

ROLES OF STAKEHOLDERS IN NATIONAL ACTION PLAN ON BUSINESS AND HUMAN RIGHTS IMPLEMENTATION: GLOBAL LESSONS LEARNED



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Conference Brief Overview:

The Virtual Seminar on National Action Plans (NAP) on Business and Human Rights: was organized by the Nepal Development Initiative (NEDI) in collaboration with B+HR Network Nepal, Business and Human Rights Resource Center UK, Think Lobby Japan, and Catalyst2030 Nepal. The seminar aimed to provide valuable insights into the then-current state of NAP implementation, with a particular focus on experiences from Asia and Europe. It sought to shed light on the role that civil society played in NAP processes in these regions.

The seminar was significant as it addressed the fact that 42 business and human rights NAPs had been published or were in development worldwide over the past decade. Analyzing the involvement of stakeholders, including civil society organizations (CSOs), in the NAP-making processes led by governments to emphasize the importance of stakeholder engagement in the preparation, implementation, and monitoring of NAPs, and CSOs. The event aimed to highlight the importance of including stakeholders in NAP processes.

During the virtual seminar, key topics were covered, including an overview of NAPs on Business and Human Rights worldwide, experiences from Asia and Europe regarding successes, challenges, and lessons learned in NAP implementation, the significance of stakeholder engagement in NAP processes from the perspective of civil society organizations, updates on Nepal's NAP development, and recommendations for effective NAP implementation and stakeholder involvement. The seminar featured presentations, panel discussions, and interactive sessions with experts, practitioners, and representatives from CSOs. Participants had the opportunity to engage in discussions, pose questions, and share their insights on the topics discussed.

Objectives

The event aimed to achieve the following objectives:

1. Raise awareness about the importance of NAPs on Business and Human Rights.
2. Share experiences and lessons learned from Asia and Europe regarding NAP implementation.
3. Highlight the significance of stakeholder engagement, particularly CSOs, in NAP processes.
4. Foster collaboration among government officials, policymakers, researchers, civil society, and business leaders.

Participants

The participants of the event comprised a diverse range of individuals from various sectors and backgrounds. Civil society representatives, who play a crucial role in advocating for human rights and social justice, added their valuable insights and experiences to the dialogue. Business leaders, representing different industries and sectors, participated to gain a deeper understanding of the intersection between business and human rights and to explore ways to align their practices with the principles outlined in NAPs. Also, individuals with a general interest in the subject matter, such as students, academics, and activists, attended the event to broaden their knowledge and engage in meaningful discussions. The diversity of participants ensured a comprehensive and inclusive dialogue, fostering a multi-stakeholder approach to address the challenges and opportunities related to NAP implementation and stakeholder engagement.

Methodology

The event was conducted using a virtual platform, allowing participants from around the world to join remotely. The methodology of the event included presentations, panel discussions, and interactive sessions. Experts and practitioners delivered presentations to share their knowledge and experiences, while panel discussions facilitated in-depth conversations and diverse perspectives. Interactive sessions actively engaged participants through question-and-answer sessions and the sharing of insights. The program was moderated by Raju Sharma.

Highlights of sessions/ Activity Description:

Opening and introductory session

The inaugural speech of the seminar was delivered by Mr. Arjun Bhattarai, the founder and coordinator of the Nepal Development Initiative (NEDI) and Secretary General of the NGO Federation of Nepal. Mr. Bhattarai began his speech by extending a warm welcome to all participants and expressing his gratitude for their presence at the seminar.

Raju Sharma conducted a session on the NAPs development process, issues, and gaps in the implementation of National Action Plans (NAPs) on Business and Human Rights. Mr. Sharma emphasized that the involvement of stakeholders, including civil society organizations (CSOs), is crucial in ensuring the effective development, implementation, and monitoring of NAPs. Mr. Sharma also gave a presentation on the experience of Nepal in promoting Business and Human Rights.

In the session, Raju Sharma provided insights into Nepal's efforts in advocating for Business and Human Rights (BHR) and the development of their National Action Plan (NAP). Raju Sharma highlighted the back-and-forth learning process between diverse countries in their BHR

initiatives. He expressed appreciation for how the NAP in Nepal was introduced with significant involvement from BHR advocates, rather than solely being initiated by the government. He emphasized that the NAP in Nepal focuses on gender, labor, and rights, aiming to address and adopt measures in these areas.

