

November 5, 2010

Via Electronic Mail

U.S. OECD National Contact Point Review
U.S. Department of State
Email: input@state.gov

Re: Civil Society Joint Comments on the Review of the U.S. National Contact Point

Dear U.S. National Contact Point Review Staff:

The undersigned, as a coalition of organizations across sectors, are writing to propose reforms to the U.S. National Contact Point (“NCP”) for the OECD Guidelines for Multinational Enterprises (“Guidelines”). We are concerned that the U.S. NCP has not been an effective dispute resolution mechanism to date. The U.S. NCP can and should be a leading model for resolution of disputes between communities around the world and US-based corporations.

We endorse the specific recommendations contained in Accountability Counsel’s “Comments on the U.S. OECD National Contact Point.” Our recommendations urge the U.S. NCP to operate in accordance with the “core criteria of visibility, accessibility, transparency and accountability,” which the OECD Guidelines require of all NCPs.

- **Visibility, Accessibility and Transparency:** the U.S. NCP should make itself known around the world and easily accessible. Key documents and all major steps in the U.S. NCP process should be published on a public U.S. NCP website.
- **Independence:** accountability requires that the U.S. NCP act independently. The NCP should be moved to an independent office with dedicated staff.
- **Fairness:** the U.S. NCP should follow: (1) detailed rules of procedure each time it receives a complaint; (2) a timeline so that its process is predictable; and (3) should issue a Final Statement in each case. The NCP should create an independent Review Board to oversee the NCP, and the opportunity for parties to request Review if the rules of procedures are not followed.
- **Effectiveness:** the U.S. NCP should issue Monitoring Reports regarding findings of non-compliance with the OECD Guidelines. Findings of non-compliance should be sent to relevant U.S. agencies with enforcement recommendations. For the U.S. NCP to be effective, it must be given sufficient budgetary resources to carry out its mission. Furthermore, the staff of the U.S. NCP should be selected based on their experience with dispute resolution, fact-finding or other relevant fields, as well as their exposure to concerns of developing country communities. This qualification is consistent with the

qualifications required of staff at other similar accountability mechanisms.

We encourage the State Department to use this opportunity to transform the U.S. NCP into an effective mechanism for resolving disputes that arise under the OECD Guidelines. We appreciate the opportunity to comment on the review of the U.S. National Contact Point and we look forward continuing engagement with the State Department on this important endeavor.

Sincerely,

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