This Report by the Chair of the Annual Meeting of the National Contact Points held on 16-17 (morning) June 2009, has been finalised in light of comments received under written procedure by 18 September 2009. The report is now derestricted and will be incorporated in the 2009 edition of the "Annual Report on the OECD Guidelines for Multinational Enterprises". Submissions from stakeholders at the consultations on 16 June 2009 and a summary of the discussions of the OECD Conference on Corporate Responsibility of 15 June 2009 will also be included in this publication.
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I. Overview

1. Every year, the National Contact Points (NCPs) of the OECD Guidelines for Multinational Enterprises (“the Guidelines”) meet to review their experiences with promoting the Guidelines. They also engage in consultations with the Business Industry Advisory Committee (BIAC), the Trade Union Advisory Committee (TUAC), and with non-governmental organisations (NGOs), notably OECD Watch, to seek their input on how to further enhance the effectiveness of the Guidelines.

2. In addition, a back-to-back Roundtable with practitioners is organised to assist NCPs to better understand emerging issues and policy developments relevant to the Guidelines. This year’s event, held on 15 June 2009 and organised under the auspices of the OECD Investment Committee in co-operation with three other OECD Committees, was devoted to the theme of “Consumer Empowerment and Responsible Business Conduct.” The Guidelines are the sole existing government-endorsed international instrument for corporate responsibility to address consumer interests. Participants discussed the role of the Guidelines in encouraging responsible behaviour, notably on supply chains, energy consumption and climate change, and financial protection and education.

3. This report reviews activities to promote and implement the Guidelines undertaken by adhering governments over the June 2008 – June 2009 period. It is based on individual NCP reports and other information received during the reporting period and the results of this year’s Annual NCP Meeting. The report is divided into five additional sections: Section II – Institutional Arrangements; Section III – Information and Promotion; Section IV – Specific Instances; Section V – Activities related to OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones; and Section VI – Considerations for Future Actions.

4. This year’s implementation cycle of the Guidelines witnessed the outbreak of an unprecedented financial and economic crisis and a severe drop of confidence in global business. This led to renewed calls for enforcement of the standards of business ethics contained in leading international corporate responsibility instruments together with considerably less complacency with their shortcomings. In this context, the strategic role of the OECD Guidelines continued to enjoy high level expressions of support, including in the G8 and UN contexts. Simultaneously, NCP activities have come under greater scrutiny, and demands for an update of the Guidelines, ten years after the 2000 Review, have become more pressing.

5. The NCPs reports show that NCPs have been listening to stakeholders’ expectations of their performance in raising the profile and effectiveness of the Guidelines. Several NCPs report institutional changes designed to make more resources available to the promotion of the Guidelines and to raise the NCPs’ capacity to offer good offices in the mediation or conciliation of specific instances. This also responds to an OECD Council recommendation adopted in January 2009. Several NCPs also report changes to increase stakeholder inclusiveness and procedural transparency in their activities, thus emulating some of the emerging practices identified in last year’s survey of NCP performance. The Dutch and UK NCPs report considerable effort in making their recent structural reforms work. Canada and Norway’s comprehensive reviews of their corporate responsibility policies confirmed the strategic role of the Guidelines. Individual efforts to raise the awareness, visibility and use of the Guidelines and of the

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1 The Committee on Consumer Policy, the Environment Policy Committee and the Committee on Financial Markets.

2 In Subparagraphs b) and c) of document C (2008)170, the Council “welcomed NCP’s increased efforts to further the effectiveness of the Guidelines for MNEs and encouraged adhering governments to ensure that NCPs have adequate resources to sustain these efforts.”
OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued in various forms.

6. Although the number of specific instance requests was lower this past year than in the 2007-2008 implementation cycle of the Guidelines, this does not appear to signal a decline in support for the specific instances facility. With 25 new cases raised, the total number of requests since the 2000 Review exceeded the 200 mark. Of these, 146 have been accepted for consideration and 114 have been concluded or closed. While a majority of the new cases continue to relate to employment and industrial relations under Chapter IV of the Guidelines, some also involved financial actors and environmental issues covered by Chapter V. Consultations between NCPs on cases involving multiple requests also seem to have become smoother and more productive. But most importantly perhaps, some of the recently concluded or actively reviewed cases are exemplary of the role that the Guidelines can play in addressing investment disputes. In addition, a large majority of the new specific instances were raised in non-OECD countries (of which 8 in non-adhering countries).

7. Adherence to the OECD Declaration on International Investment and Multinational Enterprises, including the Guidelines, has continued to expand. Peru became the 41st adherent to the Declaration, and the review of Morocco’s application has been launched with the aim to complete it within the forthcoming year. At their request, Jordan and Serbia have also been invited to adhere to the OECD Declaration subject to a review of their investment policies.

8. The Guidelines also garnered increased visibility within the context of the OECD Investment Committee’s work on the financial sector, the horizontal Water project, the investment policy review of India, OECD contribution to the work of the Special Representative of the United Nations Secretary-General on Business and Human Rights, co-operation with the UN Global Compact and with other OECD Committees.

9. The Annual Meeting held on 16-17 June 2009 was devoted mainly to NCP performance. While noting the progress made in fulfilling their duties, NCPs felt that still more could be done to further the effectiveness of the Guidelines. They agreed that the next implementation cycle should continue to focus on ways to improve NCP performance. In addition, with the 10th Anniversary of the 2000 Review approaching, they discussed the merits of starting preparations for launching an update of the Guidelines at their 2010 Annual meeting. NCPs confirmed their readiness to actively contribute to this process. They also welcomed the confirmation that the voluntary peer review of the Dutch NCP will soon be launched.

10. The NCPs were subsequently informed that at the 2009 OECD Ministerial Council Meeting of 24-25 June 2009, Ministers “welcomed further consultation on the updating of the OECD Guidelines to increase their relevance and clarify private sector responsibilities.”

II. Innovations in NCP structure and procedures

11. Taking into account the structural changes that occurred in the June 2007-June 2008 period, current NCP structures now consist of:

- 17 NCP single government departments;
- 11 NCP multiple government departments;

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3 Argentina, Australia, Czech Republic, Egypt, Germany, Greece, Luxembourg, Ireland, Israel, Italy, Mexico, New Zealand (with a Liaison Group consisting of government, business and trade unions representatives), Poland, Slovak Republic, Spain, Switzerland and United States.
• 1 bipartite NCP;\(^5\)
• 9 tripartite NCPs (involving governments, business, and trade unions);\(^6\)
• 1 quadripartite NCP (involving governments, business, trade unions and NGOs);\(^7\) and
• 1 mixed structure of independent experts and government representatives.\(^8\)

12. Compared with 2000, when the NCP mechanism under the revised Guidelines was created, the inclusion of stakeholders into NCP structures has markedly expanded.\(^9\) The number of NCPs with tri- or quadri-partite organisations has increased, and advisory committees or permanent consultative bodies involving non-government partners have become widespread in countries with government-based NCP structures. Meetings with business, trade unions and civil society have also become more frequent. While several NCPs seem to prefer more informal channels of communication, this year’s reports underscore NCPs’ commitment to respond to enquiries about the functioning of the Guidelines and to be more transparent about their activities.

13. The following institutional changes are reported to have been adopted or to be under active consideration:

- **Canada** has transferred the role of the NCP chair and co-ordinator from the Investment Trade Policy Division to the Director General, Trade Commissioner Service - Client Services Bureau to promote more effectively the Guidelines abroad. In addition, Canada foresees the establishment a Centre of Excellence to encourage the Canadian extractive sector companies to implement voluntary performance guidelines, such as the OECD Guidelines, and the Office of the Extractive Sector Counsellor (“Counsellor”) to work in close synergy with the Canadian NCP to assist stakeholders in the resolution of corporate responsibility issues pertaining to the activities of these companies abroad (see Box 1).

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4 Brazil, Canada, Chile (under current plans), Hungary, Japan, Iceland, Korea, Slovenia, Portugal, Turkey, and United Kingdom.
5 Romania’s NCP is comprised of government and business representatives.
6 Belgium, Denmark, Estonia, France, Latvia, Lithuania, Luxembourg, Norway, and Sweden. Several of these also have multiple governmental department NCPs.
7 Finland.
8 In 2007, the Dutch NCP has been changed from an interdepartmental office to a mixed structure consisting of four independent experts and four advisors from four ministries.
9 The report by the Working Party of the Investment Committee “Review of NCP Performance: Key Findings” analyses the structural changes that have occurred since the 2000 Revision of the Guidelines.
Box 1. Canada’s New CSR Strategy for the Extractive Sector

On March 26, 2009, the Government of Canada announced the adoption of a new strategy named Building the Canadian Advantage: A CSR Strategy for the Canadian International Extractive Sector. The new strategy is based on the results of extensive consultation with stakeholders which began with a series of “National Roundtables on Corporate Social Responsibility and the Canadian Extractive Sector in Developing Countries,” held in 2006. The Roundtables were a consultative process which engaged industry, civil society and the public in a solutions-oriented discussion on how to enable the Canadian global extractive sector to better identify and manage the social and environmental risks of their operations. In March 2007, the Advisory Group for the National Roundtables, which was composed of non-governmental experts drawn from across stakeholder groups (civil society, labour, industry, investment sector and academics), released a report containing numerous recommendations to the government.

There are several components to the new strategy. One such component involves supporting initiatives to enhance the capacities of developing countries to manage the development of the extraction industry and to benefit from these resources to reduce poverty.

Another component of the strategy is the development of a Centre of Excellence within an existing institution outside of government. The purpose of this Centre is to encourage the Canadian international extractive sector to implement voluntary performance guidelines, such as the OECD Guidelines, by disseminating high-quality information for clients in industry, civil society and government, at home and abroad.

A further component of the strategy involves the establishment of the Office of the Extractive Sector Counsellor (“Counsellor”) to assist stakeholders in the resolution of corporate responsibility issues pertaining to the activities of Canadian extractive sector companies abroad.

The Counsellor and the NCP will operate as two separate and distinct bodies. Canada’s NCP for the OECD Guidelines will continue to be responsible for promoting the effective implementation of the Guidelines across all industry sectors, as well as reviewing any specific instances which it receives, including those in the extractive sector. The NCP will remain the primary authority with respect to the OECD Guidelines. The Counsellor and the NCP will ensure that overlapping activities are closely co-ordinated.

More information can be found on the strategy at: www.csr.gc.ca

- **Denmark** has established an open ‘Guidelines-group’ as a liaison between interested NGOs and members of the Danish Contact Point to facilitate the exchange of views and ideas on the promotion of the Guidelines.

- In **Estonia**, the NCP functions are being moved to the Ministry of Economic Affairs and Communications to improve engagement with enterprises.

- **France** is exploring the institutional relations between the French NCP and other leading social responsibility organisations, notably the French branch of Global Compact.

- In **Germany**, a Working Party on the OECD Guidelines composed of representatives of Federal Ministries, business organisations, employee organisations/trade unions and selected NGOs meets once a year under the chairmanship of a senior official of the Federal Ministry of Economics and Technology to discuss all Guidelines-related issues. In addition, the participating ministries - the Federal Foreign Office, the Federal Ministry of Justice, the Federal Ministry of Finance, the Federal Ministry of Labour and Social Affairs, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety and the Federal Ministry for Economic Co-operation and Development - meet at regular intervals to discuss (a) current issues relating to the OECD Guidelines; (b) how to improve the dissemination of these Guidelines; and (c) the working methods of the National Contact Point.
Japan has established a consultative body comprised of representatives from the Japanese business and labour communities.

Mexico completed in March 2009 the reorganisation of their NCP when the Directorate General for Foreign Investment (DGFI) within the Ministry of the Economy took over the office for the implementation and operation of the NCP.

New Zealand plans to increase the membership of its Liaison Group to include a broader representation of stakeholders.

In Peru the forthcoming Peruvian NCP will be led by the Board of Directors of PROINVERSION, the Peruvian Investment Promotion Agency, which is composed of five Ministers headed by the Minister of Economy and Finance. PROINVERSION’s Executive Office will act as Peru’s NCP Secretariat through the Investment Facilitation and Promotion Division.

Portugal’s NCP is now composed of the Portuguese Investment Agency (AICEP) and the Directorate-General for Economic Activities (DGAE). AICEP is in charge of promotional activities on the Guidelines while DGAE is in charge of the functioning of the specific instance facility.

Slovenia has decided to divide the structure of its NCP. The Slovenian NCP will be mainly responsible for promotional and awareness activities while an interdepartmental body composed of five ministries will be responsible specific instances.

14. Smoother and more productive consultations among NCPs stand out as significant development during the reviewed period. In particular, the Dutch and Irish NCPs report working closely together with assistance from Norway and the United States, on a recent case involving a major pipeline laying project in Ireland. Since 2000, NCPs report having engaged in joint consultations on 25 specific instances.

III. Recent developments in information and promotional activities

15. The June 2000 Decision of the OECD Council calls on NCPs to undertake promotional activities. During the reporting period, NCPs continued to engage in various activities designed to enhance the value of the Guidelines. This section summarizes the main activities described in the individual NCP reports.

III.a Selected promotional activities

16. In addition to the activities reported in paragraphs 17 and 18 below, promotional developments worth underlining include:

- **Argentina – Co-operating regionally.** The Argentinean Contact Point promoted the Guidelines at regional consultations on the “Protect, Respect, and Remedy Framework” developed by the UN Special Representative on Business and Human Rights John Ruggie.

- **Denmark – CSR Action Plan.** This Action plan, adopted in May 2008, which introduced statutory requirements for large businesses operating in Denmark, renewed *inter alia* the government’s commitment to the promotion of responsible business conduct standards of the Guidelines.

- **Egypt – Promoting the Guidelines in the Middle East and North Africa.** Egypt acted as a regional representative for the Guidelines. The Egyptian NCP website was launched in the early summer of 2008 featuring the Guidelines in both English and Arabic and other information relevant to
stakeholders in Egypt. A half-day workshop was organised in mid 2009 the business community, the Egyptian Trade Union and national NGOs.

- **Finland – Continued focus on promotion.** The Finnish Committee on CSR has continued to take a proactive role to progress CSR by raising awareness among all types and sized enterprises in order to prevent breaches of the Guidelines in advance. The Finnish CSR Committee’s activities included dissemination of information about the OECD Guidelines.

- **France – Under the French Presidency of the European Union,** a conference titled ‘Social Responsibility and Enterprises’ was held in Paris on the 30th of October 2008. Partnership and transparency were the main themes of the conference, as well as the need for European leadership in the field of social responsibility. The OECD Secretariat gave a speech on the importance of the implementation of social responsibility initiatives and the supporting role of the Guidelines.

- **Germany – Promoting social responsibility in Asia.** At a conference held in Potsdam in March 2009, the German government – together with EU Commissioner Vladimir Spidla and the labour and employment ministers of key ASEM member states – underscored the need for greater corporate responsibility in Europe and Asia. The OECD Guidelines were highlighted and discussed in depth as one of the most important international instruments for implementing social responsibility. A handbook, sponsored by the German NCP in collaboration with the Working Party on the OECD Guidelines, is being prepared to provide German companies with specific instructions on how to comply with the OECD Guidelines in commercial activities abroad.

- **Israel – Targeting business.** Israel’s NCP is conducting a thorough reconstruction of the OECD-related part of the Ministry’s website in order to make the site more NCP-oriented. It is also developing new steps to raise awareness of the Guidelines in the business community through government support programs and networks.

- **Italy – Assessing performance.** In February 2009, the NCP launched a proposal for two research projects on the topics of the OECD Guidelines and enterprise performance. These two projects have since been assigned to the Bocconi University in Milan and to the LUISS University in Rome.

- **Japan – The importance of networking.** With a view to promoting corporate responsibility and the OECD Guidelines, the Japanese NCP established the co-operation with the local office of UN Global Compact, the local office of ILO in Tokyo and an NGO engaging in the promotion of Global Reporting Initiative (GRI). As a result, in March 2008, the Japanese NCP made a presentation to Japanese CSR business representatives at a seminar organised by the local office of UN Global Compact. The presentation covered NCP activities as well as the Guidelines.

- **Netherlands – Thinking globally.** The Dutch NCP has worked with the Dutch Agency for International Business and Co-operation (EVD) to provide information on the Guidelines and guidance on their implementation in emerging markets for companies considering foreign operations. Stakeholders were given the opportunity to comment on the ongoing specific instance procedures (SIs) and communication activities. Furthermore, an interview with Mr. De Waal on Dutch national television about the National Contact Point and its object and purpose was broadcast in April 2009. A member of the Dutch NCP actively participated at the March 2009 OECD consultations on the application of the Guidelines to the financial sector.

- **Norway – Maximising impact through strategic thinking.** In January 2009, the Norwegian Government published a White Paper titled *Corporate Social Responsibility in a Global...*
Economy, in which the Government evaluated possible models for reorganising the NCP and ensuring a more comprehensive CSR strategy as well as the incorporation of the Guidelines. The Government’s Consultative Forum on CSR organises 4-6 meetings annually; the one meeting held in April 2009 was devoted to the OECD Guidelines; the OECD Secretariat was invited as a guest (see Box 2).

Box 2. Norway’s White Paper: Corporate Social Responsibility in a Global Economy

The Norwegian government’s white paper, Corporate Social Responsibility in a Global Economy, released on January 23, 2009 represents a comprehensive national tool to mobilise business, investors and supporting organisations around the issue of responsible business conduct. Instead of creating a new set of corporate social responsibility standards for Norwegian firms, the government of Norway chose to rely on leading international corporate responsibility frameworks, such as the OECD Guidelines and NCP mechanism, the UN Global Compact, and the Global Reporting Initiative, as a base for its own expectations regarding the behaviour of Norwegian enterprises and its guidance as to how these expectations can be fulfilled. The white paper is a key component of this effort, presenting corporate responsibility as a vehicle both to maintain home country economic competitiveness and to generate host country development and reasserting the Norwegian government’s strong support for international corporate responsibility efforts.

The report supports corporate responsibility efforts by cataloguing the available resources and tools beginning with a discussion of the government’s own responsibilities and expectations regarding Norwegian businesses. The white paper then offers a user-friendly overview of the existing tools and frameworks that can guide business behaviour and then goes further, delving into emerging topics, such as human rights or the international business operations in conflict zones.

The White Paper is designed to be a living document to be improved over time by incorporating periodic feedback from stakeholders, the Parliament, other countries and international organisations. The paper represents a welcome assertion of support for international frameworks, such as the OECD Guidelines, and provides a helpful tool for all businesses, investors, and organisations who aim to encourage responsible international business behaviour.


- **Switzerland** introduced an expanded website on the Guidelines in mid-2008.
- **Turkey – Mobilising business.** A major gathering with four Turkish business associations was organised to inform them about the Guidelines. This successful experience will be repeated with other stakeholders in the near future.
- **United Kingdom.** In June 2008, the UK National Contact Point Steering Board presented a paper setting out the communications strategy to raise awareness of the OECD Guidelines. The paper proposed a phased approach, with phase one targeting government officials, followed by business, NGOs, Trade Unions and other key organisations.

17. **Other promotional activities undertaken by NCPs** during the reporting period include:

- Outreach to companies via contacts or presentations to individual companies or business associations (Brazil, Canada, Chile, Italy, Japan, Korea, Netherlands, Poland, Sweden, United Kingdom).
- Consultations and organisation of meetings with national partners (Australia, Brazil, Canada, Chile, Czech Republic, Denmark, Egypt, Germany, Greece, Ireland, Italy, Japan, Netherlands, New Zealand, Norway, Poland, Romania, Sweden, United Kingdom).
• Newsletters, articles in the press or other promotion through the media (various NCPs).

• Participation in conferences organised by non-governmental actors (Argentina, Australia, Canada, Chile, Finland, Greece, Italy, Poland, Romania, Turkey, United Kingdom, United States).

• Development of promotional material and mailings (Austria, Australia, European Commission, Japan, New Zealand, Norway, United Kingdom).

• Website development (Argentina, Australia, Brazil, Egypt, Italy, Japan, Poland, Romania United Kingdom).

18. Promotional activities within governments include:

• Promotion through presentations to government departments or agencies by high-level officials (Australia, Canada, Chile, Norway, Turkey, United Kingdom).

• Promotion with and training of embassy and consular staff (Australia, Canada, Germany, Japan, Norway, Romania, Spain, Switzerland, United Kingdom, United States). In December 2008 the UK’s Foreign and Commonwealth Office (FCO) sent a guidance note (e-gram) on the Guidelines and human rights to its overseas posts to assist them in the handling of any complaints they may receive on the behaviour of UK companies overseas. The UK NCP has continued to work with the FCO to produce a toolkit providing overseas posts with guidance for business on the Guidelines and human rights.

• Trade and Investment Promotion missions or activities (Canada, Germany, Japan, Lithuania, Netherlands, Norway, Romania, Slovenia, Sweden).

• Promotion through overseas development agencies (Canada, Netherlands).

• Answering questions from Parliaments, Ombudsmen or other government bodies (Canada, European Commission, Germany, Japan, Norway, Sweden, United Kingdom). Promoting the Guidelines to foreign embassies (several NCPs).

