

29 April 2024

Dear OECD Secretary-General Cormann; honourable OECD ambassadors:

On 8 June 2023, the OECD Council unanimously endorsed an update of the [OECD Guidelines for Multinational Enterprises on Responsible Business Conduct](#) (Guidelines). With the update, the OECD ensured the ongoing relevance of these standards for advancing sustainable and inclusive development and cemented the OECD's global leadership as the standard-setter on responsible business conduct (RBC).

As we approach the first anniversary of the updated Guidelines, civil society urges you to support meaningful business uptake of the standards through ensuring effective promotion by the OECD and implementation by governments. We write respectfully to urge your commitment to three key actions to ensure the OECD's and the Guidelines' important role in achieving sustainable development:

1. Support effective implementation by National Contact Points.
2. Pursue coherence between the Guidelines and OECD and national policy and law on RBC.
3. Ensure the experience and expertise of civil society help guide the OECD's policymaking.

**1. Support effective implementation by National Contact Points.** Adherent governments' first line of implementation of the Guidelines is through their National Contact Points (NCPs), government-backed bodies mandated to promote the Guidelines to all stakeholder groups and handle claims against companies alleged not to meet the Guidelines' standards. At present, NCPs operate at very different levels of effectiveness, some enjoying wide recognition and respect among governmental colleagues, businesses, and civil society in their countries, others lacking adequate budget, full-time staff, or even a website. Non-performing and under-performing NCPs undermine stakeholders' trust and jeopardise the credibility and legitimacy of the whole system, and OECD. For this reason, the update of the Guidelines raised expectations for government implementation, calling on governments to ensure their NCPs have the resources, senior leadership, and expertise necessary to raise stakeholders' awareness of the Guidelines and ensure the accountability of the complaint process.

Asks of the Secretary-General:

- Encourage government action to strengthen NCPs, including by dedicating an annual ambassador-level meeting to review each government's efforts to strengthen its NCP's performance.
- Ensure more sustainable (Part I) funding for the mandatory NCP peer review system approved during the Guidelines' update.

Asks of adherent governments:

- Ensure your NCP has the human and financial resources, senior leadership, and access to expertise necessary to fulfill its mandate in a transparent way that fully meets the Guidelines' effectiveness criteria.
- Ensure your NCP engages in peer reviews and peer learning with a view to improving its fulfilment of the effectiveness criteria.
- Ensure your NCP develops and maintains meaningful relations with representatives of relevant government agencies/ministries and civil society, among other stakeholders.

OECD Watch, Business at OECD (BIAC), and the Trade Union Advisory Committee have issued a [joint statement](#) on improving NCPs, demonstrating the issue's importance to diverse stakeholders.

**2. Pursue coherence between the Guidelines and OECD and national policy and law on RBC.** The 51 governments that adhere to the Guidelines have strongly endorsed policy coherence between the Guidelines and national and regional laws. The [OECD Recommendation on the Role of Government in](#)

[Promoting Responsible Business Conduct](#) (Dec. 2022) and the [OECD Declaration on Promoting and Enabling Responsible Business Conduct in the Global Economy](#) (Feb. 2023) both explicitly recommend that governments develop legal frameworks for RBC that align with the Guidelines. Only when all policy and law on RBC is coherent with the standards in the Guidelines as a baseline will we see impact on the ground. Yet in a dynamic environment with the European Union (EU) Corporate Sustainability Due Diligence Directive and other national due diligence or corporate accountability legislation on the horizon, coherence must not be taken for granted.

Asks of the Secretary-General:

- Promote to global governments the Guidelines and associated canon of due diligence guidance developed by the OECD Investment Committee and its Working Party on Responsible Business Conduct. Prior to the update of the Guidelines, governments already relied on the OECD's standards on RBC to shape their own domestic laws and policies. With the update, the value of the Guidelines has only increased. We urge you to take an active role in supporting and guiding governments' steps towards mandatory initiatives on RBC that align with the Guidelines.
- Ensure RBC and due diligence principles are reflected and implemented coherently across all of the OECD's policymaking relevant to business conduct.

