



23 March 2006

Lillian M. Manzella  
EarthRights, Intl.  
1612 K St. NW # 401  
Washington, DC 20006

Dear Ms. Manzella:

I have just seen your note on the EarthRights website, commenting on my interim report as the UN Secretary-General's Special Representative for business and human rights. It is not my intention to respond in any detail here because that would cover some of the same ground as my lengthy response to the recent commentary by FIDH – the Fédération internationale des ligue des droits de l'Homme – both of which are posted on its website (<http://www.fidh.org>), and also by the Business and Human Rights Resource Center (<http://www.business-humanrights.org/Gettingstarted/UNSpecialRepresentative>). Perhaps I can invite your readers who haven't seen my letter to have a look at it.

But I cannot leave unchallenged your remarks belittling and distorting the process leading up to the report's release. There is too much at stake and your readers deserve to know the facts.

You get off to a bad start by saying that Ruggie “finally” made public his interim report – as if I had somehow delayed its release. The report was intended for discussion at the Human Rights Commission in late March or early April. I submitted my draft in early February, and the Office of the High Commissioner, after the usual copy-editing process, made it public at the end of February. End of story.

But far more egregious is your fabrication of my process of consulting with stakeholders before completing my report. Here is what you say: “Over the last 8 months, NGOs have scrambled to discover where Ruggie's next consultations will be and to find opportunities to engage him. Ruggie's consultations thus far have clearly been slanted in favor of corporations....The input he has had from NGOs and civil society has been purely due to their own efforts and initiative. We sincerely hope that the SRSG will increase his

consultations with civil society in general, particularly with those communities suffering human rights abuses by corporations.”

These remarks are utterly without factual foundation – and you should have known, or could have known – that they were.

In the period between my appointment and the submission of my report, I held precisely one solitary consultation with business associations: the International Organization of Employers and the International Chamber of Commerce, in Geneva last September. I visited a small number of individual firms, including in Peru, as described below. All other SRSG related encounters with business were in the context of multi-stakeholder meetings, such as at Wilton Park in October, the Office of the High Commissioner for Human Rights extractive industries consultation in Geneva in November, and the Business Leaders Initiative for Human Rights conference, chaired by Mary Robinson, in London last December.

Moreover, with one exception, every single consultation I have held with NGOs has been at my initiative. The one exception was last September, when Human Rights First convened a meeting in New York at their request. I convened an NGO meeting in Geneva in September, and asked the Centre for Humanitarian Dialogue to host it. I asked Amnesty International to convene an NGO consultation in London in October. I asked them to convene another NGO meeting in London in December, to discuss my preliminary reflections on the interim report, but as they were preparing for something of their own the International Business Leaders Forum ended up hosting. When I visited Peru in January, at my initiative, to better understand the challenges of the mining industry there, I asked Oxfam to organize an all-day meeting with human rights organizations in Lima, as well as an all-day session with community organizations and campesino groups in Cajamarca. I have held numerous other informal meetings with NGOs, including in Paris and Washington, all at my request. And I am about to depart for South Africa, where I have convened, at my initiative, the first of three regional consultations in developing countries on issues related to my mandate. NGOs will comprise about one-third of the participants, not materially different from the level of business representation, with the remainder coming from governments and international organizations.

It is the case that I cannot always plan months in advance when and where I will be able to have such consultations. The reason for that is that my mandate, like many other human rights mandates, was entirely unfunded. I don't get paid for this assignment, and so for starters I have my day jobs at Harvard to attend to. I used my own research funds to buy time off from teaching in the autumn so that I could get a quick start. There were no funds for consultations when I began; indeed, I paid out of my own pocket for my first Geneva trip last August. Since then, supportive governments and foundations have begun to provide voluntary contributions for the regional consultations, as well as other parts of my agenda. But the fact remains that I will always have to piggyback one set of meetings onto another for which funding is in hand. I suspect that this is a phenomenon with which you, in the NGO world, are not entirely unfamiliar.

In short, not only are the facts very different from what you portray them to be, but you can also rest assured that your “sincere hope” that I meet regularly with NGOs and affected communities has been one of my guiding principles from the start and I intend fully to continue along the same path.

Please be so kind and post this letter on your website, alongside your commentary.

Yours truly,

A handwritten signature in blue ink that reads "Ruggie". The signature is fluid and cursive, with the first letter 'R' being particularly large and stylized.

John G. Ruggie

Kirkpatrick Professor of International Affairs and Director, Mossavar-Rahmani Center for Business and Government; Affiliated Faculty Member, Harvard Law School; Special Representative of the Secretary-General for Business and Human Rights.