be addressed within such social standards is the elimination of forced labour. He emphasised that forced labour should be understood as a symptom of the broader forms of exploitation faced by workers and others, and that there is a need to recognise and address its root causes, including climate change. By way of example, he noted that sea-level rise in the region would force many people to leave their hometowns and cross international borders in search of better livelihoods and protection. He observed that migration is therefore becoming more complex, encompassing voluntary and economic migration as well as forced displacement linked to climate change.

39. He also stated that a lack of political will continues to hinder collective efforts to address the root causes of exploitation and unsafe migration. In this context, he highlighted the critical role of AICHR in encouraging reforms, particularly within the political-security community, including through closer attention to border management and immigration policies. He observed that migration governance remains weak and stressed the need to move beyond soft agreements on migration towards legally binding instruments. In his concluding remarks, he acknowledged the positive steps already taken by ASEAN Member States and noted that there remain significant opportunities to address migration issues affected by business, climate change and other risks. He described the development of National Action Plans on Business and Human Rights by some ASEAN Member States as a promising development, and emphasised that the involvement of civil society organisations in consultations such as the present one should continue.

40. **Jeremia Humolong Prasetya** from the Indonesian Ocean Justice Initiative ('IOJI'), Indonesia, introduced the work of IOJI in the areas of ocean justice, governance and climate justice. He noted that the consultation provided an important space for IOJI and other organisations to share insights and express their interest in collaborating with relevant

stakeholders, particularly ASEAN Member States and relevant ASEAN mechanisms. He stressed the importance of discussing climate justice in relation to issues such as poverty, high dependency on the agricultural sector and scarcity of natural resources. He also referred to regular surveys published by the ISEAS-Yusof Ishak Institute, which indicated that many people in ASEAN have already been affected by the impacts of climate change. He noted that the survey identified several categories of climate impacts on society, including floods, and stated that this raises important questions as to who bears, or should bear, the costs of such impacts.

41. He underlined that businesses, regardless of their size or place of operation across the region, play an important role in preventing and addressing the impacts of climate change. Drawing from experiences in Central Java, Indonesia, he explained that climate change has affected ocean temperatures and contributed to higher waves, which are further compounded by overfishing activities. These developments have contributed to declining fish stocks in Indonesia and elsewhere. He further noted that climate change has negatively affected the livelihoods of small-scale fishers, including through higher fishing costs and longer periods spent at sea to secure sufficient catch.

42. He stated that climate change and its adverse impacts on fishers have changed conditions on the ground. He observed that some small-scale fishers facing difficulties in continuing ocean-based activities have shifted to land-based economic activities. He noted that while the Government of Indonesia has established protection programmes for small-scale fishers, these measures have yet to fully address the complexity of issues surrounding climate change and climate justice, particularly as they affect small-scale fishers, women fishers and their dependants. He emphasised the need to re-evaluate national and regional approaches to addressing the impacts of climate change.

43. Complementing the remarks by the representative from IOJI, **Daniel Awigra**, representing the Human Rights Working Group ('HRWG'), Indonesia, shared insights from HRWG's recent studies on extractive capital securitisation and its significant adverse human rights impacts. He explained that extractive capital securitisation functions as an excessive profit-making mechanism, supported by the use of force and the involvement of security actors to control and protect extractive business activities. He noted that such actors, together with irresponsible businesses, are involved in the extraction of natural resources such as coal, oil and nickel, with similar business models also observed to some extent in the fisheries and palm oil sectors. He stated that these business activities benefit certain segments of the bureaucracy, while communities affected by the activities do not enjoy the benefits. Referring to Indonesia, he observed that business interests are closely linked with politics, including where some members of parliament are connected to, or own, businesses in natural resource industries. He concluded by underscoring the need to connect discussions on human rights and social justice with domestic politics and the broader landscape of business operations.

44. **Dr. Unang Mulkhan**, from the Foundation for International Human Rights Reporting Standards ('FIHRRST'), began by congratulating AICHR for continuing to provide dialogue

platforms for civil society organisations to share their work and insights, particularly on the intersection between business, the environment and migrant protection in the region. He stressed the importance of aligning development discourse with human rights and climate justice, while recognising the central role of businesses in promoting and practising responsible business conduct across ASEAN.

45. He noted that ASEAN continues to benefit from global business and global value chains, particularly in the context of energy transition and food insecurity. At the same time, he cautioned that failure to address the impacts of these value chains could result in adverse human rights consequences for people in ASEAN. He referred to the region's reserves of critical minerals, such as nickel, tin, oxide and rare earths, which are essential for clean energy technologies and growing sectors such as semiconductors. However, he stated that uncontrolled extraction may lead to community displacement, environmental degradation, unsafe working conditions and weak protection. Without robust mechanisms such as human rights due diligence, he warned that the energy transition could result in social injustice and harm to people and the environment.

46. He also referred to the palm oil sector in ASEAN, noting that Indonesia and Malaysia together account for more than 80 per cent of global palm oil production. He recognised that palm oil is a multi-billion-dollar industry that supports millions of livelihoods and contributes to rural poverty reduction, but remains under scrutiny due to concerns relating to deforestation, biodiversity loss, land tenure disputes and forced labour. He noted that concerns raised by international buyers and consumers have led to more stringent market requirements across palm oil value chains, creating challenges for smaller industry players while also presenting opportunities for the sector to transition towards more responsible business practices. He further shared that, based on FIIHRST's analysis of 148 sustainability reports, only 13 per cent disclosed human rights policies and practices, indicating that many companies have yet to treat human rights as an integral part of their business operations. He emphasised that disclosure is not symbolic, but serves as a signal to investors, customers and regulators that companies recognise significant human rights risks requiring remediation.

