

RAID
Rights & Accountability in Development

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VIA FACSIMILE and EMAIL: (212) 575-0327 and probinson@uscib.org

Mr. Peter Robinson
President and Chief Executive
United States Council for International Business
1212 Avenue of the Americas
New York, NY 10036

Dear Mr. Robinson:

Thank you for your reply to our letter of 21 July regarding the Kilwa incident and the Investment Committee's work on weak governance zones.

Regarding your observations on the status of the *Norms on the Responsibilities of Transnational Corporations and Other Business Enterprises with Regard to Human Rights* (Norms), they have not been rejected by the UN Commission on Human Rights. In a 2004 resolution, the Commission actually expressed appreciation for the work of the Sub-commission and noted that the Norms contained useful elements for consideration. Furthermore, in a 2005 resolution, the Commission requested that the Secretary-General appoint a special representative on business and human rights to examine these issues further. As you know, Secretary-General Kofi Annan has now appointed Professor John Ruggie to identify and clarify standards of corporate responsibility and accountability with regard to human rights.

In addition, in the February 2005 report by Louise Arbour, the High Commissioner for Human Rights, the Norms were given the same prominence as the *OECD Guidelines for Multinational Enterprises*, International Labour Organisation's instruments and the Global Compact. The High Commissioner's report concluded that the Norms are an attempt to fill the gap in understanding the human rights responsibilities of companies and should be maintained on the agenda of the Commission.

With respect to the *Voluntary Principles on Security and Human Rights*, we believe the Principles' multi-stakeholder origins makes them a credible reference on current best practice on managing security forces in ways that also promote and protect human rights. Furthermore, we are sure that the U.S. Government and the leading oil and mining companies that have endorsed the Voluntary Principles would welcome their adoption by

other OECD countries. Incorporating an explicit reference to the Voluntary Principles into the Guidelines would be an important step in helping to disseminate best practice more widely with the ultimate goal – which we are sure the United States Council for International Business would share – of reducing security-related human rights abuses.

Generally, given the lessons from the Democratic Republic of Congo, it is reasonable to expect the OECD guidance on weak governance zones to refer companies to existing and emerging non-OECD instruments concerning human rights and security issues, particularly if the OECD is not presently in a position to take steps to develop guidance in these areas.

Yours sincerely,

A handwritten signature in black ink that reads "Patricia Feeney". The signature is written in a cursive, flowing style.

Patricia Feeney
Executive Director
Rights & Accountability in Development
tricia.feeney@raid-uk.org
(+44) 1865 515556