



REFERENCE: RRDD/DESIB/FM/LW

4 March 2015

## **OHCHR call for inputs on options and proposals for a global fund to support capacity building on business and human rights – Human Rights Council Resolution 26/22, OP 16**

### **Background**

The need to enhance the capacity of all stakeholders to implement the “Guiding Principles on Business and Human Rights: Implementing the Protect, Respect and Remedy Framework” has been recognised by the Human Rights Council in its resolution 21/5. The Human Rights Council requested the Secretary-General to prepare a study to explore the feasibility of establishing a global fund to enhance the capacity of stakeholders to advance implementation of the Guiding Principles.

Pursuant to this request, the Secretary-General undertook a feasibility study, the main findings of which were included in the Secretary-General’s report on the challenges, strategies and developments with regard to the implementation of resolution 21/5 by the United Nations system, including programmes, funds and agencies (A/HRC/26/20, paragraphs 61-80). The consultation process undertaken for the feasibility study found broad agreement amongst governments, business and civil society representatives that a new fund to support implementation of the UN Guiding Principles would be a useful mechanism. The full version of the feasibility study was contained in an addendum to the Secretary-General’s report (in English only) and can be accessed using the following link: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G14/128/02/PDF/G1412802.pdf?OpenElement>).

In its resolution 26/22, the Council welcomed the Secretary-General’s report and requested the High Commissioner “to consult with States and relevant stakeholders to develop concrete options and proposals to inform a decision on whether to create such a fund, and to submit a report thereon to the Human Rights Council at its twenty-ninth session”. **The Office of the High Commissioner for Human Rights (OHCHR) hereby invites all relevant stakeholders to provide views on the possible options for a new capacity building fund to advance implementation of the Guiding Principles briefly described below, as well as any additional comments or suggestions:**

1. **Scope:** How broad a range of activities and actors should a proposed fund seek to support? The first round of consultations undertaken for the Secretary-General’s feasibility study found broad agreement amongst stakeholders that such a fund should not prioritize providing resources to the UN secretariat and agencies to carry out capacity building activities in this area. Support to civil society actors was widely viewed as being one key priority. There was a much broader range of views concerning the potential scope of actors and activities such a fund might support. OHCHR would welcome views on the relative importance that should be given to the items below that were identified in the first round of consultations:

(a) Provide support to civil society and other organizations that assist those whose human rights are affected by business activities and to human rights defenders, to build

their capacity to assist victims in accessing remedy, and in advocating effectively at the international, national and local levels.

(b) Provide support to States with limited capacity to implement the Guiding Principles and effectively fulfil their State duty to protect human rights. Grants could be administered directly to relevant ministries, to a nationally-led multi-stakeholder project, or to national human rights institutions, as relevant. Support could be directed at government processes to develop national action plans on business and human rights.

(c) Provide support the activities of civil society, business networks, trade unions, think tanks, national human rights institutions and other organizations that conduct awareness-raising and training activities. This model would enable a wide range of relevant actors involved in capacity building to access the fund.

**2. Structure:** What is the most effective way to structure a new fund focused on capacity building to implement the UN Guiding Principles? The proposed fund administrative options summarized below have been widely used in other related issue areas. OHCHR would welcome views on which of the proposed options could most effectively advance implementation and capacity building needs concerning the Guiding Principles at all levels of governance and across all relevant stakeholder groups as recommended in the Secretary-General's feasibility study.

Fund models for consideration could include:

**(a) Voluntary Trust Fund with Board of Trustees:** A Board of Trustees composed of five experts (a Chair and four members from the other regional groups, nominated by Member States) determines priorities and adopts recommendations on grants to be awarded. Such a fund, similar to other voluntary trust funds on human rights issues, would be administered by the Secretary-General with OHCHR providing secretariat services, including pre-screening applications, monitoring and evaluation of the use of grants, and support to the Board of Trustees.

**(b) Multi-Party Trust Fund:** A policy body comprising regionally balanced national authorities, OHCHR and other relevant UN agencies, sets priorities and makes decisions on grants to be awarded. An Advisory Group made up of a number of eminent persons from diverse backgrounds with experience in the issue area is appointed by the Secretary-General to provide advice and oversight. The UN Multi Partner Trust Fund Office housed within UNDP could provide secretariat services under this model.

**(c) Public-private partnership:** A legally independent organization with international institution/ non-profit status is established or an existing organization is tasked with administering the fund. This organization would be accountable to the Secretary-General and would establish a multi-stakeholder board comprising representatives from donor and recipient countries, as well as the private sector and civil society. The Board would be responsible for setting priorities, awarding grants and oversight and monitoring of programme implementation. The Board would also be responsible for securing effective secretariat support responsible for project screening, funds disbursement, monitoring and evaluation, and legal and financial management. The Secretariat would be accountable to the Board of Directors.

It would be appreciated if any information could be sent to Ms. Lene Wendland, Office of the United Nations High Commissioner for Human Rights (e-mail: registry@ohchr.org, cc: lwendland@ohchr.org) by **Friday 27 March 2015**.

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