



## RIMA Living Document on Tools (created by RIMA members)

RIMA is an informal alliance of civil society groups in from East, South and Southeast Asia as well as from Europa (for more see [here](#)). Together we are more.

### List of helpful advocacy tools for RIMA purposes. Product of RIMA meeting in Kathmandu/ Nepal, June 2022

#### HR Due Diligence/ Fighting Reprisals

[Business and Human Rights Resource Center](#) is a central tool when working on due diligence and investments, it has many different databases in ten different languages which are useful for our advocacy work, also regional specific briefings as for example for [Latin America](#), Chinese overseas investments or just [cases](#) on single companies as well as sector briefings as the one on [hydropower](#). The bimonthly (and bilingual – En & Ch) [Chinese Responsible Investment Overseas Newsletter](#) (Click [here](#) to subscribe) is designed to provide timely updates regarding responsible business related to Chinese overseas investment (in a broad sense), and to support CSOs and communities by amplifying their voices.

What you can do to support peers' work include:

1. posting relevant media coverage/NGO report/community complaints on our website and different languages' newsletters; we sometimes also assist in translation if the issue concerns serious rights abuses or if the opinion/tool is important;
2. seeking company response when companies did not respond to media/community/NGOs regarding the relevant human rights and environmental allegation.

**Following the Money to Justice:** Inclusive Development International has developed the *Following the Money to Justice* online resource hub to make our tools and methodology easily and publicly accessible, with the goal of growing a community of practitioners who are able to provide investment and supply chain research and strategic advice to impacted communities. For information, tools and resources that explain how to do Follow the Money research and use it to hold corporations accountable, see [www.followingthemoney.org](http://www.followingthemoney.org). A dedicated section on Chinese investment and finance is now online.

**Early Warning System:** A civil society-led database that has summarized and accessible information of the latest projects of 17 development finance institutions and more than 7,000 private actors. The growing system has been updated daily since January 2016 and

holds more than 20,000 projects. The Early Warning System exchanges information, advice, tools and resources with communities and local organizations supporting them to inform their campaigns related to development plans and financing. It provides an early advantage and broader trends analyses for communities and groups to take action for the development they envision.

The following are two useful visual datasets using data compiled by the Early Warning System:

- 1) [COVID-19 Projects by Development Banks](#) (Regularly updated)
- 2) [FMO & IFC's High Risk Financial Intermediary Investments](#) (Collaboration between OXFAM and Early Warning System documenting projects from 2017-2020)

[Wearing blinders](#) – On paper, most development finance institutions (DFIs) are committed to respect the rights of communities to be consulted and participate in decision-making processes around projects that affect their lives. Yet, meaningful participation is not possible when those who resist, criticize or raise concerns about development activities are subjected to retaliation and face attacks simply for speaking out.

The report “[Wearing Blinders: How development banks are ignoring reprisal risks](#)”, published by the Coalition for Human Rights in Development in June 2022, exposes how development banks are often failing to identify, assess, and mitigate reprisal risks. Through five case studies, analyzing projects in Armenia, Guatemala, the Philippines, Turkmenistan and Uganda, the report shows how banks tend to shirk responsibility and ignore reprisal risks, and provides a list of recommendations to prevent and address reprisals.

Human rights due diligence describes an ongoing process necessary to identify, prevent, and address adverse human rights risks and impacts. There are distinct due diligence obligations and responsibilities for Development Finance Institutions (DFIs) and for their clients. These due diligence requirements should be spelled out in the DFI's policies, and DFI should actively work with clients to ensure compliance and remedy for any harm.

[The HRDD Project](#) of the Coalition for Human Rights in Development illustrates how DFIs can undertake Human Rights Due Diligence meaningfully. The project encompasses several resources as follows,

- [HRDD Protocol](#)
- [Survey Of Human Rights Due Diligence Policies](#)
- [The Human Rights Risk Analysis \(HuRRA\) tool](#)

## **SUPPLY CHAIN DUE DILIGENCE legal instruments**

For companies: **Legally binding instruments** based on UN guiding principles and treaties:

**Europe:**

- France: 2017-First mandatory corporate due diligence law:

- Germany: Germany's [Act on Corporate Due Diligence](#) in Supply Chains (Lieferkettensorgfaltspflichtengesetz, ratified 11th of June 2021) – CSO working critically on that: [Initiative Lieferkettengesetz](#)
- EU level: Critical [Evaluation](#) of the Febr. 2022 EU **proposal** for the directive on [Corporate Sustainability Due Diligence](#)

