

**Andrea Saldarriaga**  
30 Thornhill Road  
N1 1HW London

London, 8 December 2011

Ms. Alexandra Guáqueta  
Ms. Margaret Jungk  
Mr. Michael Addo  
Mr. Puvan Selvanathan  
Mr. Pavel Sulyandziga

UN Working Group on Human Rights and Transnational Corporations and Other Business Enterprises (**Working Group**)

Dear members of the Working Group,

I write to respond to your invitation to submit proposals in advance of your first session in January in which you will determine the Group's key thematic priorities and activities. I would like to take this opportunity to congratulate you on your appointment and wish you all success in this important endeavour.

As an independent professional working in the areas of human rights, international arbitration and international investment law, I would like to draw the Working Group's attention to the importance that the regime for the protection of investments – through international investment agreements (IIAs) and contractual arrangements – has for the effective protection of human rights.

In fact, among the multiple interactions between business and human rights, foreign investment is probably the fastest growing area with the potential for seriously impacting human rights. The more than 3,000 IIAs signed by states to protect foreign investment and the thousands of contracts signed between states and corporations around the world, constitute both an opportunity to advance the promotion and protection of human rights and a significant risk for their violation. IIAs as well as investment contracts offer the opportunity to shape the behaviour of corporations and define their responsibilities, among others with respect to human rights and at the same time, provide states with the chance to safeguard their necessary policy space to adopt measures to effectively promote and protect human rights.

In addition, the consolidation of the regime for the protection of foreign investments and, more importantly, the emergence of arbitration as the preferred mechanism for investment dispute resolution have altered the traditional rapport between states and corporations. All relevant actors need to fully grasp the scope of this new legal framework and the manner in which it can impact human rights in a meaningful way and avoid negative outcomes. The Working Group can have an important role in assuring that these issues be adequately addressed.

Consequently, I urge the Working Group to include investment issues in its thematic priorities, consolidate the SR's efforts in this area and promote the implementation of the "*Principles for responsible contracts*", the addendum to the report presented by the SR to the Human Rights Council on June 2011.

I was part of the group of experts that advised the SR on investment and participated in the consultation process, assisting to multi-stakeholder meetings and providing advice in the preparation "*Principles for responsible contracts*". I would be delighted to lend my expertise and support to the Working Group relating investment issues. In this way, I hope to continue contributing to the UN initiatives on business and human rights and creating awareness of the pressing need to include the human rights dimension into IIAs, investment contracts and investors' conduct in general.

I enclose my CV with my contact details and information on my educational background and experience.

Yours sincerely,

**Andrea Saldarriaga**