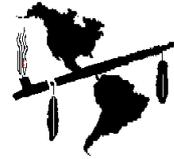




INTERNATIONAL INDIAN TREATY COUNCIL

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May 19, 2011

United States OECD National Contact Point

U.S. Department of State
Washington, D.C. USA
Via E-mail: usncp@state.gov

Japan OECD National Contact Point

OECD Division
Ministry of Foreign Affairs
Tokyo Japan
Via E-mail: keikokukei@mofa.go.jp

RE: Chickaloon Native Village Traditional Council (CNVTC) OECD (2008) Complaint: Additional Allegations, the Electric Power Development Co., Ltd , (JPower) (Japan)

Dear National Contact Points,

Please receive our respectful greetings.

The Chickaloon Native Village Traditional Council (CNVTC) wishes to file additional allegations to their complaint filed with you via email on May 6, 2011. These additional allegations concern JPower and its responsibilities under the guidelines for suppliers and the supply chain principles in Chapters II and III of the OECD Guidelines (2008).

For these purposes we incorporate our original complaint by reference as though fully set forth herein, particularly the Section entitled "Multinational Corporations" on page 2 of the complaint.

Additional OECD Guidelines Violated by JPower

II. General Policies

10. Encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the *Guidelines*.

The Commentaries under Part II, state that "compatible principles of corporate responsibility among business partners serves to combine a re-affirmation of the standards and principles embodied in the *Guidelines* with an acknowledgement of their importance to suppliers, contractors, subcontractors, licensees and other entities with which MNEs enjoy a working relationship."

Given the violations of the Guidelines by Usibelli Coal Mine (UCM) as alleged, it can be reasonably inferred that JPower has not encourage conduct "compatible with the guidelines." CNVTC's human rights objections to UCM's activities and business practices are well known to UCM and to the public generally. Knowledge of these objections and human rights violations can and should be fairly imputed to JPower.

III. Disclosure

2. Enterprises should apply high quality standards for disclosure, accounting, and audit. Enterprises are also encouraged to apply high quality standards for non-financial information including environmental and social reporting where they exist. The standards or policies under which both financial and non-financial information are compiled and published should be reported.

The Commentaries under Part III provide: “14. The *Guidelines* also encourage a second set of disclosure or communication practices in areas where reporting standards are still emerging such as, for example, social, environmental, and risk reporting. Many enterprises provide information on a broader set of topics than financial performance and consider **disclosure of such information a method by which they can demonstrate a commitment to socially acceptable practices.** In some cases, **this second type of disclosure – or communication with the public and with other parties directly affected by the firms’ activities – may pertain to entities that extend beyond those covered in the enterprises’ financial accounts. For example, it may also cover information on the activities of subcontractors and suppliers or of joint venture partners.**” (Emphasis supplied)

JPower also has not complied with these guidelines, particularly as they relate to social, environmental and risk reporting with regard to its supplier UCM’s mining practices nor, as alleged in the original complaint, has UCM.

JPower has neither provided these disclosures that demonstrate “socially acceptable practice” as to its own joint activity with UCM nor has it encouraged UCM to provide it.

Conclusion

For the above stated reasons we again urge the United States and Japan OECD National Contact Points ascertain whether Usibelli Coal Mine (UCM) and the Electric Power Development Co., Ltd (JPower) have violated the OECD Guidelines for Multinational Enterprises (2008) with respect to the UCM Wishbone Hill, Alaska, coal mining project, that the DCNs further the effectiveness of the Guidelines and facilitate a resolution to the issues raised in the complaint and these additional allegations.

For all our relations,



Alberto Saldamando, General Counsel
International Indian Treaty Council
Geoffery A. Stauffer, Attorney at Law
In representation of Chickaloon Village Traditional Council

cc: Chickaloon Native Village Traditional Council
Chief Gary Harrison, Chickaloon Native Village
OECD Watch