



July 24, 2013

President Barack Obama
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President,

The International Corporate Accountability Roundtable (ICAR) is a coalition of human rights, environmental, labor, and development organizations that creates, promotes and defends legal frameworks to ensure corporations respect human rights in their global operations. Our Steering Committee is composed of Amnesty International, EarthRights International, Global Witness, Human Rights First, and Human Rights Watch.

We, with the organizations indicated above, write to call upon your office to make effective government-wide implementation of the United Nations Guiding Principles for Business and Human Rights (“Guiding Principles”)¹ a clear priority. As your office considers candidates for critical leadership roles in U.S. Government departments and agencies, we specifically urge you to give priority to candidates with a demonstrated commitment to advancing and implementing protection of human rights in business operations, as reflected in the Guiding Principles. We would welcome the opportunity to meet with your office to discuss these issues.

Beginning in July 2012, and most recently in an April 2013 letter to the Department of State, we called on the U.S. government to more fully protect human rights in relation to business by:

¹ See United Nations Guiding Principles on Business and Human Rights, U.N. Human Rights Council, 17th Sess., U.N. Doc. A/HRC/17/31 (Mar. 21, 2011), available at http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

1. Developing a national implementation plan for the Guiding Principles,²
2. Using its regulatory authority to mandate human rights due diligence, including by exploring how procurement laws could be structured to require human rights due diligence,
3. Strengthening available remedies for human rights abuses involving business, and
4. Ensuring that U.S. government institutions themselves act in accordance with human rights norms, including with regard to official complaints mechanisms.³

We reiterate that call here, and emphasize that a necessary component of effective implementation of the Guiding Principles is ensuring policy coherence across departments and agencies. To foster coherence, leaders across departments and agencies must be both committed to advancing the Guiding Principles and equipped to do so. You can advance this goal immediately as you fill executive branch vacancies. An understanding of the government's obligations in the business and human rights context and a demonstrated commitment to carrying out these obligations should carry special weight in the nomination calculus. This is particularly true for candidates to fill vacancies in agencies and departments that shape business practices, such as those responsible for corporate law, securities regulation, investment, export credit, insurance, trade, labor, and consumer protection.⁴

In May of this year, the United Nations Working Group on Business and Human Rights (the "Working Group"), which is tasked with promoting "the effective and comprehensive dissemination and implementation of the Guiding Principles,"⁵ visited the United States to gather information on "current

² The Guiding Principles have been unanimously endorsed by the United Nations Human Rights Council and a number of governments are currently in the process of developing their national plans to implement the Guiding Principles. See e.g., European Commission, *A renewed EU strategy 2011-2014 for Corporate Social Responsibility* (Oct. 25, 2011), available at http://ec.europa.eu/enterprise/policies/sustainable-business/files/csr/new-csr/act_en.pdf; United Kingdom Foreign & Commonwealth Office, *Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report*, p. 111-112 (Apr. 2012), available at <http://fcohrdreport.readandcomment.com/wp-content/uploads/2011/02/Cm-8339.pdf>; Dutch Parliament Orders Plan for UN Principles on Business and Human Rights, GlobalGovernanceWatch.org, http://www.globalgovernancewatch.org/spotlight_on_sovereignty/dutch-parliament-orders-plan-for-un-principles-on-business-and-human-rights (last visited July 11, 2012); *Presidency Conference on Business and Human Rights*, Danish Business Authority, <http://www.csrgov.dk/sw81075.asp> (last visited July 18, 2012) (conference hosted by the Ministry of Foreign Affairs and the Ministry of Business and Growth as part of Danish Presidency of the Council of the European Union). Although the United States endorsed the Guiding Principles in June 2011, it has yet to articulate a national implementation plan.