III.b Investment promotion, export credit and investment guarantee agencies

19. Adhering governments have continued to explore ways of ensuring that their support for the Guidelines finds appropriate expression in credit and investment promotion or guarantee programmes. Table 1 summarises the links that have been established between the Guidelines and such programmes. Twenty-eight NCPs report that such links exist.
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<tr>
<th>Country</th>
<th>Program Type</th>
<th>Details</th>
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<tr>
<td><strong>Australia</strong></td>
<td>Export credit and investment promotion</td>
<td>Australia’s Export Finance and Insurance Corporation (EFIC) promotes corporate social responsibility principles on its website, including the OECD Guidelines. The Guidelines are hosted on the Australian NCP’s website. Links to the Australian NCP’s website are provided on the Foreign Investment Review Board and the Austrade websites.</td>
</tr>
<tr>
<td><strong>Austria</strong></td>
<td>Export credits</td>
<td>Oesterreichische Kontrollbank AG, acting as the Austrian export credit agency on behalf of the Austrian Federal Ministry of Finance, is actively promoting corporate responsibility principles and standards. On its website, extensive information on CSR issues, including the current text of the Guidelines, is available.</td>
</tr>
<tr>
<td><strong>Belgium</strong></td>
<td>Export credit and investment guarantees</td>
<td>The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.</td>
</tr>
<tr>
<td><strong>Canada</strong></td>
<td>Export Credits</td>
<td>The Export Development Canada (EDC) promotes corporate responsibility principles and standards, including the recommendations of the Guidelines. EDC has linked its website with that of Canada’s NCP. Guidelines brochures are distributed. Dialogue on CSR with key stakeholders is maintained.</td>
</tr>
<tr>
<td><strong>Chile</strong></td>
<td>Investment promotion</td>
<td>The Foreign Investment Committee is the agency which promotes Chile as an attractive destination for foreign investment and international business.</td>
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<tr>
<td><strong>Czech Republic</strong></td>
<td>Investment promotion</td>
<td>There is a special agency called &quot;Czech Invest&quot; operating in the Czech Republic which provides information on the Czech business environment to foreign investors. It has prepared an information package (which includes the Guidelines) that is passed to all foreign investors considering investing within the territory of the Czech Republic. The Czech NCP (at the Ministry of Finance) co-operates closely with Czech Invest.</td>
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<tr>
<td><strong>Denmark</strong></td>
<td>Export credits</td>
<td>When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the OECD Guidelines and encourages exporters to act in accordance with the OECD Guidelines.</td>
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<tr>
<td><strong>Estonia</strong></td>
<td>Investment promotion</td>
<td>The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.</td>
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<tr>
<td><strong>Finland</strong></td>
<td>Export promotion</td>
<td>This programme, adopted in July 2001, introduces &quot;environmental and other principles&quot; for &quot;export credit guarantees&quot;. It calls the &quot;attention of guarantee applicants&quot; to the Guidelines.</td>
</tr>
<tr>
<td><strong>France</strong></td>
<td>Export credits and investment guarantees</td>
<td>Companies applying for export credits or for investment guarantees are systematically informed about the Guidelines. This information takes the form of a letter from the organisation in charge of managing such programmes (COFACE) as well as a letter for companies to sign acknowledging that they are aware of the Guidelines (&quot;avoir pris connaissance des Principes directeurs&quot;).</td>
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<tr>
<td><strong>Germany</strong></td>
<td>Investment guarantees</td>
<td>A reference to the Guidelines is included in the application form for investment guarantees by the Federal Government. The reference also provides a link to information of the Guidelines, in particular the Internet address for the German translation of the Guidelines.</td>
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<tr>
<td><strong>Greece</strong></td>
<td>Investment promotion</td>
<td>The Guidelines are available on the portal of the Ministry of Economy &amp; Finance (<a href="http://www.mnec.gr">www.mnec.gr</a>), as well as on the websites of the Invest in Greece Agency (<a href="http://www.investingreece.gov.gr">www.investingreece.gov.gr</a>) and of the Export Credit Insurance Organization (ECIO) (<a href="http://www.oaep.gr">www.oaep.gr</a>).</td>
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<tr>
<td>Country</td>
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<tr>
<td>Hungary</td>
<td>The site of Investment and Trade Development Agency has links to the Ministry for National Development and Economy, EXIMBANK, MEHIB, and other ministries where important OECD documents on bribery, anti-corruption, export credits are available. Cross links support the quick search for relevant OECD documents.</td>
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<tr>
<td>Israel</td>
<td>The site of Israel's Investment Promotion Centre has a direct connection to the Israeli NCP web site where the OECD Guidelines are available electronically.</td>
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<tr>
<td>Italy</td>
<td>The Italian NCP is in regular contact with SACE (the Italian association in charge of insuring export credit) and contributes to its activities.</td>
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<tr>
<td>Japan</td>
<td>The Guidelines (basic texts and Japanese translation) are available on the websites of the MOFA, MHLW, and METI Japan. The Japan External Trade Organization (JETRO) website, the ASEAN-Japan Centre website and the Nippon Export and Investment Insurance (NEXI) website are also linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion.</td>
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<tr>
<td>Korea</td>
<td>OECD Guidelines can be found at the MKE (Ministry of Knowledge Economy) website (<a href="http://www.mke.go.kr">www.mke.go.kr</a>). MKE promotes trade and investment.</td>
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<tr>
<td>Lithuania</td>
<td>Lithuanian Development Agency* operates in the Republic of Lithuania and provides information on the Lithuanian business environment to foreign investors. It has prepared an information package that is passed to all foreign investors considering investing within the territory of Lithuania. The Lithuanian NCP (at the Ministry of Economy) co-operates closely with the Lithuanian Development Agency*. Investment Promotion Programme for the period of 2008-2013 was adopted by the Government on 19th of December 2007. The goal of the programme is to improve investment environment in Lithuania in general and to establish an efficient system for the promotion of direct investment, focusing on long term development of economy and the prosperity of the society. Whole text of the Investment promotion Programme can be found at the web page of the Ministry of Economy: <a href="http://www.ukmin.lt/en/investment/invest-promotion/index.php">http://www.ukmin.lt/en/investment/invest-promotion/index.php</a></td>
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<td>Mexico</td>
<td>The Mexican NCP is located within the Directorate General for Foreign Investment in the Ministry of Economy, which is responsible for the negotiation of BIT’s and for Mexico’s participation in Investment Committee’s in different international organisations. The guidelines can be found on the website. Mexico’s investment promotion agency - PROMEXICO - works in close co-operation with this Department.</td>
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<tr>
<td>Netherlands</td>
<td>Applicants for these programmes or facilities receive copies of the Guidelines. In order to qualify, companies must state that they are aware of the Guidelines and that they will endeavour to comply with them to the best of their ability.</td>
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<tr>
<td>New Zealand</td>
<td>New Zealand’s Export Credit Office (ECO) mentions the OECD MNE Guidelines on its website. The ECO also provides a link to both the OECD Guidelines and the New Zealand NCP’s website.</td>
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<tr>
<td>Poland</td>
<td>The Polish NCP is located in the investment promotion agency (PAiIiIZ). The Polish Information and Foreign Investment Agency helps investors to enter the Polish market and find the best ways to utilise the possibilities available to them. It guides investors through all the essential administrative and legal procedures that involve a project; it also supports firms that are already active in Poland. PAiIiIZ provides rapid access to the complex information relating to legal and business matters regarding investments, helps in finding the appropriate partners and suppliers, together with new locations.</td>
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<tr>
<td>Portugal</td>
<td>AICEP – Portugal Global is a Business Development Agency responsible for the promotion of exports, the internationalisation of Portuguese companies, especially SMEs and for inbound foreign investment. The Guidelines are part of the information given to all companies.</td>
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<tr>
<td>Country</td>
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<td>Description</td>
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| Romania     | Romanian Agency for Foreign Investments (ARIS) | The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The RNCP’s webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines (basic texts) are available electronically on the sites of the MFA (www.mae.ro) and the Romanian Agency for Foreign Investments (ARIS) (www.arisinvest.ro). The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language. Other useful documents posted on the RNCP’s web page include:  
- Policy framework for Investment;  
- OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones.  
Romanian Agency for Foreign Investment edited, among other specific promotional materials, the brochure entitled “Frequently Asked Questions - An Overview”, including a separate chapter on Romanian National Contact Point and OECD Guidelines for Multinational Enterprises. |
| Slovenia    | Promotion and awareness of OECD Guidelines | The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the OECD Guidelines for Multinational Enterprises is already a part of Slovenian policies. Slovene NCP has just been reconstructed and will perform various promotional activities mostly in second half of the year 2009 (e.g. translation into Slovene language, first public appearance, printing and distribution of Guidelines). |
| Slovak Republic | Investment promotion                    | NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in Slovak language at Ministry’s webpage. The Ministry of Economy is funding and supervising an agency for investment and trade development (SARIO) that promotes both business environment and investment opportunities. The investors entering the Slovak republic who had been awarded with governmental incentives are to commit themselves to keep the Guidelines (part of the awarding decision). |
| Spain       | Investment guarantees                      | The CESCE (Export Credit Agency) that manages investment guarantees, COFIDES (Corporation for Development Finance) and ICO (the Official Credit Institute) provide Guidelines brochures to applicants for support and investment guarantees.                                                                                                      |
| Sweden      | Export credits                            | The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on environment, the rules on bribery, the OECD Guidelines for MNE’s and the Swedish Partnership for Global Responsibility.                                                                                                       |
| Switzerland | Export credits insurance                   | The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism (www.serv-ch.com).                                                                                                            |
| Turkey      | FDI                                        | The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for investment policy making. The Treasury’s website provides information on the Guidelines.                                                                                                               |
| United Kingdom | Export credits and investment insurance    | Links connect the Export Credits Guarantee Department's website with that of the UK National Contact Point. In addition, ECGD refers to the Guidelines in its publicly available Case Impact Analysis Process document.                                                                                                               |
| United States | Export and import credits and investment guarantees | The Export-Import Bank and the Department of Commerce co-operate with the NCP on the provision of information on the Guidelines to applicants for their programmes in support of US business activities abroad.                                                                                                 |
III.c OECD Investment Committee work

20. As a result of the continuous high political profile of the OECD Guidelines, and renewed NCP commitments to make a more effective use of the Guidelines worldwide, the Committee continued to actively promote the Guidelines and support peer learning on a number of issues.

21. Promoting responsible investment in infrastructure. Timed for release at the Istanbul 5th World Water Forum of March 2009, the OECD developed the “Checklist for Public Action,” a practical guidance for governments wishing to engage the private sector in water infrastructure based on the OECD Principles for Private Sector Participation in infrastructure. The Checklist highlights the role of the OECD Guidelines in encouraging responsible business conduct in critical sectors such as water (water is a vital good with important economic, social, environmental and political repercussions).

22. Clarification of the financial sector’s responsibilities. As a follow-up to the 2007 Roundtable and the attention given to the responsibilities of the financial sector in the economic crisis, the Investment Committee resumed its reflection on the application of the OECD Guidelines to financial institutions, notably in their capacity as lenders or investors to multinational enterprises. Representatives of the Equator Principles, the IFC Environmental and Social Performance Requirements and the UN Principles for Responsible Investment shared their experiences with these three leading financial initiatives and share their views on the supporting role of the OECD Guidelines. OECD Watch submitted a written contribution on the application of the Guidelines to the financial sector. The OECD Guidelines for Pension Fund Governance approved in May 2009 highlighted the relevancy of the OECD Guidelines as a reference for public disclosure of relevant information.

23. Outreach continued to elevating the Guidelines’ profile. The OECD Secretary-General launched the Chinese edition of the third OECD Investment Policy Review of China in Beijing in March 2009. This publication was devoted to public policies to promote responsible business conduct in China and by Chinese enterprises operating abroad. A special session of the Investment Committee was also organised in the same month to discuss the results of the first investment policy review of India. This review, which benefited from the participation of high-level Indian government officials, highlighted the OECD Guidelines as a benchmark for responsible business conduct in this key emerging non-OECD country.

24. The contribution of the OECD Guidelines in fostering and promoting responsible business conduct was also discussed over the year among G8 and G5 countries participating in the Working Group on Investment of the Heiligendamm Dialogue Process (HDP). The OECD Guidelines were identified, together with the UN Global Compact and the ILO Tripartite Declaration of Principles concerning Multinational Enterprises and Social Policy as the main international voluntary government-endorsed corporate responsibility instruments. The Italian G8 Presidency and the German Government have also promoted the OECD Guidelines as an element of a “Global Standard for Market Transparency and Integrity” and a “Charter for Sustainable Economic Activity” under consideration by the G8 and G20 respectively.

25. Co-operation with other leading corporate responsibility instruments or bodies. Drawing on the suggestions made at the OECD-ILO High-Level Conference held in Paris on 23-24 June 2008, the OECD Secretary-General discussed during the fall with ILO Director General the list of areas for future co-operation developed by the Investment Committee on the OECD Guidelines and the ILO Tripartite Declaration on Multinational Enterprises and Social Policy. The G8 reiterated its support for building of the strengths of these two instruments to foster the positive contribution of international business to social progress. The ILO will be one of the leading organisations to be associated with the OECD planned event

in Bangkok on 2-3 November 2009 on responsible business conduct. The Committee also continued to encourage closer relations with the UN Global Compact. The preparations of the 2009 OECD Corporate Responsibility Roundtable was organised in close co-operation with the OECD Committee on Consumer Policy, the Committee on Financial Markets and the Environment Policy Committee. The OECD Secretariat also kept AMSDE informed about this event.

26. In addition, the OECD Investment Committee and its Working Party continued to provide a privileged forum for exchanging experiences on the implementation of the Guidelines, notably with regard to the areas identified for future action in the 2008 Annual Report on the Guidelines.11

III.d Other promotion by the OECD

27. In a keynote speech delivered to the G8 on 12 May 2009,12 the OECD Secretary-General summarised the views he has expressed on several occasions13 since the beginning of the financial and economic crisis on the need to draw on the OECD Guidelines and other OECD integrity instruments to restore confidence in the global economy and avoid the recurrence of a similar crisis in the future. The OECD Deputy-Secretary General Aart de Geus also made key note remarks on the role of the OECD Guidelines in promoting socially responsible behaviour at a High-Level ASEM-CSR Conference organised by Germany in Potsdam in March 2009.

28. The Secretariat presented recent developments relating to the NCP specific instance facility at Professor Ruggie’s consultations on Non-Judicial Remedies for Corporate Human Rights Impacts held in Boston in November 2008. At the 2009 Annual NCP Meeting, a member of the UN Secretary-General’s Special Representative John Ruggie on business and human rights’ team highlighted the strategic directions of Professor Ruggie’s work in operationalising the “Protect Respect and Remedy Framework” approved last year the UN Human Rights Council. Professor Ruggie’s 2009 Report [A/HRC/11/13] welcomes recent innovations in NCP governance structures but also re-states his view that this unique mechanism is not used as effectively as it could in protecting human rights.

29. At the margins of the 2008 and 2009 Annual NCP events, the Chair of the Investment Committee convened two meetings of the “Friends of OECD Guidelines for Multinational Enterprises” to discuss ways to expand the influence of the Guidelines. In November 2008, the OECD Observer published an article by Paul Hohnen showing that the OECD Guidelines are being widely used by companies seeking to be recognised as leaders in responsible business practice. This article was based on joint research conducted by the OECD and Vigeo, the leading European corporate responsibility rating agency, on the corporate practices of leading international companies. Rights and Accountability in Development (RAID) released a comprehensive review of the UK National Contact Point (NCP) in association with the Corporate Responsibility (Core) Coalition and the Trade Union Congress (TUC) which also highlights the benchmark value of this instrument and the unique features of the specific instance facility.

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http://www.oecd.org/findDocument/0,3354,en_2649_34487_1_119802_1_4_1,00.html

30. Officers of the Investment Committee and its Secretariat accepted invitations to promote the Guidelines at several international meetings over the period. Selected promotional events attended and activities undertaken include:

- The Chair of the Investment Committee was invited to make keynote presentations on the Guidelines at various events, notably the Workshop "Zukunftsfähiges Wirtschaften mit gesellschaftlicher Verantwortung und sozialer Innovation", organised in Vienna by the Austrian Economic Chamber the Conference in November 2008, the Conference “Enterprises and Human Rights” organised in Vienna by Bundesarbeiterkammer and Amnesty International Austria in March 2009 and the Conference, the Global Standard of the XXI Century organised by the Aspen Institute Italia in Rome in May 2009.
- In October 2008, the Secretariat made a presentation on the role of the OECD Guidelines in promoting responsible business conduct at a conference organised in Paris by the French Presidency of the European Union entitled “Le partenariat et la transparence au Coeur de le Responsabilité Sociale des Entreprises”.
- The Secretariat presented the Investment Committee work on the application of the OECD Guidelines to the financial sector at a the 27th session of UNCTAD Intergovernmental Working Group of Experts on International Standards of Accounting and Reporting (ISAR) held in Geneva in fall 2009.
- In April 2009, the Secretariat was invited to speak before the Norwegian’s Consultative Forum on CSR chaired by the Norwegian State Minister for Foreign Affairs. The Secretariat also participated in April 2009 at Chatham House workshop sponsored by the government of Norway to consider the feasibility of an internationally sponsored mechanism to help resolve conflicts in cases where companies are accused of serious breaches of good environmental practices.
- In May 2009, the Secretariat met with Eurotradia International, an association of high level French executives to discuss the role of the OECD Guidelines in defining the so-called “license to operate.

31. Since March 2006, the OECD Investment Newsletter, published three times a year, has kept the larger investment policy community and other stakeholders informed about ongoing Investment Committee work on the Guidelines. In addition, the Secretariat answered numerous queries about the Guidelines from the media, universities and other interested parties, and continued to improve the OECD website dedicated to the Guidelines.
IV. Active use of the "specific instance" facility

IV.a Number of specific instances

32. 207 requests to consider specific instances have been filed with NCPs since the June 2000 review. Individual NCP reports indicate that the following numbers of specific instances have been filed: Argentina (6), Australia (3), Austria (5), Belgium (12), Brazil (15), Canada (7), Chile (6), Czech Republic (5), Denmark (3), Finland (4), France (12), Germany (10), Hungary (1), Ireland (2), Israel (1), Italy (5), Japan (5), Korea (7), Mexico (3), Netherlands (19), New Zealand (1), Norway (5), Peru (1), Poland (3), Portugal (1), Romania (1), Spain (2), Sweden (3), Switzerland (11), Turkey (3), United Kingdom (20), and United States (27).

33. Annex 3 shows that 146 specific instances have been actively taken up and considered to date by NCPs. 146 of these have been concluded or closed. Most specific instances dealt with Chapter IV (Employment and Industrial Relations). A number of cases also involved violation of human rights in the resources sector and, more recently, complaints relating to the activities of the financial sector. The only Guidelines chapter that has not been referenced in the context of a specific instance is Chapter VIII (Science and Technology).

IV.b Selected specific instances described in NCP reports

34. Australia – In July 2007, the Australian NCP received a request regarding alleged non-observance with several provisions of the OECD Guidelines by mining company BHP Billiton operating via Cerrejon Coal in Colombia. The Australian NCP consulted with the Swiss and UK NCPs in relation to this specific instance. This instance was suspended pending release of the report commissioned by the mining company’s management and shareholders to review the firm’s social engagement. The social review has since been released and the company has publicly responded positively to all of the recommendations in the report. The company appointed an independent facilitator in August 2008, and by December 2008 an agreement was reached between the company and the residents of Tabaco in regard to legacy issues and a way forward. There are five other communities for which an agreement is yet to be reached, but the process of consultation is proceeding.

35. Brazil – The Brazilian NCP has received two complaints concerning two banks, Unibanco and ABN-AMRO Real, brought by the Brazilian labour union, “Central Única dos Trabalhadores” (CUT). In both cases, the Brazilian NCP has sent a list of questions in accordance with its specific instance procedures.

36. Ireland – In August 2008, the Irish NCP received a complaint regarding the operation of a gas project on the west coast of Ireland. The complaint came from a local community group, supported by NGOs, who alleged breaches of the OECD Guidelines, Chapter II (General Policies) and Chapter V (Environment). As the operating company is headquartered in the Netherlands, the Dutch NCP was duly contacted. On the 19th of February 2009, following close work between the Irish and Dutch NCP, the case was deemed to be admissible. However, in an unrelated initiative the Irish Government undertook active mediation with the Community Groups and the concerned Consortium. The NCPs suspended their process for fear of compromising the mediation but in April 2009, the two NCPs resumed their work on the case as the Ministerial efforts stalled. This ongoing case has thus far involved bilateral meetings with the Consortium, the Complainants and relevant Government departments as well as the co-operation with the

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14 The number of specific instances actively taken up by NCPs is the number of specific instances listed in Annex 3, adjusted for specific instances that are listed more than once on the Annex table because more than one NCP was involved and more than one reported on the specific instance in the Annex table.
US and Norwegian NCPs which have also been closely involved and informed of progressive developments.

37. **United Kingdom** – In December 2008, a final statement was published by the UK NCP on the specific instance concerning the activities of G4S in Nepal, Mozambique, Malawi and the Democratic Republic of Congo. The alleged breaches of Chapter II (General policies) and Chapter IV (Employment and Industrial Relations) were brought to the OECD in December 2006 by the trade union representatives of Union Network International. The UK NCP accepted the complaint and commenced mediation between the two parties in an effort to reach a voluntary resolution. The result of the independent mediation was an exemplary success as G4S and UNI undertook specific commitments with regard to the issues presented in Nepal and DRC. In connection with Mozambique and Malawi, the parties have agreed to a process to allow them to work more closely together on a number of particular issues at the national level. The aim of this process is to both protect the rights and interests of G4S employees and to build and strengthen the local relationships between G4S and the unions which represent its employees. The case was covered in an edition of a monthly newsletter that is put together by Business in the Community (BITC) for the All Party Parliamentary Group on Corporate Responsibility. Furthermore, the Trade Union Congress (TUC) published a press release in December 2008 which was circulated to its members. TUAC and UNI also published information/articles following the conclusion of this case on their respective websites. This specific instance shows that the UK NCP provided a high quality mediation service with the aim of assisting the parties to come to their own settlement.

V. **Implementation of the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones**

38. Many adhering countries continued to promote awareness of the OECD Risk Awareness Tool on NCP websites or other relevant web pages, providing links to the document (e.g. Australia, and German internet site of the Federal Ministry of Economics and Technology) and recommending its use for companies operating in weak governance zones (Canada). The tool is explicitly mentioned in the guidance on the guidelines and human rights that the UK Foreign and Commonwealth Office (FCO) sent to its overseas posts to assist them in the handling of any complaints they may receive on the behaviour of UK companies overseas. The Norwegian White Paper on Corporate Social Responsibility in a Global Economy includes reference to the OECD Risk Awareness Tool, recognising that it can be of help for companies in assessing and handling risks and dilemmas which they encounter in areas with weak governance. The Swiss National Contact Point discussed on various occasions with Swiss multinational enterprises ways to raise awareness and disseminate the tool.

39. BIAC, TUAC and a number of NGOs have asked the OECD to undertake further work for management and implementation of the Tool. The need for more detailed guidance for companies operating in areas where human rights abuses are taking place was also highlighted during the joint meeting on “Company Responsibilities in Countries with Human Rights Challenges” organised by the Conference Board’s European Council on Corporate Responsibility and the Business Humanitarian Forum held in Geneva on 23-24 October 2008.15

40. In response to these requests, the OECD Investment Committee agreed to intensify efforts to use the OECD as a platform to operationalise the OECD Guidelines and the Risk Awareness Tool. The NEPAD-OECD Expert Roundtable on Investment in Transport Infrastructure, held in Kampala, Uganda on 10-11 December 2008, served as the first opportunity for selected experts and representatives of host

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15 The OECD Secretariat was invited to speak at this meeting. The report is available at [http://www.bhforum.org/pdf/BHF-CBE%20Meeting%20Report,October%2023-24%202008.pdf](http://www.bhforum.org/pdf/BHF-CBE%20Meeting%20Report,October%2023-24%202008.pdf).
countries, international organisations, development agencies, academia, and private companies to engage in a dialogue on ethical dilemmas companies are likely to face while carrying out infrastructure projects.

41. The Investment Committee continued to engage with the Development Assistance Committee (DAC) on the development of a pilot project on the implementation of the OECD Risk Awareness Tool in the extractive industries sector. In December 2008, a discussion was organised in co-operation with the Secretariat of the newly launched International Network on Conflict and Fragility (INCAF) - held in Paris a discussion on the subject of “Tackling the Natural Resources Trap in the Democratic Republic of Congo”.

42. As a follow-up to the 2007 G8 Heiligendamm Declaration on Growth and Responsibility in the World Economy, which acknowledged the potential of certification systems to increase transparency and good governance in the extraction and processing of mineral raw materials, the German Federal Institute for Geosciences and Natural Resources has made use of the the OECD Risk Awareness Tool and the OECD Guidelines to develop a set of indicators for measuring companies’ performance as part of the implementation of the pilot project on Certified Trading Chains (CTC) in Rwanda’s mineral sector.

43. The International Conference on the Great Lakes Region (ICGLR) expressed interest in using the OECD Guidelines and OECD Risk Awareness Tool in support of its efforts to curb the illegal exploitation of natural resources in the region as a result of the ICGLR’s first expert meeting held on 2-3 April 2009 in Bujumbura in which the Secretariat of the Investment Committee was invited to participate. The ICGLR is particularly interested in co-operation with the OECD for the implementation of the 2006 Protocol against the illegal exploitation of natural resources with regard to: (a) the development of guidelines towards the harmonisation of the regional legal framework against the illegal exploitation of natural resources; (b) the elaboration of a regional certification mechanism; and (c) the promotion of due diligence procedures to enhance transparency and accountability in the extractive sector. The Investment Committee, in consultation with the DAC, will consider how it can best respond to this request.

44. With particular regard to due diligence, the UK NCP noted the relevance of the OECD Risk Awareness Tool in both the final statements for Das Air (para. 54-55) and Afrimex (para. 67-70) specific instances, which were published in July and August 2008 respectively. The UK NCP found that both Das Air and Afrimex performed insufficient due diligence on the supply chain. In its recommendations, the UK NCP drew attention to the OECD Risk Awareness Tool and recommended that Afrimex should integrate it in its corporate policies. In December 2008, the UN Security Council also called on member states to ensure that companies under their jurisdiction perform due diligence procedures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercise due diligence on their suppliers and on the origin of the minerals they purchase.

45. OECD work on due diligence in the extractive sector in the coming year will be carried out in co-operation with the ICGLR and the Task Force on the illegal exploitation of natural resources in the Great Lakes Region as part of the project on the implementation of the OECD Risk Awareness Tool in the

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16 The letter to the OECD by the International Conference on the Great Lakes Region is reproduced in Annex 5.

17 UNSC Resolution 1857, 22 December 2008 on the situation concerning the Democratic Republic of the Congo.

18 The "Task Force" on the illegal exploitation of natural resources in the Great Lakes Region was set up as an informal group to foster exchange of information on current initiatives, identify gaps and make recommendations for decision-making bodies where possible. It held its first meeting in February 2009. The Task Force, initially composed of the United Nations, the United States and the European Commission and EU member states, now includes other interested countries and international organisations. For the
extractive industry. The Task Force has recommended that the OECD be invited by its Members to provide the umbrella for this exercise. Roundtables with relevant stakeholders on due diligence measures in the electronics and information and communications technologies [ICT] sector and the coltan-tantalum and cassiterite supply chain will be organised in fall 2009 and a working group hosted by the OECD will be set up to undertake preparatory work. Experts from home and host countries (ICGLR), donors, academics, private sector and civil society organisations will be invited to participate and submit contributions.19

46. It is also envisaged to make use of the newly created OECD DAC-hosted International Network on Conflict and Fragility (INCAF) and the NEPAD-OECD Investment Initiative for multi-stakeholder consultations on the implementation of the Risk Awareness Tool. Useful links will be established with the work of other OECD bodies (such as the Working Party on Export Credits and Credit Guarantees and the Working Group on Bribery).