The government of Nepal has shown commitment to the NAP, and various stakeholders, including the private sector and civil society organizations (CSOs), have actively contributed their best efforts in its development. This collaborative approach highlights the engagement and dedication of stakeholders in implementing the NAP in Nepal. The session provided valuable insights into the stakeholder engagement and roles in Nepal's NAP process. It also showcased the importance of multi-sectoral collaboration and the collective commitment of stakeholders, including the government, private sector, and CSOs, in advancing the agenda of Business and Human Rights in the country.

In conclusion, his presentation highlighted the positive engagement and commitment of stakeholders in Nepal's NAP development. The session emphasized the significance of stakeholder involvement in promoting responsible business practices and human rights in Nepal's context, demonstrating the country's efforts to align with international standards and implement effective measures for Business and Human Rights.

State of the Implementation of UNGPs on Business and Human Rights – Current Global Scenario by Raju Sharma

In another session titled "State of the Implementation of UNGPs on Business and Human Rights – Current Global Scenario," Raju Sharma presented key insights on the progress and challenges in implementing the United Nations Guiding Principles (UNGPs) on Business and Human Rights. He highlighted the significance of National Action Plans (NAPs) as a crucial process aiding states in the implementation of the UNGPs. National Action Plans are recommended by the UN Working Group as part of the states' responsibility to disseminate and implement the Guiding Principles on Business and Human Rights. He outlined the five-phase process recommended by the UN Working Group for developing NAPs. These phases include initiation, assessment and consultation, drafting of the initial NAP, implementation, and regular updates. Thailand is the first country in Asia to implement a NAP on Business and Human Rights and highlighted that as of February 2023, 31 states have published NAPs or included dedicated chapters on BHR in their NAPs on human rights. He emphasized the shift from voluntary National Action Plans to mandatory human rights due diligence (MHRDD). Human rights due diligence is a concept that ensures companies proactively assess and address the human rights impacts of their operations and supply chains. Furthermore, He discussed the existing Indian legal framework related to Business and Human Rights, pointing out its incompleteness, fragmentation, and reactivity.

Stakeholders Engagement, Roles, and Lessons Learned: NAP Asia:

➤ Experiences Japan: Hideki Wakabayashi- Think Lobby

During the session titled NAP Asia - Experiences from Japan, Hideki Wakabayashi from Think Lobby shared his insights into Japan's development and implementation of its National Action Plan (NAP) on Business and Human Rights (BHR). According to him, the journey towards Japan's NAP began in November 2016 when the government announced its commitment to creating a NAP at the UN Forum on Business and Human Rights. Hideki Wakabayashi stated that significant milestones were achieved, including baseline studies conducted by the Ministry of Foreign Affairs, the establishment of an Advisory Committee and working groups involving stakeholders, and the disclosure of the NAP draft for public comments. As per his presentation, the NAP was officially launched in July 2021, with active involvement from various stakeholders, including government bodies, civil society organizations, business federations, trade unions, and academic institutions.

In his remarks, Hideki Wakabayashi discussed the challenges faced during the implementation of BHR in Japan. He stated that these challenges encompassed promoting the human rights diligence process, conducting gap analyses to identify discrepancies between the human rights situation and existing policies/activities, establishing a National Human Rights Institution (NHRI), promoting human rights due diligence (HRDD) among small and medium enterprises (SMEs), introducing legislation to support HRDD, and enhancing the engagement of civil society organizations (CSOs) in BHR. Additionally, he highlighted that the UN Business and Human Rights Working Group visited Japan, conducting meetings with the government, stakeholders, and minority groups in July.

Based on his insights, the experiences and lessons learned from Japan's NAP journey offered valuable insights for other countries navigating their own NAP processes. Hideki Wakabayashi emphasized the critical role of stakeholder engagement and multi-sector collaboration in effectively advancing business and human rights agendas.

➤ Pakistan : Samad Aftab : UNDP Pakistan

In the session, Samad Aftab from UNDP Pakistan provided insights into the development and implementation of Pakistan's National Action Plan (NAP) on Business and Human Rights. Update on NAP approval by the Federal Cabinet in September 2021 to strengthen legislative, policy, and institutional human rights protections across business activities while outlining the government's expectations from businesses in fulfilling their human rights responsibilities. Samad Aftab highlighted the eight priority areas addressed by Pakistan's NAP, including financial transparency, corruption, human rights standards in public procurement contracts, anti-

discrimination, equal opportunity, and inclusion, human rights due diligence, labor standards, and the informal economy, child labor, forced or bonded labor, occupational health and safety, and access to remedy. He provided an overview of the development process of the NAP, which started in 2018 with initial discussions on Business and Human Rights (BHR) between the Ministry of Human Rights (MoHR) and UNDP. He also provided an update on the national baseline assessment which has been conducted from December 2018 to December 2019, followed by consultations with stakeholders at the federal and provincial levels from October 2019 to September 2020.

