



Jamaa Resource Initiatives

Promoting the Spirit of Ubuntu

AMB. (DR.) Amina C. Mohamed, EGH, CAV

Ministry of Foreign Affairs and International Trade

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Dear Honourable Amina,

RE: Engage in the New UN Intergovernmental Working Group in the Process of Creating A Treaty to Address Corporate-Related Human Rights Abuses:

Jamaa Resource Initiatives call on you to engage actively and constructively in the activities of the UN Intergovernmental Working Group (IGWG) that has been established to construct a treaty to address corporate-related human rights abuses. This IGWG was formed by UN Human Rights Council [Resolution 26/9](#), which passed at the Council in June 2014. The first meeting of IGWG took place in Geneva, in September this year. Joining this meeting and engaging constructively would demonstrate your leadership and commitment to the advance of the international human rights framework, while ensuring sustainable development and the presence of responsible investment in our country. Jamaa Resource Initiatives is committed to ensuring corporations do not engage in conducts that violates human rights and the environment and in cases where they do they are held responsible and accountable for their behaviour.

By supporting this resolution, you will uphold your universally recognized human rights obligations and send an important signal to the other UN members that it is time to ensure that everybody, including businesses, must respect human rights and be held legally accountable when they do not. The adoption of the UN Guiding Principles of Business and Human Rights led to the recognition by States and stakeholders that corporations have responsibilities to respect human rights. Upon their adoption, the international community acknowledged that the Principles represented the beginning of a process and that they should not foreclose future enhancement of standards. Social conflicts and criminalisation of protest related to business investments are on the rise. Access to Justice and remedy continues to be denied to communities and citizens in many countries. Voluntary commitments to implement human rights have not prevented a dramatic record of adverse human rights impacts by businesses.

The Guiding Principles clearly set out that business impacts require a smart mix of policy responses that goes beyond voluntary standards and includes regulations. We feel very strongly therefore that an intergovernmental process at the UN level to strengthen the normative framework on business and human rights would be complementary to the implementation of the Guiding Principles. The approach of pursuing a smart mix of responses

would allow the international community to strengthen existing board policy frameworks while also addressing the transnational nature of corporate-related human rights abuses, and responding to the urgent need to ensure access to remedy for victims.

Those corporations that undertake their projects responsibly should not be concerned about better human rights protection. Many corporations consider it only fair that those enterprises that respect human rights should expect all other corporations to be held to the same standards. More protection for States and their people against corporate human rights abuses also provides more chances for development to be sustainable and respectful of the rights of people in this country. Binding international human rights standards for corporate activity also create a level playing field for countries, helping states avoid a regulatory 'race to the bottom'. Research shows also that corporations consider investing based on a large range of factors, including respect for the rule of law, the local availability of skilled workers, degree of political stability, personal safety and the quality of transportation infrastructure. This runs counter to common claims that the predominant considerations for investors are poor environmental and human rights systems.

We therefore urge the government to join the broad range of States who have already shown their support for progressing international law to address corporate human rights abuses, as shown during the vote for UN HRC Resolution 26/9 last year. We ask that you stand on the side of strengthen the protection of human rights for people in your country, and ensure those who invest here do so responsibly.

We would be pleased to provide further information and look forward to constructive dialogue on these issues.

We thank you for your attention to this important matter and look forward to hearing from you.

It would be excellent to hear from you on whether they'll be actively engaged and whether you will promote CSO priorities in the discussion.

Sincerely,



Maurice Ouma Odhiambo
Executive Director