47. In addition, the OECD intends to assist companies more actively in turning universal principles of ethical conduct into local practices, appropriate management and compliance systems and interpret the OECD Guidelines in weak governance situations. This work should contribute in simplifying and clarifying the plethora of available operational tools and provide more effective web-based practical guidance.

VI. Considerations for future action

48. Given the high level of support that the Guidelines have as a tool to rebuild trust and confidence in global business and given the recent progress made during the reporting period, NCPs generally agreed that the best use of the year remaining until the 10th Anniversary of the 2000 Revision would be to concentrate energies on the following three priorities:

49. Further improvement of NCP performance. The Annual Meeting showed once more how important “peer learning” is for NCP performance and why it should be actively pursued. NCPs welcomed the plans presented by the Dutch NCP for conducting a “peer review” of its performance in the coming months and several of them declared their intention to participate in this exercise. NCPs noted that various areas have been proposed for further reflection to increase the effectiveness of the NCP mechanism including parallel proceedings, the relationship between the Guidelines and national laws, the role of parent companies, the responsibilities of joint-venture partners, confidentiality requirements and representation of stakeholders.

50. The NCPs agreed that they should continue to exchange information on lessons learned from specific instances and promotional activities on the Guidelines. A number of NCPs reiterated the importance of following through last year’s OECD Council recommendation to adherent countries to allocate adequate resources to their NCPs.

19 The Chair has noted that since the Annual Meeting, the L’Aquila G8 Summit has provided further political support for this work. Paragraph 131 c) of the G8 Leaders Declaration: Responsible Leadership for a Sustainable Future of 8 July 2009 specifically “encourages all firms operating in the extractive sector and in weak governance zones to adopt international corporate social responsibility guidelines, such as the OECD Guidelines on Multinational Enterprises.” In this respect and with reference to the Great Lakes Region, the G8 Declaration also “welcomes the efforts of the International Conference on the Great Lakes Region to tackle illegal exploitation of natural resources and encourages the OECD, the United National and the Global Compact to work with the Conference and engage with key stakeholders to further develop practical guidance for business operating in countries with weak governance.”
51. The NCPs welcomed the intervention by the Deputy-Director of the UN Global Compact (UNGC). They agreed that individual NCPs might consider whether the synergies between the UNGC “integrity measures” and the “specific instance facility” could be further enhanced to improve the implementation of both instruments. They also welcomed the intention of the OECD and UN Global Compact and their Secretariats to update the 2005 UN-OECD document entitled “The UN Global Compact and the OECD Guidelines for Multinational Enterprises: Complementarities and Distinctive Contributions.”

52. In addition, NCPs welcomed the Investment Committee’s ongoing work on the application of the Guidelines to the financial sector and its willingness to assist NCPs on other matters as appropriate.

53. Outreach. The rise in the number of specific instances in non-adhering countries (8 out of 18 cases in 2008-2009) presents challenges for the operation of the specific instance facility. This also means that non-adherent countries need to become better aware of the benefits of the Guidelines and be more closely involved in their implementation. NCPs welcomed the Investment Committee’s intention to continue to include the subject of responsible business conduct in its future investment policy reviews (IPRs) with enhanced engagement countries (as with the recent IPRs of China and India). They also welcomed the OECD’s intention to organise a major dialogue event on the Guidelines in Bangkok on 2-3 November 2009 in co-operation with the UN Asia-Pacific Commission, the UN Global Compact and the ILO, and the Global Reporting Initiative.

54. Updating the Guidelines. As a living instrument, the Guidelines need to be kept up-to-date. Furthermore, the 2000 Council Decision on the Implementation Procedures of the Guidelines provides that this Decision should be periodically reviewed and that the Investment Committee shall make proposals for this purpose. With the 10th anniversary of the 2000 Review approaching, NCPs generally felt that this is an appropriate time to consider the merits of updating the Guidelines. They recommended that the OECD Investment Committee use the coming period to generate a list of substantive and procedural issues that have arisen from experience with the Guidelines over the past ten years with a view to defining the terms of reference for any future update of the Guidelines. They also confirmed their readiness to actively contribute to this process. Shortly after the Annual Meeting, the NCPs were informed that at the 2009 OECD Ministerial Council Meeting of 24-25 June 2009, Ministers had “welcomed further consultation on the updating of the OECD Guidelines to increase their relevance and clarify private sector responsibilities.”

# Annex 1.
## Structure of the National Contact Points

<table>
<thead>
<tr>
<th>Country</th>
<th>Composition of the NCP</th>
<th>Governmental Location of the NCP</th>
<th>Other Ministries and/or Agencies Involved*</th>
<th>Comments and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>Single department</td>
<td>OECD Co-ordination Unit - National Directorate of International Economic Negotiations (DINEI) Ministry of Foreign Affairs, International Trade and Worship</td>
<td></td>
<td>The NCP has been co-ordinated with other government departments, business, labour and civil society and having in mind the experiences that has got from these Contact Points and its conviction that other areas of government might be involved, is working hard to present a new scheme in order to fulfill the complexities of incoming presentations.</td>
</tr>
<tr>
<td>Australia</td>
<td>Single department</td>
<td>Foreign Investment and Trade Policy Division of the Ministry of Treasury</td>
<td>Foreign Investment Review Board</td>
<td>The Australian NCP liaises with other government departments as necessary and holds community consultations with business, trade unions and other NGO representatives.</td>
</tr>
<tr>
<td>Austria</td>
<td>Single department</td>
<td>Export and Investment Policy Division, Federal Ministry of Economics and Labour</td>
<td>Other divisions of the Federal Ministry of Economics and Labour The Federal Chancellery and other Federal Ministries concerned</td>
<td>An Advisory Committee composed of representatives from other Federal government departments, social partners and interested NGOs supports the NCP. The Committee has its own rules of procedure, met three times over the review period and discussed all Guidelines-related business.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Tripartite with representatives of business and labour organisations as well as with representatives of the federal government and regional governments</td>
<td>Federal Public Service of Economy, PMEs, Middle Classes and Energy</td>
<td>Federal Public Service of Environment Federal Public Service of Labour Federal Public Service of Foreign Affairs Federal Public Service of Finance Federal Public Service of Justice Region of Brussels Flemish Region Walloon Region</td>
<td></td>
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<tr>
<td>Country</td>
<td>COMPOSITION OF THE NCP</td>
<td>GOVERNMENTAL LOCATION OF THE NCP</td>
<td>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</td>
<td>COMMENTS AND NOTES</td>
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<tr>
<td>Brazil</td>
<td>Interministerial body composed of 8 ministries and the Central Bank</td>
<td>Ministry of Finance</td>
<td>Ministry of Foreign Affairs, Ministry of Labour and Employment, Ministry of Planning, Budget and Management, Ministry of Justice, Ministry of Environment, Ministry of Science and Technology, Ministry of Development, Industry and Trade, Ministry of Agriculture, Brazilian Central Bank</td>
<td>Representatives from other government offices can be asked to participate as well as other entities. In April 2007, the Brazilian NCP issued a decision to regularly invite CUT, the largest Brazilian labour union, to the forthcoming meetings. Other institutions have also been invited to the NCP meetings, like the NGO ETHOS Institute, the National Confederation of Industry – CNI, and the SOBEET (Brazilian Society for Transnational Enterprises and Globalisation Studies).</td>
</tr>
<tr>
<td>Canada</td>
<td>Interdepartmental Committee</td>
<td>Foreign Affairs and International Trade Canada</td>
<td>Industry Canada, Human Resources and Social Development Canada, Environment Canada, Natural Resources Canada, Department of Finance, Canadian International Development Agency</td>
<td>Other departments and agencies participate on an “as required” basis, e.g., Export Development Canada. Key interlocutors in the business and labour communities include the Canadian Chamber of Commerce, the Canadian Labour Congress and the Confédération des syndicats nationaux. The Interdepartmental Committee is chaired by DFAIT at the Director General level.</td>
</tr>
<tr>
<td>Chile</td>
<td>In the process of restructuring. The NCP is working towards a multiple government department coordinated by the OECD department in the Chilean Foreign Office.</td>
<td>Ministry of Foreign Affairs, Directorate of International Economic Relations</td>
<td>The NCP consults regularly with business, trade unions and other NGO representatives.</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>COMPOSITION OF THE NCP</td>
<td>GOVERNMENTAL LOCATION OF THE NCP</td>
<td>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</td>
<td>COMMENTS AND NOTES</td>
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<tr>
<td>Czech Republic</td>
<td>Single Department</td>
<td>Ministry of Finance</td>
<td>Ministry of Labour and Social Affairs, Ministry of Industry and Trade, Ministry of Interior, Ministry of Justice, Ministry of Foreign Affairs, Ministry of the Environment, Czech National Bank, Office for the Protection of Economic Competition, Czech Statistical Office, Securities Commission, CzechInvest</td>
<td>The NCP works in co-operation with the social partners. The NCP continues in co-operation with the NGOs, especially with the Czech OECD Watch member.</td>
</tr>
<tr>
<td>Denmark</td>
<td>Tripartite with several ministries</td>
<td>Ministry of Employment, Ministry of Foreign Affairs</td>
<td>Ministry of the Environment, Ministry of Economic and Business Affairs</td>
<td></td>
</tr>
<tr>
<td>Estonia</td>
<td>Tripartite with several ministries</td>
<td>Ministry of Economic Affairs</td>
<td>Ministry of Social Affairs, Ministry of Environment, Estonian Export Agency, Ministry of Foreign Affairs, Ministry of Justice, Enterprise Estonia, Estonian Employers Confederation, Confederation of Estonian Trade Unions, Estonian Chamber of Commerce and Industry</td>
<td>The NCP continues in co-operation with the business, trade unions and other NGO representatives</td>
</tr>
<tr>
<td>Country</td>
<td>COMPOSITION OF THE NCP</td>
<td>GOVERNMENTAL LOCATION OF THE NCP</td>
<td>OTHER MINISTRIES AND/OR AGENCIES INVOLVED*</td>
<td>COMMENTS AND NOTES</td>
</tr>
<tr>
<td>---------</td>
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<td>--------------------</td>
</tr>
<tr>
<td>Finland</td>
<td>Quadri-partite with several ministries and civil society partners, as business and labour organisations</td>
<td>Ministry of Employment and the Economy</td>
<td>Ministry of Foreign Affairs Ministry of Social Affairs and Health Ministry of Environment The Prime Minister’s Office The Confederation of Finnish Industries (EK) The Central Organization of Finnish Trade Unions (SAK) The Finnish Section of the International Chamber of Commerce (ICC) FinnWatch The Finnish Confederation of Professionals (STTK) Akava – Confederation of Unions for Professional and Managerial Staff Federation of Finnish Enterprises The Finnish Consumers’ Association WWF Finland The Evangelical Lutheran Church of Finland</td>
<td>The new Finnish CSR Committee (set on 16 October 2008) established by the Government Decree (591/2008) on 9 September 2008 operates under the auspices of the Ministry of Employment and the Economy, and the Committee replaces the MONIKA Committee (established by Government Decree 335/2001). The CSR Committee focuses on the issues of CSR and on the promotion of the guidelines of the OECD and of the other international organisations. The Committee on CSR has met three times over the review period.</td>
</tr>
<tr>
<td>France</td>
<td>Tripartite with several ministries</td>
<td>Treasury Department, Ministry of Economy and Finance</td>
<td>Ministry of Labour Ministry of Environment Ministry of Foreign Affairs</td>
<td>An Employers’ Federation and six Trade Union Federations are part of the NCP.</td>
</tr>
<tr>
<td>Germany</td>
<td>Single Department</td>
<td>Federal Ministry of Economics and Technology</td>
<td>Ministry of Foreign Affairs Ministry of Justice Ministry of Finance Ministry of Economic Co-operation Ministry of Environment Ministry of Labour and Social Affairs</td>
<td>The NCP works in close co-operation with the social partners. A ‘Working Party on the OECD Guidelines’ composed of representatives from those Federal ministries mentioned in the previous column, business organisations, employee organisations and selected NGOs meets regularly to discuss all Guidelines-related issues. In addition, the participating ministries meet at regular intervals to discuss (a) current issues relating to the OECD Guidelines, (b) how to improve the dissemination of these Guidelines and (c) the working methods of the National Contact Point.</td>
</tr>
<tr>
<td>Country</td>
<td>Composition of the NCP</td>
<td>Governmental Location of the NCP</td>
<td>Other Ministries and/or Agencies Involved*</td>
<td>Comments and Notes</td>
</tr>
<tr>
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</tr>
<tr>
<td>Hungary</td>
<td>Interdepartmental Office</td>
<td>Ministry for National Development and Economy</td>
<td>Ministry for National Development and Economy</td>
<td></td>
</tr>
<tr>
<td>Iceland</td>
<td>Interdepartmental Office</td>
<td>Ministry of Business Affairs</td>
<td>Ministry of Finance</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>Single Department</td>
<td>Bilateral Trade Promotion Unit, Department of Enterprise, Trade and Employment</td>
<td>The Department of Communications, Energy and Natural Resources Office of the State Solicitor.</td>
<td>An Advisory Committee has been composed of representatives from those ministries mentioned in the previous column, and business and employee organisations.</td>
</tr>
<tr>
<td>Israel</td>
<td>Single Department</td>
<td>Ministry of Trade, Industry and Labour</td>
<td>Ministry of Foreign Affairs Ministry of Finance Ministry of Environment Ministry of Justice</td>
<td>The NCP works in close collaboration with representatives of social organisations and its Advisory Committee also includes members of the most important trade unions and business associations.</td>
</tr>
<tr>
<td>Italy</td>
<td>Single Department</td>
<td>General Directorate for Industrial Policy, Ministry of Economic Development</td>
<td>Ministry of Foreign Affairs Ministry of Environment Ministry of Economy and Finance Ministry of Justice Ministry of Labour, Welfare and Health Ministry of Agriculture and Forest Policy Department of International Trade (Ministry of Economic Development)</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Composition of The NCP</td>
<td>Governmental Location of The NCP</td>
<td>Other Ministries and/or Agencies Involved*</td>
<td>Comments and Notes</td>
</tr>
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<td>--------------------</td>
</tr>
<tr>
<td>Korea</td>
<td>Interdepartmental office, with several ministries</td>
<td>Foreign Investment Subcommittee, Ministry of Knowledge Economy</td>
<td>Ministry of Strategy and Finance Ministry of Foreign Affairs and Trade Ministry of Environment Ministry of Labour, etc</td>
<td>Ministry titles have been changed.</td>
</tr>
<tr>
<td>Lithuania</td>
<td>Tripartite with representatives of business and labour organisations as well as with representatives of government</td>
<td>Ministry of Economy</td>
<td>Trade Union “Solidarumas” Confederation of Trade Unions Labour Federation Confederation of Business Employers Confederation of Industrialists</td>
<td>The NCP works in close co-operation with the Tripartite Council – a national body, including representatives of government agencies as well as employee and business organisations.</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Tripartite</td>
<td>Ministry of Economics</td>
<td>Ministry of Economics General Inspector of Finances STATEC Ministry of Finance Employment Administration Ministry of Labour and Employment 3 Employers’ federations 2 Trade union federations</td>
<td></td>
</tr>
<tr>
<td>Mexico</td>
<td>Single Department</td>
<td>Ministry of Economy</td>
<td>The NCP works in close co-operation with other concerned departments.</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Composition of the NCP</td>
<td>Governmental Location of the NCP</td>
<td>Other Ministries and/or Agencies Involved*</td>
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<tr>
<td>Netherlands</td>
<td>Independent Board</td>
<td>Ministry of Economic Affairs (NCP Secretariat)</td>
<td>Ministry of Social Affairs and Employment Ministry of Housing, Spatial Planning and Environment Ministry of Foreign Affairs</td>
<td>Regular consultations with all stakeholders. The board consists of four persons including a chairman with each a background in one of the various stake holding groups in society.</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Single Department</td>
<td>Ministry of Economic Development</td>
<td>Department of Labour Ministry for the Environment Ministry of Foreign Affairs and Trade</td>
<td>A Liaison Group comprising representatives of other government departments, social partners and NGOs, supports the NCP. The NCP also liaises with other government departments and agencies as necessary.</td>
</tr>
<tr>
<td>Norway</td>
<td>Tripartite, with several ministries</td>
<td>Section for Economic, Commercial and CSR Affairs Ministry of Foreign Affairs</td>
<td>Ministry of Foreign Affairs Ministry of Trade and Commerce Norwegian Confederation of Trade Unions Confederation of Norwegian Enterprise</td>
<td></td>
</tr>
<tr>
<td>Poland</td>
<td>Single Department</td>
<td>Polish Information and Foreign Investment Agency (PAIiIZ)</td>
<td></td>
<td>The Polish Information and Foreign Investment Agency (PAIiIZ) is supervised by the Ministry of the Economy.</td>
</tr>
<tr>
<td>Portugal</td>
<td>Bipartite Structure</td>
<td>AICEP Ministry of Economy and Innovation DGAE Ministry of Economy and Innovation</td>
<td>Ministry of Foreign Affairs Ministry of Finance Ministry of Justice IAPMEI</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Structure</td>
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<td>Comments and Notes</td>
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</tbody>
</table>
| Romania      | Bipartite Structure| Co-ordination – Ministry of SMEs, Trade and Business Environment and Ministry of Foreign Affairs.  
Executive function – Ministry of SME’s, Trade and Business Environment - Directorate for Business Environment and Liberal Professions and Romanian Agency for Foreign Investment.  
Technical secretariat – Ministry of Foreign Affairs and Romanian Agency for Foreign Investment | Ministry of Foreign Affairs  
Ministry of Economy  
Ministry of Public Finance  
Ministry of Justice and Citizens’ Freedoms  
Ministry of Education, Research and Innovation  
Ministry of Labour, Family and Social Protection  
Ministry of Transportation and Infrastructure  
Ministry of Regional Development and Housing  
Ministry of Environment  
Ministry of SME’s, Trade and Business Environment  
Romanian Agency for Foreign Investment  
Business Environment Unit  
Institute for Economic Research  
Alliance of Romanian Employers’ Association  
Confederation  
Chamber of Commerce and Industry of Romania | Depending on the issue under debate within the Romanian National Contact Point, the consultation process is extended to other representatives from governmental and nongovernmental institutions, patronages and civil society. |
<p>| Slovak Republic | Single Department | Ministry of Economy | Slovak Investment and Trade Development Agency (SARIO) as well as the Ministry of Finance of the Slovak Republic and the Ministry of Labour, Social Affairs and Family of the Slovak Republic as both are one of the investment aid providers. | Strategic investment department is a single department in the Ministry of Economy, under the Section of strategy. |
| Slovenia     | Tripartite, with several ministries | Ministry of the Economy | Other ministries, agencies, local communities, NGOs | The Slovene NCP has been just reconstructed and is therefore in the beginning phase. |</p>
<table>
<thead>
<tr>
<th>Country</th>
<th>Composition of the NCP</th>
<th>Governmental Location of the NCP</th>
<th>Other Ministries and/or Agencies Involved*</th>
<th>Comments and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>Single Department</td>
<td>General Secretariat for External Trade, Ministry of Industry, Tourism and Trade</td>
<td>Ministry of Environment and Rural and Marine Affairs, Ministry of Justice, Ministry of Health and Social Policy, Ministry of Labour and Immigration</td>
<td>The NCP liaises with representatives of social partners and NGOs.</td>
</tr>
<tr>
<td>Sweden</td>
<td>Tripartite, with several ministries</td>
<td>International Trade Policy Department, Ministry for Foreign Affairs</td>
<td>Ministry for Foreign Affairs, Ministry of the Environment, Ministry of Employment, Ministry of Enterprise, Energy and Communications</td>
<td>The Ministry for Foreign Affairs, International Trade Policy Department, chairs the NCP and has the ultimate responsibility for its work and its decisions.</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Single Department</td>
<td>International Investment and Multinational Enterprises Unit, State Secretariat for Economic Affairs</td>
<td></td>
<td>The Swiss NCP liaises with other government departments as necessary. Ad-hoc committees are set up to deal with specific instances procedures. The NCP has frequent contacts with business organisations, employee organisations and interested NGOs. A consultative group composed of stakeholders meets in principle once a year and is provided with essential information as required.</td>
</tr>
<tr>
<td>Turkey</td>
<td>Tripartite, includes three governmental bodies.</td>
<td>General Directorate of Foreign Investment, Under secretariat of Treasury</td>
<td>Ministry of Foreign Affairs, Ministry of Justice</td>
<td>Depending on the issue under debate, the consultation and fact finding processes are extended to other governmental offices. Also an Advisory Committee including academicians, NGOs, representatives from trade unions and business associations helps the NCP in its activities.</td>
</tr>
<tr>
<td>Country</td>
<td>Composition of the NCP</td>
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<td>Other Ministries and/or Agencies Involved*</td>
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</tr>
<tr>
<td>United Kingdom</td>
<td>Inter-ministerial – two ministries</td>
<td>Department for Business, Innovation and Skills (BIS), Department for International Development (DFID)</td>
<td>Department for Work and Pensions (DWP), Export Credits Guarantee Department (ECGD), Foreign and Commonwealth Office (FCO)</td>
<td>A Steering Board oversees work of the NCP. The Board includes external members drawn from outside Government, selected for their experience in business, employee relations and issues of concern to NGO’s including representatives of the national organisations of workers and employers. Other Government Departments and agencies with an interest in the OECD Guidelines are also represented. On a day to day level, the NCP liaises with other government departments as necessary and has regular informal contacts with business, trade union and NGO representatives.</td>
</tr>
<tr>
<td>United States</td>
<td>Single Department</td>
<td>Office of Investment Affairs, Bureau of Economic and Business Affairs, United States Department of State</td>
<td></td>
<td>The US NCP queries other agencies as needed and, when necessary, an interagency committee chaired by the Office of Investment Affairs meets to discuss Guidelines issues. Business, labour and civil society organisations are consulted regulatory via the Advisory Council on International Economic Policy or individually on an ad hoc basis.</td>
</tr>
</tbody>
</table>

Note: * The information provided here is based on the ministries and/or government agencies explicitly mentioned in the NCP reports.
ANNEX 2.
CONTACT DETAILS FOR NATIONAL CONTACT POINTS

<table>
<thead>
<tr>
<th>Country</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Allemagne - Germany</strong></td>
<td>Bundesministerium für Wirtschaft und Technologie – Auslandsinvestitionen VC3</td>
</tr>
<tr>
<td></td>
<td>Scharnhorststrasse 34-37 D-10115 Berlin</td>
</tr>
<tr>
<td></td>
<td>Tel: (49-30) 2014 75 21 Fax: (49-30) 2014 50 5378 Email: <a href="mailto:buero-vc3@bmwi.bund.de">buero-vc3@bmwi.bund.de</a></td>
</tr>
<tr>
<td></td>
<td>Web: <a href="http://www.bmwi.de/go/nationale-kontaktstelle">www.bmwi.de/go/nationale-kontaktstelle</a></td>
</tr>
<tr>
<td><strong>Argentine - Argentina</strong></td>
<td>Ambassador Rodolfo I. Rodríguez Deputy Director of the National Directorate for Economic International Negotiations Director of the OECD Co-ordination Unit Ministry Arturo Hotton Risler Deputy Director of the NPC National Direction of International Economic Negotiations (DINEI) Ministry of Foreign Affairs, International Trade and Worship</td>
</tr>
<tr>
<td></td>
<td>Esmeralda 1212, 9th floor Buenos Aires, Argentina</td>
</tr>
<tr>
<td></td>
<td>Tel: (54-11)4819 7602 /8124 7607 Fax: (54-11) 4819 7566 Email: <a href="mailto:oecd@mrecic.gov.ar">oecd@mrecic.gov.ar</a></td>
</tr>
<tr>
<td></td>
<td><a href="mailto:rro@mrecic.gov.ar">rro@mrecic.gov.ar</a> <a href="mailto:ahr@mrecic.gov.ar">ahr@mrecic.gov.ar</a> <a href="mailto:gnt@mrecic.gov.ar">gnt@mrecic.gov.ar</a> Web: <a href="http://www.cancilleria.gov.ar/pnc">www.cancilleria.gov.ar/pnc</a></td>
</tr>
<tr>
<td><strong>Australie - Australia</strong></td>
<td>The Executive Member Foreign Investment Review Board c/- The Treasury Canberra ACT 2600</td>
</tr>
<tr>
<td></td>
<td>Tel: (61-2) 6263 3777 Fax: (61-2) 6263 2940 Email: <a href="mailto:ancp@treasury.gov.au">ancp@treasury.gov.au</a> Web: <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a></td>
</tr>
<tr>
<td><strong>Autriche - Austria</strong></td>
<td>Director Export and Investment Policy Division Federal Ministry of Economy, Family and Youth Abteilung C2/5 Stubenring 1 1011 Vienna</td>
</tr>
<tr>
<td></td>
<td>Tel: (43-1) 711 00 5180 or 5792 Fax: (43-1) 71100 15101 Email: <a href="mailto:POST@C25.bmwa.gv.at">POST@C25.bmwa.gv.at</a> Web: <a href="http://www.oecd-leitsaetze.at">www.oecd-leitsaetze.at</a></td>
</tr>
</tbody>
</table>
Belgique - Belgium