47. He applauded ASEAN Member States that have developed NAP-BHRs, including Thailand, Indonesia, Viet Nam and Malaysia, while noting that implementation remains a critical challenge. He underlined the importance of continued public exposure and reporting by civil society organisations as a check-and-balance mechanism to ensure that governments and businesses advance the business and human rights agenda in practice. He further noted that regulatory gaps, limited enforcement capacity and low awareness among businesses continue to hinder progress, with some businesses still treating human rights as equivalent to corporate social responsibility rather than embedding human rights principles into their business models. He observed that ASEAN could serve as a platform for peer learning, technical assistance and engagement among businesses and stakeholders, including on challenges relating to market barriers and trade sanctions. In closing, he stressed the need for AICHR and other relevant regional bodies to consider regional monitoring mechanisms and performance indices to

encourage action by ASEAN Member States and businesses, warning that the cost of inaction would include continued human suffering and environmental degradation.

Session 2: ASEAN Initiatives and Actions to Address Climate Change and Migration Affected by Climate Change

48. This session examined the role of ASEAN and its Member States in addressing two interrelated challenges: climate change and its adverse human rights impacts, and the nexus between climate change and migration. The session was moderated by **H.E. Ambassador Nguyen Trung Thanh**, Representative of Viet Nam to AICHR. In his introductory remarks, the Representative of Viet Nam to AICHR set the context by referring to the extensive work undertaken on the nexus between climate change and human mobility. He noted that human mobility should be understood broadly, encompassing not only migration, but also displacement, planned relocation, and situations where individuals or communities are unable to move due to socio-economic constraints. He emphasised that responses to climate-related mobility must ensure that affected populations retain access to development entitlements. Citing the Intergovernmental Panel on Climate Change ('IPCC'), he observed that mobility outcomes are not necessarily negative, but may become pathways to exclusion where development opportunities are removed or denied.

49. **Christopher Richter**, from IOM, began by responding to the question posed by the moderator and noted that climate and environmental factors may give rise to different forms of human mobility. These include disaster displacement, planned relocation and labour migration. With regard to disaster displacement, he stated that this is the most visible form of climate-related mobility and receives considerable attention, particularly as the Asia-Pacific region experiences more disaster displacement than any other region globally. He noted that, between 2008 and 2024, ASEAN countries alone recorded at least 98.9 million disaster displacements.

50. On planned relocation, he explained that it refers to the permanent movement of whole communities, or parts of communities, from climate-vulnerable areas to safer locations, often supported by government action. He stressed that planned relocation should be regarded as an option of absolute last resort, given its significant social, cultural and economic implications, as well as the substantial and sustained financial commitments and resources required. Despite these challenges, he noted that countries such as Viet Nam and the Philippines have long-standing experience with planned relocation.

51. With regard to labour migration, he noted that ASEAN is a significant region for labour mobility, with more than 10 million migrants within the region. While the exact number of people moving because of climate-related factors remains unknown, he stated that there is increasing evidence that climate and environmental conditions have both direct and indirect impacts on human mobility. This is particularly relevant for countries and communities that rely heavily on agriculture, fisheries and other climate-sensitive sectors.

52. He further highlighted the relationship between human mobility and the transition to a low-carbon economy. He presented data indicating that sectors relevant to decarbonisation, including agriculture, forestry, energy and manufacturing, are also sectors in which a significant proportion of migrant workers are employed. He noted that this raises important questions about the role of migrants in the transition process and their potential contribution to a just transition.

53. To address climate-related mobility in the region, he outlined several key recommendations, including the need for solutions for:

- (i) People to stay, which remains a key priority for most countries and includes programmes on climate change adaptation and disaster risk reduction.
- (ii) People already on the move, including support for displaced populations, protection measures, durable solutions to displacement, and responses to the impacts of climate change on existing migrant workers.
- (iii) People to move, recognising that migration can serve as a positive adaptation strategy when it is well managed. This includes acknowledging the need for people to move and facilitating such movement in a safe and dignified manner.

54. **Altaf Deviyati Ismail**, the Undersecretary for SUHAKAM, stated that climate change has become one of the major challenges threatening the enjoyment of human rights. Climate change erodes a range of fundamental rights, including the rights to life, health, food, water, housing and cultural identity. She observed that responses to these issues remain largely siloed and State-centric. Referring to Malaysia, she noted that while floods had often been regarded as ordinary or recurring events, the severe floods in 2022 resulted in loss of life and displaced thousands of residents. She stated that the incident shocked society and contributed to a growing recognition that climate change is a real threat to communities.

55. She further highlighted the regional interconnectedness of climate impacts, food security and human rights. Approximately a quarter of Malaysia's food supply is imported, including rice from Thailand and India, vegetables from Thailand, and livestock from Indonesia and Australia. She explained that unforeseen events affecting these supply chains would likely lead to increases in food and supply prices. She emphasised that such examples demonstrate the extent of regional interdependence, although this linkage is not always fully recognised.

56. She concluded by outlining several recommendations for AICHR's consideration in addressing climate change and its human rights impacts:

- (i) The need to establish regional baseline principles affirming that climate responses should be aligned with human rights principles, and suggested that AICHR consider developing such principles to demonstrate the close relationship between climate change and human rights.

- (ii) The development of regional guidelines on climate-induced displacement, noting that countries such as Malaysia, Thailand and Indonesia have not ratified the 1951 Refugee Convention and do not have a clear legal definition of refugees, let alone climate refugees. She stated that the growing number of refugees and displaced persons in the region requires countries to work together towards a regional guideline.
- (iii) The need for closer collaboration among national human rights institutions in the region, noting that only some ASEAN Member States have established such institutions, including Malaysia, the Philippines, Thailand, Myanmar, Indonesia and Timor-Leste.
- (iv) For ASEAN develop a region-wide data hub to track and examine transboundary issues, including human mobility linked to climate change.