Asks of adherent governments:

- Accelerate a whole-of-government approach to ensuring that all policy impacting business conduct is aligned with the OECD Guidelines as a baseline. As the Council Decision acknowledges, NCPs can play an important role in "provid[ing] support to efforts by their government to develop, implement, and foster coherence of policies to promote responsible business conduct" (Council Decision, I.1). But critically, other policymakers – administrators, regulators, and legislators – also have key roles to play in ensuring that existing and future laws and policies on RBC reflect the Guidelines' standards.
- Promote coherence not only through *new* laws – such as mandatory due diligence laws – but also through *existing* laws and policies governing business conduct. We welcome and have worked to support development of regional and national due diligence legislation at the EU level and in several individual countries. But we also emphasise that in many adherent countries (EU states and others), using the Guidelines as a standard to strengthen *existing* laws and policies may be most timely and effective. Take the issues of climate change and just transition as an example: the updated Guidelines are the first international instrument – putting the OECD in the lead – to guide business in clearly setting out how it can contribute to a just transition and a climate neutral global economy. In order to enhance the OECD's visibility as a driving force at the global stage on these issues, we ask that you encourage all government ministries that shape policy relevant to the climate challenge – from agriculture policy to energy policy to investment treaty policy – to do so in a manner that guides businesses towards observance of the Guidelines' updated Environment, Human Rights, and other chapters. The same goes for all ministries working with business on other matters relevant to RBC.
- Ensure that legal frameworks meet *or exceed* the standards in the Guidelines. While on many issues and for many countries the Guidelines set ambitious standards, on some topics, national or regional RBC expectations may be higher. The Guidelines' standards should be viewed as the baseline, not ceiling, for policymaking on RBC.

### **3. Ensure the experience and expertise of civil society help guide the OECD's policymaking.**

Hundreds of civil society, grassroots, and Indigenous Peoples organisations shared their expertise to support the Investment Committee's inclusive, multistakeholder, and multi-year process to update the Guidelines. Their focus on human rights and inclusion echoed the OECD's own shared values of democracy, human rights, and rule of law, which the Guidelines have helped advance globally. That human rights-based approach is relevant across all OECD bodies, yet we find that the work of many

OECD entities, and the current institutional set-up of the OECD, does not fully reflect these shared values or ensure consistent representation of civil society among the OECD's institutional stakeholders. We believe that better and consistent representation of civil society particularly from the Global South would further enhance the effectiveness and legitimacy of the OECD's policymaking on all issues which it addresses.

Ask of the Secretary-General and adherent governments:

- Work with civil society to ensure a more structured and consistent approach to involving civil society, particularly from the Global South, in advising committee policymaking, not least where RBC discussions are taking place.

If properly implemented, the OECD Guidelines have the potential to play an important role in advancing the OECD's five strategic priorities established under the 'Better Policies for Better Lives' framework. They contribute to ensuring:

- **Inclusive, sustainable economic development** by ensuring development reflects the voice, needs, and rights of impacted workers and communities and by making global supply chains more accountable and resilient to shocks and crises;
- **A just transition and a climate neutral global economy** by ensuring companies include climate change mitigation and adaptation in their business risk management strategies;
- **A sustainable digital transformation** by supporting the potential for innovation while addressing risks to and impacts on the rights of workers, communities, consumers, and the environment;
- **A level playing field** with coherent expectations on RBC that are aligned with the respective standards of the United Nations (UN) and the International Labour Organisation (ILO); and
- **An enhanced role for the OECD in securing the sustainable development goals** through underscoring the importance of RBC and corporate accountability.

The key to achieving the full potential of the Guidelines is ensuring business uptake through effective promotion by the OECD and implementation by governments. We ask your support in advancing the progress the Guidelines have already made towards the OECD's strategic priorities.

Yours sincerely,

OECD Watch

Global civil society network and recognized representative of civil society to the OECD Investment Committee and Working Party on Responsible Business Conduct and the following 130 civil society organisations from around the world

CC: Rupert Schlegelmilch, Chair, OECD Investment Committee  
Christine Kaufmann, Chair, OECD Working Party on Responsible Business Conduct

#### Africa

1. AbibiNsroma Foundation
2. ActionAid International
3. Africa Child Care Nation (ACCN) South Sudanese
4. African Centre for Democracy and Human Rights Studies
5. Amis de l'Afrique Francophone- Benin (AMAF-BENIN)
6. Committee for Peace and Development Advocacy
7. Community Outreach for Development and Welfare Advocacy (CODWA)
8. Environment Governance Institute Uganda
9. Friends of the Earth Sierra Leone
10. Green Advocates International

11. Jamaa Resource Initiatives
12. Kenya Human Rights Commission
13. LITE-AFRICA
14. Lumière Synergie pour le Développement
15. Narasha Community Development Group
16. Observatoire d'Etudes et d'Appui à la Responsabilité Sociale et Environnementale OEARSE en sigle
17. Oxfam
18. Peace Point Development Foundation-PPDF
19. PRV (les professionnels réunis pour une côte d'Ivoire Verte)
20. Réseau des Organisations de la Société Civile pour le Développement du Tonkpi (ROSCIDET)
21. Sierra Leone Land Alliance
22. Witness Radio -Uganda

