

Speaking Notes Working Group on Business & Human Rights – 20 January 2012  
OECD Watch, Virginia Sandjojo

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- Thank you madam chair for inviting us to this meeting.
- My name is Virginia Sandjojo, I speak on behalf of OECD Watch, an international NGO network of more than 80 NGOs that focuses on testing the effectiveness of the OECD Guidelines for Multinational Enterprises and the attached specific instance complaint mechanism. Also we support and advise NGOs on filing OECD Guidelines complaints.
- The update of the OECD Guidelines for Multinational Enterprises, during which OECD Watch has been an recognized stakeholder, has brought encouraging changes to this instrument, including a specific human rights chapter, due diligence requirements, enhanced supply chain responsibility and meaningful stakeholder engagement.
- OECD Watch nevertheless sees procedural shortcomings with regards to among others the structure, location, functioning and procedures governing National Contact Points (NCPs) for the OECD Guidelines set up by OECD and adhering governments. Much is still left open for what we hope to be progressive implementation and interpretation of the Guidelines by NCPs. Yet , we should not be satisfied with only marginal changes made in the aftermath of the update of the Guidelines.
- Also, the voluntary nature of the Guidelines, the fact that there is no requirement to make a determination about violations, and lack of consequences attached to breaches of the Guidelines are missed opportunities which could have made the OECD Guidelines more effective as grievance mechanism.
- OECD Watch hopes that you, members of the working group, can address these issues when engaging with OECD and adhering governments and hopes you invite National Contact Points to share with you the outcomes of cases considered under the Specific Instance Procedure in order to be kept up to date about actual cases of adverse human rights impact by business.
- Moreover, as the Working Group mandate includes a commitment “to continue to explore options and make recommendations at the national, regional and international levels for enhancing access to effective remedies available to those whose human rights are affected by corporate activities” we encourage for inclusion in your work program an analysis on the effectiveness of not only the OECD Guidelines Specific Instance Procedure, but also other existing grievance mechanisms, such as related to the UN Global Compact, ILO, World Bank and IFC Performance Standards, as well as operational level grievance mechanisms; make proposals for their improvement with regards to the criteria for non-judicial grievance mechanism as outlined in the Guiding Principles; and consider new mechanisms to give victims of human rights abuses redress.
- With more than 10 years of experience with one of these mechanisms OECD Watch looks forward to share with you our experiences and that of our members and representatives of OECD Guidelines complaints as available in our Quarterly Case Updates, case database and briefing papers.