



Centre for Research on Multinational Corporations



International Network for Economic,
Social and Cultural Rights (ESCR-Net)
Corporate Accountability Working Group

**Joint Submission to the OHCHR's consultation on « Exploring the feasibility of establishing a global fund to support capacity building on business and human rights »
31th January 2014**

FIDH, SOMO and the ESCR-Net Corporate Accountability Working Group (CAWG) welcome the initiative taken by the OHCHR to explore the feasibility of establishing a global fund to enhance the capacity of stakeholders to implement the Guiding Principles on Business and Human Rights, and appreciates the opportunity to share its view as part of the consultative process.

In light of its experience working with its member organisations, workers and communities affected by the activities of business enterprises, the above-mentioned organisations submit the following recommendations in response to the OHCHR's background note and suggested questions.

1. Mandate: priority recipients and issues

FIDH, SOMO and ESCR-Net agree that enhancing the capacity of relevant stakeholders is essential for the effective implementation of the Guiding Principles on Business and Human Rights. Civil society organizations, affected communities and defenders are the best-positioned to ensure effective and lasting implementation of the Guiding Principles. It's well known that that civil society organisations representing or working with rights-holders are in dire need of resources, particularly given the international economic context as well as political and judicial obstacles NGOs in all continents face in accessing funding¹. The establishment of a fund to support stakeholders to working toward effective implementation of the Guiding Principles on Business and Human Rights would greatly enhance the possibility of civil society worldwide to play an important monitoring and watchdog role.

Given the prevailing imbalance of power and inequality of resources between the different stakeholders, we believe that the prospective fund should first and foremost focus on **empowering rights-holders**. Priority should therefore be given to projects and initiatives centered around those that are affected or likely to be affected negatively as a result of business activities. Furthermore, the fund should prioritize projects that enable rights-holders and the civil society organisations that support them to play a watchdog role and perform research to monitor the implementation of the Guiding Principles on Business and Human Rights and bring to light cases manifesting challenges and shortcomings with regard to the implementation.

¹See for instance the 2013 Annual Report of the Observatory for the Protection of Human Rights Defenders, « [Violations of the Rights of NGOs to Funding : from Harassment to Criminalization](#) ».

Particular attention should be given to enhancing the capacity of individuals and groups at heightened risk of vulnerability and marginalization such as women and indigenous peoples. In particular, efforts should be made towards the **empowerment of land and environmental rights defenders**, whose actions are fundamental for the advancement of the business and human rights agenda. As evidenced by our work², land and environmental rights defenders face increasing pressure: on every continent they are being threatened, criminalized and attacked as a result of their mobilisation on behalf of communities affected by large-scale business operations and other development projects.

In previous communications the UN Working Group on Business and Human Rights has recognized the urgent need to: “(a) **increase support** for civil society organizations and human rights defenders for their work in advocating for the implementation of the Guiding Principles, in particular with regard to access to remedies for victims; (b) To strengthen the protection of civil society organizations and human rights defenders from harassment, persecution and reprisals linked to their work and (c) to increase awareness raising and knowledge of the Guiding Principles within civil society organisations.³ With regard to issue-specific challenges, we therefore believe that the global fund should make sure projects aiming at the implementation of the third pillar, namely **ensuring greater access to effective remedy for victims of human rights violations** linked to corporate activities, will be supported, including projects focusing on judicial mechanisms as well as on building the capacity of affected workers and communities to use and test the effectiveness of grievance mechanisms.

Finally, the fund should aim to facilitate the participation of affected workers and communities to in regional and international policy debates and fora to ensure that the voice and reality of rights-holders are being heard and taken into account in discussions on advancing the implementation of the Guiding Principles.

2. Governance and funding

With regard to governance structure, we call for the establishment of an independent system of governance ensuring adequate representation and regular consultation on priorities with rights-holders, representatives of affected people and/ or civil society organisations working with affected groups. Moreover, the set-up and system of governance should ensure that the fund is also easily accessible to grassroots organisations and other organisations operating on a local level. With respect to sources of funding, we believe that ensuring transparency of donors and funds allocation is key to preserve the funds' independence.

FIDH, SOMO and ESCR-Net thank you for this opportunity and remain at your disposal to further exchange on this matter.

²See notably « [Land and environmental rights defenders in danger : an overview of recent cases](#) », December 2

³A/HRC/23/32, Report of the Working Group on the issue of human rights and transnational corporations and other business enterprises, 14 March 2013