RESEARCH FOR ALL PODCAST SERIES 1

EPISODE 4 – HUMAN RIGHTS

Full transcript

Rajesh: Hello, I'm Rajesh Daniel, communications coordinator for SUMERNET. I'm a writer and filmmaker working on environmental issues in the Mekong region.

Today, I'm talking to Dr. Vatchararuthai Boontinand or Ajarn Jan. She's a lecturer at the Institute of Human Rights and Peace Studies, Mahidol University. She teaches courses in human rights theory, practical skills, and human rights protection and human rights standards and mechanisms. Prior to becoming an academic, Ajarn Jan worked in the field of women's rights and in the development sector for 15 years. SURMERNET, of course, is very honored because she's our advisor on human rights-based approaches. Sawadee krub Ajarn Jan, thanks so much for taking the time to join us in this podcast.

Dr. Vatchararuthai: Sawaddee ka Khun Rajesh, very happy to be here. Thank you for having me.

Rajesh: Thank you krub Ajarn Jan. So you are the advisor on human rights-based approaches to SUMERNET. Can you tell us why it's important to include human rights approaches in research in the Mekong? Maybe by providing us some examples.

Dr. Vatchararuthai: Yeah, ok maybe I first need to explain what we mean by human rights and then I can say why it's important to include human rights lens in the water management research. So basically, human rights are the fundamental rights that everyone is entitled to be engaged nearly with that. But these rights are important because they are able to convince people to live with dignity. And you may find these rights to concern different spheres of life like as a person or a citizen in political, social, and economic and cultural sphere. So, for example, we have rights not to be tortured or arbitrarily arrested. We have a right to participate in political activities, rights to get education, to work and to live a decent life or to enjoy in their culture. So realizing these rights requires accountability on the part of what we call "duty-bearers" and also participation on the part of "rights-holders".

So having the understanding of what human rights are and then we can try to bring this lens onto water management in a sense that when we say human rights is important for water management research because water is such an important part of human life. So you can try to understand either the charges of water, too much water, both of which affect the lives and livelihoods of people from the human rights lens. So, this means the management of water is not just a technical issue. It is about who has the power, the responsibility or accountability to make decisions, and address the conflicts. So how people who are affected by drought, flood, for example, can have a say in water management. So, that's why it will bring the human rights onto the projects. The project

is no longer just a technical issue. It's about life of people. And water is part of the life of people.

So you're asking...how? What is the example, right? How do the projects can look at this, bringing the human rights lens? I would say, so the projects just need to look beyond the technical issues. When they do the analysis, they need to understand and engage with different stakeholders, both duty-bearers and rights-holders.

When I say duty-bearers, mainly it means those in power like the state, the government agencies. But it also includes the private sector because the private sector is increasingly playing an important role in policy, influencing development projects. So we need to see what they are accountable, too, in terms of this issue that are facing in the Mekong region. And we need to also be seeking and engaging with rights-holders – it means those people who are affected by water changes and risks that come with the fluctuation of water. So we need to include the rights-holders and the communities in the project.

Rajesh: It's very critical that the point you made about private sector because we know that in the Mekong Region, especially the large hydropower, large infrastructure for irrigation, even mining, is a huge problem. But I just wanted to follow up a little bit on that because you also talked of duty and those various rights-holders, and then engage with these various stakeholders. When you say engagement, could you please explain 'how' you would engage?

Dr. Vatchararuthai: Let's say you want to engage with people who make decisions on projects and how the grand private companies and private companies decide to use certain resources, for example. You probably need to bring them in your project, see okay...studying the drought, flood, the effect of these water resources on people. You would need to bring them in, for them to understand to how different interventions that are initiated by private sector, government, can have an impact on the communities. So that's on part of the duty-bearers.

The duty-bearers need to also listen and understand the implications of this project. So you, as researchers, you can't just doing research. You need to also be able to translate the result of your research into some of the policy directions. Because at the end of the day, you would want positive outcomes for the community and more sustainable use of resources. So, you would want to see how the duty-bearers, those who are responsible for decision-making can be part of the process. So, they can learn along with you and the communities. So they are more informed of what's happening, not just making decisions, or doing whatever in the city or in the capital. The is how you engage and you can also... It's a process of education as well because not all the time the policymakers really know that they are deciding on behalf of duty-bearers. And engaging with rights-holders, as I said before, the people in the communities, they need to know what decisions are being made that are affecting them. And when you do research, you also

want to hear from them how they actually live their lives currently, what kind of changes that have impacted them, how do they want to see whatever being done on them? To be done, to be carry out, you need to hear that. That's engagement

Rajesh: That's very useful, Ajarn Jan. Indeed, when you say, we want policy outcomes that are positive to local communities, we agree so much. Our research is especially not just research, but we want to influence real world solutions for environmental issues. And I think that's the key point you touch upon. I just want to follow up on that because this is very relevant to our work in the Mekong. What would be the challenges in different contexts and how can we take care of this in practice? What we're looking for is maybe if you can give us some practical examples of your work in Laos, Thailand, or somewhere else, that you can give a picture of different scenarios. This is how we could integrate human rights-based approaches.

Dr. Vatchararuthai: Unfortunately, we don't have open societies in the countries we're working in. So we need to find entry point; let's say how do we start to engage with the people in power? Usually you identify the entry point from you can do a mapping; for example, who could have influence on the project you're doing, or the community working in, and then you can identify...that's what I would do. You identify your allies who can talk to, you know, some people, some network that you can bring in from there. But sometimes, I mean, it depends also, people in these offices, authorities that would to like to be consulted when some projects are developing. So you can invite them to come to a meeting. So, they know... okay, this is what you're doing, and you can develop relationships and try to work with them in those projects. That's one way to build relationships. Identify who you are, your allies, your network, and the community, and civil society as well who has have worked with government, unions. We can talk to those people and then let them know about your project. It's kind of identifying people that you can start a conversation with.

