

Nepali stakeholders Position on National Action Plan (NAP) on Business and Human Rights

Diverse stakeholders in Nepal demand for a participatory, transparent and accountable process of the National Action Plan (NAP) on Business and Human Rights (B+HR) to ensure its alignment with international standards and effective implementation.

In June 2011, The United Nations Human Rights Council endorsed the United Nations Guiding Principles on Business and Human Rights (UNGPs), which provide the framework for duties and responsibilities of governments and business to prevent and address business-related human rights abuses and to ensure businesses respect human rights.

In this context, multi-stakeholders of Nepal, including Civil Society Organizations (CSOs), business communities, academics and media are continuously engaging and organizing consultations for proper implementation of the UNGPs to encourage development of a National Action Plans (NAP) on Business and Human Rights (B+HR). National Action Plan (hereinafter NAP) are State's policy documents enunciating actions, priorities and strategies that will be adopted to support the implementation of obligations or commitments with regard to a specific issue.

The government of Nepal began a process to develop a NAP on BHR) in September 2020. The Ministry of Labour, Employment and Social Security (MoLESS) is leading the process. The Government has declared that it will be adopted by the end of 2022,

So far, the first two days of consultation on a concept note on the NAP was shared with stakeholders on August 6th-7th, 2022 in Kathmandu. We also formed a CSOs Working Group called Business and Human Rights Network to engage on the NAP process and encourage proper implementation.

B+HR National Network subsequently organized couple of national and sub-national dialogue on NAP on demanded for participatory, transparent, accountable process of the NAP on BHR to ensure its alignment with international standards and effective implementation, and further, to call on the Government of Nepal and all concerned stakeholders, to fulfill the following specific concerns:

1. The B+HR National Network urges proper implementation of the 15-steps model prepared by UN Working Group for a process of NAP development, implementation and to regularly update interested stakeholders
2. Stakeholders' input should be systematically collected, analyzed, and published by the Government in the process of identifying priorities for the NAPs.
3. Involve diverse organizations and experts with relevant expertise during developing NAPs.
4. Ensure, through a well-equipped and neutral organisation, a baseline assessment of legislative and regulatory framework of as it relates to business conduct in Nepal.

5. Engage stakeholders from the state, businesses, civil society, migrant workers, and affected communities
6. Share and publish the NAP draft, for review and feedback by all stakeholders.
7. Nepal' s NAP should emphasize the duties of State agencies to review and amend certain laws, regulations and orders that are not in compliance with international human rights laws and standards.
8. Ensure accessibility of mechanisms for redress, remedy and accountability for harms done to affected communities and individuals.
9. Act to overcome the barriers to meaningful participation of communities and key affected populations by bringing groups together regularly to discuss urgent issues
10. Establish clearly what businesses must do to fulfill their responsibilities under the UNGPs in order to “respect” human rights on a variety of key priority issues.
11. The NAP process should ensure the effective participation and respect of Indigenous Peoples and their specific rights, in accordance with ILO Convention No.169 on the rights of indigenous peoples, the UN Declaration of the Rights of Indigenous Peoples (UNDRIP), and region-specific standards and jurisprudence.
12. The NAP should focus on relevant thematic or sector-specific human rights issues. Such issues might include, women’s rights, children’s rights, disabled rights, indigenous and minorities’ rights, labour rights, anti-trafficking and anti-slavery, and security and conflict.
13. The methodology for evaluating stakeholder inputs in the process of designing NAP actions should also be transparent.
14. The NAP should clearly identify such individuals and communities as rights-holders, and identify measures to be taken by the State to enable these individuals and communities to claim their human rights.
15. NAP actions should therefore seek to adopt or improve the implementation of other relevant frameworks and initiatives i.e., 2030 Sustainable Development Agenda and Sustainable Development Goals • Extractive Industries Transparency Initiative • Kimberley Process • Open Government Partnership • OECD Guidelines for Multinational Enterprises • Paris Agreement on Climate Change • Voluntary Principles on Security and Human Rights etc.
16. Likewise, state institutions responsible for other frameworks and initiatives should actively engage in developing the NAP on business and human rights, and commit to incorporating the human rights and business framework in their work. This not only contributes to strengthening

the state's overall efforts at promoting human rights, but it also increases policy coherence, and reduces duplication of efforts and incipient use of state funds.

17. NAP should incorporate an implementation plan, monitoring and review mechanisms, and reporting mechanisms. This will increase the likelihood that the commitments made in the NAP will be implemented in practice. At the same time, monitoring, reviewing, and reporting on successes and failures can help foster an exchange of information and the sharing of best practices within and among states, as well as with wider society.
18. Establish Regular Progress Review led by the Government. The Government or government body may itself lead a periodic review of progress in fulfilling the commitments made in a NAP. Typically, the body that coordinated the development of the NAP would undertake a progress review in conjunction with an inter-governmental working group and/or a multi-stakeholder steering Committee, in this case MoLESS
19. Stakeholders should also be given a role, jointly or independently, for monitoring and reviewing the implementation of the NAP process, from drafting, to implementation, review, and the development of an updated NAP.



Further Communication

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