Samad Aftab shared that the draft NAP had been disseminated for feedback from March to July 2021 through online platforms and shared with federal and provincial government stakeholders. Based on the received comments, the NAP has been finalized which received cabinet approval on September 28, 2021, and was officially launched on December 16, 2021. An Inter-Ministerial and Interdepartmental Steering Committee, comprising 23 members, had been notified on December 30, 2021, to oversee the ongoing implementation of the NAP from 2022 onwards. He emphasized the importance of stakeholder engagement throughout the NAP development process in Pakistan. He highlighted the collaboration between the Ministry of Human Rights, UNDP, and various government and non-governmental stakeholders in conducting assessments, consultations, and feedback collection which has ensured the involvement of diverse perspectives and has contributed to the comprehensiveness of the NAP. He also touched upon the lessons learned from Pakistan's NAP development, emphasizing the significance of continuous monitoring, evaluation, and reporting mechanisms to track progress and address challenges effectively. He stressed the need for coordination and cooperation between different government agencies, civil society organizations, and the private sector to ensure the successful implementation of the NAP.

In conclusion, Samad Aftab's session provided valuable insights into the stakeholder engagement, roles, and lessons learned during the development and implementation of Pakistan's National Action Plan on Business and Human Rights. The session highlighted the collaborative efforts and inclusive approach taken, resulting in a comprehensive NAP that addressed key priority areas. The lessons learned would serve as valuable guidance for other countries in the region and beyond in their own NAP development processes.

Introduction of Catalyst 2030 by John Paul Uminga

During the session, John Paul Uminga provided an introduction to Catalyst 2030, a fast-growing global movement dedicated to achieving the United Nations Sustainable Development Goals (SDGs) by 2030. He highlighted that Catalyst 2030 brings together individuals and organizations from various sectors, including communities, governments, and businesses, to drive systems change through collective action and innovative strategies. He emphasized that Catalyst 2030

members are driven by a shared commitment to making a positive impact on the world and finding sustainable solutions to unresolved challenges. He highlighted their track record of implementing systems change approaches and their collaboration with governments to drive the passage of new policies.

John Paul Uminga outlined the mission of Catalyst 2030, which is to catalyze collaboration across sectors to unlock the collective potential for global systems change. He shared the vision of the organization, which envisions a world where the SDGs are achieved by 2030 through a mobilization of social entrepreneurs, partners, and resources on an unprecedented scale. The core values of Catalyst 2030 were also highlighted during the session. These include placing people and nature at the center of their work, adopting a co-creative mindset that encourages collaboration and the sharing of relevant data, prioritizing collaborative leadership that reflects shared ownership and collective impact, approaching audacious goals with humility, and embodying a spirit of generosity by freely sharing knowledge, time, and networks to achieve collective goals.

In conclusion, John Paul Uminga's session provided an insightful introduction to Catalyst 2030, highlighting its mission, vision, and core values. The session emphasized the importance of collaborative efforts and innovative approaches in driving global systems change and achieving the SDGs by 2030.

Martine Ozella: WTO

During the session, Martine shared the CS3D aims to foster sustainable and responsible corporate behavior while embedding human rights and environmental considerations in companies' operations and corporate governance. She highlighted that the directive seeks to ensure that businesses address the adverse impacts of their actions, both within and outside Europe. Martine explained that the text of the directive is currently under negotiations and is expected to be finalized by the end of 2023. She emphasized that once adopted, Member States will have two years to transpose the directive into national law, indicating that it is likely to come into effect around 2026. In terms of scope, Martine mentioned that the CS3D covers large EU companies with over 500 employees and a turnover of more than EUR 150 million worldwide. Additionally, mid-sized companies with over 250 employees and a turnover exceeding EUR 40 million worldwide in high-risk sectors are included. However, she clarified that micro, small, and medium-sized enterprises (MSMEs) are not directly affected by the proposed rules.

