

## **SUBMISSION TO THE UN WORKING GROUP ON HUMAN RIGHTS AND TRANSNATIONAL CORPORATIONS AND OTHER BUSINESS ENTERPRISES**

*Submitted by:*

*The National Coalition on Gas flaring and Oil spills in the Niger Delta - NACGOND (NG)  
and Cordaid (NL)*

**In response to your invitation for sharing of thoughts on the process of establishing your work programme, we wish to share the following reflections with you, which is based on our experiences in respect of your various mandates**

**(a) To promote the effective and comprehensive dissemination and implementation of the Guiding Principles;**

### **DISSEMINATION**

**At the moment, most of the victims of abuses by Business, namely, local communities and individuals, and even corporate entities and government institutions are not aware of the existence of this Framework and its Guiding Principles. This calls for a definitive and pragmatic programme of dissemination of information to be embarked upon.**

**This could be done in a number of ways:**

- **States could be asked to engage their Ministries of Information in doing this;**
- **Develop a robust partnership with NGOs, CBOs, IPOs from the onset to ensure information reaches the grassroots**
- **The Guideline should be produced in indigenous languages to facilitate understanding and effective reception**
- **Simple guidelines should be created for widespread dissemination on and offline.**

### **IMPLEMENTATION OF THE GUIDING PRINCIPLES AND THE FORUM ON BUSINESS AND HUMAN RIGHTS**

**One of the challenges of the Ruggie Process was that it lacked the effective participation of victims of the abuses of business. The WG should therefore establish a mechanism that ensures the effective participation of victims in its work programme. The victims' perspectives in the work of the WG is vital to its success.**

**This can be secured in several ways:**

- **An online portal for submission of abuses should be created that will be transparent and accessible.**

- **Funding mechanism to be put in place by the OHCHR to facilitate the participation of victims, especially vulnerable groups, in the activities of the WG and the Forum on Business and Human Rights.**
- **The requirements for participation in the Forum on Business and Human Rights should be made feasible and flexible. The ECOSOC Resolution, guiding the conditions for participation in the UNPFII, EMRIP, UNFM, could provide a useful frame in this respect.**
- **In appreciation of the high incidences of business abuses and sometimes the isolation of the victims, we suggest that the Forum takes a rotatory approach in its sittings.**

**(b) To conduct country visits and to respond promptly to invitations from States; The state of corporate behavior and human rights as reflected by the exchange of information would do a great deal to inform the Working Group prior to its country visits, and could identify those States where country visits would be most productive.**

**The carrying out of country visits is very central to the work of the WG especially in assessing situations on the ground and hearing first hand from victims of business abuses.**

**One important aspect of the UPR is the agreement by most states to maintain a standing invitation to all special procedures. We suggest the WG to refer to this agreement and act proactively in its choice of countries to visit. It is generally known that owing to limited budgets, SP may undertake at most two country visits in a year. So the choice of countries for visits becomes very important.**

**It is suggested that for maximum impact, the WG should balance its country visits in such a way that all stakeholders – victims of corporate abuses, businesses and governments – are given equal treatment in terms of the organization of, and participation in, the visits.**

**(c) Access and remedy**

**It is our understanding that the WG does not have a mandate to demand from Corporate Business respect and remedy, and from States protection in case of violations. This implies, as we understand, your inability to put in place the relevant juridical and institutional framework with which to enforce any such demand. In this case, it would be helpful that you put in place an effective strategy for ensuring that remedy sought by victims of business abuses can be enhanced through a third party process**

(d) To work in close cooperation and coordination with other relevant special procedures of the Human Rights Council, relevant United Nations and other international bodies, the treaty bodies and regional human rights organizations;

**Information sharing between the WG and other UN mechanisms is essential.**

**For instance some of the treaty bodies and special procedures have made positive landmark observations and recommendations about the relationship between businesses and victims of business abuses.**

**This was possible because other human rights monitoring mechanisms and special procedures had received such information and carried out follow-up with inquiries to States. Hence,**

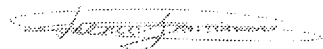
(e) To provide support for efforts to promote capacity building and the use of the Guiding Principles, as well as, upon request, to provide advice and recommendations regarding the development of domestic legislation and policies relating to business and human rights;

**The Guiding Principles will make no real impact if the respective stakeholders do not have the necessary capacity to engage in the implementation of the Guidelines in the specific local contexts. There is the need for the WG to develop focused capacity building programmes targeted at both members of the communities and civil society organizations. This can be supported by ensuring that corporations develop transparent processes for civil society groups to engage with them on breaches of the principles.**

*The NACGOND network is dedicated to lobbying for a new, independent Oil Spills Regulatory Mechanism, and consistent advocacy for the end of Gas Flaring in the Niger Delta of Nigeria. This conforms to international norms and best practice to prevent, identify, respond to and quickly compensate for oil spills and gas flaring, however they are caused.*

*The NACGOND network collaborates with International Civil Organizations, Shareholder Groups, Human Rights Organisations and Independent Experts.*

**Signed:**



**For NACGOND**



**Cordaid, The Netherlands**