**UN level:** UN Binding Treaty-the UN started to work on a due diligence law on 25. Oktober 2021

**Asia:**

- China: Integration of China in dispute resolution mechanisms in Asia, China created its own [commercial BRI courts](#), first step on influence ISDS-processes and set the state for international law environment/ courts in favor of Chinese investments. Here you can also see on page 23 how many Bilateral treaties are from the first three generations (1985-2010) and will be renewed during the coming years-setting the stage for all future investments and due diligence requirements.
- Global South: 10 cases of how corporations sue governments, [Red Carpet Courts](#) (TNI, FoE US/Int., Corp. Europe Observatory 2019)

Necessity to **create regional DUE DILIGENCE supply chain laws:** International corporations are more sensitive to exposure and documentation of HR violations, international platforms useful if IFI element in the investment, but if local mining, extraction companies entrenched in local clans and political system is involved danger of reprisals for environmental and HR defenders is extremely high. Therefore, regional coalitions fight to create UN agree treaty that hold corp. accountable for their abuse of HR commitments, ISDS seen as unacceptable instrument for the power of corporation, there is no equivalent mechanism to protect communities and hold corp. accountable (as the ALYANSA TIGIL MINA/ATM, a coalition of organizations and groups who have decided to collectively challenge the aggressive promotion of large-scale mining in the Philippines).

**Human Rights: Glossary on decoding Chinese BRI terms in UN Docs:** UN Human rights mechanisms endangered by processes of hollowing out the very basic meaning of Human Rights: What [China says.org](#) (in Russian, French, Spanish, English) (2021).

**Glossary on political terms in Chinese official understanding:** [Decoding China](#), edited by Malin Oud, Katja Drinhausen, March 2021, incl. [Human Rights](#).

**Mining guidelines:** Attempts to raise standards in Chinese companies, overview on [Chinese guidelines for mining](#) (2007-2021): (p. 7-8/ only in German). Greater push to build-in systems – like setting up departments

**Key doc. For advocacy on land rights/ rights of indigenous peoples:**

- ILO 169
- FPIC
- **UN Working Group on human rights and transnational corporations and other business enterprises**, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N18/224/87/PDF/N1822487.pdf?OpenElement>
- **UN Committee on Economic, Social and Cultural Rights (CESCR)** (2017)

General Comment 24 on State Obligations under the International Covenant on Economic, Social and Cultural Rights in the Context of Business Activities, E/C.12/GC/24, June 23, 2017

- A rough [guide to human rights](#), Universal Rights Group, Geneva

Mora academic deep dives into Human Rights in China: **Handbook on Human Rights in China**, edited by Sarah Biddulph and Joshua Rosenzweig 2019.

## Litigation / China

*Can Environmental Lawsuits in China Succeed?* December 14, 2017, <https://www.chinafile.com/reporting-opinion/viewpoint/can-environmental-lawsuits-china-succeed>, Stanley Lubman (Columbia University) has specialized on China as scholar and practicing lawyer for over fifty years.

[Environmental rights are now human rights](#). *What does this mean for climate litigation? The UN General Assembly has recognised a healthy environment as a human right. This is bound to intensify a "rights turn" in climate litigation, but there are limits to the approach.* 26.9.2022

*Environmental Litigation in China. A Study in Political Ambivalence.* Rachel E. Stern (Berkeley University of California), 2013. The book is perhaps the most significant contribution to the pantheon of books on China's legal development published in the past ten years. Through on the ground research, including review of hundreds of legal cases, interviews with lawyers, judges, government officials and average citizens, Environmental Litigation in China is not some theoretical analysis of the law.

*Explaining the Failure of Environmental Law In China*, Guangdong Xu, Michael Faure, Columbia Journal of Asian Law, 2016, Vol. 29(2), 95 Pages, 16 May 2019  
[https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3372951](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3372951)

## Coal, Oil, Gas policy tools-divestment tools

### **[GCEL](#) and [GOGEL](#) (Coal, Oil and Gas divestment):**

Through its allocation of resources, the finance industry is in a unique position to help or hurt our climate. But financial institutions that want to move coal out of their portfolio, face a very practical hurdle: lack of information. This is where the Global Coal Exit List (GCEL) comes in. The GCEL was devised to help financial institutions navigate the complicated landscape of coal-based business models. Companies on the GCEL represent 90% of the world's thermal coal production and the world's coal-fired capacity. It offers key statistics on over 1,000 parent companies and around 1,800 subsidiaries operating along the thermal coal value chain.

