

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

**FORUM ON BUSINESS AND HUMAN RIGHTS
4-5 DECEMBER 2012**

Concept and discussion note for consultation with stakeholders on 10 May 2012

I. Introduction

The first United Nations annual Forum on Business and Human Rights will take place on 4-5 December 2012 under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises.

The Working Group has invited relevant stakeholders to a **public consultation on the themes and modalities for the Forum**. The consultation will take place on 10 May 2012 at 15:00-17:00 in Room XVIII, Palais des Nations, Geneva.¹

This note provides an overview of the background and mandate for the Forum and lists some questions for the consideration of participants.

For all queries with regards to registration or accreditation for the consultation, please consult the following website:

<http://www.ohchr.org/EN/Issues/Business/Pages/WGSessions.aspx>

II. Background

In resolution 17/4, the UN Human Rights Council endorsed the *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework*. The Council recognized the role of the Guiding Principles in providing comprehensive recommendations for the implementation of the United Nations Framework as well as guidance that “will contribute to enhancing standards and practices with regard to business and human rights, and thereby contributing to a socially sustainable globalization.” The endorsement by the Council also effectively established the Guiding Principles as the authoritative global standard for preventing and addressing adverse impacts on human rights arising from business-related activity.

The Council decided to establish a Working Group on the issue of human rights and transnational corporations and other business enterprises to promote the effective and comprehensive dissemination and implementation of the Guiding Principles. The Working Group is also mandated to identify, exchange and promote good practices and lessons learned on the implementation of the Guiding Principles; to continue to explore options for enhancing effective remedies available to those whose human rights are affected by corporate activities, including those in conflict areas; to integrate a gender perspective throughout the work of the

¹ Please check the following website for further information on the consultation, including as regards changes in the time and location of the event: <http://www.ohchr.org/EN/Issues/Business/Pages/WGSessions.aspx>

mandate and to give special attention to persons living in vulnerable situations, in particular children. Of particular relevance for the present note is the mandate of the Working Group to guide the work of the annual Forum.

III. The Forum: Aims and objectives

The Forum² has been established to serve as a key annual venue for stakeholders from all regions to engage in dialogue on business and human rights and to strengthen engagement towards the goal of effective and comprehensive implementation of the Guiding Principles. By bringing together relevant stakeholders³, the Forum will aid in identifying trends, challenges and good practices in the implementation of the Guiding Principles by States and business enterprises, as well as other stakeholders, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups.

With the Working Group charged with the task of promoting the dissemination and implementation of the Guiding Principles globally, the Forum will also be an important platform for the Working Group to inform, consult and exchange with stakeholders on its works streams, activities and projects. Building on suggestions received during previous rounds of consultations, the Working Group seeks to use the Forum to learn from the experiences, lessons learned, views and perspectives of relevant stakeholders, including Governments, business and civil society, when taking its strategy and work programme forward.

The Working Group's initial strategy, as set out in its first report to the Human Rights Council,⁴ define several key considerations and work streams that all are relevant for the aim of using the Forum to mobilise relevant stakeholders towards global dialogue and transformation of the Guiding Principles from agreed-upon principles to everyday standard practice. Led by the three overarching strategic considerations that the Guiding Principles should provide a common reference point in the rapidly evolving field of business and human rights, that they should be used to enhance accountability for adverse business-related human rights impacts, and that there is a need to cultivate an environment conducive for their uptake by all stakeholders, the Working Group outlined its three main work streams, all of which can be supported by the outcomes the Forum could generate:

- 1) Global dissemination of the Guiding Principles by engaging with new audiences as well as actors that may serve as multipliers and catalysts in generating effective and comprehensive dissemination and implementation
- 2) Promoting implementation of the Guiding Principles by addressing the situation of vulnerable groups, including indigenous peoples; encouraging implementation efforts; sharing good practices; and providing further clarification on the application of the Principles
- 3) Embedding the Guiding Principles in global governance frameworks by engaging with relevant institutions overseeing existing and emerging governance frameworks,

² Established by Human Rights Council resolution 17/4, paragraph 12.

