

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States

Appointment to be made by the Human Rights Council at its 48th session

#### **APPLICATION DEADLINE: 11 JUNE 2021 AT 12 NOON GENEVA TIME**

- The application process consists of two compulsory parts:  
**(1) online survey<sup>1</sup>** (<https://ohchr-survey.unog.ch/index.php/717995>)  
and  
**(2) application form in Word format<sup>2</sup>** (to be downloaded from <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/HRC48.aspx>)
- Once fully completed, in English or French only, the Word application form should be submitted by email to [hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)
- A maximum of up to three optional reference letters may be attached to the email (in Word or PDF format).
- No additional documents (e.g. CVs, resumes or additional reference letters) will be accepted.
- Applicants will receive an acknowledgment email when both parts of the application process, i.e. the data submitted through the online survey and the Word application form, have been received by the Secretariat.
- Applications will only be considered if both parts and all sections of the Word application form have been completed and received by the Secretariat before the expiration of the deadline. **No incomplete or late applications will be accepted.**
- Eligible for Working Group mandates are only nationals of the States belonging to the [regional groups](#) for which specific vacancies have been advertised.
- General description of the selection process and answers to frequently asked questions are available at <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/Nominations.aspx> and <https://www.ohchr.org/EN/HRBodies/HRC/SP/Pages/BasicInformationSelectionIndependentExperts.aspx>
- In case of technical difficulties or problems with accessing or completing the forms, you may contact the Secretariat by email ([hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)) or fax (+41 22 917 9008).

#### I. PERSONAL DATA

<b>1. Family (last) name:</b> Unda	<b>5. Year of birth:</b> 1960
<b>2. First (given) name:</b> José Rafael	<b>6. Place of birth:</b> Bogotá
<b>3. Other name, if any:</b>	<b>7. Nationality (please indicate the nationality that will appear on the public list of candidates):</b> Colombia
<b>4. Gender:</b> Male	<b>8. Any other nationality:</b>

<sup>1</sup> The short **online survey** is used to collect information for statistical purposes such as personal data (i.e. name, gender, nationality), contact details, mandate applying for and, if appropriate, nominating entity. The same name, gender and nationality must be used both in the online survey and in the Word application form.

<sup>2</sup> The **application form in Word format** includes a motivation letter of maximum 600 words (section III of the form). The application form should be completed in English or French only, the two working languages of the United Nations Secretariat. The application form will be used as received to prepare the public list of eligible candidates who applied for the vacancy. The application forms of eligible candidates will also be posted as received on the OHCHR public web page for the selection process.

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States

*Appointment to be made by the Human Rights Council at its 48th session*

## II. MANDATE-SPECIFIC COMPETENCE / QUALIFICATIONS / KNOWLEDGE

**NOTE: Please describe why the candidate's competence / qualifications / knowledge is relevant in relation to the specific mandate:**

### 1. QUALIFICATIONS (200 words limit)

**Relevant educational qualifications or equivalent professional experience in the field of human rights; good communication skills (i.e. orally and in writing) in one of the six official languages of the United Nations (i.e. Arabic, Chinese, English, French, Russian, Spanish.)**

I am a civil engineer graduated in 1983 with a master degree on Human Rights and Democratization in 2017 (at Universidad Externado de Colombia and Universidad Carlos III de Madrid) with management studies at EAFIT (1992), Universidad de los Andes (2000 and 2006) and Inalde (2002) and International Humanitarian Law in 2016 (at the International Institute of Humanitarian Law in San Remo, Italy).

I served at Ecopetrol, the oil & gas company, starting 1985 and ending 2010 in a wide spectrum of responsibilities, including my last position there as "Integral Responsibility Director", which means health, safety, environmental, security and communities-corporate relations, as well as 4 years as an advisor for the Colombian President on security for the mining, oil & gas and power sectors. In my capacity those years at the Colombian National Government, I represented my country in several sessions held at Manhasset, near New York City, with Professor Ruggie and his team, as part of the process that led to de UNGPs. I created "Ardura SAS", a consultancy company in 2011, after leaving Ecopetrol, to help companies, and the Colombian Government, to improve on human rights due diligence. Ardura has served companies, the Colombian Government and multistakeholder initiatives like the Mining and Energy Committee on Security and Human Rights (CME).

