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OF THE
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January 15, 2015

Via Electronic Mail

Melike Ann Yetken
U.S. National Contact Point for the OECD Guidelines
Bureau of Economic and Business Affairs
U.S. Department of State
2201 C St. NW
Rm 3844, Harry S Truman Building
Washington, DC 20520

**Re: Comments on Development of a National Action Plan Consistent
with the UN Guiding Principles on Business and Human Rights**

Dear Ms. Yetkin:

We are pleased to submit these initial comments on behalf of the U.S. Chamber of Commerce (Chamber) on the U.S. Government's plans to develop a National Action Plan (NAP) on business and human rights, consistent with the UN Guiding Principles on Business and Human Rights (Guiding Principles or Principles). The Chamber is the world's largest business federation, representing the interests of more than three million businesses and organizations of every size, sector, and region. More than 96 percent of the Chamber's members are small businesses with 100 or fewer employees.

During the development of the Guiding Principles, the Chamber was pleased to offer input as to how the Principles could work effectively for *all* stakeholders, particularly the business community. We offered this input with the understanding that a goal of the U.N. Special Representative was to create an instrument that would be supported by the business community. We believe that the Guiding Principles can serve as an important tool to guide business and governments in their activities worldwide, and we support the foundational premise of the Guiding Principles which is to "do no harm."

Within the context of the U.S. Government's efforts to develop a National Action Plan, we reiterate some of the same concerns we raised in connection with the development of the Guiding Principles themselves. We continue to be concerned that the Guiding Principles encourage an enhanced regulatory scheme at the national level. While we accept

the fact that a certain amount of regulation of business by governments is a reality, we also believe that an appropriate balance should be struck between regulation by governments, and permitting business to operate independently. We do not support a premise that business will not respect human rights without a comprehensive regulatory scheme to force it to do so. The very purpose that underlies the Guiding Principles is to give business certain tools to achieve the common goal to “do no harm” in a manner that best suits the individual enterprise. We hope you pay particular attention to this during the process of developing the NAP. We also hope that in developing a NAP, you take into consideration regulatory and legislative realities that exist today, and that such a plan be established within that framework.

Although scheduling conflicts precluded our attendance at the December 15, 2014, initial consultation in New York, it is our understanding that some of the matters covered included “company reporting on social risks, land rights and agricultural investments, the extractive sector, trade and investment agreements, and the financial sector.”¹ The potential coverage of such a wide array of issues would seem to contemplate and encourage the very enhanced regulatory scheme that gave us cause for concern with the Guiding Principles in the first place. As such, we wish to note the Chamber’s desire to participate in the process and offer informed feedback as the discussions unfold.

We look forward to participating in further NAP stakeholder sessions, particularly in the meeting which will occur this spring in Washington, D.C. We further anticipate providing more substantive comments on the NAP as the drafting process evolves. Thank you for your attention to this matter.

Sincerely,



Randel K. Johnson
Senior Vice President
Labor, Immigration and
Employee Benefits

James Plunkett
Director
Labor Law Policy

¹ See Clifford Chance, “US Government Holds First Consultation on National Action Plan on Business and Human Rights,” posted December 19, 2014, available at http://www.cliffordchance.com/briefings/2014/12/us_government_holdsfirstconsultationo.html

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Mr. Marculewicz is Co-Chair of the International Labor Subcommittee of the Chamber's Labor Relations Committee