

John Coates
Vice-President
Tokyo 2020 Coordination Commission Chairman
International Olympic Committee

Michelle Lemaitre
Head of Sustainability and Olympic Legacy
International Olympic Committee

July 18 2019

Dear Mr. Coates and Ms. Lemaitre,

Subject: Serious concerns regarding Tokyo 2020 Grievance Mechanisms

We write to express our serious concerns with the way in which the Tokyo 2020 Olympic organizers have handled the grievances filed in November 2018 by Rainforest Action Network and others. The grievance mechanisms have been lacking in transparency, accountability, legitimacy and accessibility, and therefore have not been compatible with the standards set forth by the UN Guiding Principles on Business and Human Rights (UNGPs). With this letter, we request the International Olympic Committee, with the use of a credible third party, to undertake a thorough review of the effectiveness of all three grievance mechanisms established by the Tokyo 2020 Olympic organizers, with a view towards ensuring alignment with the UNGPs criteria.

As you may be aware, Rainforest Action Network (RAN) and our partners filed a total of six grievances to each of the Tokyo 2020 Olympic organizers: the Tokyo 2020 Organising Committee (TOCOG), the Tokyo Metropolitan Government (TMG), and the Japan Sport Council (JSC). The grievances related to the Tokyo 2020 Olympic procurement of uncertified and unsustainable tropical wood from Indonesia that was derived from logging and the conversion of forests into oil palm plantations and coal mines. The details of these grievances are outlined in Appendix 1 below. As of this date, three of these grievances have been rejected on grounds which we continue to dispute.

We note that TOCOG's Operational Standards for its grievance mechanisms stipulate that its principles are based on UNGPs Article 31 on "Effectiveness Criteria for Non-Judicial Grievance Mechanisms." These criteria include: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning, and based on engagement and dialogue. (See Appendix 2) The UNGPs are not referenced by the operational standards of either the TMG or JSC grievance mechanisms, but given Japan's support for the UNGPs, adherence to Article 31 is naturally expected.

Despite this, the handling of our grievances by each of these entities has fallen short of the UNGPs standards. In particular, we note the following shortcomings:

- 1) **Poor communication with complainants:** while initial receipt of the complaints was acknowledged, there has been minimal communication

regarding the complaints, and we have had to proactively contact each of the grievance mechanisms in order to understand the status of the complaints. As of April 2019, we were informed by TMG and JSC that they were still in the process of considering whether to accept the three outstanding complaints. Such a delay is concerning given that JSC commits in principle to deciding whether to accept the complaint within 14 days of receipt, while TMG commits to facilitating the First Dialogue between the Parties Concerned within 2 months of receipt of the complaint. It has now been 8 months since submission of the complaints. This lack of transparency and predictability in the process has completely undermined our confidence in the grievance mechanisms.

- 2) **Lack of Legitimacy:** in TMG's decision to dismiss one of the complaints, they explained that our allegations were not supported by facts based on their communications with their timber supplier. The fact that TMG pursued a fact-finding effort with their supplier prior to accepting the complaint is extremely concerning and is not consistent with the procedures outlined in the operational procedures. In no instance did TMG request further information from us that supports our findings and allegations, nor did they offer an opportunity for dialogue between the parties. This has been the most egregious example to date of a failure to uphold a fair grievance process.
- 3) **Lack of Accessibility:** at the time of filing, JSC did not offer non-Japanese speakers an opportunity to file complaints in the English language. The existence of three different mechanisms for each organizing entity is also confusing. Moreover, none of the grievance mechanisms are readily accessible to those who do not speak English or Japanese, including local communities that have been harmed by Tokyo 2020's supply chain activities overseas. A grievance mechanism can only serve its purpose if the people it is intended to serve know about it, trust it and are able to use it. Current barriers of access are regrettable and show that Tokyo 2020 organizers fail to acknowledge the worldwide impacts of hosting the Olympics.

While we welcome the establishment of grievance mechanisms for the Tokyo 2020 Olympics, the current lack of transparency, accountability, legitimacy and accessibility have undermined the utility of the mechanisms. We would appreciate your cooperation in ensuring that these mechanisms are improved, so that they can fulfill their original intention of supporting the sustainability of the Tokyo 2020 Olympics.

If you should have any questions, please contact Hana Heineken, Senior Campaigner at RAN, at hheineken@ran.org. Thank you for your consideration.

Sincerely,



Lindsey Allen
Executive Director
Rainforest Action Network

Appendix 1:

Complaints filed by Rainforest Action Network and others in November 2018¹

Relevant Grievance Mechanism	Filing Date	Complainants	Subject Matter	Status
TOCOG	Nov 21 2018	RAN, Walhi North Maluku, TuK INDONESIA	Violation of Sustainable Sourcing Code by failing to promote compliance with the Code, including by facilitating JSC's use of noncompliant Indonesian plywood by instructing suppliers that they may use Indonesia's flawed legality assurance system as a proxy for Code compliance.	Rejected as out of scope
TOCOG	Nov 21 2018	RAN, Walhi North Maluku, TuK INDONESIA	Violation of Sustainable Sourcing Code by failing to promote compliance with the Code, including by facilitating TMG's use of noncompliant Indonesian plywood by instructing suppliers that they may use Indonesia's flawed legality assurance system as a proxy for Code compliance.	Rejected as out of scope
TMG	Nov 26 2018	RAN, Walhi North Maluku, TuK INDONESIA	Violation of Sustainable Sourcing Code as a result of use of tropical timber linked to forest conversion, illegality and violation of land rights in North Maluku, Indonesia.	Rejected on the basis of company evidence
TMG	Nov 29 2018	RAN, Bornean Orangutan, Rainforests of Indonesia	Violation of Sustainable Sourcing Code as a result of significant use of uncertified conversion timber from the rainforests of Indonesia, including known habitat of critically endangered Bornean Orangutans	Ongoing
JSC	Nov 26 2018	RAN, Walhi North Maluku, TuK INDONESIA	Violation of Sustainable Sourcing Code as a result of use of tropical timber linked to forest conversion, illegality and violation of land rights in North Maluku, Indonesia.	Ongoing
JSC	Nov 29 2018	RAN, Bornean Orangutan, Rainforests of Indonesia	Violation of Sustainable Sourcing Code as a result of significant use of uncertified conversion timber from the rainforests of Indonesia, including known habitat of critically endangered Bornean Orangutans	Ongoing

¹ <https://www.dropbox.com/sh/5ocdqjs6fzgwb51/AACKY0eUNuosv3xUMaBvYi3ja?dl=0>

Appendix 2:

UN Guiding Principles on Business and Human Rights²

*Effectiveness criteria for non-judicial grievance mechanisms**

31. In order to ensure their effectiveness, non-judicial grievance mechanisms, both State-based and non-State-based, should be:

- (a) **Legitimate**: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;
- (b) **Accessible**: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;
- (c) **Predictable**: providing a clear and known procedure with an indicative time frame for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;
- (d) **Equitable**: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;
- (e) **Transparent**: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism's performance to build confidence in its effectiveness and meet any public interest at stake;
- (f) **Rights-compatible**: ensuring that outcomes and remedies accord with internationally recognized human rights;
- (g) **A source of continuous learning**: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms;

Operational-level mechanisms should also be:

- (h) **Based on engagement and dialogue**: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

² https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf