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Mr Dzidek Kedzia
Chief, Research and Right to Development Branch
Office of the Commissioner for Human Rights
United Nations Office at Geneva
CH 1211 Geneva 10
Switzerland

30 September 2004

Request from the Office of the HCHR for comments on the responsibilities of transnational corporations

Dear Mr Kedzia,

The Federation of German Industry (BDI) and the Confederation of German Employers' Associations (BDA) are the two top level umbrella organizations of German Business. BDI and BDA are members of the Business and Industry Advisory Committee to the OECD and of UNICE, as well as being a member of the International Chamber of Commerce and the International Organisation of Employers.

BDI and BDA welcome the opportunity to submit comments regarding the report of the High Commissioner for Human Rights concerning the „responsibilities of transnational corporations and related business enterprises with regard to human rights“. BDI and BDA believe that the High Commissioner's report can provide an objective and factual assessment of the business role in the universal goal to protect human rights.

We strongly support the Commission's explicit statement in Decision 2004/116 of 20 April 2004 that the Sub-Commission's draft norms have no legal standing and that no monitoring of them should be performed. It is right that they should not constitute the starting point for the High Commissioner's work.

German business is committed to operating in a responsible manner. This involves, among many other elements, the respect of and for human rights. Much is already being done by business. It is important for governments to acknowledge this and for the High Commissioner to recognise it in her forthcoming report.

Bundesverband der
Deutschen Industrie

Bundesvereinigung der
Deutschen Arbeitgeber-
verbände

im Haus der
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Breite Straße 29
10178 Berlin

We believe that the report will need to be very clear about some fundamental questions, as well as the realities of human rights protection and promotion. To assist that goal, we attach a paper that expresses the position of German Business.

We strongly hope that one of the outcomes of the High Commissioner's study will be a more effective enforcement by national governments of existing international human rights obligations through domestic legislation. We would also hope that the wide range of instruments, codes and guidelines that are used by business which include, but are not limited to, the Universal Declaration on Human Rights, the OECD Guidelines, the Global Compact, and the ILO Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, will receive due acknowledgment in the final report.

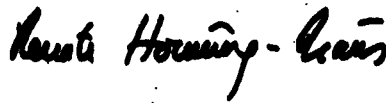
BDI and BDA stand ready to participate in any dialogue that might be arranged as part of the process of compiling the report. Indeed, we believe it is vital for an effective consultation to establish such a dialogue, which would enable all stakeholders to discuss an extremely complex set of issues more effectively.

We hope this letter and annex will be useful for your work. Please do not hesitate to contact us if you need any further information.

Yours sincerely



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Director
International Affairs /
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BDI



Renate Hornung-Draus
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Annex