Investors representing over US\$ 16 trillion in assets are already applying one or more of the GCEL's three divestment criteria to screen coal companies out of their portfolios.

Urgewald's GCEL is a powerful information system and played a significant role in financial institutions' efforts to develop new coal policies." Ostrum Asset Management

Also, behind each company planning new oil & gas ventures, there are banks, investors and insurers without whom these projects could not be realized. The Global Oil & Gas Exit List (GOGEL) is a public database that identifies the largest oil & gas expansionists and the companies responsible for the most controversial forms of oil & gas production. It provides the information financial institutions need to stop enabling fossil fuel expansion and begin steering towards an oil & gas exit.

“This is the database we have all been waiting for. It is public, it is meticulously researched and it is an essential tool to help us end the age of fossil fuels.” Tom Kruse, Rockefeller Brothers Fund

[Urgewald](#) offers trainings for NGOs on how to use that tool.

**Argument on [stranded assets for China](#):** Government shareholders, wasted resources and climate ambitions: why is China still building new coal-fired power plants? Alex Clark, Philippe Benoit & Jonathan Walters, 19 Apr 2022

Despite its carbon neutrality commitments and the prospect of increasingly stringent climate policy measures, China is continuing to build new coal-fired power plants. In assessing the expected performance of these investments, it is helpful to analyse them through an ‘economic’ framework. (...) This framework can help China to avoid ‘wasting’ scarce public resources by over-investing in new uneconomic power plants through its state-owned enterprises. This framework for combined financial and economic analysis also applies to other countries’ proposed investments in carbon-intensive power generation. The framework is particularly pertinent for countries with state-led coal power investments planned, including India, Indonesia, Pakistan, South Africa, and Vietnam.

## Filing Complaints in IFIs

### [Accountability console](#)

A Database of Human Rights & Environmental Grievances, very comprehensive database of community complaints filed with independent accountability mechanisms about the impacts of internationally financed projects.

**Reformulate Safeguards:** more and more CSOs start to question the meaning of IFI internal safeguards. Instead, CSOs from all regions across the world try to push for “peoples safeguards” defined by the ones who suffered harm from investments and equipped with criteria set by the people. See: [NGO Forum on ADB](#), campaign for robust and [rights-based safeguards](#), [urgewald](#) [AIIB Watch Safeguards glossary](#), fundamental comprehensive detailed [ESF critique](#) from 2015 (please add your links).

In 2013, the ADB even tried to draft and formulate “[Peoples Safeguards](#)”, which never reached mature stage. So, it proves that the main problems – no time-bound disclosure of information, access to information in local languages, no true FPIC, no supervision of implementation of safeguards – are well-known since many years and still persist until today.

### **Lahurnip Nepal**

A [joint report](#) from May 2022 on the investment in the Marsyangdi Corridor Transmission Line written by LAHURNIP and Accountability Council shows that the European Investment Bank (EIB) and the Nepal Electricity Authority have not followed the Social and

Environmental Standards of the European Investment Bank as well as international legal commitments.

## Chinese finances

Ongoing series: **Who is who** in [Chinese lending No. 1](#) (in Russian, Arabic, English), [No.2](#) (Basic characteristics of Chinese lending), No. 3 on commercial banks (forthcoming).

**Finance Campaigner school** 2023, urgewald started the Finance Campaigner School in mid-April 2022. The Finance Campaigner School is for all NGO folks who want to use the financial lever more in their campaigns. The first phase is a financial literacy training with 3-hour sessions once a week. The second phase runs from September through October and will do hands-on campaign training in small groups once a week. The final section is a 3-month mentoring phase, where everything learned will be implemented.

[Global China Initiative](#)-**Boston University China Databases**: there are several databases on Chinas Development Finance, Chinese loans to Africa, China-Latin America finance, global energy finance and more, all assessable under this [link](#).

### [AIIB-Watch](#)

AIIB Watch documents environmental and social conflicts arising from infrastructure projects financed by the Asian Infrastructure Investment Bank (AIIB). The interactive map lists cases where there is evidence that the AIIB is failing to meet its own safeguard standards. The glossary on safeguard explains terms used in connection with operations of the AIIB and other International Financial Institutions (IFIs). The explanation is made through the lens of civil society. They try to show the differences and communalities when CSOs and AIIB use these terms. Projects are constantly reviewed and results are documented on an ongoing basis.