Rajesh: Excellent! That is indeed very useful, Ajarn Jan. It's clearly important that human rights-based approaches are crucial for integration into research. And you clearly explained that why we need to care about this.

Dr. Vatchararuthai: I just remembered something before we go to the next question. When you talk about we have different kind of political systems in Mekong countries. So, yeah, I think it's important to remember that human rights – this word is still quite sensitive to many governments in our sub-region in particular. So probably for somebody who wants to start talking about human rights, you want to approach the government by bringing in the human rights perspective. You talk about participation. You talk about people. You talk about the lives of people. You can try to find an entry point from that perspective too. It can be part of good governance as well. So you have to find the language that would allow you to start a conversation and bring in the right perspective. You don't want to be threatening when you try to engage with people. If

you see it as part of the education process, then perhaps they will be more open to see what you have to offer and how you can take them along this process of understanding the issue, not from just the technical perspective but from the lives of people who are being affected, and how they can help them improve this rights.

There are two ways to do it. The first one is the overarching. It is a conceptual way of looking at things like this approach. So conceptual lens requires the researchers to recognize that there is a human right to water or basically water as a human right. That means water insecurity that is considered as a result or the failure of the state to respect the human rights. And so from this conceptual frame, they will need to identify which specific state bodies, agencies that are accountable, and as I said earlier, can identify private sector who may positively or negatively contribute to water insecurity. And then they can engage with the right holders, communities, or people affected by water insecurities.

So for them to become aware and claim their rights, aware of their rights, this pathway would lead to more of a policy advocacy element. As I said, this path could be tricky for someone who is not familiar with the human rights framework because it requires understanding the accountability and the concept of rights based on the obligations of the state, based on international laws and treaties and something like that. So it could be a little bit challenging for the young researchers starting with a conceptual frame.

An alternative way I would recommend is that you can also use this right-based approach as a *process*. This could be done with any kind of project. Especially the projects you do on water insecurity. Basically, this will require researchers pay attention to the way they carry out the research and the benefits of the research to ensure that the project does not discriminate against certain groups. And researchers can try to ensure that different groups of people, especially the benenficaries and those who might be affected, can participate and have a voice in the project. The researchers can share information about the project activities. For example, you don't have to wait until the end of the project, but along the way as you start the project; you might have informal consultation and develop ways that you can keep in touch or let people to be able to come to you. They have something of concern, so you make that opening for the community. That is an important part of the research. So they don't feel like they are the object of the research. They are a part of the research. So this process, it's about empowering people to know about what's going on and what will happen to their lives. The human rights-based approach is about empowering. It's about non-discrimination. And it's about participation.

Rajesh: That is wonderful. And that is indeed true. I think that is a key message here in this episode that we would like to make. The research also has to be empowering not just objects of research, and that is very useful. So just wrap up the last question, because we have many of our younger researchers who would like to have more

information. Do you have any a couple of examples of resources that're a good approach for policy in practice?

Dr. Vatchararuthai: If people want to know more about the concept of right to water, I would recommend reading a General comment No.15 by the Committee on Economic, Social and Cultural Rights. This is the United Nations committee that monitors the treaty on Economic, Social and Cultural Rights. And particularly comment No.15, the committee has elaborated the concept on the right to water. If you want to familiarize yourself with this concept in order to be able to apply in the right framework, as I mentioned, this is a good source to go for. And if you want to look at the right-based approach to how you do program, research, several publications, many U.N. agencies have adopted this rights-based approach and they have come up with useful toolkits and resources for that. One that I would recommend is UNFPA, the title on rights-based approach. So, it's UNFPA rights-based approach. I'll give you a link for that. Another one is developed by Danish Institute for Human Rights on applying a rights-based approach: an inspirational guide for civil society. I think this 3 documents would provide you further information and help you see how you can adapt the rights-based approach into your work.

Rajesh: Excellent! Ajarn Jan. That's very useful for younger researchers especially. So I think we can wrap up now. We have a good understanding now, even from a brief interaction of you, about how applying a human-rights-based approach can help to ensure transparent and include ethics in the research which is important for SUMERENT research. And it also enhance good governance of the research, as you said promote empowerment. Thank you so much, Ajarn Jan, for sharing your knowledge and experience with us. It has been a real pleasure hosting you in our SUMERNET podcast.
Dr. Vatchararuthai: Thank you very much. And I wish everyone the best for the project. And I hope to follow on how things are going [with the projects]. Thank you.

Resources:

United Nations' Committee on Economic, Social and Cultural Rights. 2002. *General comment No.15: The right to water*. United Nation, Geneva. Available at: https://www2.ohchr.org/english/issues/water/docs/CESCR_GC_15.pdf

United Nations Population Fund. 2014. "The human rights-based approach." Last modified November 24, 2014. Available at: https://www.unfpa.org/human-rights-based-approach

Kirkemann, J. and Martin, T. 2007. *Applying a rights-based approach: an inspirational guide for civil society*. Danish Institute for Human Rights, Copenhagen. Available at: https://www.humanrights.dk/sites/humanrights.dk/files/media/migrated/applying-a-rights-based-approach-2007-an-inspirational-guide-for-civil-society.pdf