57. **Thomas Thomas**, representing the ASEAN Responsible and Inclusive Business Alliance ('ARAIBA'), began by reflecting that in approximately 40 years, ASEAN would mark its 100th anniversary. He invited participants to consider how ASEAN should wish to commemorate that milestone: whether merely as a region that had survived, or as one able to testify to visionary leadership, inclusive development and environmental stewardship. He stressed that if ASEAN wished to achieve the latter, action must begin now and could not be deferred.

58. He stated that while development is necessary for prosperity, ASEAN must be clear that not all forms of development are acceptable. He identified a key obstacle in the region as a prevailing mindset of "growth at all costs" and "profit at all costs". Such an approach results in people and communities being sacrificed. While acknowledging that businesses are engines of growth, he emphasised the need to change this mindset and to speak more directly about responsible business, including how businesses can create a positive impact on society and the environment. On mechanisms, he noted that laws and regulations are important but are not, by themselves, sufficient to serve as a game changer, particularly where impunity remains a challenge.

59. He then addressed how businesses could be encouraged to think and act responsibly. He referred to the Code for Responsible and Inclusive Business in ASEAN, developed by the ASEAN Business Advisory Council, which sets out seven principles covering governance, the environment, labour, anti-corruption, human rights, consumer protection, and community engagement and involvement. He stated that environmental protection remains closely linked to human rights and noted that ASEAN already has useful frameworks and standards in place, including corporate social responsibility guidance on labour aligned with international standards. He stressed, however, that the main challenge lies in implementation.

60. In closing, he stated that ASEAN has the potential to be a trendsetter and trailblazer. He said that ASEAN can demonstrate to the world that peace, progress and prosperity can be pursued together with justice, equality and fairness. He concluded with the Malay saying,

“*sedikit-sedikit, lama-lama menjadi bukit*”, to emphasise that sustained incremental efforts can eventually lead to significant progress.

Session 3: Sharing Good Practices to Protect the Human Right to Development on the Issues of Climate Change, Migration Affected by Climate Change, and Business and Human Rights

61. This session sought to link climate justice and human mobility within the business and human rights framework, with a focus on sharing good practices from regional and international perspectives. The session was moderated by **H.E. Ambassador U Nyunt Swe**, Representative of Myanmar to AICHR. In his introductory remarks, the Representative of Myanmar to AICHR recalled that AICHR first convened this consultation in 2019, followed by the second consultation in April 2025 in Kuala Lumpur, Malaysia, to further enhance the ASEAN Community’s understanding of the right to development. He noted that the third consultation, held on 21 August 2025, focused on the intersection between the development, business and human rights, migration and climate change. He further stated that climate change forms part of the triple planetary crisis, alongside biodiversity loss and pollution, making the consultation timely and relevant.

62. **Nareeluc Pairchaiyapoom**, representing the Ministry of Justice of Thailand and delivering her remarks virtually, began by congratulating AICHR for organising the consultation. She noted that Thailand began its work on business and human rights in 2016, and that its first NAP-BHR was adopted by the Government in 2019 and implemented until 2022. Thailand is currently implementing its second NAP-BHR, which its period ends in 2026. The representative from the Ministry of Justice of Thailand explained that the current NAP-BHR combines State obligations with voluntary measures by businesses and covers four priority areas: labour; community, land, natural resources and the environment; human rights defenders; and cross-border investment and multinational enterprises. She stressed that under the current NAP-BHR, some of the most significant issues concern the environment and climate change, including carbon emissions. She also noted that Thailand continues to face challenges related to an ageing society.

63. According to the representative from the Ministry of Justice of Thailand, the Government of Thailand has endorsed a roadmap to net zero, which includes a commitment to achieve carbon neutrality by 2050 and net zero greenhouse gas emissions by 2065. She described this as the highest level of commitment made by the Government in contributing to efforts to address the impacts of climate change. She also noted that Thailand has established a dedicated government department, the Department of Climate Change and Environment, to address climate-related issues and challenges.

64. She further stated that Thailand is currently drafting two pieces of legislation, namely the Climate Change Bill and the Clean Air Bill. The Climate Change Bill aims to manage and reduce the adverse impacts of climate change, while the Clean Air Bill seeks to address air pollution. She noted that both bills would be further debated and are expected to be passed by

the Government for enforcement. She added that Thailand is also focusing on developing concrete mechanisms related to human rights due diligence, particularly in the business sector. Under the current National Action Plan, Thailand is actively promoting the implementation of human rights due diligence through awareness-raising programmes and training activities.

65. The representative from the Ministry of Justice of Thailand also highlighted that the Government of Thailand is working closely with business regulators, including the Securities and Exchange Commission of Thailand, to develop measures to monitor responsible business practices. She noted that, at present, publicly listed companies are required to disclose relevant sustainability information, including information on how they address climate change-related issues.

66. At the international level, she stated that the Government of Thailand has taken a proactive role in promoting the implementation of human rights due diligence in business. This includes Thailand's voluntary pledges during the Universal Periodic Review process. She added that Thailand is currently studying its readiness to implement human rights due diligence. As Thailand progresses towards full membership of the Organisation for Economic Co-operation and Development ('OECD'), it is actively promoting responsible business conduct aligned with the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct, including through engagement with businesses in Thailand and the wider region. Thailand is also studying good practices relating to the operation of a National Contact Point aligned with the OECD framework, with the expectation that such a mechanism would play an important role as a grievance and remediation platform.

67. In her closing remarks, the representative from the Ministry of Justice of Thailand underlined that stronger political will is essential to advance the positive steps already undertaken by the Government of Thailand, and that this is closely linked to domestic political stability. She once again thanked and congratulated AICHR for organising the series of stakeholder consultations on business and human rights.

68. **Leena Ghosh**, representing the Roundtable on Sustainable Palm Oil ('RSPO'), began by congratulating AICHR for involving RSPO in the Consultation. She noted that business and human rights, environmental, social and governance standards, and human rights due diligence are critical to ensuring sustainable development and creating long-term prosperity for the peoples of ASEAN. Reflecting on the need to protect the environment and address climate change, the representative from RSPO stated that countries are obligated to take all necessary measures to reduce greenhouse gas emissions and protect people from climate-related harm.