## BRI-Who is who and decision powers

There are thousands of information platforms on BRI-here we only collect what was discussed on the RIMA meeting 2022:

### SIA consultancy platform for Chinese narratives

- Learning spaces on BRI 1-4  
<https://drive.google.com/drive/folders/1acfyUuD3zZJnZ0DqIPVn0Nyg92OVGVIE?usp=sharing>
- Guide for Engaging Chinese Stakeholders in the Framework of the Belt and Road Initiative (People of Asia for Climate Solutions (PACS), with assistance from Social Innovations Advisory (SIA))

**Stella Hong Zhang: the perspective of Chinese companies**: A report on the difference between theory and practice-loans to Chinese companies.

- <https://chinaintheamericas.buzzsprout.com/1307554/8971300-a-new-era-in-china-s-development-finance-to-emerging-economies>
- [China's Manifesto for Leadership in Global Development](#) by Stella Hong Zhang

- [The Aid-Contracting Nexus: The role of the international contracting industry in China's overseas development engagements](#) by Stella Hong Zhang
- [Roundtable: Will the G7's B3W Initiative change the game of global infrastructure development?](#)

**Stella Hong Zhang – BRI and development finance:** China published a white paper on its new approach to International Development Finance in 2021. [Stella Zhang](#), described this white paper as a "[landmark document](#)" in Chinese foreign policy.

<https://chinaintheamericas.buzzsprout.com/1307554/8971300-a-new-era-in-china-s-development-finance-to-emerging-economies>

**Decision making processes along BRI:** Charting the Belt and Road decision making machine, Tom Baxter, Sept. 2020.

<https://pandapawdragonclaw.blog/2020/09/21/charting-the-belt-and-road-decision-making-machine/>

[People's Map of Global China](#): The People's Map of Global China tracks China's complex and rapidly changing international activities by engaging an equally global civil society. Using an interactive, open access, and online 'map' format, we collaborate with nongovernmental organizations, journalists, trade unions, academics, and the public at large to provide updated and updatable information on various dimensions of Global China in their localities. The Map consists of profiles of countries and projects, sortable by project parameters, Chinese companies and banks involved, and their social, political, and environmental impacts.

[Global China Pulse](#): A new initiative from the People's Map of Global China, Pulse is an open access journal that focuses on China's international engagements in their various manifestations, and aims to create a new space to publish content in a way that bridges the gap between academia, civil society and the general public.

### **BRI in SEA/SA/CA: Conflict Dynamics and the Belt and Road Initiative. Ignoring Conflict on the "Road to Peace"**

<https://www.brot-fuer-die-welt.de/fileadmin/mediapool/downloads/fachpublikationen/analyse/Analyse97-en.pdf>

A survey exploring the relationship between the Belt and Road Initiative and conflict dynamics in South, Southeast, and Central Asia, as well as the South Caucasus. The objectives of this survey were: (1) to understand the relationship between the Belt and Road Initiative and conflict dynamics, particularly in the target regions defined above on the basis of available literature in multiple languages and on a series of interviews conducted by the author; (2) to develop suggestions to potentially respond to these risks and opportunities. The desk study, interviews and screening as well as report writing took place in the second half of 2019 with a focus on the impact of the BRI to high conflictive areas, conflict dynamics and peacebuilding.

**ODI "20 things to read" (Dec 2021):** <https://odi.org/en/insights/china-and-global-development-20-things-to-read-in-december/>

Among them is the special BRI policy report by the state council: "BRI projects have long been criticised for their weak environmental and social governance. In a special policy report released in September {2021}, the China Council for International Cooperation on Environment and Development reviewed the implementation of 32 national and local

government policies related to the environmental management of BRI projects. It questions the effectiveness of these policies due to their voluntary nature, low standing in the Chinese legal system, lack of specific requirements for implementation, and the requirement to only comply with laws and regulations of host countries which are often minimal or inadequate. The report recommends stronger policy guidance and administrative measures.”

**Chinese official reads: Highquality infrastructure and Green BRI:**

China Council for International Cooperation on Environment and Development ([CCICED](#)) Special Policy Study Report 2020-2021, SPS [Green BRI and 2030 Agenda for Sustainable Development](#), (under participation of Kevin Gallagher of BU)

**Make use of global institutions/tools/ laws**

**International complaint mechanisms**

- UN Treaty Bodies
- UN Special Procedures
- UN HRC / Working Group report on human rights due diligence
- UN Forum on Business and Human Rights
- OECD complaint mechanism
- Regional bodies – such as the Interamerican or African Court on Human (and peoples’) Rights

**Global governance – global institutions and tools**

The Global Guiding Principles on Business and Human Rights, adopted by the UN Human Rights Council in 2011

[https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

Declaration on Future Generations “Our Common Agenda”

<https://www.globalpolicyjournal.com/blog/10/09/2021/our-common-agenda-governing-future>, Sept. 2021, “Our Common Agenda” ([https://www.un.org/en/content/common-agenda-report/assets/pdf/Common\\_Agenda\\_Report\\_English.pdf](https://www.un.org/en/content/common-agenda-report/assets/pdf/Common_Agenda_Report_English.pdf)) includes ideas like

creating a new UN Special Envoy for Future Generations, repurposing the UN Trusteeship Council (originally created to oversee decolonization) into a future-oriented body, and negotiating a Declaration on Future Generations that could give future people legal standing.