Service Public Fédéral Economie
Potentiel Economique
Rue du Progrès 50
1210 Bruxelles

Tel: (32-2) 277 72 82
Fax: (32-2) 277 53 06
Email: colette.vanstraelen@economie.fgov.be
Web: www.oecd-principesdirecteurs.fgov.be
www.oeso-richtlijnen.fgov.be
www.oecd-guidelines.fgov.be

Brésil - Brazil

Mauricio Pinheiro Fleury Curado
Secretaria de Assuntos Internacionais
Ministério da Fazenda
Esplanada, Bloco P, sala 224
70079 – 900 Brasília – Distrito Federal Brazil

Tel: (+5561) 3412 2229
Fax: (+5561) 3412 1722
Email: pcn.oecd@fazenda.gov.br
Web: mauricio.fleury@fazenda.gov.br
www.fazenda.gov.br/pcn

Canada

Carlos Rojas-Arbulú
Deputy Director for CSR and
Canada’s National Contact Point
Foreign Affairs and International Trade Canada
125 Sussex Drive
Ottawa, Ontario K1A 0G2

Tel: (1-613) 996-0245
Fax: (1-613) 944-7153
Email: ncp.pcn@international.gc.ca
Web: www.ncp.gc.ca
www.pcn.gc.ca

Chili - Chile

Chef du Département OECD/DIRECON, Marcelo Garcia
Dirección de Relaciones Económicas Internacionales
Ministerio de Relaciones Exteriores de Chile
Teatinos 180, Piso 11
Santiago

Tel: 56 2 827 52 24
Fax: 56 2 827 54 66
Email: mgarcia@direcon.cl
pvsep@direcon.cl
Web: www.direcon.cl => "acuerdos comerciales" => OECD

Corée - Korea

Ministry of Knowledge Economy
Foreign Investment Policy Division
1 Jungang-dong, Gwacheon-si, Gyeonggi-do

Tel: 82-2-2110-5356
Fax: 82-2-504-4816
Email: fdikorea@mke.go.kr
Web: www.mke.go.kr
Danemark - Denmark

Deputy Permanent Secretary of State
Labour Law and International Relations Centre
Ministry of Employment
Ved Stranden 8
DK-1061 Copenhagen K

Tel: (45) 72 20 51 00
Fax: (45) 33 12 13 78
Email: lfa@bm.dk
Web: www.bm.dk/sw27718.asp

Egypte - Egypt

Egyptian National Contact Point
Ministry of Investment
Office of the Minister
3 Salah Salem Street
Nasr City 11562
Cairo – Egypt

Tel: +2 02-2405-5626/27
Fax: +2 02-2405-5635
Email: encp@investment.gov.eg

Espagne - Spain

National Contact Point
General Secretariat for International Trade
Ministry of Industry, Tourism and Trade
Paseo de la Castellana nº 162
28046 Madrid

Tel: (34) 91 349 38 60
Fax: (34) 91 457 2863 et 349 3562
Email: pnacional.ssc@mcx.es
Web: www.espnc.es

Estonie - Estonia

National Contact Point
Foreign Trade Policy Division, Trade Department
Ministry of Economic Affairs and Communication
Harju 11
15072 Tallinn

Tel: 372-625 6338
Fax: 372-631 3660
Email: regina.raukas@mkm.ee
Web: www.mkm.ee

Etats-Unis - United States

National Contact Point
Office of Investment Affairs
Bureau of Economic and Business Affairs
Department of State
2201 C St. NW
Washington, DC 20520

Tel: (1-202) 736 4274
Fax: (1-202) 647 0320
Email: usncp@state.gov
Web: www.state.gov/www/issues/economic/ifd_oia.html
www.state.gov/e/eb/oecd/
Finlande - Finland

Secretary General, CSR Committee
Ministry of Employment and the Economy
PO Box 32
FI-00023 GOVERNMENT
Helsinki
Tel: +358 10 604 8951
Fax: +358 10 604 8957
Email: maija-leena.uimonen@tem.fi
Web: www.tem.fi

France

M. Julien Rencki
Ministère de l’Économie, des Finances et de l’Emploi
Direction Générale du Trésor et de la Politique Economique
Service des Affaires Multilatérales et du Développement
Sous-direction des affaires financières internationales et du développement
139, rue de Bercy
75572 Paris cedex 12
Tel: (33) 01 44 87 73 60
Fax: (33) 01 53 18 76 56
Email: julien.rencki@dgtpe.fr
Web: www.minefi.gouv.fr/directions_ser

Grèce - Greece

Unit for International Investments
Directorate for International Economic Developments and Co-operation
General Directorate for International Economic Policy
Ministry of Economy and Finance
Ermou & Cornarou 1
GR-105 63 Athens
Tel: (+30) 210 328 62 42
Fax: (+30) 210 328 62 31
Email: g.horemi@mnec.gr
evgenia.konto@mnec.gr
m.sofra@mnec.gr
Web: www.mnec.gr

Hongrie - Hungary

Business Environment Department
Ministry for National Development and Economy
V., Honvéd utca 13-15
H-1055 Budapest
Tel: (36-1) 475-3428
Fax: (36-1) 475-3470
Email: julia.vago@nfgm.gov.hu
Web: www.nfgm.gov.hu/feladataink/kulgazd/oecd/kapcsolattarto.html

Irlande - Ireland

National Contact Point for the OECD Guidelines for Multinational Enterprises
Bilateral Trade Promotion Unit
Department of Enterprise, Trade and Employment
Earlsfort House, 1 Lower Hatch Street
Dublin 2
Tel: (353-1) 631 2605
Fax: (353-1) 631 2560
Email: Anne_Webster@entemp.ie*
Web: www.entemp.ie

* Ms Webster ceased to be the Irish NCP in July 2009; her successor has not yet been appointed.
<table>
<thead>
<tr>
<th>Country</th>
<th>Contact Point</th>
<th>Address</th>
<th>Phone</th>
<th>Fax</th>
<th>Email</th>
<th>Website</th>
</tr>
</thead>
<tbody>
<tr>
<td>Islande - Iceland</td>
<td>National Contact Point for the OECD Guidelines for Multinational Enterprises</td>
<td>Solvholsgotu 7 - 150 Reykjavik</td>
<td>(+ 354) 545 8800</td>
<td>(+ 354) 511 1161</td>
<td><a href="mailto:postur@vrn.stjr.is">postur@vrn.stjr.is</a></td>
<td>eng.vidskiptaraduneyti.is</td>
</tr>
<tr>
<td>Israël - Israel</td>
<td>Trade Policy &amp; International Agreements Division</td>
<td>5 Bank Israel Street, Jerusalem</td>
<td>(972-2) 666 26.78/9</td>
<td>(972-2) 666 29.56</td>
<td><a href="mailto:ncp.israel@moital.gov.il">ncp.israel@moital.gov.il</a></td>
<td><a href="http://www.ncp-israel.gov.il">www.ncp-israel.gov.il</a></td>
</tr>
<tr>
<td>Italie - Italy</td>
<td>Italian National Contact Point</td>
<td>Via Molise 2, I-00187 Rome</td>
<td>(39-6) 47052988</td>
<td>(39-6) 47052475</td>
<td><a href="mailto:pcn1@sviluppoeconomico.gov.it">pcn1@sviluppoeconomico.gov.it</a></td>
<td><a href="http://www.pcnitalia.it">www.pcnitalia.it</a></td>
</tr>
<tr>
<td>Japon - Japan</td>
<td>Director OECD Division Economic Affairs Bureau 2-2-1 Kasumigaseki, Chiyoda-ku, Tokyo</td>
<td></td>
<td>(81-3) 5501 8348</td>
<td>(81-3) 5501 8347</td>
<td><a href="http://www.mofa.go.jp/mofaj/gaiko/oecd/">www.mofa.go.jp/mofaj/gaiko/oecd/</a></td>
<td><a href="http://www.oecd.ja%E8%B4%BC/jo/kiso/4_1.htm">www.oecd.ja贼/jo/kiso/4_1.htm</a></td>
</tr>
<tr>
<td></td>
<td>Director Trade and Investment Facilitation Division Trade and Economic Cooperation Bureau Ministry of Economy, Trade and Industry 1-3-1 Kasumigaseki, Chiyoda-ku, Tokyo</td>
<td></td>
<td>(81-3)-3501-6623</td>
<td>(81-3)-3501-2082</td>
<td><a href="http://www.meti.go.jp/policy/trade_pol">www.meti.go.jp/policy/trade_pol</a></td>
<td>cy/oecd/index.html</td>
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<tr>
<td>Location</td>
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</tbody>
</table>
| **Lettonie - Latvia** | Director, Economic Policy Department, Ministry of Foreign Affairs of the Republic of Latvia, K. Valdemara street 3, Riga LV – 1395  
Tel: +371 67016418  
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Email: itorresl@economia.gob.mx ou mcastillot@economia.gob.mx  
Web: www.economia-snci.gob.mx/ |
| **Norvège - Norway** | Ministry of Foreign Affairs, Section for Economic, Commercial and CSR Affairs, PO Box 8114, N-0032 Oslo  
Tel: (47) 2224 3377  
Fax: (47) 2224 2782  
Email: e-nok@mfa.no  
Web: http://www.regjeringen.no/nb/dep/ud/tema/norgesfremme-og-kultursamarbeid.html?id=434499 |
| **Nouvelle Zélande - New Zealand** | Standards, Sustainability and Trade Facilitation team, Competition Trade and Investment Branch, Ministry of Economic Development, PO Box 1473, Wellington  
Tel: (64-4) 472 0030  
Fax: (64-4) 499 8508  
Email: oecd-ncp@med.govt.nz  
Web: www.med.govt.nz/oecd-nzncp |
### Pays-Bas - Netherlands

<table>
<thead>
<tr>
<th>Ministry of Economic Affairs</th>
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<tbody>
<tr>
<td>Tel: 31 70 379 6485</td>
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<tr>
<td>Fax: 31 70 379 7221</td>
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<tr>
<td>Email: <a href="mailto:ncp@minez.nl">ncp@minez.nl</a></td>
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<tr>
<td>Web: <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a></td>
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<thead>
<tr>
<th>Trade Policy and Globalisation Division</th>
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<tbody>
<tr>
<td>Tel: Mr. Gustavo Jimenez, Director</td>
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<tr>
<td>Tel: 51 1 612 1200 Ext 1213</td>
</tr>
<tr>
<td>Fax: 51 1 442 2948</td>
</tr>
<tr>
<td>Email: <a href="mailto:gjimenez@proinversion.gob.pe">gjimenez@proinversion.gob.pe</a></td>
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<td>Web: <a href="http://www.proinversion.gob.pe">www.proinversion.gob.pe</a></td>
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Pérou - Peru

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<tr>
<th>Mr. Carlos A. Herrera</th>
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<tr>
<td>Email: <a href="mailto:cherrera@proinversion.gob.pe">cherrera@proinversion.gob.pe</a></td>
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<th>Ms. Nancy Bojanich</th>
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<tr>
<td>Email: <a href="mailto:nbojanich@proinversion.gob.pe">nbojanich@proinversion.gob.pe</a></td>
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### Pologne - Poland

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<th>Polish Information and Foreign Investment Agency (PAiIZ)</th>
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<tr>
<td>Tel: (48-22) 334 9800</td>
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<td>Fax: (48-22) 334 9999</td>
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<tr>
<td>Email: <a href="mailto:danuta.lozynska@paiz.gov.pl">danuta.lozynska@paiz.gov.pl</a> or <a href="mailto:oecd.ncp@paiz.gov.pl">oecd.ncp@paiz.gov.pl</a></td>
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<td>Web: <a href="http://www.paiz.gov.pl">www.paiz.gov.pl</a></td>
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### Portugal

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<th>AICEP Portugal Global</th>
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<tr>
<td>Tel: (351) 217 909 500</td>
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<tr>
<td>Fax: (351) 217 909 593</td>
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<tr>
<td>Email: <a href="mailto:aicep@portugalglobal.pt">aicep@portugalglobal.pt</a> or <a href="mailto:felisbela.godinho@portugalglobal.pt">felisbela.godinho@portugalglobal.pt</a></td>
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<tr>
<td>Web: <a href="http://www.portugalglobal.pt/PT/ge">http://www.portugalglobal.pt/PT/ge</a> ral/Paginas/DirectrizesEmpresasMultinacionales.aspx</td>
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<th>DGAE Directorate-General for Economic Activities</th>
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<tr>
<td>Tel: (351) 21 791 91 00</td>
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<td>Fax: (351) 21 791 92 60</td>
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<tr>
<td>Email: <a href="mailto:alice.rodrigues@dgae.min-economia.pt">alice.rodrigues@dgae.min-economia.pt</a> or <a href="mailto:fernando.bile@dgae.min-economia.pt">fernando.bile@dgae.min-economia.pt</a></td>
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<td>Web: <a href="http://www.dgae.min-economia.pt">www.dgae.min-economia.pt</a></td>
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</table>
République slovaque - Slovak Republic

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Strategy Section
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827 15 Bratislava

Slovak Investment and Trade Development Agency
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Fax: 421-2 4854 3613
Email: jassova@economy.gov.sk
Web: www.economy.gov.sk

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Fax: (40 (021) 233 91 04
Email: pnc@arisinvest.ro
Web: www.arisinvest.ro/arisinvest/SiteWriter?sectiune=PNC

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Email: ga@foreign.ministry.se
Web: www.ud.se

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*The European Commission is not formally a “National Contact Point”. However, it is committed to the success of the Guidelines.

La Commission européenne n'est pas formellement un “Point de contact national”. Elle souhaite néanmoins la réussite des Principes directeurs.*
ANNEX 3.
SPECIFIC Instances CONSIDERED BY NATIONAL CONTACT POINTS TO DATE

This table provides an archive of specific instances that have been or are being considered by NCPs. The table seeks to improve the quality of information disclosed by NCPs while protecting NCPs’ flexibility – called for in the June 2000 Council Decision – in determining how they implement the Guidelines. Discrepancies between the number of specific instances described in this table and the number listed in Section IV.a could arise for at least two reasons. First, there may be double counting – that is, the same specific instance may be handled by more than one NCP. In such situations, the NCP with main responsibility for handling the specific instance would generally note its co-operation with other NCPs in the column “NCP concerned.” Second, the NCP might consider that it is not in the interests of effective implementation of the Guidelines to publish information about the case (note that recommendation 4.b. states that “The NCP will… make publicly available the results of these procedures unless preserving confidentiality would be in the best interests of effective implementation of the Guidelines”). The texts in this table are submitted by the NCPs. Company, NGO and trade union names are mentioned when the NCP has mentioned these names in its public statements or in its submissions to the Secretariat.
### Specific Instances Considered by National Contact Points to Date