³ See Human Rights Council resolution 17/4, paragraph 13.

⁴ A/HRC/20/29. The report is available in advanced edited version on the web page of the Working Group.

and UN bodies; and seeking to complement and build upon the strength of important early successes of alignment with the Guiding Principles.

IV. Methodology

The Working Group has already received valuable inputs and suggestions from relevant stakeholders related to the annual Forum during earlier rounds of consultation and stakeholder engagement focused more broadly on Working Group activities.⁵

Building on this input, the Working Group is convening an additional consultation focused specifically on the themes and modalities of the first annual Forum. The Working Group expects several hundred participants in the annual Forum, including representatives of Governments, business and civil society. As per standard procedure for United Nations meetings of this nature, the two day meeting will comprise four three-hour plenary sessions during which simultaneous interpretation of the proceedings in the six official UN languages will be provided.

A limited number of rooms for break-out sessions and side events during the dates of the Forum will be made available for participating organizations. It should be noted that interpretation will only be provided for the plenary sessions.

The Forum will be of a multistakeholder nature. The selection of panellists will be made on the basis of panellists' relevant expertise, as well as other relevant factors including equitable geographic and stakeholder representation and gender balance.

The agenda and other Forum documentation, including information about accreditation and procedures for organizing side events, will be posted on the Forum web page in due time:

<http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx>

V. Consultation on the Forum

For the consultation on 10 May, the Working Group is seeking the views and recommendations of stakeholders on the following issues related to the first Annual Forum on Business and Human Rights, to supplement those contributions and suggestions already received with regards to the Forum, in the prior consultations with the Working Group.

- 1) Aims and outputs: Given the aims, objectives and methodology for the annual Forum set out in the sections above, how can the Forum be used in order to (a) maximize the substantive contribution and usefulness of the discussion on trends and challenges in the implementation of the Guiding Principles; (b) maximize the identification of relevant good practices; (c) best achieve and promote dialogue and cooperation on issues linked to business and human rights, including challenges faced in particular sectors, operational environments or in relation to specific rights or groups? The Working Group in particular welcomes creative

⁵ Submissions to the Working Group prior to its first session in January 2012 can be found at: <http://www.ohchr.org/EN/Issues/Business/Pages/Submissions.aspx>

suggestions on possible formats, within the given parameters, which may contribute to dynamic and innovative substantive discussions on moving the business and human rights agenda forward at the Forum.

- 2) Themes and topics: What should be the thematic subject(s) or focus of the first Forum in order to contribute to the aims of the Forum, as described above, and using the Forum to support the Working Group's strategy and work streams of promoting dissemination, implementation and embedding of the Guiding Principles globally? The Working Group particularly welcomes proposals for concrete issues and specific initiatives to be included in the Forum's agenda.
- 3) Participants: Recommendations on how to ensure participation of stakeholders that previously have not been central to or part of the business and human rights debate, including Government representatives from all regions at national level and across Government functions, Parliamentarians, regional organizations and financial institutions, business representatives from all regions, including small and medium-sized enterprises, business ethics and sustainability experts and practitioners, civil society organizations from all regions, including human rights defenders and grass-roots and community-based organizations.
- 4) Rights-holders: Recommendations particularly on how to ensure participation of affected individuals and communities.
- 5) Synergies: Recommendations on how to ensure adequate linkages between other relevant initiatives in the field of business and human rights and the Forum.
- 6) Any other relevant considerations.

Stakeholders who are not able to attend the consultation on 10 May, but who would like to present their input to the Working Group on the questions above, may send a written submission to the Working Group by 27 April to wg-business@ohchr.org. Please note that the Working Group will also take into account prior submissions made to it, in relation to the Forum.

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