

**Joint submission to the OHCHR in response to Call for input: Exploring the feasibility of establishing a global fund to support capacity-building on business and human rights – Human Rights Council Resolution 21/5, OP 11**

30 January 2014

*The undersigned organizations would like to submit the following views and comments to the questions posed by the Office of the High Commissioner for Human Rights regarding the proposed general fund to support capacity-building on the issue of business and human rights.*

**1. Mandate of the proposed fund**

Our organizations believe that the work of the UN system, including the Working Group on Human Rights and Business, should be victim-centered, and as pointed out by the Secretary General (SG) in his report (A/HRC/21/21), pay particular attention to ‘individuals and groups that are especially vulnerable to adverse impacts arising from business activities’, including indigenous peoples.

Therefore, in our view, priority should be given to the following activities:

- a) projects at the local and national level to increase the capacity of indigenous peoples and other marginalized stakeholders;
- b) capacity-building activities directly proposed, and to be implemented, by indigenous peoples and other marginalized groups;
- c) facilitating access to relevant reports and documents, including translation into national and indigenous languages; and
- d) ensuring participation of indigenous peoples and marginalized groups at relevant UN and related meetings on the issue.

As pointed out in the report of the SG, it is especially critical that the capacity of human rights defenders to carry out their work in the context of the adverse impact of business activities be strengthened, in particular with regard to documentation of impacts, advocacy for their rights and ensuring access to effective remedies.

We suggest the fund prioritise proposals which strengthen the capacity of the most disadvantaged groups, including indigenous peoples, through the following types of activities:

- a) horizontal, culturally appropriate capacity-building and training activities among indigenous peoples and disadvantaged groups on the contents and utilization of the Guiding Principles (GP);
- b) capacity-building activities, designed in partnership with indigenous peoples, for State and private actors in relation to indigenous peoples' rights in the context of business activities impacting on them;
- c) research directed to the development and testing of implementation mechanisms for the GPs, particularly regarding the third pillar on access to remedy, and to the review and improvement of existing implementation mechanisms;

- d) monitoring and documentation of cases in relation to business activities impacting on the rights of indigenous peoples, and dissemination of reports for awareness-raising and advocacy purposes.

The fund should not prioritise activities within the UN system, such as internal implementation or mainstreaming of the GPs. Alternative funds to develop this work should be available within the regular budget of UN bodies and agencies.

### **Question 2. Scope of activities**

In order to implement the aforementioned suggestions in relation to capacity building, the fund should prioritise support to vulnerable rights holders in developing countries. However, where marginalized groups in developed countries, such as indigenous peoples, have little or no access to appropriate funding, they should also be considered for support.

The fund should prioritise multi-year capacity building projects rather than shorter term, once-off, projects or activities.

With this in mind, the fund could establish a budget range for projects in the region of USD 10,000 to 50,000, including multi-year projects (1-3 years).

### **Question 3. Governance**

As mentioned above, the main aim of the fund should be to support the capacity of the human rights victims, particularly the most vulnerable and disadvantaged groups. It is therefore essential that representatives of those groups are directly involved in the governance of the fund. This could be achieved through a Board of Trustees which includes representation of the main groups of rights holders. To ensure its credibility, and effective functioning, the fund should ideally be under the administration of the OHCHR.

Based on the experience of our organizations with some existing funds, such as the Voluntary Fund for Indigenous Peoples of the OHCHR and the small-grants fund established by IFAD, we would like to recommend the following in relation to the fund governance:

- a) establish a procedure for the selection of the members of the Board of Trustees to ensure they are familiar with the potential applicants within their constituency (for instance, indigenous peoples organizations) while ensuring independence of the collective decision-making in the approval of grants;
- b) develop and publish criteria which qualify organizations and groups eligible for access to funds. Organizations and groups, in particular indigenous peoples, should not be required to be legally registered in their countries of origin in order to obtain funds;
- c) ensure that there is a verification procedure and mechanisms in place to review the legitimacy and track-record of the eligible organizations in order to guarantee that representative organizations working on the issue are the ones which have access to funding.

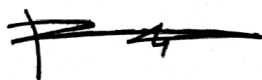
#### Question 4. Sources of funding

The fund should be open to voluntary contributions by States and all stakeholders, including the private sector, multilateral organizations, NGOs, and individuals.

The primary concern regarding the funding sources is guaranteeing a transparent governance system which ensures that donors do not have any direct influence over the criteria to select eligible recipients, the funding priorities, or the allocation of the funds.

To ensure credibility, the management of the fund and decision-making process with regard to fund allocation must therefore be completely independent from the donors.

Signed



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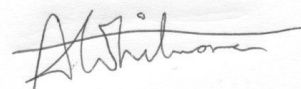
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