69. Speaking from the perspective of sustainable palm oil, she explained that RSPO is a multi-stakeholder initiative comprising members from across the palm oil supply chain. Its goal is to facilitate global change towards making the production and consumption of palm oil sustainable. She noted that RSPO operates as a voluntary certification scheme, with 5.3 million hectares already certified as sustainable. More than 6,000 RSPO members have committed to promoting and respecting human rights as part of their broader sustainability commitments,

including respect for workers' rights, indigenous communities and local populations. She stated that the scheme seeks to ensure that members, including private estates and growers, act ethically and responsibly, and comply with applicable laws.

70. She further shared good practices already implemented by RSPO members and that RSPO members have prevented the conversion of forests and peatlands, significantly reducing potential emissions through RSPO land-use standards. She stated that climate-related migration may result from deforestation and land-grabbing activities, and that RSPO standards seek to prevent and address these root causes through practices such as FPIC, land rights protection, and forest and peatland conservation.

71. She highlighted the important role of independent smallholders in the palm oil ecosystem. Independent smallholders produce approximately 40 per cent of global palm oil, yet remain among the most vulnerable segments of the value chain to climate impacts. RSPO standards address independent small growers separately, including by strengthening their resilience through improved yields, diversified incomes and market access. RSPO also provides need-based funding to support them. In the longer term, RSPO aims to ensure that the entire ecosystem moves towards sustainable palm oil practices. She added that RSPO helps link small growers to global commodity markets and works with independent and competent third-party auditors to assess compliance with RSPO standards, including standards on labour rights, effective grievance mechanisms and ethical recruitment of workers.

72. The representative from RSPO stated that ASEAN can do more to support sustainable palm oil production across the region by embedding human rights principles into agricultural programmes and initiatives. She noted that ASEAN could encourage joint corporate investment in sustainable palm oil. While sustainability certification schemes such as RSPO are not the same as human rights due diligence, she stated that there is space for collaboration, and that ASEAN and AICHR are well-positioned to link and streamline both initiatives. She further suggested that ASEAN could invest more in research and development, including advanced technologies to support sustainable palm oil and other agricultural products across the region. Such research could generate essential data to inform policy adjustments in support of responsible business.

73. In her concluding remarks, she stated that RSPO is focusing on addressing a range of social and labour rights issues affecting the palm oil sector and affirmed RSPO's support for AICHR's work in creating concrete human rights due diligence mechanisms covering both labour and environmental rights. She also emphasised the importance of linking environmental degradation and climate change with labour rights and other social issues. She stated that an intersectional approach is essential for demonstrating the close relationship among environmental, labour, social, and human rights issues in the business sector.

74. **Sumitha Shaanthinni Kishna**, representing Migrant Forum in Asia, highlighted in her opening remarks that ASEAN should also focus on the rights of migrant fishers, noting that this issue has been overlooked for many years. She stated that migrant fishers generally face

similar patterns of labour exploitation and vulnerability as migrant workers on land, including wage theft, lack of access to medical care and social protection, and ineffective grievance mechanisms. However, the conditions faced by migrant fishers and the nature of their workplace, which is often difficult to access, make them particularly vulnerable to exploitation.

75. The representative from Migrant Forum in Asia further addressed the impacts of climate change on migrant fishers and fishers more broadly. She stated that climate change and rising sea temperatures have harmed vital habitats of many fish species, while many marine species are migrating and changing their migration patterns over time. These shifting patterns increase competition among fishers and raise the operational costs of fishing. She noted that many workers, particularly migrant fishers, are forced to work longer hours and travel further into the high seas, increasing their vulnerability. Prolonged periods at sea affect workers' well-being, health and mental health, often resulting in fatigue, sleep disorders, stress, anxiety and loneliness, and in some cases, suicide.

76. She noted that, given the intense working conditions faced by many migrant fishers, a group of civil society organisations has worked together to identify durable solutions to the issues and challenges they face. She highlighted several key recommendations from civil society organisations:

- (i) Nationality, citizenship and migratory status should never be used as conditions or criteria by countries of origin and destination, or by coastal, port and flag States, in providing essential services to migrant fishers within their territory or jurisdiction. All migrant fishers and members of their families must be assisted and protected.
- (ii) ASEAN Member States should ensure that migrant fishers have access to the internet and other means of communication.
- (iii) All fishing vessels should be allowed to dock regularly, and migrant fishers should be allowed to disembark to seek assistance from their embassies, where necessary.

77. Addressing climate migration specifically, the representative from Migrant Forum in Asia noted that there are migrants in the region who move as a result of climate change in their countries of origin. She stressed the importance of addressing the root causes of climate change, while recognising the challenges in doing so. She noted that migration systems in many countries are already complex, bureaucratic and marked by layers of red tape. This causes many migrants to rely on third parties and private recruitment agencies to facilitate their migration or navigate complex migration processes. She therefore emphasised the need for governments to monitor the conduct of private recruitment agencies and create pathways for responsible and ethical recruitment across the region.

78. She concluded by highlighting the need to continue worker empowerment programmes to ensure that workers understand migration systems and processes, as well as their rights as migrants and workers. She added that migrants should receive financial literacy training to help ensure they benefit financially from migration. Destination countries such as Malaysia should

establish post-arrival orientation programmes with sector-specific modules that also address climate change and climate migration. Civil society organisations, migrant community organisations and trade unions can support governments in strengthening collective responsibility in this area.

79. **Dio Herdiawan Tobing**, representing the World Benchmarking Alliance (WBA) and delivering his remarks virtually, stated that WBA is a global organisation that monitors and assesses the role of the private sector and its contribution to sustainable development. He noted that WBA works across seven priority areas, including decarbonisation and energy, food and agriculture, nature and biodiversity, digital transformation and the financial system. WBA uses benchmarks to help companies grow responsibly and ethically.

