
Follow-Up on Specific Instance Submission (Oct 15, 2025)

木村俊介 <shukku9998@gmail.com>

2025年12月10日 22:00

To: USNCP <USNCP@state.gov>

Cc: info@oecdwatch.org, rbc@oecd.org

Dear U.S. NCP Office,

Thank you for your response dated 9 December 2025.

I hereby acknowledge receipt of your message.

However, I must formally record that your reply represents a **clear case of institutional non-performance**, reflecting a fundamental misunderstanding of the obligations imposed on NCPs under the *OECD Guidelines for Multinational Enterprises*, *Procedural Guidance*, and the *2021 OECD Council Recommendation*.

▼ [Section 1] Misinterpretation of NCP Responsibility

Your claim that the Japanese NCP should be the “lead” NCP due to geographic proximity is a gross oversimplification. The *OECD Guidelines* do **not** permit deferral to another NCP as a substitute for your own procedural responsibilities—**especially when**:

- Systemic structural failure has been alleged
- The referred NCP is itself accused of non-performance
- There are cross-border implications and institutional breakdown
- There is no procedural action taken by either NCP (no acknowledgment, assessment, or mediation)

🟡 Importantly, deferral is only acceptable when:

1. The original NCP is demonstrably functioning and accepts responsibility;
2. There is mutual agreement between NCPs with procedural justification; and
3. The deferral does not disadvantage the notifier in any way.

None of these criteria were satisfied in your response.

You have received a formal and substantiated submission concerning the total procedural collapse of the Japanese NCP. Deferring to the very authority accused of non-performance is procedurally unsound and violates the institutional purpose of your office under the *OECD framework*.

▼ [Section 2] Formal Mandates You Are Ignoring

Under *OECD Procedural Guidance II.C* and *the 2021 Council Recommendation*, the U.S. NCP is required to:

- Acknowledge submissions formally
- Assess whether the issue falls within its remit
- Consider mediation or appropriate procedural steps
- Record and communicate its reasoning in a transparent and timely manner

Your office has fulfilled **none** of these duties.

You neither acknowledged the systemic content of the submission, nor conducted any assessment or procedural action. Instead, you displaced responsibility without explanation, documentation, or resolution.

▼ [Section 3] Official Record of Institutional Non-Performance

Accordingly, this matter will now be formally recorded as:

- Violation of *OECD Procedural Guidance* I.C.2 and II.C.3
- Violation of *OECD Guidelines* Chapter I-4 and VIII-1
- Violation of *2021 Council Recommendation* Paragraphs 16 and 20
- 🗉 **Evidence No.79 – U.S. NCP's Procedural Refusal**

This record will be transparently shared with:

- OECD Watch
- ESG rating agencies (MSCI, ISS ESG, FTSE Russell, Sustainalytics, S&P Global ESG)
- International stakeholders and transparency networks

It will be clearly stated that the U.S. NCP failed to uphold even the minimum institutional responsibilities outlined in OECD instruments.

✅ **[Final Statement]**

I will not request further action from your office.

Your refusal to process this matter constitutes a conclusive instance of **procedural abandonment**, and will serve as part of the global record on the failure of the NCP system.

This communication is submitted in good faith, and will be preserved in full for the benefit of public oversight, international credibility, and institutional accountability.

Sincerely,
Shunsuke Kimura
Whistleblower

<https://www.whistleblower-protection.org>

2025年12月10日(水) 3:31 USNCP <usncp@state.gov>:

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