<table>
<thead>
<tr>
<th>NCP concerned</th>
<th>Issue dealt with</th>
<th>Date of Notification</th>
<th>Host Country</th>
<th>Guidelines Chapter</th>
<th>Status</th>
<th>Final Statement</th>
<th>Comments</th>
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<tbody>
<tr>
<td>Argentina</td>
<td>The NCP received a request from the Argentine Banking Association (Asociación Bancaria Argentina) a trade union regarding an Argentine subsidiary of the Banca Nazionale del Lavoro (BNL) S.A of the banking sector</td>
<td>Dec 2004</td>
<td>Argentina</td>
<td>II. General Policies IV. Employment and Labour Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The instance after the acquisition of the BNL by another multinational bank (HSBC) of 100% of the stock has not been followed up. Since last year no new presentations have been made and the NCP has closed its involvement in the case.</td>
</tr>
<tr>
<td>Argentina</td>
<td>The NCP received a request from the Argentine Miller’s Labour Union (Unión Obrera Molinera Argentina) regarding an alleged non-observance of the OECD Guidelines by CARGILL S.A. a multinational operating in the food sector.</td>
<td>Nov 2006</td>
<td>Argentina</td>
<td>II. General Policies III. Disclosure IV. Employment and labour relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Both parties reached a solution and the agreement was formalised on July 31, 2007.</td>
</tr>
<tr>
<td>Argentina</td>
<td>The NCP received a request of non-observance of Guidelines recommendations on bribery and taxation by a Sweden multinational enterprise.</td>
<td>Nov 2007</td>
<td>Argentina</td>
<td>VI. Bribery X. Taxation</td>
<td>Concluded</td>
<td>No</td>
<td>The specific instance concluded on September 26, 2008, due to an alleged breaching in the non-disclosure agreement. However, on May 20, 2009, a new presentation was made by CIPCE based on alleged new elements considered by them to be in relation to the specific instance. The ANCP is still analysing the presentation.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
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<tr>
<td>Argentina</td>
<td>The NCP received a non-observance of labour relations and bribery by a French</td>
<td>Nov 2007</td>
<td>Argentina</td>
<td>II. General Policies IV. Employment and labour relations VI. Bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>The outcomes were conveyed to the public through a paid announcement published in two broadsheet newspapers of nation-wide circulation. It is hereby stated, for informative purposes, that at the beginning of the instance a parallel judicial process regarding the conduct of an official that had been linked to the French multinational enterprise already existed, but this situation did not hinder the development of the instance and its adequate conclusion, which was published in the main journals of Argentina.</td>
</tr>
<tr>
<td>Argentina</td>
<td>The ANCP received a request from The Institute for Participation and Development of Argentina and Foundation Friend of the Earth of Argentina regarding an alleged non-observance of the OECD Guidelines by a Dutch multinational enterprise.</td>
<td>May 28 2008</td>
<td>Argentina</td>
<td>II. General Policies III. Disclosure V. Environment</td>
<td>Ongoing</td>
<td></td>
<td>The acceptance of the Instance is still pending.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
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<tr>
<td>Australia (The Australian NCP assumed carriage following an agreement with the UK NCP in June 2005)</td>
<td>GSL (Australia) Pty Ltd – an Australian incorporated wholly-owned subsidiary of a UK controlled multinational – Global Solutions Limited</td>
<td>June 2005</td>
<td>Australia</td>
<td>II. General Policies VII. Consumer Interests</td>
<td>Concluded</td>
<td>Yes</td>
<td>The examination was successfully concluded in 8 months from the date that the specific instance was raised. All parties were satisfied with the outcome with a list of 34 agreed outcomes produced. The statement issued is available on the website at <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a>.</td>
</tr>
<tr>
<td>Australia</td>
<td>Australia and New Zealand Banking Group Ltd (ANZ)</td>
<td>August 2006</td>
<td>Papua New Guinea</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP concluded that there was no specific instance to answer and issued an official statement which is available on the website at <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a>.</td>
</tr>
<tr>
<td>Australia</td>
<td>BHP Billiton - resettlement and compensation of the occupants of the land.</td>
<td>July 2007</td>
<td>Colombia</td>
<td>II. General Policies</td>
<td>Concluded</td>
<td>Yes</td>
<td>There was agreement by all parties that the outcome for the community in question provides a viable resettlement program to be achieved. Negotiations for possible resettlement of other communities are ongoing. The statement issued is available on the website at <a href="http://www.ausncp.gov.au">www.ausncp.gov.au</a>.</td>
</tr>
<tr>
<td>Austria</td>
<td>Mining activities</td>
<td>Nov 2004</td>
<td>RD Congo</td>
<td>Various</td>
<td>Concluded</td>
<td>Yes</td>
<td>No consensus reached.</td>
</tr>
<tr>
<td>Austria</td>
<td>Textile industry</td>
<td>Mar 2006</td>
<td>Sri Lanka</td>
<td>IV. Employment and Industrial relations</td>
<td>Ongoing</td>
<td>Yes</td>
<td>Mediation efforts continue</td>
</tr>
<tr>
<td>Austria</td>
<td>Pharmaceuticals</td>
<td>Feb 2008</td>
<td>Austria</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>Yes</td>
<td>An initial assessment will be made.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Marks and Spencer’s announcement of closure of its stores in Belgium</td>
<td>May 2001</td>
<td>Belgium</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Belgian NCP issued a press release on 23 December 2001.</td>
</tr>
<tr>
<td>Belgium</td>
<td>Forrest Group</td>
<td>Sept 2003</td>
<td>RD Congo</td>
<td>Not specified in the UN report</td>
<td>Concluded</td>
<td>Yes</td>
<td>The case was handled in together with the NGO complaint.</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
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<tr>
<td>Belgium KBC/DEXIA/ING</td>
<td>Mai 2004</td>
<td>Azerbaijan, Georgia and Turkey</td>
<td>I Concepts and Principles II. General Policies III. Disclosure IV. Employment V. Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>UK NCP.</td>
<td></td>
</tr>
<tr>
<td>Belgium Belgolaise</td>
<td>Nov 2004</td>
<td>RD Congo</td>
<td>II. General Policies</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Under consideration. There is a parallel legal proceeding.</td>
<td></td>
</tr>
<tr>
<td>Belgium InBev</td>
<td>July 2006</td>
<td>Montenegro</td>
<td>I Concepts and Principles IV. Employment</td>
<td>n.a</td>
<td>Complaint withdrawn by trade union.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Brazil Workers’ representation in labour unions</td>
<td>28 Sept 2003</td>
<td>Brazil</td>
<td>Chapter IV, article 1</td>
<td>Concluded</td>
<td>Yes</td>
<td>Complaint settled</td>
<td></td>
</tr>
<tr>
<td>Brazil Construction of a dam that affected the environment and dislodged local populations</td>
<td>2004</td>
<td>Brazil</td>
<td>Chapter V</td>
<td>Ongoing</td>
<td>No</td>
<td>Negotiations in deadlock</td>
<td></td>
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<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
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<tr>
<td>Brazil</td>
<td>Environment and workers' health issues</td>
<td>8 May 2006</td>
<td>Brazil</td>
<td>Chapter V, articles 1 and 3</td>
<td>Concluded</td>
<td>Yes</td>
<td>After a long mediation, several meetings and contacts held with the opposing parties, on March 25th 2008, the Brazilian NCP decided to close the complaint held against the multinational enterprise Shell through a comprehensive final Report in Portuguese.</td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>26 Sept 2006</td>
<td>Brazil</td>
<td>Chapter IV, article 6</td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Refusal to negotiate with labour union</td>
<td>6 March, 2007.</td>
<td>Brazil</td>
<td>Chapter IV, articles 01 (a), 02 (a, b, c), 03 and 08</td>
<td>Ongoing</td>
<td>No</td>
<td>List of questions answered by the enterprise. Awaiting manifestation from the complaining labour union</td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of workers</td>
<td>7 March, 2007.</td>
<td>Brazil</td>
<td>Chapter II, article 02, and Chapter IV, articles 1(a), 2(a), 4(a), 7 and 8</td>
<td>Ongoing</td>
<td>No</td>
<td>Termination of proceedings awaiting judiciary decision</td>
</tr>
<tr>
<td>Brazil</td>
<td>Refusal to negotiate with labour union</td>
<td>19 April, 2007.</td>
<td>Brazil</td>
<td>Chapter IV, articles 01 (a), 01 (d), 02 (a), 02 (b), 02 (c), 03, 04 (a), 04 (b) and 06.</td>
<td>Ongoing</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Brazil</td>
<td>Dismissal of labour union representative without cause</td>
<td>April, 2007</td>
<td>Paraguay</td>
<td>Chapter II</td>
<td>Ongoing</td>
<td>No</td>
<td>List of questions sent to the labour union</td>
</tr>
<tr>
<td>Brazil</td>
<td>Lack of negotiations for work agreement</td>
<td>July, 2007</td>
<td>Brazil</td>
<td>Chapter IV</td>
<td>Ongoing</td>
<td>No</td>
<td>List of questions sent to the parties</td>
</tr>
<tr>
<td>Canada, Switzerland</td>
<td>The impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company</td>
<td>July 2001</td>
<td>Zambia</td>
<td>II, General Policies V. Environment</td>
<td>Concluded</td>
<td>No</td>
<td>With the Canadian NCP acting as a communications facilitator, a resolution was reached after the company met with groups from the affected communities. The Canadian NCP sent a final communication to the Canadian company [<a href="http://www.ncp-pcn.gc.ca/annual_2002-en.asp">www.ncp-pcn.gc.ca/annual_2002-en.asp</a>]. The Swiss company was kept informed of developments</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
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</tr>
<tr>
<td>Canada</td>
<td>Follow-up to allegations made in UN Experts Report on DRC</td>
<td>December 2002</td>
<td>Democratic Republic of Congo</td>
<td>Not specified in UN Report</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The NCP accepted the conclusions of the UN Panel’s final report and has made enquiries with the one Canadian company identified for follow-up.</td>
</tr>
<tr>
<td>Canada</td>
<td>Complaint from a Canadian labour organisation about Canadian business activity in a non-adhering country</td>
<td>Nov 2002</td>
<td>Myanmar</td>
<td>Employment and Industrial Relations; Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP was unsuccessful in its attempts to bring the parties together for a dialogue.</td>
</tr>
<tr>
<td>Canada</td>
<td>Complaint from a coalition of NGOs concerning Canadian business activity in a non-adhering country</td>
<td>May 2005</td>
<td>Ecuador</td>
<td>I. Concepts and Principles</td>
<td>Concluded</td>
<td>Yes</td>
<td>Following extensive consultation and arrangements for setting up the dialogue, the NGOs withdrew their complaint in January 2005 in disagreement over the set terms of reference for the meeting.</td>
</tr>
<tr>
<td>Chile</td>
<td>Marine Harvest, Chile, a subsidiary of the multinational enterprise NUTRECO was accused of not observing certain environmental and labour recommendations. The NGOs Ecoceanos of Chile and Friends of the Earth of the Netherlands asked the Chilean NCP to take up the specific instance</td>
<td>Oct 2002</td>
<td>Chile</td>
<td>IV. Employment and Industrial Relations; V. Environment</td>
<td>Concluded</td>
<td>August 2004</td>
<td>The case had an important impact on the country and above all on the regions where the units of the enterprise are established. The case concluded with a dialogue process in which the parties to the instance and other actors participated. The parties accepted the procedure adopted by the NCP as well as most of the recommendations contained in the report of the NCP. The OECD Environmental Policy Report on Chile cites this specific instance in a positive way.</td>
</tr>
<tr>
<td>Chile</td>
<td>La Centrale Unitaire de Travailleurs du Chili (CUTCH) dans le cas de Unilever.</td>
<td>June 2005</td>
<td>Chile</td>
<td>IV. Employment and Industrial Relations; V. Environment</td>
<td>Concluded</td>
<td>November 2005</td>
<td>Yes</td>
</tr>
<tr>
<td>Chile</td>
<td>ISS Facility Services S.A.</td>
<td>April 2007</td>
<td>Denmark</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Chile</td>
<td>Banque du Travail du Perou</td>
<td>April 2007</td>
<td>Peru</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
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<tr>
<td>NCP concerned</td>
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<tr>
<td>Chile</td>
<td>Entreprise Zaldivar, subsidiary of the Canadian firm Barrick Gold</td>
<td>2007</td>
<td>Canada</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
<td>The NCP is waiting for the formal and written presentation of ONG ECOCEANOS.</td>
</tr>
<tr>
<td>Chile</td>
<td>Marine Harvest</td>
<td>April 2009</td>
<td>Norway</td>
<td>IV. Employment and Industrial Relations V. Environment</td>
<td>No</td>
<td></td>
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</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a German-owned multinational enterprise</td>
<td>2001</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The parties reached agreement soon after entering into the negotiations.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The labour management practices of the Czech subsidiary of a German-owned multinational enterprise</td>
<td>2001</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Four meetings organised by the NCP took place. At the fourth meeting it was declared that a constructive social dialogue had been launched in the company and there was no more conflict between the parties.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>A Swiss-owned multinational enterprise’s labour management practices</td>
<td>April 2003</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The parties reached an agreement during the second meeting in February 2004</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a multinational enterprise</td>
<td>Jan 2004</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>n.a.</td>
<td>An agreement between employees and the retail chain store has been reached and union contract signed.</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>The right to trade union representation in the Czech subsidiary of a multinational enterprise</td>
<td>Feb 2004</td>
<td>Czech Republic</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>Yes</td>
<td>The Czech NCP closed the specific instance at the trade union’s (submitter’s) request, August 2004</td>
</tr>
<tr>
<td>Denmark</td>
<td>Trade union representation in Danish owned enterprise in Malaysia</td>
<td>Feb 2002</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>Denmark</td>
<td>Trade union representation in plantations in Latin America</td>
<td>April 2003</td>
<td>Ecuador and Belize</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>Connection of entity to Denmark could not be established.</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Denmark</td>
<td>Several questions in relation to logging and trading of wood by a Danish enterprise in Cameroon, Liberia and Burma</td>
<td>Mar 2006</td>
<td>Cameroon, Liberia and Burma</td>
<td>Several chapters (e.g. II, IV, V and IX)</td>
<td>Ongoing</td>
<td>Not relevant at this stage</td>
<td>Specific instance initially assessed, specific instance raised by NGO (Nepenthes)</td>
</tr>
<tr>
<td>Finland</td>
<td>Finnvera plc/Botnia SA paper mill project in Uruguay</td>
<td>Nov 2006</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment VI. Bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finland’s NCP concluded on 8 Nov 2006 that the request for a specific instance did not merit further examination. The nature of Finnvera Oy’s special financing role and the company’s position as a provider of state export guarantees (ECA) was considered.</td>
</tr>
<tr>
<td>Finland</td>
<td>Botnia SA paper mill project in Uruguay / Botnia SA/Metsa-Botnia Oy</td>
<td>Dec 2006</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment VI. Bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finland’s NCP considered on 21 Dec 2006 that Botnia SA/Metsa-Botnia Oy had not violated the OECD Guidelines in the pulp mill project in Uruguay.</td>
</tr>
<tr>
<td>France</td>
<td>Forced Labour in Myanmar and ways to address this issue for French multinational enterprises investing in this country</td>
<td>Jan 2001</td>
<td>Myanmar</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Adoption of recommendations for enterprises operating in Myanmar. The French NCP issued a press release in March 2002, see <a href="http://www.minefi.gouv.fr/directions_services/dgtpe/pcn/compn280302.htm">www.minefi.gouv.fr/directions_services/dgtpe/pcn/compn280302.htm</a>.</td>
</tr>
<tr>
<td>France</td>
<td>Closing of Aspocomp, a subsidiary of OYJ (Finland) in a way that did not observe the Guidelines recommendations relating to informing employees about the company’s situation</td>
<td>April 2002</td>
<td>France</td>
<td>III.4 Disclosure</td>
<td>Concluded</td>
<td>Yes</td>
<td>A press release was published in October 2003, see <a href="http://www.minefi.gouv.fr/directions_services/dgtpe/pcn/compn131103.htm">www.minefi.gouv.fr/directions_services/dgtpe/pcn/compn131103.htm</a>.</td>
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<tr>
<td>France</td>
<td>Accusation of non-observance of Guidelines recommendations on the environment, informing employees and social relations</td>
<td>Feb 2003</td>
<td>France</td>
<td>V. Environment plus chapeau; III. Information and disclosure; IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Currently being considered; there is a parallel legal proceeding.</td>
</tr>
<tr>
<td>France</td>
<td>Dacia – conflict in a subsidiary of Group Renault on salary increases and about disclosure of economic and financial information needed for negotiating process</td>
<td>Feb 2003</td>
<td>Romania</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>A solution was found between the parties and the collective labour agreement was finalised on 12 March 2003.</td>
</tr>
<tr>
<td>France</td>
<td>Accusation of non-observance of the Guidelines in the areas of environment, “contractual” and respect of human rights by a consortium in which three French companies participate in a project involving the construction and operation of an oil pipeline</td>
<td>Oct 2003</td>
<td>Turkey, Azerbaijan and Georgia</td>
<td>II. General Policies</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In consultation with parties</td>
</tr>
<tr>
<td>France</td>
<td>EDF – Alleged non-observance of the Guidelines in the areas of environment and respect of human rights by the NTPO (in which EDF is leader) in a hydroelectric project in Nam-Theun River, Laos</td>
<td>Nov 2004</td>
<td>Laos</td>
<td>II. General policies V. Environment IX. Competition</td>
<td>Concluded</td>
<td>Yes</td>
<td>The French NCP issued a press release on 31 March 2005 <a href="http://www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn010405.htm">www.minefi.gouv.fr/directions_services/dgtpe/pcn/compcn010405.htm</a></td>
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<tr>
<td>France</td>
<td>Alleged non-observance of the Guidelines in the context of negotiations on employment conditions in which threats of transfer of some or all of the business unit had been made</td>
<td>Feb 2005</td>
<td>France</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td></td>
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</tr>
<tr>
<td>Germany</td>
<td>Labour conditions in a manufacturing supplier of Adidas</td>
<td>Sept 2002</td>
<td>Indonesia</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 24 May 2004 <a href="http://www.bmwi.de/go/nationale-kontaktstelle">www.bmwi.de/go/nationale-kontaktstelle</a>.</td>
</tr>
<tr>
<td>Germany</td>
<td>Employment and industrial relations in the branch of a German multinational enterprise</td>
<td>June 2003</td>
<td>Philippines</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 29 June 2007 <a href="http://www.bmwi.de/go/nationale-kontaktstelle">www.bmwi.de/go/nationale-kontaktstelle</a>.</td>
</tr>
<tr>
<td>Germany</td>
<td>Child labour in supply chain</td>
<td>Oct 2004</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The German NCP has closed the specific instance and issued a statement on 30 August 2007 <a href="http://www.bmwi.de/go/nationale-kontaktstelle">www.bmwi.de/go/nationale-kontaktstelle</a>.</td>
</tr>
<tr>
<td>Germany</td>
<td>Complaint that Guideline recommendations were not complied with, particularly with respect to environmental issues</td>
<td>May 2007</td>
<td>Various</td>
<td>V. Environment</td>
<td>Closed</td>
<td>Yes</td>
<td>The initial assessment found that the company had not violated the Guidelines. Final statement published on-line <a href="http://www.bmwi.de/go/nationale-kontaktstelle">http://www.bmwi.de/go/nationale-kontaktstelle</a>.</td>
</tr>
<tr>
<td>Germany</td>
<td>Complaint that anti-corruption Guidelines were violated within the framework of the UN Oil for Food Programme</td>
<td>June 2007</td>
<td>Iraq</td>
<td>VI. Combating bribery</td>
<td>Closed</td>
<td>Yes</td>
<td>The initial assessment found that the inquiry referred solely to supply transactions and that, because there was no reference to investment, the Guidelines did not apply. Final statement published online <a href="http://www.bmwi.de/go/nationale-kontaktstelle">http://www.bmwi.de/go/nationale-kontaktstelle</a>.</td>
</tr>
<tr>
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<tr>
<td>Germany</td>
<td>Complaint that support for the Olympic torch relay would lead to human rights violations</td>
<td>April 2008</td>
<td>China</td>
<td>II. General policies</td>
<td>Closed</td>
<td>Yes</td>
<td>The initial assessment found that the actions named in the inquiry were not connected to a foreign investment but rather constituted permissible business conduct, namely logistical support for the IOC. Final statement published online (<a href="http://www.bmwi.de/go/nationale-kontaktstelle">http://www.bmwi.de/go/nationale-kontaktstelle</a>).</td>
</tr>
<tr>
<td>Hungary</td>
<td>Personal injury occurred in the plant of Visteon Hungary Ltd. Charge injury arising from negligence.</td>
<td>June 2006</td>
<td>Hungary</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>A joint statement was signed by the MoET and Visteon Hungary Ltd on 20 February 2007 but only released on 14 May 2007 when attempts to agree a trilateral statement were not successful.</td>
</tr>
<tr>
<td>Ireland</td>
<td>Allegations of non compliance with environmental, health and safety grounds. Allegations of failure to comply with human rights provisions.</td>
<td>August 2008</td>
<td>Ireland</td>
<td>V. Environment II. General Policies</td>
<td>Ongoing</td>
<td>n.a</td>
<td>The Dutch NCP is also dealing with this, with Ireland as lead. The Norwegian and US NCPs are kept informed of developments</td>
</tr>
<tr>
<td>Israel</td>
<td>UN Expert Panel Report – DRC</td>
<td>2003</td>
<td>Democratic Republic of Congo</td>
<td>Not specified in Report</td>
<td>Concluded</td>
<td>No</td>
<td>Following an enquiry by the NCP, the accused company stopped illegitimate sourcing from DRC</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on human and labour rights</td>
<td>2005</td>
<td>China</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a</td>
<td>Following an enquiry by the Italian NCP, there was no connection between the accused firm and an Italian firm.</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on labour rights and competition</td>
<td>2007</td>
<td>Italy</td>
<td>IV Employment and Industrial Relations IX. Competition</td>
<td>Concluded</td>
<td>n.a</td>
<td>The instance was concluded with an agreement with involved company</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on labour rights</td>
<td>2007</td>
<td>Italy, India</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The multiparty instance was closed thanks to a successful mediation process with the Indian government led by a former representative of the Government of the other NCP involved.</td>
</tr>
<tr>
<td>Italy</td>
<td>Accusation of non-observance of Guidelines recommendations on human rights, environment and contribution to host country's progress</td>
<td>2007</td>
<td>India</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The initial assessment led to the rejection of the instance. There was no involvement of the Italian firm in the project referring to which the alleged violations were made.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of an Indonesian subsidiary of a Japanese company</td>
<td>Feb 2003</td>
<td>Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Being the labour dispute ceased in compliance with the decision of High Court in Indonesia, the NCPs do not see any necessity to take further action.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of a Malaysian subsidiary of a Japanese company</td>
<td>March 2003</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of a Philippines subsidiary of a Japanese company</td>
<td>March 2004</td>
<td>Philippines</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In consultation with parties concerned. There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of an Indonesian subsidiary of a Japanese company</td>
<td>May 2005</td>
<td>Indonesia</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Japan</td>
<td>Industrial relations of a Japanese subsidiary of a Swiss-owned multinational company</td>
<td>May 2006</td>
<td>Japan</td>
<td>II. General Policies III. Disclosure IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>After the initial assessment was made, the Japanese NCP has consultations with parties concerned including the Swiss NCP. There is a parallel legal proceeding.</td>
</tr>
<tr>
<td>Korea (consulting with US NCP)</td>
<td>Korean company's business relations in Guatemala’s Textile and Garment Sector</td>
<td>2002</td>
<td>Guatemala</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>A resolution was reached after the management and trade union made a collective agreement on July 2003.</td>
</tr>
<tr>
<td>NCP concerned</td>
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<tr>
<td>Korea (consulting with Switzerland)</td>
<td>A Swiss-owned multinational enterprises’ labour relations</td>
<td>2003</td>
<td>Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>This was concluded by common consent between the interested parties in November 2003. The Swiss NCP issued an intermediate press statement: <a href="http://www.seco.admin.ch/news/00197/index.html?lang=en">http://www.seco.admin.ch/news/00197/index.html?lang=en</a></td>
</tr>
<tr>
<td>Korea</td>
<td>Korean company’s business relations in Malaysia’s wire rope manufacturing sector</td>
<td>2003</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>Korea’s NCP is engaged in Guidelines promotion and Specific Instances implementation in accordance with the rule for Korea’s NCP, which was established in May 2001.</td>
</tr>
<tr>
<td>Korea</td>
<td>Companies from guidelines adhering countries that are present in Korea</td>
<td>2007</td>
<td>Korea</td>
<td>III. Disclosure IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Korea</td>
<td>Korean companies in non-adhering countries</td>
<td>2007</td>
<td>Philippines</td>
<td>I. Concepts and Principles III. Disclosure IV. Employment and Industrial Relations VI. Combating Bribery</td>
<td>Ongoing</td>
<td></td>
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</tr>
<tr>
<td>Korea</td>
<td>Two Korean companies operating in a non-adhering country</td>
<td>2008</td>
<td>Myanmar</td>
<td>II. General Policies III. Disclosure IV. Employment and Industrial Relations V. Environment</td>
<td>Concluded</td>
<td>No</td>
<td>After conducting an initial assessment, the NCP determined that additional investigation was unwarranted.</td>
</tr>
<tr>
<td>Korea</td>
<td>Company based in an adhering country operating in Korea</td>
<td>2009</td>
<td>Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>Undergoing initial assessment</td>
</tr>
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<tr>
<td>Mexico (consulting with the German NCP)</td>
<td>Closing of a plant</td>
<td>2002</td>
<td>Mexico</td>
<td>IV. Employment and Industrial relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>The conflict was settled on 17 Jan 2005: The at that time closed Mexican subsidiary was taken over by a joint venture between the Mexican Llanti Systems and a co-operative of former workers and was re-named “Corporación de Occidente”. The workers have received a total of 50% in shares of the tyre factory and Llanti Systems bought for estimated USD 40 Mio. The other half of the factory. The German MNE will support it as technical adviser for the production. At first there are 600 jobs; this figure shall be increased after one year to up to 1000 jobs.</td>
</tr>
<tr>
<td>Mexico</td>
<td>Dismissal of Workers</td>
<td>November 2008</td>
<td>Mexico</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>In consultation with concerning parties.</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Adidas’ outsourcing of footballs in India</td>
<td>July 2001</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>A resolution was negotiated and a joint statement was issued by the NCP, Adidas and the India Committee of the Netherlands on 12 December 2002 <a href="http://www.oecd.org/dataoecd/33/43/2489243.pdf">www.oecd.org/dataoecd/33/43/2489243.pdf</a></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Dutch trading company selling footballs from India</td>
<td>July 2001</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No investment nexus</td>
<td>After the explanation of the CIME on investment nexus it was decided that the issue did not merit further examination under the NCP.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>IHC CALAND’s activities in Myanmar to contribute to abolition of forced labour and address human rights issues</td>
<td>July 2001</td>
<td>Myanmar</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>After several tripartite meetings parties agreed on common activities and a joint statement. Parties visited the ambassador of Myanmar in London. Statement can be found in English on <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a>.</td>
</tr>
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<tr>
<td>Netherlands</td>
<td>Closure of an affiliate of a Finnish company in the Netherlands</td>
<td>December 2001</td>
<td>Netherlands</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Labour unions withdraw their instance after successful negotiations of a social plan.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Labour unions requested the attention of the NCP due to a link of government aid to Dutch labour unions to help labour unions in Guatemala</td>
<td>March 2002</td>
<td>Guatemala/Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The specific instance was about a Korean company, the Korean NCP was already dealing with the instance. The Dutch NCP concluded by deciding that it did not merit further examination under the Dutch NCP.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Labour unions requested the attention of the NCP on a closure of a French affiliate in the U.S.A.</td>
<td>July 2002</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The link that the labour unions made was the fact that another affiliate of this French company in the Netherlands could use the supply chain paragraph to address labour issues. The Dutch NCP concluded by deciding that the specific instance was not of concern of the Dutch NCP and did not merit further examination.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of employees of an affiliate of an American company in the process of the financial closure of a company</td>
<td>Aug 2002</td>
<td>Netherlands</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>As the Dutch affiliate went bankrupt and the management went elsewhere neither a tripartite meeting nor a joint statement could be realised. The NCP decided to draw a conclusion, based on the information gathered from bilateral consultations and courts' rulings (<a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a>).</td>
</tr>
<tr>
<td>Netherlands</td>
<td>On the effects of fish farming</td>
<td>Aug 2002</td>
<td>Chile</td>
<td>V. Environment</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The specific instance was dealt with by the Chilean NCP. The Dutch NCP acted merely as a mediator between the Dutch NGO and the Chilean NCP.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Chemie Pharmacie Holland BV and activities in the DRC.</td>
<td>July 2003</td>
<td>Democratic Republic of Congo</td>
<td>II.10. Supply chain IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Despite the lack of an investment nexus, the NCP decided to publicise a statement on lessons learned. (<a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a>)</td>
</tr>
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<tr>
<td>Netherlands</td>
<td>Closure of an affiliate of an American company in the Netherlands</td>
<td>Sept 2003</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Labour unions withdraw their instance after successful negotiations of a social plan.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Through supply chain provision address an employment issue between an American company and its trade union</td>
<td>Aug 2004 - April 2005</td>
<td>United States</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>The link that the labour unions made was that a Dutch company, through its American affiliate, could use the supply chain recommendation to address labour issues. The Dutch NCP discussed the matter with the Dutch company involved. Shortly thereafter the underlying issue between the American company and its trade union was solved.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Travel agencies organising tours to Myanmar</td>
<td>2003-2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Although not investment nexus, NCP decided to make a statement about discouraging policy on travel to Myanmar, see <a href="http://www.oesorichtlijnen.nl">www.oesorichtlijnen.nl</a> (in Dutch).</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of the employees of an Irish company in the Netherlands</td>
<td>Oct 2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The NCP decided that the specific instance, raised by a Dutch labour union, did not merit further examination, because of the absence of a subsidiary of a multinational company from another OECD country in the Netherlands.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Introduction of a 40 hrs working week in an affiliate in the Netherlands of an American company</td>
<td>Oct 2004</td>
<td>Netherlands</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Legal proceedings took care of labour union’s concerns.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Treatment of employees and trade unions in a subsidiary of a Dutch company in Chile</td>
<td>July 2005</td>
<td>Chile</td>
<td>IV Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Not by Dutch NCP</td>
<td>Labour Union requested the Dutch NCP to inquire after the follow up of an Interim report of the ILO Committee on Freedom of Association on the complaint against the Government of Chile.</td>
</tr>
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<tr>
<td>Netherlands</td>
<td>Storage facility in Brazil of a Dutch multinational and its American partner: alleged improper seeking of exceptions to local legislation and endangering the health of employees and the surrounding community.</td>
<td>July 2006</td>
<td>USA</td>
<td>II. General Policies V. Employment and Industrial Relations</td>
<td>Pending</td>
<td>n.a</td>
<td>The Dutch NCP has referred the notifying NGO to the NCP in Brazil and has offered its assistance in the handling of the instance.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Storage facilities in the Philippines of a Dutch multinational: alleged improper influencing of local decision making processes and of violating environmental and safety regulations.</td>
<td>May 2006</td>
<td>Philippines</td>
<td>II. General Policies III. Disclosure V. Employment and industrial Relations VI. Combating Bribery</td>
<td>Pending</td>
<td>No</td>
<td>Local legal proceedings caused an on-hold status for the NCP proceedings. Continuation is expected to take place in September.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Request by NCP of the USA to contact Dutch parent company of an American company, with regard to an instance concerning trade union rights.</td>
<td>July 2006</td>
<td>USA</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>n.a</td>
<td>Report of the meeting between Dutch NCP and the Dutch company was sent to the NCP of the USA. In April 2007 an agreement was reached between parties.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Maltreatment of employees and de facto denial of union rights at a main garment supplier in India of a Dutch clothing company</td>
<td>October 2006</td>
<td>India</td>
<td>II. General Policies IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>Yes, although the statement does not go into the merits of the case.</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>Abuse of local corporate law by a subsidiary of a Dutch/British multinational, in order to dismiss employees without compensation.</td>
<td>October 2006</td>
<td>India</td>
<td>IV. Employment and Industrial Relations</td>
<td>Pending before UK NCP</td>
<td>n.a</td>
<td>After a successful mediatory attempt beyond NCP-level between complainants and the Indian company, the specific instance was withdrawn on February 5, 2007.</td>
</tr>
<tr>
<td>Netherlands, Argentina (lead)</td>
<td>Alleged violation of environmental standards and ineffective local stakeholder involvement by subsidiary of Shell, Shell CAPSA.</td>
<td>June 2008</td>
<td>Argentina</td>
<td>II. General Policies V. Environment</td>
<td>Pending</td>
<td>No</td>
<td>Case was brought to both the Dutch and UK NCP. The instance was decided admissible for the UK NCP. Facilitating role by the Dutch NCP.</td>
</tr>
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</table>

Please be referred to Argentinean overview of cases.
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</thead>
<tbody>
<tr>
<td>Netherlands, Ireland (lead), Norway, USA</td>
<td>Pipeline laying project of Shell Ireland E&amp;P, Statoil and Marathon allegedly violating human rights and environmental standards</td>
<td>August 2008</td>
<td>Ireland</td>
<td>II. General Policies V. Environment</td>
<td>Pending</td>
<td>No</td>
<td>The SI was brought to both the Irish and the Dutch NCP, which accepted the SI jointly. All parties involved were heard in late April 09, new steps are under consideration.</td>
</tr>
<tr>
<td>Netherlands</td>
<td>Alleged violation of local land property law and environmental pollution (air, noise) by a Pakistani Joint Venture of Dutch SHV Holding NV at a newly build store in Karachi.</td>
<td>October 2008</td>
<td>Pakistan</td>
<td>II. General Policies V. Environment</td>
<td>Pending</td>
<td>No</td>
<td>After admissibility the NCP met with the MNE. Currently the NCP awaits the response of notifier on questions of the NCP.</td>
</tr>
<tr>
<td>New Zealand</td>
<td>Activities of a financial institution</td>
<td>October 2007</td>
<td>Papua New Guinea</td>
<td>II General Policies V Environment</td>
<td>Concluded</td>
<td>No</td>
<td>An initial assessment was conducted into a complaint regarding an MNE operating in a non-adhering country. The MNE was headquartered in an adhering country, and that country’s NCP had previously considered the specific instance. The NZ NCP concluded that there was not a sufficient New Zealand link to the instance, so the complaint did not warrant further examination by the NZNCP. Toward effective operation of the Guidelines, the NZNCP passed relevant documents to the NCP in the country where the MNE is headquartered.</td>
</tr>
<tr>
<td>Norway</td>
<td>Contractual obligations of a Norwegian maritime insurance company following personal injury and death cases</td>
<td>2002</td>
<td>Philippines, Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>n.a.</td>
<td>An initial assessment by the NCP concluded that the company had not violated the Guidelines and that the issue did not merit further examination.</td>
</tr>
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<tr>
<td>Norway</td>
<td>Human rights in relation to provision of maintenance services to a detention facility in Guantanamo Bay</td>
<td>2005</td>
<td>United States</td>
<td>II.2 Human Rights</td>
<td>Concluded</td>
<td>Yes</td>
<td>The NCP noted that provision of goods or services in such situations requires particular vigilance and urged the company to undertake a thorough assessment of the ethical issues raised by its contractual relationships.</td>
</tr>
<tr>
<td>Norway</td>
<td>Accusation of non-observance of Guidelines recommendations on transparency regarding financial information/environmental information. First case where the GL has been applied to the financial sector.</td>
<td>2006</td>
<td>Uruguay</td>
<td></td>
<td>Concluded</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>Trade Union</td>
<td>25 Nov 2009</td>
<td></td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>In contact with the parties</td>
<td></td>
</tr>
<tr>
<td>Norway</td>
<td>NGO</td>
<td>29 Jan 2009</td>
<td></td>
<td>II. General Policies III. Disclosure V. Environment VI. Combating Bribery</td>
<td>Ongoing</td>
<td>In contact with the parties</td>
<td></td>
</tr>
<tr>
<td>Peru</td>
<td>Central Unica de Trabajadores del Peru – CUT claims an alleged violation of the Guidelines regarding mining workers rights, in the closure of a mine managed by a subsidiary of a multinational Swiss company.</td>
<td>23 March 2009</td>
<td>Peru</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>The case is being revised in specific instances under Peru’s labour and mining laws.</td>
</tr>
<tr>
<td>Poland</td>
<td>Violation of workers’ rights in a subsidiary of a multinational enterprise</td>
<td>2002</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
<td>NCP was in contact with representatives of the trade union and the company. However the board of the company stated that none of the charges take place in the company. Therefore no reconciliation action was possible in such situation. The case was consequently then closed in 2005.</td>
</tr>
<tr>
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<tr>
<td>Poland</td>
<td>Violation of workers' rights in a subsidiary of a multinational enterprise</td>
<td>2004</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
<td>According to the claim, the board despite previous declaration of respect for dialogue, failed to engage in constructive negotiations to reach agreement with the representation of the trade union. Contrary to the law, the president of the trade union was dismissed. NCP was in constant contact with the representation of the employees, and has contacted the company. Despite numerous tries no answer has yet been given to the NCP. The case was consequently then closed in 2006.</td>
</tr>
<tr>
<td>Poland</td>
<td>Violation of women and workers' rights in a subsidiary of a multinational enterprise</td>
<td>2006</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Closed</td>
<td>No</td>
<td>The representatives of aggrieved party and their witnesses have been questioned. In October 2007 the witnesses of the accused were being questioned at the court and the verdict was returned in May 2008 at the latest. The managers were acquitted of sexual harassment and proved guilty of infringing the regulations of the IV chapter of the Guidelines. The case was consequently closed.</td>
</tr>
<tr>
<td>Portugal</td>
<td>Closing of a factory</td>
<td>2004</td>
<td>Portugal</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>After an initial assessment by the NCP, no grounds to invoke violation of the Guidelines were found so the process was closed in 2 months with the agreement of all parties involved.</td>
</tr>
<tr>
<td>Spain</td>
<td>Labour management practices in a Spanish owned company.</td>
<td>May 2004</td>
<td>Venezuela</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
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<tr>
<td>Spain</td>
<td>Conflict in a Spanish owned company on different salary levels.</td>
<td>Dec 2004</td>
<td>Peru</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
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<tr>
<td>Sweden</td>
<td>Two Swedish companies' (Sandvik and Atlas Copco) business relations in Ghana’s</td>
<td>May 2003</td>
<td>Ghana</td>
<td>IV. Employment and</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Swedish NCP issued a statement in June 2003</td>
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<td></td>
<td>gold mining sector</td>
<td></td>
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<td>Industrial Relations V. Environment</td>
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<td><a href="http://www.oecd.org/dataoecd/16/34/15595948.pdf">www.oecd.org/dataoecd/16/34/15595948.pdf</a></td>
</tr>
<tr>
<td>Sweden (consulting with Norway)</td>
<td>Applying the guidelines to the financial sector, liability by part-financing of construction of paper mill</td>
<td>Nov 2006</td>
<td>Uruguay</td>
<td>II. General Policies III. Disclosure V. Environment</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Swedish NCP issued a statement in January 2008</td>
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<td><a href="http://www.sweden.gov.se/content/1/c6/09/65/71/9e9e4a6b.pdf">http://www.sweden.gov.se/content/1/c6/09/65/71/9e9e4a6b.pdf</a></td>
</tr>
<tr>
<td>Switzerland (consulting with Canada)</td>
<td>Impending removal of local farmers from the land of a Zambian copper mining company owned jointly by one Canadian and one Swiss company</td>
<td>2001</td>
<td>Zambia</td>
<td>II. General Policies V. Environment</td>
<td>Concluded</td>
<td>No</td>
<td>The specific instance was dealt with by the Canadian NCP (see information there). The Swiss company was kept informed of developments.</td>
</tr>
<tr>
<td>Switzerland (consulting with Korea)</td>
<td>Swiss multinational Nestlé’s labour relations in a Korean subsidiary</td>
<td>2003</td>
<td>Korea</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>The specific instance was dealt with by the Korean NCP (see information there). The Swiss NCP acted as a mediator between trade unions, the enterprise and the Korean NCP. The Swiss NCP issued an intermediate press statement: <a href="http://www.seco.admin.ch/news/00197/index.html?lang=en">http://www.seco.admin.ch/news/00197/index.html?lang=en</a></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Swiss multinational’s labour relations in a Swiss subsidiary</td>
<td>2004</td>
<td>Switzerland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>In the absence of an international investment context, the Swiss NCP requested a clarification from the Investment Committee. Based on that clarification (see 2005 Annual Meeting of the NCPs, Report by the Chair, p. 16 and 66), the Swiss NCP did not follow up on the request under the specific instances procedure. However, it offered its good services outside that context, and the issue was solved between the company and the trade union.</td>
</tr>
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<tr>
<td>Switzerland (consulting with Austria and Germany)</td>
<td>Logistical support to mining operations in a conflict region</td>
<td>2005</td>
<td>Democratic Republic of Congo</td>
<td>Several chapters, including: II. General Policies III. Disclosure IV. Employment</td>
<td>Concluded</td>
<td>No</td>
<td>The Swiss NCP concluded that the issues raised were not in any relevant way related to a Swiss-based enterprise.</td>
</tr>
<tr>
<td>Switzerland (consulting with Australia and UK)</td>
<td>Activities of Swiss based multinational company and co-owner of the coal mine “El Cerrejon” in Colombia</td>
<td>2007</td>
<td>Colombia</td>
<td>Several chapters, including: I. Concepts and Principles (incl. Human Rights) II. General Policies V. Environment VI. Combating Bribery</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>The Australian NCP is in the lead to deal with the specific instance</td>
</tr>
<tr>
<td>Switzerland</td>
<td>Swiss multinational Nestlé’s labour relations in a Russian subsidiary</td>
<td>2008</td>
<td>Russia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The Swiss NCP issued a final statement in September 2008: <a href="http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=de">http://www.seco.admin.ch/themen/00513/00527/02584/02586/index.html?lang=de</a></td>
</tr>
<tr>
<td>Switzerland</td>
<td>Swiss multinational enterprise’s labour relations in an Indonesian subsidiary</td>
<td>2008</td>
<td>Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>Turkey</td>
<td>Activities of a Dutch/UK multinational company in transportation sector</td>
<td>Nov 2008</td>
<td>Turkey</td>
<td>IV. Employment and Industrial Relations</td>
<td>Pending</td>
<td>No</td>
<td>At the initial assessment stage.</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>BP (et al.) – various alleged breaches of the OECD Guidelines in the construction of the Baku-Tbilisi-Ceyhan (BTC) pipeline.</td>
<td>2003</td>
<td>Azerbaijan, Georgia, Turkey</td>
<td>II.5 Exemption from Regulation, III.I disclosure, V.I environmental management, V.2a information on environmental health/safety V.2b community consultation, V.4 postponement of environmental protection measures</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>At the request of the parties this case was reviewed by the UK NCP’s Steering Board. The outcome of the review is available at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
<td>Status</td>
<td>Final Statement</td>
<td>Comments</td>
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</tr>
<tr>
<td>United Kingdom</td>
<td>Activities of Oryx Minerals alleged in a UN Expert Panel Report</td>
<td>2003</td>
<td>Democratic Republic of Congo</td>
<td>This was not specified in the Panel Report</td>
<td>Concluded</td>
<td>Yes</td>
<td><a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Activities of De Beers in UN Expert Panel Report</td>
<td>2003</td>
<td>Democratic Republic of Congo</td>
<td>This was not specified in the Panel Report</td>
<td>Concluded</td>
<td>Yes</td>
<td><a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>DAS Air - alleged failure to apply due diligence when transporting minerals and alleged breach of UN embargo.</td>
<td>2005</td>
<td>Democratic Republic of Congo</td>
<td>II.1 Achieving sustainable development. II.2 Human rights II.10 Encourage business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the guidelines.</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finalised July 2008. Final statement can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Coats – issues related to employees’ right of representation.</td>
<td>2005</td>
<td>Bangladesh</td>
<td>IV. Employment and Industrial Relations.</td>
<td>Suspended</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Peugeot - issues related to the closure of the Ryton manufacturing plant.</td>
<td>2006</td>
<td>UK</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finalised 1 February 2008.Final statement can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
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<td>Final Statement</td>
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<tr>
<td>United Kingdom</td>
<td>G4S - issues related to pay, dismissal, leave and health &amp; safety entitlements.</td>
<td>2006</td>
<td>Mozambique Malawi DRC Nepal</td>
<td>II. General policies IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>Yes</td>
<td>The UK NCP piloted the use of a professional mediator for this complaint. Through mediation, the parties reached an agreement and resolved the complaint with a mutually satisfactory outcome. Final statement can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever (Sewri factory) – Employment issues related to the transfer of ownership, and subsequent closure, of the Sewri factory.</td>
<td>2007</td>
<td>India</td>
<td>I. Concepts and principles IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Afrimex - alleged payments to armed groups and insufficient due diligence on the supply chain.</td>
<td>2007</td>
<td>Democratic Republic of Congo</td>
<td>II. General policies IV Employment and Industrial Relations VI Combating bribery</td>
<td>Concluded</td>
<td>Yes</td>
<td>Finalised August 2008. Final assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever (Doom Dooma factory) – issues related to employees’ right to representation.</td>
<td>2007</td>
<td>India</td>
<td>IV. Employment and Industrial Relations</td>
<td>Suspended</td>
<td>n.a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>British American Tobacco – issues related to employees’ right to representation.</td>
<td>2007</td>
<td>Malaysia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Suspended</td>
<td>n.a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Vedanta Resources – impact of a planned bauxite mine on local community.</td>
<td>2008</td>
<td>India</td>
<td>II. General Policies V. Environment</td>
<td>Ongoing</td>
<td>n.a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United Kingdom</td>
<td>Unilever (Rahim Yar Khan factory) – dismissal of temporary employees seeking permanent status in the factory.</td>
<td>2008</td>
<td>Pakistan</td>
<td>II. General Policies IV Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a</td>
<td>Initial assessment can be found at: <a href="http://www.berr.gov.uk/nationalcontactpoint">http://www.berr.gov.uk/nationalcontactpoint</a></td>
</tr>
<tr>
<td>United States, consulting with French NCP</td>
<td>Employee representation</td>
<td>June 2000</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
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</tr>
<tr>
<td>United States</td>
<td>Employee representation</td>
<td>February 2001</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States</td>
<td>Investigate the conduct of an international ship registry</td>
<td>November 2001</td>
<td>Liberia</td>
<td>II. General Policies III. Information and Disclosure VI. Combating Bribery</td>
<td>Concluded</td>
<td>No</td>
<td>US NCP concluded in its preliminary assessment that the conduct in question was being effectively addressed through other appropriate means, including a United Nations Security Resolution</td>
</tr>
<tr>
<td>United States, consulting with French NCP</td>
<td>Employment and industrial relations, freedom of association and collective bargaining</td>
<td>July 2002</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement</td>
</tr>
<tr>
<td>United States, multiple NCPs</td>
<td>Business in conflict zones, natural resource exploitation</td>
<td>October 2002</td>
<td>Democratic Republic of Congo</td>
<td>Numerous</td>
<td>Concluded</td>
<td>No</td>
<td>UN Panel Report concluded that all outstanding issues with the U.S.-based firms cited in the initial report were resolved. US NCP concluded its facilitation of communications between the UN Panel and the US companies</td>
</tr>
<tr>
<td>United States, consulting with German NCP</td>
<td>Employee relations in global manufacturing operations</td>
<td>November 2002</td>
<td>Global, focus on Vietnam &amp; Indonesia</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>U.S. NCP declined involvement, concluded that the issues raised were being adequately addressed through other means.</td>
</tr>
<tr>
<td>United States, consulting with German NCP</td>
<td>Employment and industrial relations, collective bargaining representation</td>
<td>June 2003</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>Ongoing</td>
</tr>
<tr>
<td>United States, consulting with Mexican NCP</td>
<td>Employment and industrial relations, collective bargaining, freedom of association</td>
<td>July 2004</td>
<td>Mexico</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Remanded to Mexican NCP based on fact that specific instance occurred in Mexico</td>
</tr>
<tr>
<td>United States, consulting with Dutch NCP</td>
<td>Employment and industrial relations</td>
<td>August 2004</td>
<td>United States</td>
<td>II. General Policies IV. Employment and Industrial Relations VII. Consumer Interests</td>
<td>Concluded</td>
<td>No</td>
<td>U.S. NCP declined involvement after initial assessment due to lack of investment nexus; parties later reached agreement under U.S. labor law</td>
</tr>
<tr>
<td>NCP concerned</td>
<td>Issue dealt with</td>
<td>Date of Notification</td>
<td>Host Country</td>
<td>Guidelines Chapter</td>
<td>Status</td>
<td>Final Statement</td>
<td>Comments</td>
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</tr>
<tr>
<td>United States</td>
<td>Business in conflict zones, natural resource exploitation</td>
<td>August 2004</td>
<td>Democratic Republic of Congo</td>
<td>Numerous</td>
<td>Concluded</td>
<td>No</td>
<td>U.S. NCP declined involvement after concluding that the UN Panel of Experts report had resolved all outstanding issues with respect to US companies involved</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>August 2004</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Company declined NCP assistance</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>September 2004</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Company declined NCP assistance</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>March 2005</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement under U.S. labor law and withdrew specific instance petition</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>May 2005</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>n.a.</td>
<td>In contact with parties; initial assessment</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>March 2006</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Parties reached agreement under U.S. labor law and withdrew specific instance petition</td>
</tr>
<tr>
<td>United States, consulting with Polish NCP</td>
<td>Employment and industrial relations, sexual harassment</td>
<td>May 2006</td>
<td>Poland</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Remanded to Polish NCP based on fact that specific instance occurred in Poland</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and industrial relations</td>
<td>June 2006</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Dispute resolved by U.S. National Labor Relations Board; instance closed</td>
</tr>
<tr>
<td>United States, consulting with German NCP</td>
<td>Employment and industrial relations</td>
<td>August 2006</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>In contact with parties; initial assessment</td>
</tr>
<tr>
<td>United States, consulting with Austrian NCP</td>
<td>Employment and industrial relations</td>
<td>November 2006</td>
<td>United States</td>
<td>IV. Employment and Industrial Relations</td>
<td>Ongoing</td>
<td>No</td>
<td>In contact with parties; initial assessment</td>
</tr>
<tr>
<td>United States</td>
<td>Employment and Industrial Relations</td>
<td>8 Sept 2008</td>
<td></td>
<td>IV. Employment and Industrial Relations</td>
<td>Concluded</td>
<td>No</td>
<td>Declined due to lack of investment nexus</td>
</tr>
</tbody>
</table>

Note: n.a. = not applicable
ANNEX 4.
STATEMENTS RELEASED BY NCPS, JUNE 2008-JUNE 2009

This Annex reproduces the statements issued by the National Contact Points during the reporting period concerning specific instances, in accordance with the Procedural Guidance on the implementation of the Guidelines in specific instances, which provides that “if the parties involved do not reach agreement on the issues raised in the specific instance, the NCP will issue a statement and make recommendations as appropriate on the implementation of the Guidelines” and also that “after consultation with the parties involved, make publicly available the results of the specific instance procedures unless preserving confidentiality would be in the best interests of effective implementation of the Guidelines.”

- Public statement by the Australian National Contact Point on the BHP Billiton Specific Instance.
- Public statement by the United Kingdom National Contact Point on the DAS Air Specific Instance (Annex: RAID press release).
- Public statement by the United Kingdom National Contact Point on the Afrimex Specific Instance.
- Public statement by the United Kingdom National Contact Point on the G4S Specific Instance.
Statement by the Australian NCP

Final statement by Australian National Contact Point for the OECD Guidelines for Multinational Enterprises: BHP-Billiton – CERREJON COAL

12 June 2009

Introduction

1. On 2 July 2007, the Australian National Contact Point (ANCP) for the OECD Guidelines for Multinational Enterprises (the Guidelines) received a specific instance regarding BHP-Billiton’s involvement in the Cerrejon Coal Company (Cerrejon) in Colombia. The submission was lodged by Mr Ralph Bleechmore, an Adelaide based lawyer, as agent for parties in Colombia. The parties in Colombia include: Dr Armado Perez Araujo, a Columbian legal practitioner; Senor Jose-Julio Perez, a spokesman for the ex-residents of Tabaco, Senor Aliro Uribe Munoz, a senior legal officer with the Corporation Colectivo de Abogados Jose Alvear Restrepo; and other unnamed individual complainants from the five communities.

2. The submission claimed that BHP-Billiton had breached the General Policies, Disclosure and Environment sections of the Guidelines, including:

   • not respecting human rights;
   • not encouraging local capacity building and human capital formation;
   • not abstaining from any improper involvement in local political activities;
   • not supporting good corporate governance; and
   • not protecting the environment, public health and safety.

3. Specifically, the submission claimed that:

   • the owners and operators of Cerrejon attempted to depopulate an area of the La Guajira Peninsular, Colombia, by destroying the township of Tabaco and through the forced expulsion of its population.
   • five other communities in the region are suffering the effects of a policy designed to make living unviable in the area and to drive the population out.

4. The complainant sought revision of the compensation paid to, and improvements to the current living conditions of, the former residents of Tabaco. The complainant also sought to ensure that there is an appropriate process to manage the relocation of the five other communities, including adequate consultation, and that any resettlement occurs in a socially responsible manner.

ANCP Assessment

5. In accordance with the ANCP’s published procedures for handling specific instances, the ANCP commenced an initial assessment as to whether the issues raised warranted further consideration as a specific instance under the Guidelines.
6. The ANCP contacted both the complainant and BHP-Billiton. A phone meeting was held between the ANCP and Ralph Bleechmore on 18 July 2007 and a face-to-face meeting was held between the ANCP and BHP-Billiton in Melbourne on 7 August 2007.

7. As the submission also involved companies in the United Kingdom and Switzerland, and with the agreement of the complainant and BHP-Billiton, the ANCP consulted with the United Kingdom National Contact Point and Swiss National Contact Point (NCP).

- On 4 October 2007, a Swiss NGO, Arbeitsgruppe Schweiz-Kolumbien (ASK), lodged a complaint with the Swiss NCP regarding Xstrata’s relationship with Cerrejon. The text of that complaint is in German and was not made available to the ANCP. However, the Swiss NCP reported that it is materially similar to that lodged by Mr Bleechmore with the ANCP.

8. On 28 September 2007, the ANCP accepted the matters raised by the complainant and relevant to the Guidelines that related to the conduct of BHP-Billiton (see Attachment 1). The results of the initial assessment were communicated to both parties and the United Kingdom and Swiss NCPs.

- Part of the submission related to the question of whether the actions of Cerrejon were legal under Colombian law. The ANCP noted that it was in no position to assess this as it was something that could only be assessed through the Colombian legal system.

**ANCP Mediation Process**

9. Consistent with its mandate to provide a forum for discussion to assist in resolving disputes, the ANCP organised a meeting in London on 9 October 2007. The meeting was attended by the complainant and representatives of BHP-Billiton, the Australian, Swiss and UK NCPs, Anglo-American, Xstrata, Cerrejon, ASK and the Colombia Solidarity Campaign (UK).

- The meeting participants agreed that the issues should be dealt with on an integrated basis rather than as separate complaints in the local jurisdictions and the ANCP agreed to take the lead in consultation with the Swiss and UK NCPs.

10. While there was general agreement on most of the basic facts, there were some areas of disagreement on the detail. Key issues raised included:

- the ongoing concern and distrust among some of the local communities;

- the ongoing disagreement about the validity of the census of Tabaco residents and the values assigned to land for compensation purposes; and

- the differing views about compensation, noting that the joint venture partners directed Cerrejon to consider community settlement as the preferred option, including cash payments as well as land and income restoration.

11. The companies provided information on an independent social review which had been established by Cerrejon to provide an independent assessment of their social engagement. The review was expected to make recommendations including addressing the legacy issues. These issues were essentially similar to those raised in the specific instance. The review was to be conducted by John Harker, President of Cape Breton University in Canada; Saloman Kalmonovitz, Dean of Economics and Business Administration, Jorge Tadeo Lozano University; Colombia; Nick Killick, Manager, International Alert, UK, an international NGO focused on peacebuilding, security and extractive industries; and Elena Serrano,
Advisor, Casa de La Paz Foundation, Chile, an NGO that promotes peace, social development and environmental awareness. The review had selected the Social Capital Group (from Peru) as consultants. The review was expected to report by mid-February 2008.

12. It was agreed that, subject to the complainants consulting with their principals, the current complaint would be suspended pending the outcome of the independent review.

**Independent Review**

13. The independent review, *Cerrejon Coal and Social Responsibility: An Independent Review of Impacts and Intent*, was released in February 2008.¹ The report examined current and future practices of the company and addressed outstanding legacy issues. The review made numerous recommendations on steps Cerrejon should take to improve its relationships with the local community and to resolve the underlying issues.

14. Among other things, the report called for talks between the company and surrounding communities to address outstanding issues. Foremost among them was the continuing bitterness over the treatment of the township of Tabaco. The complainants and BHP-Billiton agreed that the recommendations of the independent review provided a sound basis for moving forward.

15. In April 2008, Cerrejon responded to the independent review recommendations which included a commitment to meet with the Tabaco Relocation Community (TRC).² In August 2008, Cerrejon and the TRC jointly sought Dr Harker to serve as a facilitator in talks between them. On 12 December 2008, an agreement was reached between the parties resolving the legacy issues and clearing the way for sustainable development, including:

- contributions to indemnities totalling US$1.8 million; and
- a further US$1.3 million for sustainable projects.

**Resolution of Specific Instance**

16. On 18 December 2008, the ANCP met with Mr Bleechmore, BHP-Billiton and Xstrata to resolve any outstanding issues. The meeting provided a forum for general agreement on a range of issues, including that:

- the serious legacy issues affecting Tabaco residents had been resolved;
- a process should be established to provide information relating to air quality and pollution to the local communities; and
- an independent party should be engaged to monitor the consultation process for communities potentially subject to resettlement.