80. The representative from WBA highlighted the organisation's work on urban transformation. He noted that more than half of the world's population, or more than four billion people, now live in cities or urban areas, including metropolitan cities and semi-urban areas where people migrate from and to. By 2050, nearly seven out of ten people are expected to live in cities. In ASEAN, he noted that the urban population has increased significantly and is expected to continue rising. He stated that prospects for growth influence migrants' decisions to move from rural to urban areas. On climate-induced migration, he noted that while many discussions focus on sea-level rise, climate change also contributes to air pollution and is linked to other natural disasters, including floods, storms, tropical cyclones and droughts.

81. He further stated that, in cities, income disparity, low wages and poverty continue to contribute to unequal access to public services, while pollution contributes to poor health outcomes. He highlighted the role of private sector actors in helping to address challenges faced by society, spanning environmental, social and employment-related issues. He stated that no concrete change can take place without significant contributions from the private sector. Existing international frameworks, he noted, already highlight the expected role of the private sector in addressing major global challenges, including migration and climate change.

82. The representative from WBA observed that while past decades saw greater expectations placed on States to address the dual challenges of human rights and climate change, there are now increasing expectations for the private sector to play a role in addressing these challenges. He noted that WBA recently assessed approximately 300 of the world's most influential urban companies, including utility, construction, transport and real estate companies, some of which are based in ASEAN. The assessment examined their role, contributions and impacts on urban development globally. He stated that WBA found that no ASEAN-based companies assessed had undertaken meaningful stakeholder engagement, particularly with vulnerable populations such as migrant workers or climate-induced migrants. In addition, none of the ASEAN companies reported efforts to reduce disaster risk vulnerability, and none had made a commitment to implement a living wage in the context of business and human rights.

83. He noted that, outside ASEAN, some companies have made commitments and disclosed adequate information relating to climate-induced migration, including information on preparedness plans and emergency responses. He stated that this demonstrates that much more needs to be done in ASEAN to ensure that businesses are fully committed to addressing climate-induced migration from different perspectives.

Session 4: Strengthening ASEAN Efforts on Participation, Prevention and Protection of Groups in Vulnerable and Marginalised Situations on Climate Change, Migration, and Business and Human Rights

84. This session examined ASEAN's efforts to prevent and address the impacts of climate change on vulnerable and marginalised populations, within the context of business and human rights. The session was moderated by **H.E. Associate Professor Eugene Tan Kheng Boon**, Representative of Singapore to AICHR. In his introductory remarks, the Representative of Singapore to AICHR noted that the value of any human rights framework depends on how effectively the rights of marginalised groups are promoted and protected. He observed that treaties and frameworks are of limited assistance to those most in need if they are not effectively implemented. Referring to climate change and natural disasters, he stated that the scale, impact, and frequency of disasters have been exacerbated by climate change and cited the recent tropical cyclones in Viet Nam, Lao PDR, and the Philippines, which had damaged infrastructure and livelihoods. He further noted that ASEAN has established regional mechanisms bringing together various sectoral partners to discuss policies and strategies to ensure that ASEAN Member States are better prepared.

85. On migration, the Representative of Singapore to AICHR added that ASEAN is unique in being both a sending and receiving region, with migration playing an important role in the economies of Member States. He referred to the Asian Development Bank's projection that ASEAN's economy would grow by 4.7 per cent in 2025. However, despite the growth of the middle class, vulnerable and marginalised communities continue to exist. He noted that economic shocks and shifts, including the impact of United States tariffs and economic reconfigurations in Malaysia, Thailand and Viet Nam, could disproportionately affect vulnerable populations. These challenges are compounded by supply chain disruptions, climate risks and technological change, including AI. He stated that the corporate sector plays a critical role in alleviating and addressing some of these issues and risks, and that AICHR should do more to bring corporate actors into the conversation.

86. **H.E. Yanti Kusumawardhani**, Indonesia's Representative for Children's Rights to the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children ('ACWC'), began by highlighting that women and children are often among the most vulnerable and most affected segments of the population in relation to human rights violations, including those involving the business sector. She noted that climate change disproportionately affects women and children, including through extreme heat, limited access to resources and worsening water scarcity, all of which affect their everyday lives. Pregnant women and breastfeeding mothers are particularly vulnerable, while women often bear responsibility for

securing water, which may in turn affect girls' education and increase exposure to violence. During extreme weather events, women and children are frequently displaced, increasing their exposure to human trafficking. Children left behind may lack adequate protection, while women migrants often face exploitation.

87. The representative from ACWC added that climate change and environmental disasters often push women and children into precarious labour, including low-wage agricultural and textile work. At the same time, companies may continue business as usual without establishing appropriate gender mechanisms, including gender-sensitive remediation processes.

88. She stressed that ACWC's work in the region is guided by international human rights standards, including the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination Against Women, and the Convention on the Rights of Persons with Disabilities. Guided by these standards, ASEAN has established a range of regional instruments and mechanisms to promote and protect the rights of women and children. These include the ASEAN Regional Plan of Action on the Elimination of Violence against Children (2015), the ASEAN Regional Plan of Action on the Elimination of Violence against Women (2016), the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (2015), the Bohol Trafficking in Persons Work Plan (2017–2020), the ASEAN Consensus on the Promotion and Protection of the Rights of Migrant Workers (2017), the ASEAN Declaration on the Rights of Children in the Context of Migration (2019), the ASEAN Regional Plan of Action on Implementing the ASEAN Declaration on the Rights of Children in the Context of Migration (2021), the ASEAN Declaration on the Elimination of All Forms of Online Exploitation and Abuse of Children (2019), the ASEAN Regional Plan of Action on the Elimination of Online Exploitation and Abuse of Children (2021), and the ASEAN Roadmap on the Elimination of the Worst Forms of Child Labour by 2025 (2020).

