



January 9, 2017

The Honorable Bob Corker
Chairman
Committee on Foreign Relations
U.S. Senate
Washington, DC 20510

The Honorable Ben Cardin
Ranking Member
Committee on Foreign Relations
U.S. Senate
Washington, DC 20510

Senate Committee on Foreign Relations
423 Dirksen Senate Office Building
Washington, DC 20510

Dear Chairman Corker, Ranking Member Cardin, and Members of the Committee on Foreign Relations,

We, the undersigned organizations, write to express our strong concerns and reservations about the candidacy of Mr. Rex Tillerson as the United States Secretary of State.

We urge you to use the confirmation hearings to elicit a response from Mr. Tillerson on how, if confirmed, he will uphold America's international obligations and commitments to

the rule of law, respect for human rights and workers' rights, and protection of the environment.

The U.S. government has a longstanding commitment to promoting human rights, including through joining the UN Human Rights Council in 2016¹ and endorsing the UN Guiding Principles on Business and Human Rights (UNGPs), a seminal development in recognizing corporations' human rights responsibilities. In December 2016, the U.S. government further followed up on its commitment to the UNGPs by releasing a National Action Plan on Responsible Business Conduct.² The U.S. government also played a pivotal role in the negotiation and adoption of the 2014 Forced Labor Protocol to strengthen protections for the estimated 21 million victims of forced labor, and the Department of State, in particular, has been a leader in combatting trafficking in persons, including in the context of global corporate supply chains.

It is critical for the United States to maintain a leadership role on human rights, yet the potential appointment of Mr. Tillerson as Secretary of State threatens our ability to do so.

In the past decade, Mr. Tillerson served as the Chief Executive Officer of Exxon Mobil, a company with a dangerous track record on human rights and the environment. Under Mr. Tillerson's leadership, Exxon has been charged, found guilty, or fined for violating environmental laws across the United States, including in Texas,³ Louisiana,⁴ California,⁵ New York,⁶ Massachusetts,⁷ Montana,⁸ Arkansas,⁹ and New Jersey.¹⁰ Since 2010, Exxon has received penalties for skirting U.S. laws totaling more than \$81 million dollars.¹¹

In 2015, published reports further revealed that Exxon has engaged in a decades-long campaign to mislead the public and its own investors on the danger of climate change.¹² Since the exposé, attorney generals in a number of states have launched investigations against Exxon for potential environmental violations and defrauding investors.¹³ The company has denied any wrongdoing, and has been fighting the subpoenas through various means, including by suing the attorney generals conducting the investigations for abuse of power.¹⁴ Exxon also sought the records of environmental advocates, an insidious tactic aimed at obtaining First Amendment-protected material and chilling the non-governmental organizations' freedom of expression.¹⁵

In addition to its lack of concern for the environment, Exxon has a history of dubious human rights performance outside of the United States. For instance, to secure profits, the company was allegedly involved in the brutal crackdown on local communities by Indonesian security forces in Aceh, Indonesia from 1998-2001.¹⁶ Lawsuits accusing Exxon of complicity in human rights abuses in Aceh are still ongoing after 15 years.¹⁷ We note that the United States has filed amicus briefs in this case¹⁸ and amicus or intervenor's in briefs similar human rights cases.¹⁹ As Secretary of State, Mr. Tillerson could – and would likely – advocate advancing the interests of corporations over the human rights of impacted persons and communities in future briefs.

Mr. Tillerson's close relationship with the Russian government is an additional concern, not just for well-publicized national security reasons but also because of the Russian government's treatment of its citizens. Russia's human rights record has deteriorated in the past year, with authorities intensifying crackdown on civil society groups, political dissidents, and LGBT rights activists.²⁰ Mr. Tillerson's close links to Kremlin may impede his

ability to fulfill his duty as Secretary of State to promote human rights in Russia and countries within Russia's sphere of influence.²¹

As our nation's highest-ranking diplomat, the Secretary of State is tasked with upholding and promoting America's international obligations and commitments to the rule of law, respect for human rights and workers' rights, and protection of the environment. Given Exxon's track record under Mr. Tillerson's leadership, we express grave concerns and reservations over his ability to support such principles as a flagship of American policy.

As such, we urge you to use the confirmation process to elicit views and commitments from Mr. Tillerson for the following:

If confirmed as Secretary of State,

- 1) Will Mr. Tillerson uphold human rights as a key priority of U.S. foreign policy and ensure U.S. compliance with international obligations? Through which steps?
- 2) Will Mr. Tillerson ensure American business is subject to high standards of performance on human rights, and held accountable when involved in human rights abuses? Through which steps?
- 3) Will Mr. Tillerson continue to support, with resources, time, and commitment, the Bureau of Democracy, Human Rights, and Labor (DRL)? Through which steps?
- 4) DRL has proven especially prominent and effective through its annual country reports on human rights. These reports are comprehensive and widely respected in addressing political and civil rights as well as economic, social and cultural rights. Will Mr. Tillerson continue to support, with resources, time, and commitment, this work being done by DRL? Through which steps?
- 5) The Department of State plays an important role in promoting labor rights and enhancing economic security and working conditions for workers abroad. Will Mr. Tillerson continue to support and strengthen international labor standards and fundamental principles and rights at work? Through which steps?
- 6) Will Mr. Tillerson support and expand upon the National Action Plan on Responsible Business Conduct developed under the Obama Administration? Through which steps?

We are thankful for your consideration, and look to you to safeguard the United States' commitment to our shared values of rule of law, respect for human rights and workers' rights, and protection of the environment.

Sincerely,

Amazon Watch

Center for Constitutional Rights

Coalition of Immokalee Workers

EarthRights International

Earthworks

EG Justice

FIDH

Global Witness

Greenpeace USA

The International Corporate Accountability Roundtable (ICAR)

International Rights Advocates

Jewish World Watch

Mercy Investment Services

Northwest Coalition for Responsible Investment

Project on Organizing, Development, Education, and Research (PODER)

Tri-State Coalition for Responsible Investment

ENDNOTES

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