17. On 2 February 2009, a phone meeting addressed these outstanding issues with BHP-B reporting that:

- Cerrejon conducts air quality and pollution monitoring of the local communities and will release this information, consistent with processes underway at other BHP-B mines.

• Cerrejon will engage the Social Capital Group (SCG) from 16 February 2009 as an independent facilitator to work with individual communities to provide an oversight role, including the monitoring of relocation and resettlement issues; and

• Cerrejon would be making a senior appointment to their management team to oversee community engagement, community development activities and resettlement processes.

18. The ANCP was subsequently advised that BHP-B’s Group Manager for Community Relations would join Cerrejon as the Social Responsibility Manager in a full-time capacity.

Outcomes of the Specific Instance

19. There was agreement from all parties that the outcome for the Tabaco community provides for a viable resettlement program to be achieved. In this context it was agreed that the issues relating to Tabaco have been satisfactorily resolved.

20. There are ongoing negotiations on possible resettlements of the communities of La Roche, Patilla, Los Remedios, Chancleta and Tamaquitos. The complainants sought the appointment of a facilitator to take on a similar role to that provided by Prof Harker for Tabaco.

21. The companies have argued that while the Tabaco situation related to a specific issue that arose from past actions and omissions, the potential resettlements of the other communities are contemporary instances which require a different type of monitoring structure. The companies now have internal mechanisms in place which means that approach is not necessary. In particular, Cerrejon’s new Social Responsibility Manager will be expected to improve the communications processes, helping to progress and resolve the outstanding issues.

22. The ANCP acknowledges the companies’ position but is concerned that progress on resettlements still appears to be slow. In light of the positive experience of the role of Dr Harker in resolving the Tabaco matters, the ANCP believes there would be significant advantage if the companies provide similar support to the communities for the ongoing negotiations. The resettlement process is likely to be complicated and prolonged in the absence of someone to take on this role. Although the companies have provided additional supports for Cerrejon, these clearly cannot provide adequate independent support for the communities. In particular, there is likely to be a significant asymmetry of knowledge and negotiating capacity between the Cerrejon and the local community.

23. However, as a compromise position suggested by the ANCP, the companies did agree to an external process to monitor the negotiations and to report on progress. The SCG, as an independent party, was expected to provide this oversight. In April 2009, the SCG provided its first report which is aimed more broadly at the total package of recommendations arising from the independent review. The report notes that Cerrejon’s processes “adequately follow IFC performance guidelines” but it also reports community concern at the delays against the timetables. The SCG further comments on the need to “further improve the bi-directional information, consultation and communication mechanisms between the company and communities, to strengthen trust and coordination of resettlement…”

24. The ANCP remains uncertain as to the role the SCG will play in assuring all parties that the ongoing resettlement processes are implemented adequately. However, the ANCP also acknowledges that Cerrejon’s Social Responsibility Manager should be a critical element in this process and notes that he has only recently taken up his role.

25. The complainants also sought the ANCP to maintain an ongoing overseeing role in the process and have requested that the specific instance remain open until a binding written agreement is in place between the five communities and Cerrejon. Therefore, the complainants are opposed to the ANCP making a final determination on the five communities.

26. The complainants do not believe the ANCP should accept Cerrejon's undertakings of the effectiveness of on-going negotiations. The complainants continue to raise concerns that progress has not been as fast as they would prefer and that the process is not adequately defined. There also appears to be deep seated distrust of the companies. The ANCP is aware of the long history and resolution of issues has been slow, and indeed is still ongoing. However, further progress will depend upon good faith by all parties and the ANCP believes that it is important to encourage the community and companies to work together to resolve outstanding matters.

27. Notwithstanding the concerns of the complainants, the ANCP believes that the substantive issues raised in the complaint have now been dealt with – the Tabaco community has an agreement and there is an established process for managing further issues. These outcomes substantially meet the rectification originally proposed by the complainant.

28. A shift in the approach taken by Cerrejon provides the ANCP with some prospect that given time the company has the opportunity to deliver on their commitments and the expectations of the local communities and all parties involved in the specific instance. However, the ANCP urges the companies to take all reasonable steps to conclude the negotiations in an equitable and timely fashion. The companies have indicated their willingness and commitment to do so.

29. The ANCP process is intended to be about mediation and does not encompass managing or overseeing the negotiations or resettlement process - indeed, the ANCP cannot see how this could be achieved in any meaningful way from a distance. However, the ANCP is available to deal with further specific issues should any arise.

Conclusion

30. The specific instance raised significant and long standing issues. The resolution of these issues is paramount to the daily lives of the people on the ground in the local communities surrounding the mining operations of Cerrejon.

31. The agreement between Cerrejon and the former residents of Tabaco is a significant, positive outcome that has been welcomed by all parties. This outcome has provided valuable lessons for the other communities and the companies.

32. Cerrejon has appointed a Social Responsibility Manager on-site and engaged an independent organisation to monitor progress in the other communities. In addition, the companies have undertaken to ensure that Cerrejon provides environmental information to the local communities in a way that is both meaningful and consistent with international best practice.

33. While the ANCP notes the complainants’ concerns about closing the specific instance at this stage, the ANCP does not believe that it can add further value to the process involving the five communities, Cerrejon and SCG.

34. The ANCP would like to thank all parties involved in the dispute for contributing in a constructive and cooperative manner. The ANCP fulfilled its primary function in providing a forum for discussion and assisting the parties reach agreement on the issues. The ANCP does not anticipate having
an ongoing role. However, the ANCP will be available, if required, as an avenue for further discussions in the event that outstanding issues remain unresolved.

35. The ANCP endeavoured to handle the specific instance as quickly and as efficiently as possible and to keep the parties informed of relevant progress.

Patrick Colmer  
Australian National Contact Point  
Department of Treasury  
Canberra  

12 June 2009
Statement by the United Kingdom NCP

Statement by the United Kingdom National Contact Point for OECD Guidelines for Multinational Enterprises (NCP): DAS Air

17 July 2008

Summary of NCP Decision

The National Contact Point (NCP) considered the complaint brought under Chapter I (Concepts and Principles) and Chapter II (General policies) of the OECD Guidelines for Multinational Enterprises (the Guidelines) alleging that DAS Air (i) failed to apply due diligence when transporting minerals from Entebbe and Kigali, which had a reasonable probability of being sourced from the conflict zone in the Democratic Republic of Congo (DRC); and (ii) undertook flights between Entebbe airport and the conflict zone in Eastern DRC. These flights coincided with an illegal occupation of the area by the Ugandan military, during a period when the United Nations and NGO’s recorded human rights abuses. A flight ban between DRC and Entebbe was in place during the applicable period, meaning these flights were in direct contravention of international aviation conventions (the Chicago Convention). The NCP upheld the allegations brought by Rights and Accountability in Development (RAID) and concluded that DAS Air had failed to meet the requirements of the Guidelines.

Background

1. The complaint about DAS Air was submitted to the NCP under the auspices of the OECD Guidelines for Multinational Enterprises by a Non-Government Organisation RAID (Rights and Accountability in Development) on 28 April 2005. The complaint alleges that DAS Air knowingly breached United Nations embargoes by transporting minerals, notably coltan, from rebel held areas of DRC:

   • The transportation of coltan from DRC including flights between DRC and Uganda between 1998 and 2001 (when this airspace was closed to civilian airlines due to the conflict); and

   • The onwards transportation of coltan from Rwanda and Uganda until December 2001, which the complainants allege were sourced from the conflict area in Eastern DRC.

The OECD Guidelines for Multinational Enterprises

2. The Guidelines are recommendations that governments endorse and promote in relation to the behaviour of multinational enterprises. The Guidelines are voluntary principles and standards for responsible business conduct. They are the only comprehensive, multilaterally-endorsed code of conduct for multinational enterprises.

3. The Guidelines establish non-legally binding principles covering a broad range of issues in business ethics in the following areas of operation: general company policies, disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, responsible use of science and technology, competition and taxation.

4. The Guidelines are not legally binding, but OECD governments and a number of non OECD members are committed to promoting their observance. The Guidelines are also supported by the business community and labour federations. In addition, a number of Non-Governmental Organisations are also
heavily involved the work of the OECD Investment Committee responsible for monitoring and reviewing the Guidelines and are increasingly involved in overseeing the operation and promotion of the Guidelines.

5. The final statement has been approved by Gareth Thomas, Minister for Trade and Consumer Affairs and copies have been placed in the House of Commons and the House of Lords libraries.

The complainant:

6. Rights and Accountability in Development (RAID). A Non-Government Organisation founded in 1997 that aims through its research to promote social and economic rights and improve corporate accountability.

The MNE that is the subject of the allegations

7. DAS Air. DAS Air is a long established UK based air freight services business operating routes between Europe and West Africa and between East Africa and the Middle East.

8. In October 2007 DAS Air Limited had been forced to close operations after failing to recover from a ban on flights operating into and out of European Community (EC) that was imposed on 16 October 2006. Administrators were appointed. It was subsequently confirmed that the administrators have sold the business and assets of DAS Air Limited to Continental Aviation Services (Nig) Limited. The date of the transfer was 20 November 2007. DAS Air Limited is now in liquidation.

The Complaint

9. The complaint submitted covers the period of the war in DRC, in particular from the end of 1998 to December 2001 (the date that DAS Air stopped flying coltan from Rwanda). The NCP’s determination of this complaint is towards those actions after June 2000, when the current version of the Guidelines came into effect.

10. The allegations by RAID were of DAS Air:

- Flying into a conflict zone pre-2000 in support of a Ugandan offensive found by the International Court of Justice to have violated the principle of non-use of force in international relations and principle of non-intervention, as well as having violated international human rights law and humanitarian law.

- Flying into a conflict zone in DRC during 2000-2001 while the area was occupied by the Ugandan military. The occupation was deemed illegal and to violate international human rights law by International Court of Justice.

- The operation of civilian aircraft in a conflict zone pre and post 2000, in contravention of international conventions governing civil aviation.

- The transport of coltan from Kigali in Rwanda and the transport of cobalt from Entebbe in Uganda which had a reasonable probability of originating in eastern DRC during the conflict period.

11. The applicable paragraphs of the Guidelines are:

1.7 Governments have the right to prescribe the condition under which multinational enterprises operate within their jurisdictions, subject to international law. The entities of a multinational enterprise located in various countries are subject to the laws applicable in these countries. When
multinational enterprises are subject to conflicting requirements by adhering countries, the governments concerned will co-operate in good faith with a view to resolving problems that may arise.

II.1 Contribute to economic, social and environmental progress with a view to achieving sustainable development.

II.2 Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.

II.5 Refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to environmental, health, safety, labour, taxation, financial incentives, or other issues.

II.10 Encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the guidelines.

Coltan

12. Coltan is the colloquial African name for columbite-tantalite, a metallic ore used to produce the elements niobium and tantalum. The latter is used primarily for the production of capacitors, which are vital components in electronic devices ranging from mobile telephones to laptop computers. After an increased demand from the hi-tech, communications and aerospace industries drove coltan prices to an all-time high of more than $300 per pound in 2000, prices plummeted during the first six months of 2001, levelling off at $20 to $30 per pound in late 2001. DRC has an estimated 80% of the world’s coltan reserves. It is also found in Egypt, Ethiopia, Mozambique, Namibia, Nigeria and South Africa. The high-tech industry’s demand for tantalum has fuelled an increase in coltan mining worldwide – including in DRC.

DAS Air’s response

13. DAS Air denied the allegations in the complaint and strongly objected to the allegations that DAS Air contributed to the ongoing conflict in the DRC and to human rights’ abuses. The company accepts that it transported coltan from Kigali in Rwanda but state these flights were halted immediately that DAS Air was notified that the transportation of such cargo from Kigali was unacceptable, this occurred when they came across the UN Panel report in December 2001 (the first report was published on 12 April 2001 citing the link between conflict and resources in DRC and the second report, which named DAS Air was published in November 2001). The Company firmly denied that it had ever knowingly transported coltan sourced from DRC explaining they believed the coltan it flew out of Kigali originated in Kigali.

14. In response to the allegation of DAS Air flights into DRC between 1998 and August 2001, the company make a categorical denial pointing out that air space between Uganda and DRC was closed for the duration of the conflict, and that it was impossible for Ugandan registered aircraft to land in DRC.

Applicability of the Guidelines

15. The dates of the events that are the subject of the complaint by RAID are relevant. The complaint covers the period between 1998 (from the start of the second conflict in DRC) to the end of 2001 (when the Company stopped flying minerals from the area). The current version of the OECD Guidelines came into force in June 2000 replacing the 1991 version. There is precedent for the UK NCP to investigate behaviour that took place before 2000 but in that case the parties were aware of the retrospective application of the Guidelines.
16. Although there was active engagement in the complaint by Das Air between April 2005 – October 2006, there had been no active consideration as to whether it was appropriate to apply the 2000 Guidelines to events that occurred between 1998- June 2000. Since May 2008, the NCP has attempted to contact Das Air through its liquidators to see if they have any comments on this issue. No response has been received. In this case, the NCP has taken the view that it is not appropriate to apply the 2000 revision of the Guidelines to events that occurred before 2000. However, the NCP considers that past behaviour is pertinent when considering behaviour that occurred after June 2000.

UN Panel of Experts – the genesis of the allegations

17. In June 2000, The United Nations Security Council appointed an independent panel of experts:

- “To follow up on reports and collect information on all activities on illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country;

- To research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict.”

18. The UN Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo published its first report on 12 April 2001, two of the report’s key conclusions was:

“The conflict in the Democratic Republic of the Congo has become mainly about access, control and trade of five key mineral resources: coltan, diamonds, copper, cobalt and gold. The wealth of the country is appealing and hard to resist in the context of lawlessness and the weakness of the central authority.

Exploitation of the natural resources of the Democratic Republic of Congo by foreign armies has become systematic and systemic. Plundering, looting and racketeering and the constitution of criminal cartels are becoming commonplace in occupied territories. These criminal cartels have ramifications and connections worldwide, and they represent the next serious security problem in the region.”

19. In a second report issued by the UN Panel, published on 13 November 2001, reference was made to DAS Air:

“DAS Air, a Ugandan-owned freight company, is also believed to be transporting coltan from Bukavu and Goma to Europe via Kigali”.

20. This reference formed part of the complaint lodged with the UK National Contact Point under the OECD Guidelines for Multinational Enterprises by RAID.

The Porter Commission

21. Following the first Report by the UN Panel of Experts the Ugandan Government established a Ugandan Judicial Commission under Justice Porter (Porter Commission) to look into allegations made in the UN Report, specifically about Uganda. It is information provided by the Porter Commission that provides much of the information in support of RAID’s original complaint.
22. The Porter Commission investigated the use of the Military Air Base as a result of the original UN Panel’s claims that it was being used during Operation Safe Haven to transport goods to and from the DRC.

23. Porter found that, “trade through the Military Air Base was being hidden…”

24. The use of the air base for civilian purposes is a key consideration of this complaint.

The NCP Analysis

25. The NCP analysis is made with the understanding that the specific instance process further to the complaint was not completed due to DAS Air going into administration. The last letter between the parties was exchanged on 18 October 2006. The NCP received no further response from DAS Air after this point. The NCP notes that this timing coincided with the European Commission ban of DAS Air from flying over EU territory. However DAS Air did not go into administration until September 2007 and so there was sufficient time for it to rebut RAID’s allegations.

26. RAID alleges that DAS Air knowingly breached United Nations embargoes by transporting from rebel held areas of the Democratic Republic of Congo (DRC) by:

- The transportation of coltan from DRC including flights between DRC and Entebbe, Uganda between 1998 and 2001 (when this airspace was closed to civilian airlines due to the conflict); and

- The onwards transportation of coltan from Rwanda and Uganda until December 2001, which the complainants allege were sourced from the conflict area in Eastern DRC.

Flights between DRC and Uganda

27. The complainant provided records sourced from the Porter Commission archives that indicated that DAS Air had undertaken 35 flights from Entebbe to DRC during the period of the conflict, when this air space was closed. The NCP has determined on the 3 flights that took place after June 2000 (when the current version of the Guidelines came into force).

28. The implications of these flights are that:

- DAS Air contravened international aviation conventions that prohibited civil flights between Uganda and DRC due to the conflict.

- To circumvent the ban on civil flights between DRC and Uganda, DAS Air defined civil flights as military or were flying in support of the Ugandan army during its occupation of the area.

29. DAS Air has insisted throughout that the information sourced from the Porter Commission archives is false, with the exception of 1 flight (which took place before June 2000) undertaken on behalf of Medecins Sans Frontieres. DAS Air also pointed out the allegations that DAS Air flew between Entebbe airport and DRC is demonstrably incorrect as it is “common knowledge that the air space between Uganda and DRC has been closed for the duration of the conflict, and it was impossible for Ugandan registered aircraft to land in DRC; because of their size”. The NCP considers that DAS Air had sufficient time to provide evidence to substantiate this explanation about the size of plane but did not. In the absence of any evidence to support the statement, the NCP gave consideration to the balance of information i.e. the claim that DAS Air airplanes could not land in Eastern DRC due to the size of the planes versus the credibility of the Porter Commission archives; the NCP rejects DAS Air’s explanation as unsubstantiated. The NCP also
notes that DAS Air provided this explanation before it was aware of the Porter Commission records itemising the DAS Air flights from Entebbe and no subsequent explanation was received once this evidence was passed to DAS Air.

30. International Conventions required the air space between Uganda and DRC to be closed to civil aircraft during the period of the conflict (specifically from July 1999 until April 2004, when A Memorandum of Understanding normalising mutually beneficial air operations between the two countries was signed). Civil aviation flights are subject to the provisions of the Convention on International Civil Aviation (CICA), also known as ‘the Chicago Convention’. The Convention consists of a number of principles and arrangements to which governments have agreed “in order that international civil aviation may be developed in a safe and orderly manner and that international civil air transport services may be established on the basis of equality of opportunity and operated soundly and economically”. (Preamble, CICA, 2006 version.)

31. Following the report of the UN Panel of Experts in 2001, the Porter Commission investigated allegations that the Ugandan Army had contravened these requirements by designating civil flights that used Entebbe Airport as military flights (as the Convention on Civil Aviation only applies to civilian airlines). The Porter Commission was published in May 2003 and quotes a letter, dated 23 July 1999, from the Managing Director of the Civil Aviation Authority to a UPDF officer:

“We wish to advise you that Civil Aviation Authority had difficulty in authorising civil air operation in/out of DR Congo for the following reasons:

The ICAO rules and regulations that govern international air operations do not permit such operations given the current situation prevailing in the eastern part of Congo”

32. The Porter Commission concluded that ‘if the operator was private and not military, and the aircraft was not chartered to MOD, then it should not be allowed to fly, as it came under Civil Aviation Authority rules’.

33. The Commission report described how Uganda has one International Airport (Entebbe International Airport), part of which is called the New Airport; the other part is the Old Airport or the Military Air Base, which is for the military. The Commission recorded a situation in which international civilian flights into the DRC, as a conflict zone, were not allowed by International Convention. The Porter Commission cites a further paragraph from the Managing Director of the CAA’s letter of 23 July 1999:

“However, if the flights have to be operated, then they should be operated as purely military flights which are not subject to Civil Aviation Authority’s strict regulations and safety requirements…”

34. While this indicates that the flights flying between Entebbe Airport and DRC were categorised as military, the Porter Commission went on to conclude that non-military flights occurred during this period:

“Whilst military transport of goods from the Congo, which cannot have been anything else than natural resources, has been proved to have been taking place, by far the largest number of flights were private carrying merchandise to and from the Congo.”

35. Therefore, the Porter Commission Report concluded that it is likely that civilian flights did take place between DRC and Uganda during the period of the conflict in direct contravention of International Conventions. Having reviewed the Porter Commission report the NCP accepts its conclusions and considers that the flights undertaken by DAS Air between Entebbe and DRC were likely to have been civil flights defined as military to circumvent International Aviation Conventions. The issue that the NCP
considered for the purpose of this specific instance is whether DAS Air participated in these flights which would have been in direct contravention of International Aviation Conventions leading to a failure to meet the expectations of paragraphs 1.7 and II.5 of the Guidelines.

36. The key evidence submitted by RAID is flight logs sourced from the Porter Commission archives. The NCP has considered the validity of the evidence collected by the Porter Commission. The Porter Commission was established by the Minister of Foreign Affairs by Legal Notice and operated under the Commission of Inquiries Act. The Commission gathered extensive documentation. It worked only with sworn evidence given in public. The Commission adhered to the Evidence Act in its proceedings. The International Court of Justice (ICJ) has acknowledged the evidentiary value of the Porter Commission. The ICJ, in the Case Concerning Armed Activities on the Territory of the Congo, 2005 used evidence from the Porter Commission as they considered the Commission had followed methods of inquiry that were broadly accepted standards and included testimony of Ugandan officials that contained statements against interest, the Court found the Commission’s factual findings particularly reliable. The ICJ had tested the evidence collected by the Porter Commission and considered it stood up to scrutiny. The NCP also considers evidence collected by the Porter Commission to be reliable and admissible.

37. The flight logs indicate that DAS Air contravened International Conventions by flying between Uganda and DRC during the conflict.

38. The flight logs also points to DAS Air operating flights into areas of Eastern DRC while it was occupied by Ugandan troops. Human Rights Watch documented human rights abuses on the local population including the killing of civilians around Beni in mid-2000. The UN Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo in his August 2001 report described Ugandan backing for rebel forces, how the local population was living in fear, and attested to the use of torture and ‘many acts of violence by Ugandan soldiers that caused countless deaths’. Amnesty International condemned the use of torture by Ugandan forces. The occupation in this area followed a major Ugandan Offensive condemned and declared illegal by the International Court of Justice.

39. The NCP did not make a determination on the 32 flights that took place before the current version of the Guidelines came into force but did consider these flights when determining the status of the 3 flights that took place after June 2000. The NCP believes that past behaviour is pertinent to the analysis. The NCP noted that many of the DAS Air flights into Eastern DRC occurred shortly after the Ugandan army had occupied the specific area during Operation ‘Safe Haven’. The NCP noted that the ICJ concluded that Operation ‘Safe Haven’ was not consonant with self-defence and that Uganda violated the sovereignty and territorial integrity of the DRC.

40. The NCP notes that DAS Air did not respond to the specific allegations made in October 2006 (when the Porter Commission records were shared with DAS Air) but that it had sufficient opportunity to do so. The NCP notes that prior to that date DAS Air had denied that flights between Entebbe and the DRC took place. Despite this, the NCP is satisfied that the evidence submitted is sufficient to conclude that DAS Air did fly between Entebbe and DRC in breach of International Conventions. The NCP accepts the Porter Commission evidence. While the NCP process had not been finalised by the time DAS Air went into administration, the NCP considers that sufficient evidence had been collected to conclude that there

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1 Suliman Ali Baldo Testimony at the House Committee on International Relations.
was a clear failure to meet the expectations of the Guidelines. By flying between Entebbe and DRC, DAS Air failed to meet the requirements of paragraphs II.2, II.5 and 1.7 of the Guidelines.

The onward transportation of coltan and cobalt from Rwanda and Uganda

41. DAS Air estimated that it transported approximately 400 tonnes of coltan from Kigali to Johannesburg and 500 tonnes of cobalt from Entebbe to Ostende between 21 November 2000 and 17 December 2001. RAID alleges that this coltan and cobalt was sourced from the conflict zone in Eastern DRC. DAS Air stated they were merely contracted by the freight forwarders to transport the minerals; that all merchandise transported by DAS Air is customs-cleared before it is transported and DAS Air had not at any time been aware that any coltan transported by it originated from DRC. They also stated that any enquiries the NCP had in regards to the consignors and consignees should be made to DAS Air’s customer as DAS Air would not have that information. DAS Air explained that it was not aware of the UN Panel report of 12 April 2001. The adverse implications of the carriage of minerals from the region did not come to DAS Air’s attention until December 2001 (in all likelihood from a press article): as soon as it came to DAS Air’s attention, they immediately halted all transportation of coltan from Kigali. DAS Air was named in the November 2001 UN Panel Report:

Transport networks have also been reconfigured since the publication of the report [the Panel’s April 2001 report]. Sabena halted the transport of all coltan shipments from Kigali. Instead, the Netherlands carrier Martinair is now shipping coltan from Kigali twice a week to Amsterdam. DAS Air, a Ugandan-owned freight company, is also believed to be transporting coltan from Bukavu and Goma to Europe via Kigali.