89. The representative from ACWC further noted that ASEAN has actively organised side events at the International Migration Review Forum on protecting the rights of children in the context of migration, including in May 2022. ACWC has also worked with ASEAN-ACT to enhance frontline capacity in gender-sensitive and victim-centred approaches. She added that ASEAN has established regional guidelines to address violence against women and children, and has organised regional dialogues and workshops on the impacts of climate change on women and children across the region.

90. She shared several recommendations for the consideration of AICHR and other relevant regional stakeholders:

- (i) ASEAN Leaders and businesses should place gender-sensitive, gender-responsive, and child-protection approaches at the centre of development plans.
- (ii) ASEAN Member States should take necessary measures to adopt climate-informed child protection initiatives in the region.

(iii) ASEAN Member States should ensure meaningful child participation in shaping current and future climate and sustainability agendas.

91. She concluded by stressing the importance of continuing partnerships between ACWC, AICHR and other ASEAN sectoral bodies and organs in addressing climate change, human rights and migration in the region.

92. **So Socheath**, representative from the ASEAN Committee on Disaster Management ('ACDM') and Project Management Unit Manager at the National Committee for Disaster Management of Cambodia, stated that while progress has been made at the regional and international levels in responding to disasters and climate impacts, challenges persist at the subregional and cross-border levels. He noted that marginalised groups, including indigenous peoples and migrants, are often particularly vulnerable.

93. The representative from the ACDM stated that ensuring access to information before, during and after disasters can save lives. However, cross-border communication remains weak. By way of example, he noted that the Laotian communities may not understand Cambodian systems, and vice versa. He emphasised that disasters are transboundary in nature and that cross-border cooperation is therefore essential.

94. He added that businesses play an increasingly important role in this context. Large companies may have the resources to prevent and help address the root causes of disasters and climate change. However, he cautioned that some companies act opportunistically, entering and operating in communities while exploiting both local people and the environment. He stressed the need to educate, engage and monitor business conduct across various economic sectors.

95. **Celine Lim**, representing the Asia Indigenous Peoples Pact ('AIPP') and delivering her remarks virtually, highlighted that human rights and development are essential to realising the ASEAN Community Vision 2045. However, she stated that, in practice, development often marginalises Indigenous Peoples. Indigenous communities across the region often face displacement as a result of large-scale natural resource extraction, including mining activities, hydropower projects and other development initiatives. She noted that, in carrying out such operations, companies often disregard processes such as FPIC. Local communities and Indigenous Peoples are seldom meaningfully engaged by businesses before projects are implemented, and their voices are often not taken into account.

96. The representative from AIPP added that renewable energy projects are becoming critical threats to human rights and sustainable development, not only in ASEAN but also in other regions. She stated that if energy projects are not closely monitored and evaluated, they may cause serious harm to people and the environment. In this regard, she emphasised the important role of businesses in ensuring that their energy projects do not result in environmental disasters or contribute to climate change.

97. On behalf of AIPP, she presented several recommendations for the consideration of ASEAN and AICHR:

- (i) Human rights principles and FPIC should be fully integrated into ASEAN's development frameworks and programmes.
- (ii) ASEAN and AICHR should establish a strong remedial mechanism to enable communities to access justice effectively.
- (iii) ASEAN should harmonise policy language to explicitly recognise indigenous peoples, alongside terms such as ethnic minorities.
- (iv) ASEAN and AICHR should take the necessary steps to ensure inclusivity at all levels, in line with the SDGs and ASEAN's broader commitment to leaving no one behind.

Workshop Session 5 (Breakout and Plenary): “How To” Pressure Testing an ASEAN Protection Modality – Two Case Studies on (a) Environmental Human Rights / Climate Migrants and (b) Forced Labour

98. This session was facilitated by Dr. Andika Wahab from the Institute of Malaysian and International Studies, Universiti Kebangsaan Malaysia (National University of Malaysia); Windi Arini Imam of Raoul Wallenberg Institute of Human Rights and Humanitarian Law; and Umavathni Vathanaganthan, Assistant to the AICHR Chair and Representative of Malaysia to AICHR.

99. The workshop session, which also was a role-playing exercise among the participants, aimed to simulate possible responses to issues of forced labour and where migration is linked to climate change. It was designed to support participants in identifying and experiencing the specific roles of various actors, some of which were provided with mandates as guidance. The roles include AICHR, national government agencies, national human rights institutions, human rights bodies, the private sector, civil society organisations and migrant networks, in handling human rights complaints. The session also sought to help participants identify relevant national legislation and regional frameworks, and to deepen their understanding of the nexus between forced labour and climate change. The workshop was structured around two case studies: Case Study 1, “Budi versus Palm Oil Company Y”, which focused on climate-induced migration and forced labour in the palm oil sector; and Case Study 2, “Jaya versus Restaurant Abu Bakar”, which focused on forced labour in the service sector. Table 1 below summarises the group discussions on Case Study 1, while Table 2 summarises the group discussions on Case Study 2.

Table 1: Summary of group discussion reflecting on Case Study 1 (Budi versus Palm Oil Company Y)

Submission of the complaint to AICHR: A representative of a civil society organisation, roleplaying as “Budi”, presented the complaint to AICHR. She explained that she and other

workers had been promised a monthly salary of USD 370 but were paid only USD 170. The workers were not provided with accommodation, food or medical assistance, and were informed that their salaries would be deducted if they wished to return home. Budi was also told that she had to repay a recruitment fee of USD 5,000, placing her in a situation of debt bondage. Another representative of a civil society organisation noted that several workers were facing similar circumstances and asked whether AICHR would take action to urge the relevant government to respond to the case.

