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Forum on Business and Human Rights
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Concept note

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

I. Introduction

1. The first session of the annual Forum on Business and Human Rights will take place on 4 and 5 December 2012 in Geneva.

II. Mandate

2. The Forum on Business and Human Rights was established by the Human Rights Council through its resolution 17/4 (para. 12). The Forum is under the guidance of the Working Group on the issue of human rights and transnational corporations and other business enterprises and is mandated to discuss trends and challenges in the implementation of the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework and to 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, as well as to identify good practices.
3. Pursuant to resolution 17/4, the chairperson of the Forum is nominated by members and observers of the Human Rights Council and appointed for each session by the Council President, on the basis of regional rotation and in consultation with the regional groups. The chairperson serves in his or her personal capacity.

III. Background to the Forum

4. The global business and human rights agenda reached a key milestone in 2011, when the Human Rights Council, in its resolution 17/4, unanimously endorsed the Guiding Principles on Business and Human Rights. The Council recognized the role of the Guiding Principles in providing comprehensive recommendations for the implementation of the United Nations “Protect, Respect and Remedy” Framework as well as guidance that would contribute to enhancing standards and practices with regard to business and human rights, thereby contributing to a socially sustainable globalization. The endorsement by the Council effectively established the Guiding Principles as the authoritative global standard for preventing and addressing adverse impacts on human rights arising from business-related activity.
5. The Council decided to establish the 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, *inter alia*, 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; and to integrate a gender perspective throughout the work of the mandate and to give special attention to persons living in vulnerable situations, in particular children.
6. Of particular relevance for the present note is the mandate of the Working Group to guide the work of the annual Forum.

IV. Aims and objectives of the Forum

7. The Forum 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 stakeholders, 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.

8. 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 its own strategy and benefit from the shared learning towards meeting its own mandate. In order to achieve these objectives, the Working Group seeks to maximize the potential of the Forum to garner mutual sharing of experiences, practices, lessons learned and views and perspectives on challenges and solutions, by relevant stakeholders, including Governments, business and civil society and affected persons.

9. The Working Group's initial strategy, as set out in its first report to the Human Rights Council (A/HRC/20/29), defines several key considerations and work streams relevant to using the Forum to mobilize relevant stakeholders towards global dialogue and transformation of the Guiding Principles from agreed-upon principles to everyday standard practice. In particular, the Working Group outlined its three main work streams, which are led by the 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:

(a) 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;

(b) Promoting the implementation of the Guiding Principles by addressing the situation of vulnerable groups, including indigenous peoples; encouraging implementation efforts at regional and national levels; sharing good practices; and providing further clarification on the application of the Guiding Principles;

(c) Embedding the Guiding Principles in global governance frameworks by engaging with relevant institutions overseeing existing and emerging governance frameworks and with United Nations bodies; and seeking to complement and build upon the strength of important early successes of alignment with the Guiding Principles.

V. Consultation on the Forum

10. The Working Group received valuable inputs and suggestions from relevant stakeholders relating to the annual Forum,¹ including through a specific consultation, held on 10 May 2012 during its second session, on the possible themes and modalities of the Forum (see A/HRC/WG.12/2/1, para. 5).

¹ Submissions to the Working Group prior to its first session in January 2012 can be found at: www.ohchr.org/EN/Issues/Business/Pages/Submissions.aspx.

VI. Format and agenda

11. The overall theme of the Forum on Business and Human Rights will be to map the road ahead for advancing implementation of the Guiding Principles. The general focus will be on identifying the initial steps taken by relevant stakeholders, current and emerging challenges to implementation, and identifying required action by States and business enterprises, as well as other stakeholders.

12. The Forum will be unique in its multi-stakeholder nature. It will seek to foster the exchange of experiences and views of relevant stakeholder groups, including representatives of States, business, civil society, affected stakeholders, international institutions and experts.

13. The format and agenda of the Forum will take into account the wide-ranging recommendations made by stakeholders relating to the Forum. Therefore, it is envisaged that in addition to the opening and closing plenary meetings, there will be a number of parallel breakout sessions aimed at covering the breadth and depth of current realities and challenges pertaining to the implementation of the Guiding Principles. Breakout sessions may also allow a greater degree of exchange and more genuine and effective dialogue between participants.

14. Sessions will begin with introductory panels, after which the floor will be open for interventions from other participants, based on a sign-up procedure. Participants speaking from the floor are encouraged to focus their intervention directly on the points covered in each session, to be brief (limited to three minutes each), and not to read from reports, scholarly papers or articles. Interventions should be conducive to constructive and respectful dialogue. There will be an opportunity for participants to submit written interventions relating to the topics discussed at the various Forum sessions, which will be posted on the website.

15. Participating organizations are encouraged to share information about experiences, tools and initiatives for advancing the business and human rights agenda and the implementation of the Guiding Principles on Business and Human Rights, through interventions in sessions and informal dialogue across and within stakeholder groups. To facilitate informal exchanges and promoting dialogue, a public space – or “marketplace” – will be made available to participants in conjunction with the meeting rooms. Participating organizations wishing to use this opportunity for showcasing information, tools and materials to other participants during the two days of the Forum may register for allocation of space, subject to availability.

16. An official provisional agenda and programme of work will be posted on the Forum page of the Human Rights Council website in advance of the Forum (see <http://www.ohchr.org/EN/Issues/Business/Pages/ForumonBusinessandHR2012.aspx>).

VII. Participation in the Forum

17. Pursuant to Human Rights Council resolution 17/4, the Forum is open to the participation of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental organizations, regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant bodies, transnational corporations and other business enterprises, business associations, labour unions, academics and experts in the field of business and human rights, representatives of indigenous peoples and non-governmental organizations in consultative status with the Economic and Social Council; the Forum is also open to other non-governmental organizations whose aims and purposes are in conformity with the spirit, purposes and

principles of the Charter of the United Nations, including affected individuals and groups, based on arrangements, including Economic and Social Council resolution 1996/31 of 25 July 1996, and practices observed by the Commission on Human Rights, through an open and transparent accreditation procedure in accordance with the rules of procedure of the Human Rights Council.

18. Practical information about participation and accreditation is provided separately at the web page of the Forum.

VIII. Outcomes

19. The chairperson of the Forum is responsible for preparing a summary of the discussion of the Forum, to be made available to the Working Group and all other participants of the Forum.

20. In resolution 17/4, the Human Rights Council also invited the Working Group to include in its report reflections on the proceedings of the Forum and recommendations for future thematic subjects for consideration by the Council.