Martine highlighted the due diligence obligations imposed by the CS3D, stating that in-scope companies will be required to implement all six steps of the OECD due diligence process. This includes conducting due diligence for their operations as well as for their direct and indirect business relationships. She emphasized that the material scope of due diligence includes human

rights and environmental impacts as defined in international conventions. Large EU companies will also be expected to develop plans to align their business strategies with limiting global warming to 1.5 °C, in line with the Paris Agreement. Martine discussed the enforcement mechanisms of the directive, which involve administrative sanctions and civil liability. She noted that supervisory authorities in Member States will have the power to impose fines for non-compliance, and victims will have the right to seek legal action for damages that could have been prevented with proper due diligence measures. During her presentation, Martine highlighted Article 14 of the Corporate Sustainability Due Diligence Directive, which emphasizes the need for "accompanying measures" to support lead companies and their value chain partners in fulfilling their obligations. She explained that these measures will be a combination of mandatory and voluntary implementation actions, aiming to provide guidance and promote partnerships. Martine also mentioned the importance of complementary measures alongside legislation and due diligence. She stressed the need to go beyond voluntary efforts and highlighted the importance of giving agency and voice to producers, addressing the lack of knowledge on CS3D and due diligence, and providing impartial communication spaces for dialogue between producers, traders, and buyers in the value chain. Additionally, she discussed the emerging priorities for accompanying measures, which include awareness raising, national traceability systems, global policy dialogues on farmer poverty and purchasing practices, multi-stakeholder coordination platforms, capacity building for farmer groups, defining the cost of due diligence, reconciling due diligence with national laws and policies, and enhancing consumer awareness.

In conclusion, Martine's insights shed light on the stakeholders' engagement, roles, and lessons learned about the Corporate Sustainability Due Diligence Directive. She highlighted the significance of comprehensive measures to ensure sustainable and responsible corporate behavior while emphasizing the need for collaboration, dialogue, and tailored support for different stakeholders throughout the value chain.

EU Role to Promote B+HR Within the EU and Beyond by Dr Joelle Hivonnet

During the session, Dr. Joelle Hivonnet emphasized the importance of implementing Business and Human Rights (BHR) principles and legislation. She highlighted the need for medium and small enterprises to equally consider the legislation, as it is not only applicable to larger businesses. Dr. Joelle Hivonnet shed light on various issues, with a specific focus on the problem of forced labor. She discussed the significance of addressing this issue within the context of BHR and highlighted the role of stakeholders in combating forced labor practices.

She also stressed the need for stakeholder engagement in promoting BHR within the European Union (EU) and beyond. She underscored the responsibility of various actors, including governments, businesses, civil society organizations, and consumers, in advancing BHR

principles. Dr. Joelle Hivonnet highlighted the role of the EU in promoting BHR and emphasized the importance of collaborative efforts to address human rights abuses in business operations. Lessons learned from the session highlighted the need for comprehensive legislation and policies that cover businesses of all sizes, including medium and small enterprises. It was emphasized that effective stakeholder engagement is crucial in ensuring the implementation and enforcement of BHR standards. The session also underscored the importance of addressing specific challenges, such as forced labor, as part of the broader BHR agenda.

In conclusion, Dr. Joelle Hivonnet's presentation emphasized the role of the EU in promoting BHR within its jurisdiction and beyond. The session highlighted the need for inclusive legislation, stakeholder engagement, and concerted efforts to address human rights issues in business practices.

Question answer and Discussion round

The question and answer round of the session focused on several key areas of discussion related to National Action Plans (NAP) and Business and Human Rights (BHR). Participants engaged in dialogue regarding the existence of initiatives or networks specifically in Sri Lanka concerning NAP and BHR. The identification of stakeholders from the BHR sector during consultations was also a topic of interest. Additionally, the participants explored strategies for effectively engaging local communities in NAP processes and ensuring their meaningful participation. The conversation then shifted towards the significance of becoming part of the global movement for BHR and the various avenues through which individuals and organizations could contribute. Challenges faced in implementing NAPs, particularly for small industries, were raised, highlighting issues such as limited resources, capacity constraints, and lack of awareness. The implementation of Pakistan's NAP at the provincial level and the necessity for greater government coordination were discussed as well. Finally, the importance of inclusive representation, specifically for marginalized communities like Dalits in Nepal's private sector, was emphasized, and the potential role of BHR in promoting their inclusion was explored. These areas of discussion shed light on the complexities and opportunities involved in advancing BHR and implementing NAPs, underscoring the need for collaboration, tailored approaches, and comprehensive strategies.