### 2. RELEVANT EXPERTISE (200 words limit)

**Knowledge of international human rights instruments, norms and principles. (Please state how this was acquired.)**

**Knowledge of institutional mandates related to the United Nations or other international or regional organizations' work in the area of human rights and particularly in the area of the mandate. (Please state how this was acquired.)**

**Proven work experience in the field of human rights and particularly in the area of the mandate. (Please state years of experience.)**

I acquired knowledge on international human rights instruments, norms and principles during the last 19 years through my work at Ecopetrol, the Colombian President's Office and Ardura, and through my master degree on Human Rights and Democratization at 2 universities and my studies at the International Institute of Humanitarian Law. I have studied deeply the UNGPs, the Voluntary Principles on Security and Human Rights, the Performance Standards by IFC (as well as other documents by IFC), and others like the Implementation Guidance Tools and the resolutions from the UN that shape the mandate of the UNWG on Business and Human Rights. My work during the last 19 years has been based mainly on those instruments, norms and principles.

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States

*Appointment to be made by the Human Rights Council at its 48th session*

#### **3. ESTABLISHED COMPETENCE (200 words limit)**

**Nationally, regionally or internationally recognized competence related to human rights. (Please explain how such competence was acquired.)**

My competence on human rights and business comes from my master degree on Human Rights and Democratization by 2 universities and my studies on International Humanitarian Law at IIHL and, mainly, through my work considering how to improve human rights performance at companies and governments.

#### **4. PUBLICATIONS OR PUBLIC STATEMENTS**

**Please list significant and relevant published books, articles, journals and reports that the candidate has written or public statements, or pronouncements that the candidate has made or events participated in relation to the mandate.**

##### **4.1 Enter three publications in relation to the mandate applied for, in the order of relevance:**

**1. Title of publication:** "La Buena Fe Exenta de Culpa en el Marco de la Ley 1448 de 2011 y las Empresas Frente al Riesgo Despojo". (Good Faith Exempt from Guilt in Law 1448 and Companies Facing Dispossession Risk)

**Journal/Publisher:** Universidad Externado de Colombia

**Date of publication:** 2017

**Web link, if available:**

**2. Title of publication:** Recomendaciones para la Gestión de Convenios Empresas-Fuerza Pública (Recommendations on Companies-Public Forces Agreements Management)

**Journal/Publisher:** Comité Minero Energético de Seguridad y Derechos Humanos.

**Date of publication:** 2015

**Web link, if available:** [www.cmecolombia.co](http://www.cmecolombia.co)

**3. Title of publication:** Recomendaciones para la Gestión de los Riesgos Extorsión y Secuestro (Recommendations for the Management of Extortion and Kidnapping Risks)

**Journal/Publisher:** Comité Minero Energético de Seguridad y Derechos Humanos.

**Date of publication:** 2012

**Web link, if available:** [www.cmecolombia.co](http://www.cmecolombia.co)

**If more than three publications, kindly summarize (200 words limit):** 7 out of the 8 recommendations issued by Comité Minero Energético de Seguridad y Derechos Humanos (CME) were written by me, in my capacity as Secretariat of CME. One of the 2 publications by Grupo de Trabajo de Derechos Humanos y Carbón was also written by me ("Recomendaciones para la Gestión del Riesgo Despojo" - "Recommendations for the Management of Dispossession Risk"), in my capacity as Secretariat of that working group.

##### **4.2 Enter three public statements or pronouncements made or events that the candidate may have participated in relation to the mandate applied for, in the order of relevance:**

## SECOND PART: APPLICATION FORM IN WORD FORMAT

### Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States

*Appointment to be made by the Human Rights Council at its 48th session*

#### 1. Platform/occasion/event on which public statement/pronouncement made:

Taller Internacional de Principios Voluntarios y Principios Rectores de Naciones Unidas: Gobiernos y Empresas vis-à-vis Derechos Humanos (attended by 400 participants).

**Event organizer:** CME

**Date on which public statement/pronouncement made:** 2013/El camino para convertir a los PV y los PRNU en una realidad en el terreno está en construcción y son todavía muchos los interrogantes pendientes. Ninguna empresa tiene todas las respuestas.

**Web link, if available:** [www.cmecolombia.co](http://www.cmecolombia.co)

#### 2. Platform/occasion/event on which public statement/pronouncement made:

Twitter

**Event organizer:**

**Date on which public statement/pronouncement made:** May 2021/Este año los Principios Rectores sobre Empresas y Derechos Humanos, de @NacionesUnidas, cumplen 10 años. ¡Hay que celebrar su existencia!

**Web link, if available:**

#### 3. Platform/occasion/event on which public statement/pronouncement made:

Twitter

**Event organizer:**

**Date on which public statement/pronouncement made:** May 2021/Cuando quiera pensar en #DerechosHumanos: ¡piense en los derechos de los demás!

