



THE PERMANENT MISSION
OF THE
UNITED STATES OF AMERICA
TO THE
UNITED NATIONS AND OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

December 30, 2024

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Geneva, Switzerland

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Geneva, Switzerland

Dear Special Procedures Mandate Holders,

Enclosed please find the response from the United States to your letter dated November 8, 2024 (AL USA
26/2024, 145-24).

I wish you all the best in the New Year.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Michèle Taylor', with a stylized flourish at the end.

Ambassador Michèle Taylor
Permanent Representative to the
UN Human Rights Council

U.S response to AL USA 26/2024

Thank you for your letter dated November 8, 2024, raising concerns about the issuance of carbon credits in Guyana and their subsequent sale, allegedly without the free, prior, and informed consent of Indigenous Peoples in Guyana. We are grateful for the work you do across the globe to promote respect for human rights and for the opportunity to correspond with you.

While some of the independent programs, companies, and nonprofit organizations involved in the referenced situation are registered or headquartered in the United States, the events occurred in Guyana under the jurisdiction of the Guyanese government, without the involvement of the U.S. government. We acknowledge that businesses have a responsibility to respect human rights, but an alleged failure of a business to do so does not necessarily implicate a State's human rights obligations. In view of the lack of U.S. government involvement and given that the conduct did not occur in the United States, we do not have additional information to provide regarding this situation. We defer to the Guyanese government to answer your first two questions regarding the allegations and the alleged lack of meaningful consultation with Indigenous Peoples in Guyana.

Regarding your remaining questions, we offer the following information and resources:

1. In March 2024, the Biden-Harris Administration released the United States' second National Action Plan (NAP) on Responsible Business Conduct, reflecting a commitment to strengthen and improve respect for human rights and labor rights, expand use of green energy, counter corruption, protect human rights defenders, advance gender equity and equality, and promote rights-respecting use of technology. The release reflects an Administration-wide commitment to strengthen responsible business conduct through multi-stakeholder coordination, convenings, economic incentives, regulation, and other activities. While the 2024 NAP addresses the full range of responsible business conduct issues for U.S. businesses operating and investing abroad, it particularly focuses on expectations for business responsibility to respect human rights, including through effective due diligence in a rapidly changing risk environment.

For additional information on the NAP and progress made, please see:

- 1.1. Fact Sheet on the U.S. Government's National Action Plan on Responsible Business Conduct: [https://www.state.gov/u-s-governments-national-action-plan-on-responsible-business-conduct-](https://www.state.gov/u-s-governments-national-action-plan-on-responsible-business-conduct-2/#:~:text=Beyond%20the%20four%20priority%20areas,at%20RBCNAP@state.gov)

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- 1.2. The U.S. Government's National Action Plan on Responsible Business

- Conduct: <https://www.state.gov/responsible-business-conduct-national-action-plan/>

1.3. The U.S. Department of Labor’s Responsible Business Conduct and Labor Rights InfoHub: <https://www.dol.gov/agencies/ilab/responsible-business-conduct-and-labor-rights-infohub>. The InfoHub serves as a central hub for U.S. government-wide policy, guidance, tools, resources, and outcomes-based approaches available to businesses to advance responsible business conduct in global supply chains. It continues to provide new guidance and resources.

1.4. The Responsible Business Conduct (RBC) Advisory Committee: <https://www.state.gov/advisory-committee-on-responsible-business-conduct/>. The Committee held its first public meeting on November 14, 2024, and subcommittees on the U.S. National Contact Point for the OECD Guidelines, National Action Plan Implementation, and Human Rights and Environmental Due Diligence presented. The RBC Advisory Committee will provide ongoing recommendations and consultation to strengthen the U.S. approach to business and human rights.

1.5. 2023 Annual Report on the OECD Guidelines for Multinational Enterprises: <https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/resources/>

2. In May 2024, the Biden-Harris Administration released a Joint Statement of Policy and new Principles for Responsible Participation in Voluntary Carbon Markets (VCMs) that set out the U.S. government’s approach to advance high-integrity VCMs. The principles and statement represent the U.S. government’s commitment to advancing the responsible development of VCMs, with clear incentives and guardrails in place to ensure that this market drives ambitious and credible climate action and generates economic opportunity. For additional information, please see:

2.1. FACT SHEET: Biden-Harris Administration Announces New Principles for High-Integrity Voluntary Carbon Markets: <https://www.whitehouse.gov/briefing-room/statements-releases/2024/05/28/fact-sheet-biden-harris-administration-announces-new-principles-for-high-integrity-voluntary-carbon-markets/>

2.2. Voluntary Carbon Markets Joint Policy Statement and Principles: <https://www.whitehouse.gov/wp-content/uploads/2024/05/VCM-Joint-Policy-Statement-and-Principles.pdf>

3. The U.S. National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct is a dispute resolution and mediation resource that can assist companies and stakeholders when responsible business conduct issues arise in a company’s operations. The U.S. NCP’s roles include: promote awareness and uptake of the Guidelines to business, labor, NGOs and other members of civil society, the general public, and the international community; and contribute to the resolution of issues that arise in relation to the implementation of the Guidelines in specific instances, in which context the NCP aims to facilitate

dialogue between the parties and support them in seeking mutually agreeable and Guidelines-compatible solutions to the issues raised.

More information can be found here:

3.1. About the U.S. NCP: <https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/about-the-u-s-national-contact-point/>

3.2. A Guide to the U.S. National Contact Point for the OECD Guidelines for Multinational Enterprises: <https://www.state.gov/u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/a-guide-to-the-u-s-national-contact-point-for-the-oecd-guidelines-for-multinational-enterprises/>

4. The United States supports the UN Declaration on the Rights of Indigenous Peoples. Our statement of support is available here: <https://2009-2017.state.gov/s/srgia/154553.htm>.

We are pleased to learn that the Working Group has also shared your concerns about these incidents with the Government of Guyana. We look forward to reviewing any response it may provide.