

4 August, 2004

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

Dear Mr Kedzia,

Request from the Office of the UN High Commissioner for Human Rights

The Confederation of British Industry (CBI) is Britain's largest national business organisation representing over 250,000 companies, & it is also the UK member of the International Organisation of Employers, the Business and Industry Advisory Committee to the OECD & UNICE, as well as being a member of the International Chamber of Commerce.

We welcome Decision 2004/116 of 20 April 2004, "Responsibilities of transnational corporations & related business enterprises with regard to human rights". In particular, we are pleased that the Commission has asked the Office of the UN High Commissioner for Human Rights to compile a report on the scope & legal status of existing initiatives & standards through a consultation process with all stakeholders. We also strongly support the Commission's explicit statement in Decision 2004/116 (c) that the Sub-Commission's draft norms have no legal standing & 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. For your information, I attach a memorandum that was prepared in advance of the Commission's 60th session. This explained our fundamental concerns with the draft norms &, as I understand the document had a broad circulation amongst Commission members, I thought you should receive a formal copy as well. This is attached at Annex A.

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

We believe that the report will need to be very clear about some fundamental questions, as well as the realities of human rights protection & promotion. To assist that goal, we attach at Annex B a paper that explores four inter-related questions. Within each question, we have identified the defining dynamics which we hope will be helpful in your work.



It is our strong contention that one of the outcomes of the High Commissioner's study will be based around 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 & guidelines that are used by business including but not limited to the Universal Declaration on Human Rights, the OECD Guidelines, the Global Compact, & the ILO Declaration on Fundamental Principles & Rights at Work, will get due acknowledgement in the final report.

The CBI stands 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 include such a dialogue, which should enable all stakeholders to discuss an extremely complex set of issues effectively. We would also hope to provide you with further information in due course.

I hope this letter & annexes will act as a resource for your work. Please do not hesitate to contact us if you need anything more. The relevant CBI staff member is Gary Campkin, Head of my International Group. His details are: gary.campkin@cbi.org.uk or tel: +44 (0) 207 3958168.

Yours sincerely

John Cridland

John Cridland
Deputy Director General