Initial response: Participants roleplaying as “AICHR Representatives” thanked the complainants for bringing the case forward and assured them that AICHR was a safe space. They explained that, upon receiving complaints, AICHR would need to engage with relevant national stakeholders in the countries concerned. The Representatives inquired if the complainants wished to pursue judicial processes in country AA or country BB, as AICHR could facilitate engagement with the relevant actors. One “AICHR Representative” noted that the Commission would require time to consult the relevant government and could not provide a specific timeframe, as they would first need to determine whether national stakeholders were open to discussion. The “Representatives” also suggested that civil society organisations could consider other legal alternatives at the national and regional levels in the meantime.

AICHR’s proposed handling of the complaint: “AICHR Representatives” stated that the allegations raised were serious and that there was agreement on the need to take necessary action. As a first step, the Commission would formally refer the case to the national human rights institutions of both country AA and country BB to seek advice on the appropriate procedure and timeframe. The “Representatives” explained that the national human rights institutions would require further information from the complainants on their preferred course of action, including whether they wished to pursue legal action, seek assistance to return home, or use other available mechanisms. Based on this information, the national human rights institutions would assess whether to investigate the matter, engage national authorities such as the Ministry of Foreign Affairs, examine relevant laws, and potentially engage with the embassy of country AA. “AICHR Representatives” also confirmed that AICHR would request updates from the national human rights institutions, including possible recommendations for broader regional guidelines.

Reflections on the complaint process: A participant shared that migrant workers may be unfamiliar with the legal procedures in the countries concerned or with the internal grievance procedures established by the companies they work for. Participants noted the importance of ensuring that migrant workers are provided with adequate information and knowledge about legal requirements, procedures and available remedies. This also reflected the important role played by civil society organisations, including in working with migrant networks to raise awareness and explore national remediation avenues. Participants were clarified that the focus of the exercise was on the process rather than solely on the substance or outcome of the case. The case study further highlighted the need for stronger relationships and networks

between civil society organisations and AICHR Representatives, as well as stronger coordination between AICHR Representatives and national stakeholders.

Responses from migrant workers and civil society organisations: The “stakeholders” affirmed AICHR’s proposed approach and presented additional requests and expectations. They suggested that the Commission should give particular attention to human trafficking and access to legal justice. They requested that national human rights institutions monitor the legal process and provide recommendations or legal opinions to help victims access remedies and compensation. They also suggested that dedicated human rights bodies in countries AA and BB could provide assistance. Given the cross-border nature of the case, they stressed the need for policy improvements in both countries, particularly regarding recruitment processes, called for stricter punishment for those responsible, and urged AICHR to facilitate policy development between both countries. The advocates further emphasised the importance of a victim-centred approach, noting that the victims had clearly expressed their wish to claim compensation. They suggested that national human rights institutions could cooperate by exercising extraterritorial obligations to investigate and exchange information in pursuit of justice for the victims. This was identified as a possible policy breakthrough for AICHR in developing concrete recommendations or guidelines.

Table 2: Summary of group discussion reflecting on Case Study 2 (Jaya versus Restaurant Abu Bakar)

Submission of the complaint to AICHR: A representative of a civil society organisation, roleplaying as a migrant worker from country AA, “Jaya”, explained that several workers from different countries were facing similar issues relating to labour trafficking in country BB. The workers had been deceived; they were required to work long hours, lived in poor accommodation, and had not been paid for several months. The complainant further stated that the employer was unclear about the workers’ documentation status and claimed that the workers owed money for recruitment costs. The civil society organisation brought the case to AICHR on the basis that, within its mandate, AICHR could examine labour exploitation involving cross-border trafficking elements.

Initial response: “AICHR Representatives” posed several questions to obtain further information, including whether other workers were facing similar situations, whether there were gender-related concerns, and whether the complainants had engaged with local officials or grievance providers. They also asked whether the complainant had previously worked with the employer and whether he was aware that he was entering the country for employment or for leisure. “AICHR Representatives” stated that they would look into the case and discuss it with representatives from countries AA and BB, as well as relevant national-level actors, to determine the way forward.

AICHR's handling of the complaint: "AICHR Representative" from country BB reported on the Commission's fact-finding mission and engagement with relevant authorities. It was found that the complainant, Jaya, had been subcontracted to a new employer and that a complaint had been filed with the destination country's Labour Department. However, the department's investigation found no evidence of forced labour indicators. The "Representative" noted several points arising from engagement with national stakeholders: (i) the new restaurant owner had other documented and legally employed workers on the premises; (ii) the owner had taken necessary steps to register the worker for a work permit; and (iii) the authorities stated that Jaya's undocumented status made it difficult to take further action on issues such as wage claims. The Commission requested a more thorough investigation involving relevant agencies, including the anti-trafficking task force. It also stressed the urgent need to place the victim in a protective shelter or safe house, as he was still working at the company.

Group discussion and proposed follow-up: An "AICHR Representative" suggested that the case could serve as an opportunity to review and evaluate national referral mechanisms in the countries concerned and to consider whether a regional referral system could be established. "AICHR Representatives" then discussed the possible modality for a more thorough investigation. One "Representative" noted that, under its mandate, the Commission cannot intervene in the internal affairs of another country, but could provide recommendations. Stakeholders suggested that "AICHR Representatives" involved in the fact-finding process should prepare a report and seek approval within the Commission. The group reached a consensus to prepare a report based on the information gathered and present recommendations specifically addressed to the relevant national agencies.

100. During the concluding discussion, a participant noted that it may be difficult for AICHR to undertake a fact-finding mission in relation to a specific case, particularly in the absence of a "rapporteur system" to support investigations. Some participants also highlighted that it may be challenging for AICHR to engage directly with private sector actors without the involvement of relevant national stakeholders. In this regard, national agencies and stakeholders remain essential to enabling AICHR's effective response. Regardless of the Commission's ability and capacity to address complaints, participants stressed the need to ensure adequate protection for complainants and victims. AICHR was also encouraged to work with national stakeholders, including anti-trafficking agencies, to ensure that complainants receive adequate protection and access to remedies. Other participants raised questions regarding AICHR's ability to receive, address and manage complaints, particularly if the volume of complaints increases in the future. This was considered crucial given that AICHR is represented by individual Representatives and may have limited administrative support from States.