The outcome of the Event

The Virtual Seminar on National Action Plans (NAP) on Business and Human Rights organized by the Nepal Development Initiative (NEDI) in collaboration with various organizations, including the Business and Human Rights Resource Center, Think Lobby, and Catalyst 2030, was successful in achieving its objectives and generating valuable outcomes. The event facilitated meaningful discussions, sharing of experiences, and lessons learned from different

countries, promoting a comprehensive understanding of NAP implementation and stakeholder engagement. The following outcomes were observed:

1. **Increased Awareness:** The seminar successfully raised awareness about the importance of NAPs on Business and Human Rights. Participants gained insights into the global scenario of NAP implementation and the significance of stakeholder engagement in the preparation, implementation, and monitoring of NAPs.
2. **Knowledge Sharing:** Experiences and lessons learned from various countries, including Japan, Pakistan, and Nepal, were shared during the event. Participants gained valuable insights into the challenges and best practices related to NAP implementation, stakeholder engagement, and the role of different actors in promoting responsible business practices and human rights.
3. **Stakeholder Collaboration:** The seminar fostered collaboration among government officials, policymakers, researchers, civil society organizations, and business leaders. Participants from diverse sectors and backgrounds had the opportunity to engage in discussions, pose questions, and share their insights, promoting a multi-stakeholder approach in addressing the challenges and opportunities of NAP implementation.
4. **Recommendations and Guidance:** Throughout the sessions, experts and practitioners provided recommendations for effective NAP implementation and stakeholder involvement. These recommendations included the need for stronger regulation and legal avenues for accountability, promoting human rights due diligence, enhancing coordination and cooperation between government agencies and stakeholders, and ensuring inclusive representation and participation of marginalized communities.
5. **Networking and Partnerships:** The event provided a platform for networking and establishing partnerships among participants from different sectors and regions. Participants had the opportunity to connect with like-minded individuals and organizations, fostering collaboration and potential future collaborations in advancing Business and Human Rights agendas.
6. **Strengthened Commitment:** The seminar reinforced the commitment of participants towards promoting responsible business practices and human rights. The discussions and shared experiences highlighted the importance of collective efforts and a multi-stakeholder approach in achieving the Sustainable Development Goals (SDGs) by 2030.

In conclusion, the Virtual Seminar on NAPs on Business and Human Rights facilitated fruitful discussions, knowledge sharing, and collaboration among stakeholders. The event contributed to building a stronger foundation for effective NAP implementation, stakeholder engagement, and the promotion of responsible business practices that respect human rights.

Conclusion

In conclusion, the Virtual Seminar on National Action Plans (NAP) on Business and Human Rights, organized by the Nepal Development Initiative (NEDI) in collaboration with various organizations, successfully achieved its objectives of raising awareness, sharing experiences, and fostering collaboration among stakeholders. The seminar focused on the importance of NAPs in promoting responsible business practices and human rights, emphasizing the crucial role of stakeholder engagement in the preparation, implementation, and monitoring of NAPs. Throughout the event, participants gained valuable insights from experiences and lessons learned in NAP implementation from countries such as Japan, Pakistan, and Nepal. The presentations and discussions highlighted the challenges and best practices related to NAP implementation, stakeholder involvement, and the role of different actors in advancing business and human rights agendas. The seminar provided recommendations and guidance for effective NAP implementation and stakeholder engagement. These recommendations included the need for stronger regulation and legal avenues for accountability, promoting human rights due diligence, enhancing coordination and cooperation between government agencies and stakeholders, and ensuring inclusive representation and participation of marginalized communities. The event facilitated networking and partnership opportunities among participants from various sectors and backgrounds. This collaboration has the potential to foster future collaborations and collective efforts in advancing business and human rights agendas.

Overall, the seminar strengthened the commitment of participants towards promoting responsible business practices and human rights. The discussions and shared experiences emphasized the importance of a multi-stakeholder approach and collective action in achieving the Sustainable Development Goals (SDGs) by 2030. The Virtual Seminar on NAPs on Business and Human Rights served as a platform for meaningful dialogue, knowledge sharing, and collaboration, contributing to building a stronger foundation for effective NAP implementation and stakeholder engagement in promoting responsible business practices and respecting human rights.