



United States Council for International Business

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International Chamber of Commerce (ICC)
International Organisation of Employers (IOE)
Business and Industry Advisory Committee (BIAC) to the OECD
ATA Carnet System

August 18, 2005

Ms. Patricia Feeney
Rights & Accountability in Development
United Kingdom

Ms. Colleen Freeman
Rights & Accountability in Development
USA

Dear Ms. Feeney and Ms. Freeman:

Thank you for your letter of August 3 regarding the OECD Guidelines for Multinational Enterprises and your previous communication to the Business and Industry Advisory Committee to the OECD (BIAC).

Regarding the issues you raised in your letter, we understand that BIAC is aware of the situation in the Democratic Republic of the Congo and the allegations related to Anvil Mining. We further understand that both the Australian Chamber of Commerce and Industry and the Canadian Chamber of Commerce are aware of the situation and that the National Contact Point in Canada has initiated a process to review the implementation of the Guidelines in this specific instance. We believe that this process should be allowed to run its course.

On your suggestion that the OECD develop new guidance on how companies work with security forces, our view is that doing so would needlessly duplicate the good work that is being done under the Voluntary Principles for Security and Human Rights, which you mention in your letter. The Voluntary Principles are a multi-stakeholder effort involving four OECD member governments and has been established to address the specific challenge your letter identifies. It would be more effective and efficient to direct additional resources to that effort than for the OECD to launch its own program in this area. In this regard, you may want to engage the governments of Canada and Australia with the suggestion that they join the Principles.

And finally, it should be noted that your July 15 letter to Bill Turner of Anvil Mining misstates the status of the "norms" on business and human rights. That document was explicitly rejected by the UN Commission on Human Rights, which stated that the draft "has not been requested by the Commission and, as a draft proposal, has no legal standing, and that the Sub-Commission should not perform any monitoring function in this regard."

Thank you again for your letter and for your interest in USCIB and BIAC.

Sincerely,

Peter M. Robinson

cc: T. Vant, BIAC