

**NEW YORK
CITY BAR**

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Via U.S. Mail

John Sexton, President
New York University
70 Washington Square South
New York, New York 10012

Richard Armstrong, Director
Solomon R. Guggenheim Foundation and Museum
1071 Fifth Avenue
New York, New York 10128

Re: Enforcement and Monitoring of Workers' Rights at NYU's
Abu Dhabi Campus and the Guggenheim's Abu Dhabi Site

Dear President Sexton and Mr. Armstrong:

In the fall of 2009, it was announced that NYU was planning to build a new campus on Saadiyat Island in Abu Dhabi, United Arab Emirates, and that the Guggenheim Museum was planning its own new facility there. We were also aware that Human Rights Watch and others had reported rampant workers' rights abuses in connection with other building projects in Abu Dhabi. In response to those reports, in December 2009, we invited representatives of NYU, the Guggenheim and Human Rights Watch to address a meeting of our International Human Rights Committee to review the steps that NYU and the Guggenheim were taking to prevent worker abuses at their new facilities.

In early February 2010, NYU made public specific commitments it had agreed upon with Abu Dhabi authorities to honor key workers' rights, including the right to overtime, healthcare, a safe workplace, reimbursement of recruitment fees, and retention by workers of their passports and other identification documents.

On April 6, 2010, Josh Taylor, Assistant Vice Chancellor, and Hillary Ballon, Deputy Vice Chancellor, of NYU and Sarah Leah Whitson, Executive Director of Human Rights Watch's Middle East division, joined our Committee to discuss these issues (the Guggenheim declined our invitation to attend). The Committee noted the important, and highly constructive, steps NYU had committed

to in its press release, but expressed concern that there remained significant enforcement and monitoring gaps that NYU should address in order to fully protect the rights of workers at its facility. Mr. Taylor informed us that NYU had not yet determined how its commitments would be enforced and monitored, but that it intended to make a public announcement on the matter before construction on Saadiyat Island commenced.

Although we understand that discussions have been underway for several months on the enforcement and monitoring issue, NYU has not made public any monitoring or enforcement measures planned to ensure workers' rights are protected at its Abu Dhabi campus. We are aware that the Guggenheim recently released a set of commitments resembling NYU's, and that those commitments similarly lack enforcement and monitoring protocols.

Because of the significance of this issue to the protection of human rights, we believe it important to share with you the Committee's views on the subject so that both NYU and the Guggenheim can take these recommendations into account as they complete their negotiations with governmental authorities. We set forth below our recommendations, and urge both NYU and the Guggenheim to implement them as your institutions proceed with construction of the Abu Dhabi facilities.

1. Enforcement

To ensure that the worker protections that NYU and the Guggenheim pledged to enforce are respected, NYU and the Guggenheim should each:

- a. incorporate the commitments set forth in NYU's Statement of Labour Values¹ and the Guggenheim's similar statement (the "Worker Protections") in all contracts with general contractors, subcontractors, and all other entities performing work on or at the new facilities;
- b. establish meaningful contractual penalties for violations of the Worker Protections, including, but not limited to, liquidated damages for breaches;
- c. establish periodic reporting requirements for general contractors, subcontractors, and all other entities performing work on or at the new facilities with respect to compliance with the Worker Protections and ensure that such reports are shared with the monitoring organization (discussed below);
- d. establish an independent forum for workers to bring claims and/or grievances and a set of remedies for aggrieved workers, including, but not limited to, unpaid wages or benefits, reimbursement of recruitment fees, and penalties to deter abuses and account for the time-value of lost earnings;
- e. ensure that all managers are specifically trained on the Worker Protections and are held accountable for violations;
- f. post the Worker Protections in relevant languages in conspicuous places where workers are sure to view them; and
- g. orally communicate the Worker Protections to all workers in a language they can understand at the commencement of work.

¹ <http://nyuad.nyu.edu/about/labour.values.html>

2. *Monitoring*

To monitor whether their partners are upholding workers' rights and adhering to the worker protections set forth in their contractual agreements, NYU and the Guggenheim should each:

- a. establish a monitoring organization that is in all respects independent from the entities and/or individuals that the organization is tasked with monitoring;
- b. ensure that workers have access to the monitoring organization and that the organization adheres to a policy of cooperating with workers and their representatives in performing its work;
- c. develop monitoring procedures in consultation with the workers and their representatives; and
- d. develop safeguards to protect the identities of workers who provide information or otherwise take part in monitoring activities and penalties for retaliation.

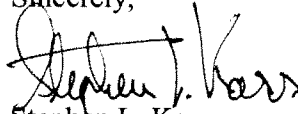
3. *Evaluation*

To ensure that the monitoring organization's findings and recommendations are respected and implemented, NYU and the Guggenheim should each:

- a. establish periodic reporting deadlines for the monitoring organization;
- b. publicly release a mid-term assessment of the monitoring organization's findings as well as an annual report; and
- c. regularly solicit feedback from key stakeholders regarding the monitoring organization's reports.

We commend the initial steps that NYU and, more recently, the Guggenheim have taken toward addressing these critical worker rights issues, and we appreciate the time that NYU's representatives have devoted to reviewing these matters with us. We now look forward to carefully reviewing the results of the enforcement and monitoring mechanisms that each of your institutions adopts as you move forward with your ambitious plans on Saadiyat Island.

Sincerely,



Stephen L. Kass
Chair

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