### **Asia & Pacific**

23. ALTSEAN-Burma
24. Alyansa Tigil Mina (ATM)
25. Asia Indigenous Peoples Network on Extractive Industries and Energy (AIPNEE)
26. Australian Centre for International Justice
27. Australian Lawyers for Human Rights
28. Balay Alternative Legal Advocates for Development in Mindanaw, Inc. (BALAOD)
29. Bir Duino Kyrgyzstan
30. Blue Dalian
31. Center for Trade Union and Human Righte, (CTUHR)
32. Community Empowerment and Social Justice Network (CEMSOJ)
33. Extra-Territorial Obligation Watch (ETOs Watch Coalition)
34. Green Longjiang
35. Human Rights Law Centre
36. Indigenous Peoples Rights International
37. International Campaign for the Rohingya
38. International Coalition to End Transplant Abuse in China (ETAC)
39. Jubilee Australia Reserach Centre
40. Kazakhstan International Bureau for Human Rights and Rule of Law
41. KTNC Watch
42. Lawyers' Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
43. Manushya Foundation
44. Oyu Tolgoi Watch
45. Publish What You Pay - Australia
46. Snow Alliance
47. Solutions for Our Climate
48. The Awakening
49. Transparentem

### **Europe**

50. Amnesty International
51. Arisa
52. Avocats sans Frontieres
53. Bank Information Center
54. BankTrack
55. Biodiversity Conservation Center
56. Bulgarian Foundation for Business and Human Rights

57. Business & Human Rights Resource Centre
58. Clean Clothes Campaign
59. CNCN-11.11.11 (Belgium)
60. Earth Thrive
61. Ecological Manifesto - ManEco
62. Ei polteta tulevaisuutta
63. Environmental center for Development Education and Networking (EDEN)
64. Environmental Paper Network
65. European Environmental Bureau
66. FairFin
67. Fairtrade International
68. Focus Association for Sustainable Development
69. Forum Ökologie & Papier
70. FOUR PAWS International
71. Frank Bold
72. Friends of the Earth Netherlands (Milieudedefensie)
73. Fundacja Kupuj Odpowiedzialnie
74. Germanwatch e.V.
75. Global Witness
76. International Federation for Human Rights (FIDH)
77. Leefmilieu
78. London Mining Network
79. Polish Institute for Human Rights and Business
80. Profundo
81. Rete Legalità per il Clima
82. Rights and Accountability in Development (RAID)
83. SETEM
84. Society for Threatened Peoples, Switzerland
85. SOMO - Centre for Research on Multinational Corporations
86. Südwind, Austria
87. Swedwatch
88. The Lifescape Project
89. VOICE Network
90. Vredesactie

#### **Latin America & Caribbean**

91. CAMBIUM Colombia
92. Centro de Políticas Públicas y Derechos Humanos (Perú EQUIDAD)
93. Conectas Human Rights
94. Foro Ciudadano de Participación por la Justicia y los Derechos Humanos FOCO.INPADE
95. Fundación Libera contra la Trata de Personas y la Esclavitud en Todas sus Formas
96. Justiça nos Trilhos
97. Latinoamerica Sustentable
98. OVJNU GLOBAL
99. PROGRAMA LABORAL DE DESARROLLO-PLADES
100. Project on Organizing, Development, Education, and Research (PODER)
101. ProPurus
102. Protection International, Mesoamerica Office
103. Proyecto de Derechos Económicos, Sociales y Culturales (ProDESC)

## **MENA**

- 104. Minerva Business and Human Rights Association
- 105. ONG C-UAQE

## **North America**

- 106. Accountability Counsel
- 107. Advocacy for Principled Action in Government
- 108. Bank Climate Advocates
- 109. Batani Foundation
- 110. Earth Action, Inc.
- 111. Environmental Defender Law Center
- 112. Friends of the Earth United States
- 113. Global Justice Group
- 114. Heartland Initiative
- 115. Human Rights Watch
- 116. IMPACT
- 117. Inclusive Development International
- 118. International Accountability Project
- 119. International Corporate Accountability Roundtable (ICAR)
- 120. Investor Alliance for Human Rights
- 121. MiningWatch Canada
- 122. Organization for Identity & Cultural Development
- 123. Partnership for Policy Integrity
- 124. Responsible Sourcing Network
- 125. SIRGE Coalition
- 126. Stand.earth
- 127. The B Team
- 128. The Jus Semper Global Alliance
- 129. The Sentry
- 130. Zero Waste BC