³ See April 23, 2013 letter from the International Corporate Accountability Roundtable to the Honorable John Kerry, available at <http://accountabilityroundtable.org/analysis/civil-society-consultation-for-us-country-visit-of-un-working-group-on-business-and-human-rights-2/>. ICAR made a similar statement in July 2012. See, July 31, 2012 ICAR Statement to U.S. State Department on United Nations Framework and Guiding Principles Implementation, available at <http://accountabilityroundtable.org/analysis/icar-statement-to-us-state-department-on-un-framework-and-guiding-principles-implementation/>.

⁴ The Commentary to Guiding Principle 8 highlights particular departments and agencies that shape business practices as key to ensuring horizontal policy coherence across the national government. See United Nations Guiding Principles on Business and Human Rights, *supra* note 1, Commentary to Guiding Principle 8.

⁵ United Nations Office of the High Commissioner on Human Rights, Working Group on the issue of human rights and transnational corporations and other business enterprises <http://www.ohchr.org/EN/Issues/Business/Pages/WGHRandtransnationalcorporationsandotherbusiness.aspx>.

initiatives, opportunities and challenges” in implementation.⁶ The Working Group noted the release of the “U.S. Government Approach on Business and Human Rights”⁷ by the State Department’s Bureau of Democracy, Human Rights, & Labor, but found there were “significant gaps” in the U.S. efforts to implement the Guiding Principles.⁸ The Working Group ultimately concluded that there is “negligible awareness of the [Guiding Principles] generally among U.S. stakeholders and, it seems, little appreciation of human rights being material to the conduct of business in the [United States].”⁹

We join the Working Group in welcoming the release of the “U.S. Government Approach on Business and Human Rights” as a starting point in a government-wide dialogue on this issue, but remain concerned that without a clear, publicly-articulated vision and strategy for complying with its duty to protect human rights across all relevant government agencies and departments going forward, the “negligible awareness” of the of the Guiding Principles will persist.

It is critical that the President not only articulate his expectation that implementation of the Guiding Principles be government-wide, but also select individuals to lead governmental agencies and departments that have the requisite qualifications to carry out effective implementation and advance respect for human rights.

We would welcome an opportunity to discuss these issues with your staff in greater detail.

Sincerely,



Amol Mehra, Esq.
Director
International Corporate Accountability Roundtable
email: amol@accountabilityroundtable.org
phone: (202) 296-0146

Cc: Director of Presidential Personnel, Nancy D. Hogan
Cc: Director of White House Personnel, Jennifer M. “Jennie” Fay
Cc: Office of the White House Counsel, White House Counsel, Kathryn H. “Kathy” Ruemmler
Cc: Secretary of State John Kerry

⁶ United Nations Office of the High Commissioner on Human Rights, UN expert group on business and human rights to visit USA, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13244&LangID=E>.

⁷ Bureau of Democracy Human Rights and Labor, Department of State, U.S. Government Approach on Business and Human Rights (May 1, 2013), available at <http://www.humanrights.gov/2013/05/01/u-s-government-approach-on-business-and-human-rights/>.

⁸ United Nations Office of the High Commissioner on Human Rights, Statement at the end of visit to the United States UN Working Group on Business and Human Rights, Washington D.C. (May 1, 2013), available at <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=13284&LangID=E>.

⁹ *Id.*

Cc: Acting Secretary of Labor Seth Harris
Cc: Acting Secretary of Commerce Cameron Kerry
Cc: Secretary of the Treasury Jacob J. "Jack" Lew
Cc: U.S. Trade Representative Michael B. "Mike" Froman
Cc: National Security Advisor Susan Rice
Cc: NSS Senior Director for Multilateral Affairs and Human Rights Stephen Pomper
Cc: Under Secretary of Economic Growth, Energy, and the Environment; Robert Hormats
Cc: Acting Assistant Secretary of Bureau of Democracy, Human Rights, and Labor; Department of State;
Uzra Zeya
Cc: Assistant Secretary of Economic and Business Affairs, Department of State, Jose Fernandez
Cc: Acting Deputy Undersecretary of the Bureau of International Labor Affairs, Department of Labor,
Carol Pier