



Permanent Representation of
the Kingdom of the Netherlands
to the United Nations Office and
other International Organisations
in Geneva

NV PA-MR 41/2023

The Permanent Mission of the Kingdom of the Netherlands to the United Nations (UN) and other international organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and, with reference to the Communication of 13 January 2023 (AL NLD 6/2022) of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on violence against women and girls, its causes and consequences, has the honour to inform the Office as follows.

The government of the Kingdom of the Netherlands first wishes to reiterate its full support and appreciation for the mandates of the Special Rapporteurs and Working Groups. It gives serious consideration to their views. The Dutch government will always seek to respond and actively engage with UN mandate holders, and it has extended a standing invitation to all UN special procedures. The Dutch government is open to dialogue with its international partners on the protection of human rights in the Netherlands, in a spirit of self-reflection and with a view to further improving the implementation of human rights. In this context, the Dutch government appreciates the opportunity provided by the Working Group on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteurs to respond to the concerns and questions regarding the Coastal GasLink (CGL) pipeline in British Columbia, Canada.



The Permanent Mission of the Kingdom of the Netherlands to the United Nations and other international organisations in Geneva avails itself of the opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.



Geneva, 8 March 2023

Annex 1 : Response to the Communication of 13 January 2023 (AL NLD 6/2022)

OHCHR
United Nations Office of the High Commissioner for Human Rights
8-14 Avenue de la Paix
CH-1211 Geneva



Annex 1:

Response to the Communication of 13 January 2023 (AL NLD 6/2022)

The Dutch government is writing in reply to the Communication of 13 January 2023 of the Working Group on the issue of human rights and transnational corporations and other business enterprises; the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the rights of indigenous peoples; the Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity and the Special Rapporteur on violence against women and girls, its causes and consequences.

The Dutch government takes the allegations and investigations presented in the letter very seriously and will inform Shell Nederland of the Communication. However, as a general observation, the Dutch government would note that Shell no longer has its registered office in the Netherlands. Therefore, please send future correspondence about the alleged human rights violations to the country of the registered office of Shell plc.

The Netherlands is committed to promoting the role of the business community in protecting human rights around the world. The government expects Dutch companies that do business abroad to comply with the principles of responsible business conduct (RBC). This means following the OECD Guidelines for Multinational Enterprises and the United Nations Guiding Principles on Business and Human Rights.

The government promotes responsible business conduct in a variety of ways. In 2022 the Netherlands published a revised National Action Plan on Business and Human Rights which describes actions to be taken in each of the three pillars: duty to protect, responsibility to respect and access to remedy. To promote responsible business conduct in the second pillar, the Netherlands applies a smart policy mix of reinforcing measures, the cornerstone of which is legislation. Protecting human rights defenders and protecting the rights of indigenous peoples are elements of the due diligence methodology that the policy mix aims to promote, in accordance with the above-mentioned international standards. The Dutch government recognises the need to take action against human rights violations committed by or with the involvement of companies and to offer victims easy access to redress and compensation when such violations occur. Ensuring access to redress and compensation and exercising due care are also major themes of the above-mentioned National Action Plan. The government remains committed to putting this National Action Plan into practice.