**Web link, if available:**

**If more than three, kindly summarize (200 words limit):**

**5. FLEXIBILITY/READINESS AND AVAILABILITY OF TIME (200 words limit) to perform effectively the functions of the mandate and to respond to its requirements, including participating in Human Rights Council (HRC) sessions in Geneva and General Assembly sessions in New York, travelling on two country visits per year, drafting reports according to established deadlines, organizing and participating in consultations and meetings, addressing allegations of human rights violations with all concerned, providing advice to States and other stakeholders on issues related to their mandate and engaging with a variety of stakeholders. Kindly indicate whether the candidate can dedicate an estimated time of four to six months per year to the work of a mandate depending on its workload.**

**Please note that the work of mandate holders is unpaid. Those appointed as mandate holders serve in their personal capacities. They are not United Nations staff members, they are not based in United Nations offices in Geneva or at another United Nations location, and they do not receive salary or other financial compensation, except for travel expenses and daily subsistence allowance of "experts on mission".**

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

I do have the possibility to work 4 to 6 months per year for the UNWG. The remaining months will be dedicated to my work at Ardura, helping companies to improve their human rights due diligence.

**6. NOMINATION FOR THE MANDATE**

**Indicate whether the candidate has been nominated by (check all that apply):**

- Individual nominations (indicate this if the candidate is self-nominating)**
- Governments**
- Regional groups operating within the United Nations human rights systems**
- International organizations or their offices**
- Non-governmental organizations**
- National human rights institutions**
- Other human rights bodies**

**Name of the nominating entity and additional information about the nomination (use if applicable, for third-party nominations only) (200 words limit):**

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**III. MOTIVATION LETTER, INCLUDING YOUR VISION OF THE MANDATE**

(600 word limit. Must be typed in the space below and not sent in a separate email or as an attachment. To be drafted and signed (i.e. with a typed signature) by the candidate himself/herself even if nominated by another entity.)

I think of participating as a member of the UNWG both as a service to help push forward the effective implementation of the UNGPs and an honour for me. I can't think of anything more powerful to make the world better regarding business and human rights.

What I have seen is that previous UNWG members came out of academy. I am not a Professor, formally speaking, but my work for companies needs abilities to teach corporate workers about implications of incomplete, poor or completely missing human rights due diligence. In fact, I would say that my work at Ardura is teaching corporations on human rights due diligence using the best available standards, realm in which the UNGPs stand higher than any other one.

At the same time, I think the UNWG should consider focus on 3 main subjects: A) small and medium enterprises, now that tools have been developed for large ones. This subject needs to be discussed within the UNWG to reach decisions and, hopefully, outreach SMEs; B) pillar 1 of the UNGPs, specially through better National Action Plans. This subject is already in place at the UNWG, but there is still a lot of work to do; and C) collaboration among companies, governments, civil society and academia. The consensus built around the UNGPs by all 4 sectors should be used to improve collaboration to push effective implementation on the ground.

I guess my background, mainly on companies and the Government, could be an issue, as most previous or current UNWG members -or all of them- have academy or CSOs backgrounds. But the UNGPs are intended, nearly 50% of them, for companies, and the remaining 50% for governments, so having a corporation's and government's background should not be a weak point but an strength to move the UNGPs agenda in a constructive way. My experience and commitment to multistakeholders initiatives should also be a strength.

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**IV. LANGUAGES (READ / WRITTEN / SPOKEN)**

**Please indicate all language skills below.**

**1. Mother tongue: Spanish**

**2. Knowledge of the official languages of the United Nations:**

**Arabic:** Yes or no: **no** If yes,

**Read:** Easily or Not easily:

**Write:** Easily or Not easily:

**Speak:** Easily or Not easily:

**Chinese:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**English:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **easily**

**Write:** Easily or not easily: **easily**

**Speak:** Easily or not easily: **easily**

**French:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**Russian:** Yes or no: **no** If yes,

**Read:** Easily or not easily:

**Write:** Easily or not easily:

**Speak:** Easily or not easily:

**Spanish:** Yes or no: **yes** If yes,

**Read:** Easily or not easily: **yes**

**Write:** Easily or not easily: **yes**

**Speak:** Easily or not easily: **yes**

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**V. EDUCATIONAL RECORD**

**NOTE: Please list the candidate's academic qualifications (university level and higher, indicating the type of degree and field of study, and whether full- or part-time; for example, *Masters in Law, University of XXX, part-time, 1975-1977, city and country*). If space in the table is insufficient, more than one degree may be listed in a single cell below, separating them by a blank line.**

<b>Name of degree, field of study and name of academic institution, full or part-time:</b>	<b>Years of attendance</b> (provide a range from-to, for example 1999-2003; for ongoing education, please put e.g. 2018-present):	<b>Place and country:</b>
Civil engineer (Escuela Colombiana de Ingeniería, full-time)	1978-1983	Bogotá. Colombia
Master degree on Human Rights and Democratization (Universidad Externado de Colombia and Universidad Carlos III de Madrid, part-time)	2008-2010	Bogotá, Colombia
Advanced Military Training on IHL (International Institute of Humanitarian Law, full-time)	2016	San Remo, Italy
Management (Universidad de los Andes, part-time)	2006	Bogotá, Colombia
Management (Universidad de los Andes, part-time)	2000	Bogotá, Colombia