ANNEX A

**OPENING REMARKS DELIVERED BY THE CHAIR OF THE ASEAN
INTERGOVERNMENTAL COMMISSION ON HUMAN RIGHTS (AICHR) AND
REPRESENTATIVE OF MALAYSIA TO AICHR, H.E. EDMUND BON TAI SOON,
AT THE 3RD AICHR CONSULTATION ON THE HUMAN RIGHT TO
DEVELOPMENT TO ENHANCE THE ASEAN COMMUNITY: INTERSECTION OF
BUSINESS AND HUMAN RIGHTS, ENVIRONMENT AND CLIMATE CHANGE**

**21 AUGUST 2025
KUALA LUMPUR, MALAYSIA**

Yang Berbahagia Dato’ Seri Hishamudin Yunus, Chair of the Human Rights Commission of Malaysia (SUHAKAM),

Professor Dr Surya Deva, United Nations Special Rapporteur on the Right to Development,

Mattias Carlson, representative of the International Organization for Migration (IOM),

Sumitha Shaanthinni Kishna, representative of Migrant Forum in Asia (MFA),

Excellencies, distinguished colleagues, ladies and gentlemen.

Salam sejahtera and good morning.

In a 2 July 2025 programme, “Building Peace — From Conflict Prevention to Sustainable Peace”, as part of a series of six “Workshops on Intersection between Conflict and Human Rights: Pathways and Approaches to Peace in ASEAN” led by Malaysia and convened by the ASEAN Intergovernmental Commission on Human Rights (AICHR), participants identified climate change, authoritarianism, and impunity as the top threats to peace in Southeast Asia. These were not abstract concerns: they reflected the lived assessments of diplomats, senior government officials, and civil society actors working on the ground in ASEAN.

While the causal link between climate change and conflicts in ASEAN remains understudied, the 20-year Darfur conflict in Sudan serves as an example of climate-exacerbated violence linked to pressures on, and competition over, usable, life-sustaining land. Experts may disagree on the definition of “conflict”, but that situation illustrates how the combination of environmental stress, governance failures, and social cleavages can create conflict. Whatever the view of causality, the security and non-security consequences of a warming world are increasingly difficult to ignore.

Unfortunately, environmental degradation discourse continues to be shaped by Global North actors. In contrast, States in the Global South endure disproportionate and excessive burdens: negative impacts from rising sea levels, extractive activities, biodiversity destruction, and pollution. Our region also faces severe environmental threats from extreme heat, transboundary

haze, intensifying storms, coastal erosion, and ecosystem decline despite contributing far less to cumulative greenhouse-gas emissions.

These issues — and more — will be discussed at this third consultation on the human right to development. For the first time in AICHR, we will deliberate on the critical intersection of business and human rights, environment, and climate change.

The right to development is spelt out in the ASEAN Human Rights Declaration (AHRD), particularly in Articles 35, 36, and 37, affirming the rights of all peoples to participate in, contribute to, and enjoy the benefits of development, be it economic, social, cultural or political. This is aligned with Malaysia's theme as the ASEAN Chair this year, "Inclusivity and Sustainability", and with the recently adopted *ASEAN 2045: Our Shared Future*.

Development must be people-centred, participatory, equitable, and inclusive, leaving no one behind. We must ensure the voices of those made vulnerable and marginalised, such as women, children, persons with disabilities, indigenous peoples, Orang Asli, Orang Asal, migrant workers, refugees, asylum seekers, stateless persons, ethnic, religious, linguistic, and gender minorities, and human rights and environmental rights defenders, are heard and placed at the centre of our efforts.

Yet, development in today's context faces two major challenges: climate change and human mobility, both of which are often interconnected, though at times they seem to stand alone.

Climate change is not just an environmental problem, nor is it just a convenient buzzword. It impedes development by undermining livelihoods in places where survival is already fragile. It deepens inequality, fuels internal tensions and conflicts, and forces families to abandon their homes in search of survival. These are the realities of climate change unfolding before our eyes.

I invite everyone in this room to re-think our approaches, bearing in mind the realities we are facing. We need to move beyond the government-to-government approach and build new as well as strengthen existing alliances with the private sector, which drives much of our economy. Businesses are already expected to be transparent on their human rights impacts and how they are addressed through the conduct of human rights due diligence.

We need to strengthen bodies and mechanisms to be more decisive, responsive and timely as well as future-ready to address global and regional challenges as envisioned by ASEAN 2045. Today's consultation will offer an opportunity to reflect on how ASEAN can strengthen its response to the issues of business and human rights, environment, climate change, and migration, and consider practical steps that can be put in place.

Two updates to note.

On 12 August 2025, Malaysia launched its first National Action Plan on Business and Human Rights (NAPBHR) 2025–2030. I dare say that it is one of the most progressive actions plans in the world. It covers areas such as environmental human rights defenders, climate justice, mandatory human rights due diligence, and anti-SLAPP (Strategic Litigation Against Public Participation) laws. I support its full and immediate implementation.

Secondly, AICHR has consulted with ASEAN bodies and stakeholders on Malaysia's proposed ASEAN Declaration on Promoting the Right to Development and Peace Towards Realising

Inclusive and Sustainable Development. The draft is now under AICHR's deliberation, with a view to adoption later this year.

I wish to express my sincere appreciation to each of you for joining us today. I thank SUHAKAM, IOM, MFA, and the Australian Human Rights Commission (AHRC) for their support, as well as the dedicated organising team of Dr. Andika Ab. Wahab, Valen Khor, Nurul Aliaa Azman, and Nurkamelia Ghazali.

I look forward to the sessions, and meaningful exchanges that will move us closer to realising the right to development in ASEAN.

Thank you.