Internationally recognized human rights as reference for Due Diligence

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- ILO Declaration on Fundamental Principles and Rights at Work

Depending on the circumstances, business enterprises may need to consider additional standards, such as those found in:

- International Humanitarian Law
- Core International Human Rights Instruments



## Frequent infringements according to summarized field experiences

- child labor
- forced labor
- all forms of slavery
- omission / failure to comply with national occupational health and safety laws
- acknowledgement of freedom of association
- unequal treatment and the withholding of a fair wage
- occupational safety, i.e. in textile production
- environmental degradation that affects food production, access to drinking water and sanitation, or health
- unlawful forced eviction and human rights violations in the use of security forces

## What is the meaning of Human Rights Due Diligence?

- It considers risks to people, not risks to business
- It should be ongoing, as the risks to human rights may change over time
- It should be informed by meaningful stakeholder engagement, in particular with affected stakeholders, human rights defenders, trade unions and grassroots organizations.
- an international normative framework
- a procedural way for companies to proactively manage potential and actual adverse human rights impacts with which they are involved. It involves four core components:
  - a. Identifying and assessing actual or potential adverse human rights impacts that the enterprise may cause or contribute to through its own activities, or which may be directly linked to its operations, products or services by its business relationships;
  - b. Integrating findings from impact assessments across relevant company processes and taking appropriate action according to its involvement in the impact;
  - c. Tracking the effectiveness of measures and processes to address adverse human rights impacts in order to know if they are working;
  - d. Communicating on how impacts are being addressed and showing stakeholders – in particular affected stakeholders – that there are adequate policies and processes in place.

## Procedural ways in practice

various measures by the company that build on each other and are interlinked, namely

- risk management systems / risk identification / risk prioritization
- in-house responsibility for human rights protection / compliance mechanisms
- regular risk analyses
- declaration of principles / policy statement
- prevention measures in its own business area as well as vis-à-vis direct suppliers
- Remedies for infringement of a protected legal position
- Complaint procedure for notification of human rights violations
- Implementation of due diligence with regard to risks at indirect suppliers

- Documentation and reporting with regard to the fulfillment of due diligence obligations

Enterprises should identify and assess risks by geographic context, sector and business relationships throughout their own activities (both Headquarter and subsidiaries) and the value chain.

### **Role of NHRIs in facilitating access to remedy**

The UNGPs acknowledges that non-judicial mechanisms such as National Human Rights Institutions (NHRIs) have "an essential role in complementing and supplementing judicial mechanisms". The Edinburgh Declaration outlines the potential of NHRIs in improving access to effective remedies for business-related human rights abuses.

### **Documents**

The Working Group on Business and Human Rights report to the 2018 UN General Assembly A/73/163 /

The Working Group on the issue of human rights and transnational corporations and other business enterprises

- key features of human rights due diligence and why it matters
- gaps and challenges in current business and Government practice
- emerging good practices
- how key stakeholders — States and the investment community, in particular — can contribute to the scaling-up of effective human rights due diligence

### **The UN Committee on Economic, Social and Cultural Rights**

General Comment No. 24 (June 2018) reaffirmed the obligation of states to use their leverage to respect, protect and ensure human rights in economic activity outside their own territory; E/C.12/GC/24, June 23, 2017

### **National legislative examples addressing human rights due diligence**

- 2015, UK, Modern Slavery Act, legislations with a focus on modern slavery
- 2017, France, Loi de vigilance.
- 2017, EU Commission ordinance on minerals
- 2019, Netherlands, Wet Zorgplicht Kinderarbeid, legislations with a focus on child labor
- 2021, Germany, due diligence law on supply chains
- The EU Commission has further announced a human rights and environmental due diligence regulation.

### **Protection of HR defenders**

[ESI-Elisabeth Seibert Initiative](#), EU started to develop a more sensitive understanding of reprisals – necessity to develop protection system for HR defenders starts to develop, hiding spots for avoid killings and disappearances.