**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**VI. EMPLOYMENT RECORD**

**NOTE: Please briefly list ALL RELEVANT professional positions held in the area of human rights, beginning with the candidate's current (most recent) occupation. Also, indicate whether positions held were full-time or part-time. If space in the table is insufficient, more than one position may be listed in a single cell below, separating them by a blank line.**

<b>Name of employer, functional title, main functions of position, full- or part-time:</b>	<b>Years of work</b> (provide a range from-to, for example 1999-2005; for ongoing activities, please put e.g. 2018-present):	<b>Place and country:</b>
Ardura SAS, Manager, provide consultancy on Human Rights for corporations and the government.	2011-present	Bogotá and other cities and towns, Colombia
Colombian President's Office, Advisor on Security for the Mining, Oil & Gas and Power sectors, advising corporations on security related risks management.	2004-2006 and 2008-2010	Bogotá and other cities and towns, Colombia
Ecopetrol, Integral Responsibility Director, guiding Ecopetrol on health, safety, environmental, security and communities-corporate relations.	2006-2008	Bogotá and other cities and towns, Colombia

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**VII. COMPLIANCE WITH ETHICS AND INTEGRITY PROVISIONS  
(of Human Rights Council resolution 5/1)**

*To be completed by the candidate or by the nominating entity on the candidate's behalf.*

**1. To your knowledge, does the candidate have any official, professional, personal, or financial relationships that might cause the candidate to limit the extent of inquiries, to limit disclosure, or to weaken or slant findings in any way? If yes, please explain.**

No.

**2. Are there any factors that could either directly or indirectly influence, pressure, threaten, or otherwise affect the candidate's ability to act independently in discharging the mandate? If yes, please explain:**

No, unless you consider my work for Ardura's clients, Ecopetrol or the Colombian Government could affect my ability to act independently. If needed, I could refrain from participating in any working methods of the UNWG directly related to Ecopetrol, the Colombian Government and Ardura's clients.

**3. Is there any reason, currently or in the past, that could call into question the candidate's moral authority and credibility or does the candidate hold any views or opinions that could prejudice the manner in which the candidate discharges the mandate? If yes, please explain:**

No.

**4. Does the candidate comply with the provisions in paragraph 44 and 46 of the annex to Human Rights Council resolution 5/1? (Please answer YES if the candidate complies, NO if the candidate does not comply, together with an explanation.)**

***Para. 44: The principle of non-accumulation of human rights functions at a time shall be respected.***

***Para. 46: Individuals holding decision-making positions in Government or in any other organization or entity which may give rise to a conflict of interest with the responsibilities inherent to the mandate shall be excluded. Mandate holders will act in their personal capacity.***

Yes, I have no other accumulating Human Rights functions, and yes, I have no position in Government, decision-making or not, nor in any other organization except Ardura SAS, the consultancy firm I created.

**5. Should the candidate be appointed as a mandate holder, the candidate will have to take measures to comply with paragraphs 44 and 46 of the annex to Council resolution 5/1. In the event that the current occupation or activity, even if unpaid, of the candidate may give rise to a conflict of interest (e.g. if a candidate holds a decision-making position in Government) and/or there is an accumulation of human rights functions (e.g. as a member of another human rights mechanism at the international, regional or national level), necessary measures could include**

**SECOND PART: APPLICATION FORM IN WORD FORMAT**

**Working Group on the issue of human rights and transnational corporations and other business enterprises, member from Latin American and Caribbean States**

*Appointment to be made by the Human Rights Council at its 48th session*

**relinquishing positions, occupations or activities. If applicable, please indicate the measures the candidate will take.**

NA.

**VIII. CERTIFY AND SUBMIT APPLICATION**

***To be completed by the candidate. The candidate's name below should match how it is entered on the first page of the form and in the online survey.***

**I hereby certify that all of the statements made in this application are true, complete and are made in good faith. I understand that falsifying or intentionally withholding information will be grounds for not being selected or appointed or the withdrawal of any proposed appointment or, if an appointment has been made and accepted, for its immediate cancellation or termination.**

**Kindly note that whilst no changes can be made after this application form has been submitted and the deadline for applications has expired, any relevant change of current occupation, employment, or position, or any other relevant fact or circumstance should be brought to the attention of the secretariat by email ([hrcspecialprocedures@ohchr.org](mailto:hrcspecialprocedures@ohchr.org)).**

**Please review the application before you insert your name and date to indicate your agreement.**

**Name:** José Rafael Unda

**Date:** 2021-06-10

\*\*\*\*