42. The NCP accepts the key conclusion made by Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo that “the conflict in the Democratic Republic of the Congo has become mainly about access, control and trade of five key mineral resources: coltan, diamonds, copper, cobalt and gold. The wealth of the country is appealing and hard to resist in the context of lawlessness and the weakness of the central authority…” The Panel went on to explain that “the role of the private sector in the exploitation of natural resources and the continuation of the war has been vital…Companies trading minerals, which the Panel considered to be ‘the engine of the conflict in the Democratic Republic of Congo’, have prepared the field for illegal mining activities in the country.”

43. Heightened care is required by companies when investing and trading in weak governance zones. There is no evidence that DAS Air made any concessions to the conflict occurring in the region. DAS Air transported minerals from Kigali, which had a reasonable probability of having been sourced from the conflict zone in the DRC, on behalf of its customers.

44. The NCP considered the extent of the influence that DAS Air could have in its contracts with third parties to transport coltan from Kigali to Europe. The commentary to the Guidelines on the supply chain paragraph refers to the level of influence that a business holds and says ” the extent of these limitations depends upon sectoral, enterprise and product characteristics such as the number of suppliers or other business partners, the structure and complexity of the supply chain and the market position of the enterprise…”. The NCP understands that DAS Air did not hold a monopoly but had a significant market share of flights transporting minerals from Kigali, DAS Air had good regional knowledge as it was a prominent carrier in Africa. Most importantly, the flights recorded by the Porter Commission showing DAS Air flying between Entebbe and DRC illustrates that DAS Air should have had a clear understanding of the potential for the minerals to have been sourced from Eastern DRC. DAS Air clearly stated to the NCP that they did not question the source of the mineral that it transported, the NCP considers that DAS Air undertook insufficient due diligence on the supply chain.
45. The Porter Commission archives record 35 DAS Air flight between DRC and Entebbe airport between 1998 and 2004, the majority of these flights into the conflict zone where many of DRC’s minerals are mined. The NCP has not made a determination on the 32 flights that took place before June 2000, but believes these earlier flights should be recorded in this statement in support the NCP’s view that DAS Air was aware of the conflict in DRC and the potential for the minerals to be sourced from the conflict zone.

46. Therefore the NCP finds that DAS Air did not meet the requirements set out in paragraphs II.1, II.2 and II.10 of the Guidelines:

NCP Conclusions

47. DAS Air flights between Entebbe and DRC were in direct contravention of the Chicago Convention. The destination airports in Eastern DRC were situated in an area in North Eastern DRC that was under Ugandan army occupation and human rights abuses were recorded by NGOs in the area during 2001. The DAS Air flights can be seen as either:

- civilian flights that were recorded as military to circumvent the Chicago Convention; or
- flying in support of the Ugandan army during its occupation of the area.

48. The NCP believes it to be the former option as the Porter Commission records instances of civilian flights being defined as military to circumvent the Chicago Convention and the NCP concludes that this is the more likely outcome. The NCP concludes that the flights between DRC and Entebbe failed to meet the expectations of the following paragraphs of the Guidelines:

   II.2  Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.

   II.5 Refrain from seeking or accepting exemptions not contemplated in the statutory or regulatory framework related to environmental, health, safety, labour, taxation, financial incentives, or other issues.

   I.7 Governments have the right to prescribe the condition under which multinational enterprises operate within their jurisdictions, subject to international law. The entities of a multinational enterprise located in various countries are subject to the laws applicable in these countries. When multinational enterprises are subject to conflicting requirements by adhering countries, the governments concerned will co-operate in good faith with a view to resolving problems that may arise.

49. DAS Air did not try to establish the source of the minerals they were transporting from Kigali and Entebbe, stating they were unaware of the potential for the minerals to be sourced from the conflict zone in eastern DRC. The NCP finds it difficult to accept that an airline with a significant presence in Africa including a base in Entebbe would not have been aware of the conflict and the potential for the minerals to be sourced from Eastern DRC. In addition, the 35 DAS Air flights between Entebbe and DRC (including several flights to the conflict zone itself) between 1998 and 2001 recorded by the Porter Commission, adds support to DAS Air having an intimate understanding of the situation and the conflict.

50. The NCP concludes the lack of due diligence on the supply chain, meant that DAS Air did not meet the requirements of the following paragraphs of the Guidelines:

   II.1 Contribute to economic, social and environmental progress with a view to achieving sustainable development.
II.2 Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.

II.10 Encourage, where practicable, business partners, including suppliers and sub-contractors, to apply principles of corporate conduct compatible with the guidelines.

Recommendations

the Convention of International Civil Aviation.

52. Under no circumstances should a UK MNE define its flights as military when they are not.

53. The NCP refers to UN Resolution 1592 (30 March 2005): recital 10 of the resolution urges “all states neighbouring the Democratic Republic of Congo to impede any kind of support to the illegal exploitation of Congolese natural resources, particularly by preventing the flow of such resources through their respective territories.” The NCP notes that this resolution is directed towards states but considers this resolution highlights the requirement for business to undertake heightened awareness when trading or investing in natural resources within this region. The NCP urges UK companies to use their influence over contracting parties, when trading in natural resources from this region, to ensure that due diligence is applied to the supply chain.

54. The UK Government draws attention to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, which has been developed as part of the OECD’s Investment Committee’s follow up to the Guidelines. The Risk Awareness tool consists of a list of questions that companies should ask themselves when considering actual or prospective investments in weak governance zones. The questions cover the following issues:

- Obeying the law and observing international relations.
- Heightened managerial care.
- Political activities.
- Knowing clients and business partners.
- Speaking out about wrongdoing.
- Business roles in weak governance societies – a broadened view of self interest.

55. The Risk Awareness tool can be downloaded from: www.oecd.org/dataoecd/26/21/36885821.pdf

NCP commitment to publicise recommendations

56. The NCP will contact trade organisations with an interest in freight forwarding and request they bring this statement to the attention of their members.

17 July 2008

Margaret Sutherland Dal Dio Martin Taylor
UK NCP - BERR UK NCP - BERR UK NCP - DFID
Annex.
Rights and Accountability in Development (RAID) press release: DAS Air
21 July 2008

RAID
Rights & Accountability in Development

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Government Condemns British Aviation Company for Fueling Congo’s War

The British Government has found DAS Air, a UK-based air cargo company, in breach of the OECD Guidelines on corporate conduct for its part in transporting minerals from rebel-held areas of the Eastern Democratic Republic of the Congo (DRC). Rights and Accountability in Development (RAID), a human rights non-governmental organization, which brought a complaint against the company welcomed the government’s findings.

“This is a major breakthrough and sets an important precedent” said Patricia Feeney, RAID’s Executive Director. “For the first time a foreign company has been held to account by its own government for its part in fueling a war that has cost the lives of an estimated 5.4 million people – the highest civilian death toll since World War II.”

In 2002 a UN Panel of experts accused over 80 multinational companies of violating the OECD Guidelines for Multinational Enterprises (a government-backed code of corporate conduct). Despite the wealth of evidence in the UN Panel’s reports to date DAS Air is the only company to have been publicly sanctioned by a government.

According to the UN Panel, DAS Air transported coltan (columbo-tantalite used in the manufacture of electronic equipment) from the Congolese towns of Bukavu and Goma to Europe via Kigali (the Rwandan capital).1

The UK National Contact Point (NCP) - the government unit responsible for overseeing companies’ adherence to the OECD Guidelines – rejected DAS Air’s argument denying that it knew the coltan came from rebel areas:

“DAS Air did not try to establish the source of the minerals they were transporting from Kigali and Entebbe, stating they were unaware of the potential for the minerals to be sourced from the conflict zone in eastern DRC. The NCP finds it difficult to accept that an airline with a significant presence in Africa including a base in Entebbe would not have been aware of the conflict and the potential for the minerals to be sourced from Eastern DRC.”

RAID provided the British Government with crucial evidence proving that DAS Air made regular flights into the Eastern DRC. The flights contravened international aviation conventions banning civil air traffic from flying into conflict zones. Several flights coincided with a Ugandan military offensive which was found by the International Court of Justice to have been in violation of international humanitarian law.

"By finding DAS Air to have breached human rights the British Government has sent a powerful message to others currently engaged in the exploitation of natural resources in conflict zones around the world which fuels war and appalling human rights abuses. This case has taken four years to resolve" said Patricia Feeney. "It is time for Britain to lead the way in prohibiting such callous corporate behaviour and to provide clear guidance for British businesses that operate in difficult business environments.”

In 2003 the UN Panel forwarded dossiers to the British Government concerning the activities of three other British companies, De Beers, Avient Limited and Oryx Natural Resources, all of which were exonerated in ad hoc and untransparent proceedings.

“The condemnation of DAS Air has emerged as a result of the reforms to the UK NCP’s procedures that were implemented last year after pressure from MPs. It is to be hoped that the Government will now use the promised parliamentary statement on the UN Panel process to set the record straight about the conduct of some of the other companies, and indicate when further guidance for British business will be forthcoming” said Patricia Feeney.

Notes for Editors.


2. DAS Air is a long established air freight services business operating routes between Europe and West Africa and between East Africa and the Middle East. In October 2007 DAS Air Limited was forced to shut down its operations after failing to recover from a ban on flights operating into and out of European Community that was imposed on 16 October 2006. Administrators were appointed. In November 2007, the business and assets of DAS Air Limited were sold to Continental Aviation Services (Nig) Limited. DAS Air limited is now in liquidation.


4. UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (UN Panel) was set up by the Security Council in June 2000.

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2 NCP Statement paragraph 49
3 The NCP statements on these companies are available at http://www.csr.gov.uk/oecd1.htm
Between 2001 and 2003, when it was disbanded, the Panel’s reports detailed the role foreign companies had played in fueling the conflict through the exploitation of minerals, timber and diamonds.

5. NCP statement paragraph 43

“Heightened care is required by companies when investing and trading in weak governance zones. There is no evidence that DAS Air made any concessions to the conflict occurring in the region. DAS Air transported minerals from Kigali, which had a reasonable probability of having been sourced from the conflict zone in the DRC on behalf of its customers.”


7. International Court of Justice Concerning Armed Activities on the Territory of the Congo (Democratic Republic of the Congo v. Uganda) 19 December 2005, Judgement paragraphs 61 and 237. In its judgment the ICJ concluded that Operation ‘Safe Haven’ was not consonant with self-defence and that Uganda violated the sovereignty and territorial integrity of the DRC. [NCP Statement paragraph 39]

8. International Civil Aviation Convention

References


Reports of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

UN Panel report dated 16 January 2001

UN Panel report dated 12 April 2001

UN Panel report dated 13 November 2001

UN Panel report dated 22 May 2002

UN Panel report dated 16 October 2002

UN Panel report dated 20 June 2003

UN Panel report dated 23 October 2003
http://www.un.org/Docs/sc/unsc_presandsg_letters03.html click on S/2003/1027
Statement by the United Kingdom NCP

Final statement by United Kingdom National Contact Point for the OECD Guidelines for Multinational Enterprises: Afrimex (UK) Ltd

28 August 2008

Summary of NCP decision

The National Contact Point (NCP) considered the complaint brought under Chapter II (General policies), Chapter IV (Employment and Industrial Relations) and Chapter VI (Combating bribery) of the OECD Guidelines for Multinational Enterprises (the Guidelines) alleging that Afrimex paid taxes to rebel forces in the Democratic Republic of Congo and practiced insufficient due diligence on the supply chain, sourcing minerals from mines that used child and forced labour, who work under unacceptable health and safety practices. The NCP upheld the majority of the allegations brought by Global Witness. Afrimex initiated the demand for minerals sourced from a conflict zone. Afrimex sourced these minerals from an associated company SOCOMI, and 2 independent comptoirs who paid taxes and mineral licences to RCD-Goma when they occupied the area. These payments contributed to the ongoing conflict. Therefore the NCP concluded that Afrimex failed to contribute to the sustainable development in the region; to respect human rights; or to influence business partners and suppliers to adhere to the Guidelines. The NCP concluded that Afrimex did not apply sufficient due diligence to the supply chain and failed to take adequate steps to contribute to the abolition of child and forced labour in the mines or to take steps to influence the conditions of the mines. The NCP did not uphold the allegations that Afrimex failed to fulfil the bribery and corruption chapter of the Guidelines or the improper involvement in local politics.

OECD Guidelines for Multinational Enterprises

1. The Guidelines are recommendations that governments endorse and promote in relation to the behaviour of multinational enterprises. They are voluntary principles and standards for responsible business conduct. They are the only comprehensive, multilaterally-endorsed code of conduct for multinational enterprises.

2. The Guidelines establish non-legally binding principles covering a broad range of issues in business ethics in the following areas of operation: general company policies, disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, responsible use of science and technology, competition and taxation.

3. The Guidelines are not legally binding but OECD governments and a number of non OECD members are committed to promoting their observance. The Guidelines are also supported by the business community and labour federations. In addition, a number of Non-Governmental Organisations are also heavily involved in the work of the OECD Investment Committee responsible for monitoring and reviewing the Guidelines and are increasingly involved in overseeing the operation and promotion of the Guidelines.

4. The final statement has been approved by Gareth Thomas, Minister for Trade and Consumer Affairs and copies have been placed in the House of Commons and the House of Lords libraries.
Specific Instance procedure

5. The first step when a complaint is brought to the NCP under the OECD Guidelines is the initial assessment; this consists of a desk-based analysis of the complaint, the company’s response and any additional information provided by the parties. The NCP uses this information to determine whether further consideration is required under the Guidelines. The initial assessment is published to www.csr.gov.uk. If a case is accepted, the NCP instigates mediation between the two parties to ascertain whether they can agree on an appropriate way forward. Should mediation fail, the NCP will determine whether the Guidelines have been met and if necessary, make recommendations for future conduct.

Background of complaint

6. On 20 February 2007, the UK National Contact Point (NCP) received a request from Global Witness (the Complainant) to consider the specific instance regarding Afrimex UK Ltd (the Company). The complaint alleged that Afrimex paid taxes to rebel forces in the Democratic Republic of Congo (DRC) and practiced insufficient due diligence on the supply chain, sourcing minerals from mines that use child and forced labour, who work under unacceptable health and safety practices.

Applicability of the Guidelines

7. The dates of the events that are the subject of the complaint by Global Witness are relevant. The complaint covers the period between 1998 (from the start of the second conflict in DRC) to the date of the complaint (February 2007). The current version of the OECD Guidelines came into force in June 2000 replacing the 1991 version. There is precedent for the UK NCP to investigate behaviour that took place before 2000 but in that case the parties agreed to the retrospective application of the Guidelines, in this case Afrimex withheld consent. While the NCP will not make a determination about the allegations prior to June 2000, the NCP considers that past behaviour is pertinent when considering behaviour that occurred after June 2000.

UN and DRC

8. In June 2000, The United Nations Security Council appointed an independent panel of experts:

“To follow up on reports and collect information on all activities on illegal exploitation of natural resources and other forms of wealth of the Democratic Republic of the Congo, including in violation of the sovereignty of that country;

To research and analyse the links between the exploitation of the natural resources and other forms of wealth in the Democratic Republic of the Congo and the continuation of the conflict.”

9. The UN Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the Democratic Republic of Congo published its first report on 12 April 20011, two of the report’s key conclusions were:

“The conflict in the Democratic Republic of the Congo has become mainly about access, control and trade of five key mineral resources: coltan, diamonds, copper, cobalt and gold. The wealth of the country is appealing and hard to resist in the context of lawlessness and the weakness of the central authority...
The role of the private sector in the exploitation of natural resources and the continuation of the war has been vital. A number of companies have been involved and have fuelled the war directly, trading arms for natural resources. Others have facilitated access to financial resources, which are used to purchase weapons. Companies trading minerals, which the Panel considered to be “the engine of the conflict in the Democratic Republic of Congo”, have prepared the field for illegal mining activities in the country.”

10. Afrimex was first mentioned as a company of concern in the Panel’s first report and was subsequently listed in Annex III of the October 2002 report, as the Panel considered Afrimex to be in violation of the OECD Guidelines. After dialogue with Afrimex, the UN classified Afrimex in Category 1, a “resolved” case that required no further action. The discussions that took place between Afrimex and the UN following this report are summarised in the letter that Ketan Kotecha sent the UN\(^2\). The content of this letter is considered further in paragraph 20.

11. The UN’s ongoing concern is reflected by the creation of a further group in 2004: the Group of Experts on the Democratic Republic of Congo. Their reports are accessible at:

[ www.un.org/sc/committees/1533/egroup.shtml ]. These reports describe the ongoing conflict, and again, make the explicit link between minerals and funding of rebel groups.

12. The UN continues to be gravely concerned about the situation in DRC. This is reflected in the number of resolutions passed by the Security Council. The Security Council first imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri and on groups not party to the Global and All-inclusive agreement in the Democratic Republic of the Congo on 28 July 2003 with the adoption of resolution 1493. The sanctions regime was subsequently modified and strengthened with the adoption of resolutions 1533 (2004), 1596 (2005), 1649 (2005) and 1698 (2006) which, among other things, expanded the scope of the arms embargo, imposed additional targeted sanctions measures (travel ban and an assets freeze), and broadened the criteria under which individuals could be designated as subject to those measures. Resolution 1807 (31 March 2008) amended and renewed the sanctions regime until 31 December 2008 and extended the Group of Experts for the same period.

Substance of complaint

13. Global Witness alleges that Afrimex (UK) Ltd did not comply with Chapter II (General Policies), Chapter IV (Employment and Industrial Relations) and Chapter VI (Combating bribery) of the Guidelines, specifically:

General Policies

Enterprises should take fully into account established policies in the countries in which they operate, and consider the views of other stakeholders. In this regard, enterprises should

II.1 Contribute to economic, social and environmental progress with a view to achieving sustainable development.

II.2: Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.

\(^2\) [www.publications.parliament.uk/pa/cm200506/cmselect/cmintdev/923/923we11.htm]
II.10 Encourage, where practicable, business partners, including suppliers and subcontractors, to apply principles of corporate conduct compatible with the Guidelines.

II.11 Abstain from any improper involvement in local politics.

Employment and Industrial Relation

Enterprises should, within the framework of applicable law, regulations and prevailing labour relations and employment practices:

IV.1b Contribute to the effective abolition of child labour.

IV.1c Contribute to the elimination of all forms of forced or compulsory labour.

IV.4b Take adequate steps to ensure occupational health and safety in their operations.

Combating Bribery

Enterprises should not, directly or indirectly, offer, promise, give or demand a bribe or other undue advantage to obtain or retain business or other improper advantage. Nor should enterprises be solicited or expected to render a bribe or other undue advantage. In particular, enterprises should:

VI.2 Ensure that remuneration of agents is appropriate and for legitimate services only. Where relevant, a list of agents employed in connection with transactions with public bodies and state-owned enterprises should be kept and made available to competent authorities.

VI.6 Not make illegal contributions to candidates for public office or to political parties or to other political organisations. Contributions should fully comply with public disclosure requirements and should be reported to senior managements.

Afrimex’s response

14. Afrimex do not believe they have acted contrary to the expectations of the Guidelines and consider the complaint made by Global Witness to have numerous misconceptions and errors.

15. Afrimex dismissed the allegation they had paid taxes to rebel forces, with the explanation that Afrimex only take ownership of the minerals at the border so do not have a tax liability in DRC. They also stated that no agent paid tax on Afrimex’s behalf.

16. In regards to the supply chain for the sourcing of minerals, Afrimex explained they have never bought minerals directly from the mine. They described the supply chain for minerals as extremely fractured, with Afrimex several steps removed from the mines. The lack of an audit chain prevents Afrimex’s minerals from being traced back to the mine they were sourced from. They explained that Afrimex source their minerals from a small number of comptoirs with a good reputation with whom they have long standing relationships. Following the UN Panel report Afrimex sought oral confirmation from comptoirs and following the 2005 Channel 4 news report, Afrimex sought and obtained written assurances from the comptoirs that their products meet all legal and regulatory requirements (a copy of one assurance was received by the NCP, while the other was subsequently requested, it was not received).
Relationship between Afrimex, Societe Kotecha and SOCOMI

17. The complaint lodged by Global Witness stated that Afrimex operates in DRC as Societe Kotecha. The complaint continues by describing SOCOMI (a DRC company) as “the ore marketing arm of Societe Kotecha”. As Afrimex disputed the link between the 3 companies, it was necessary to explore the relationship.

18. Afrimex explained to the NCP that its relationship with Societe Kotecha is merely business. Afrimex exports goods, mainly commodities to Societe Kotecha. Societe Kotecha provides certain services to Afrimex, for example, physical checks on minerals to confirm volumes before export. Afrimex confirmed that Societe Kotecha does not take ownership of the minerals and explained that Societe Kotecha does not trade in minerals nor has it done so in the past. Afrimex and Societe Kotecha are independent companies which do not co-ordinate their operations or exert influence over one another in any manner that compromises their independence.

19. The Global Witness complaint refers to 2 key reasons why Afrimex should be seen as connected to Societe Kotecha and Socomi. Global Witness’ believe that Afrimex and Societe Kotecha trade as one entity and in a letter to the NCP dated 29 May 2007 refer to a conversation between a Global Witness researcher and an employee at Societe Kotecha in Bukavu who referred to Afrimex as “the London office”.

20. The first key reason cited by Global Witness is Ketan Kotecha’s letter to the UN, which he described as a “recap of the main points of the discussion”. It is clear that Mr Kotecha implied to the UN that Afrimex, Societe Kotecha and SOCOMI were associated companies (even indicating they were one and the same business). The letter is referring to a family business which imports commodities, sold through a network of branches in the region and has made substantial infrastructure investments in the region, including the investment in sugar and plastic moulding factories. This description does not tally with the explanation given to NCP of Afrimex as a company that merely exports commodities to DRC and imports minerals from DRC. Afrimex has told the NCP that this letter “was perhaps misjudged” but the NCP considers it to indicate that Afrimex has either misdirected the UN or the NCP in regards to the relationship between these companies.

21. The second issue raised by Global Witness is Ketan Kotecha’s evidence to the International Development Committee (IDC) on 4 July 2006. Again, Ketan Kotecha appears to be discussing Afrimex and Societe Kotecha as closely associated businesses, and as paying taxes to RCD-Goma. While the NCP recognises that observers would conclude these companies are associated based on Mr Kotecha’s oral evidence, the NCP notes that Mr Kotecha subsequently wrote to the IDC to provide clarification of certain points to prevent misinterpretation. The key clarification for the purpose of determining the relationship between Afrimex and Societe Kotecha is:

“Afrimex is a UK registered company that I founded in 1984. It has a staff of four individuals (including myself) from offices in Wembley, Middlesex. It acts solely as a commissioning agent for several companies, one of which is Societe Kotecha. Societe Kotecha is my father’s Congolese company, established in Bukavu as Kotecha’s in the early 1960’s. Societe Kotecha directly employs approximately 160 people in the Congo. All of its investment and business

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4  The IDC was appointed by House of Commons to examine expenditure, administration and policy of DFID and its associated public bodies. IDC website: http://www.parliament.uk/parliamentary_committees/international_development/committee_remit.cfm
activities are conducted in the Congo, and it deals with a number of other companies and engages in a variety of businesses unrelated to its dealings with Afrimex."

22. This letter introduces the view that a clear separation of the business exists.

23. Afrimex states that the owners and directors of the 2 companies are different. The NCP understands that the directors of Societe Kotecha are Ketan Kotecha and Ramnik Kotecha, while the directors of Afrimex are Ketan Kotecha and Didi Kotecha (the NCP sourced confirmation of Afrimex directors from Companies House). Ketan Kotecha told the NCP that he is a minority shareholder with a minor role in the running of Societe Kotecha.

24. Afrimex describes SOCOMI as being a separate business from Societe Kotecha and was formed by Ramnik Kotecha and 2 others in 1984. The NCP requested confirmation of the other directors, primarily to satisfy itself that the remaining directors were not comptoirs but Afrimex stated they did not have access to this information. The NCP is only interested in SOCOMI for the period of the complaint while it was involved in the mineral industry (until November 2001 when it moved to telecommunications). Afrimex state that to the best of its knowledge SOCOMI did not act as a comptoir and merely crushed ore and exported minerals that it had bought locally.

25. The NCP gave careful thought to the views put forward by the parties and referred to the Guidelines which pointed to flexibility in defining an “MNE”:

“A precise definition of multinational enterprises is not required for the purposes of the Guidelines. These usually comprise companies or other entities established in more than one country and so linked that they may co-ordinate their operations in various ways. While one or more of these entities may be able to exercise a significant influence over the activities of others, their degree of autonomy within the enterprise may vary widely from one multinational enterprise to another."6

26. In considering whether these companies were associated, the NCP considered a variety of factors. The NCP did not find this relationship clear cut. The NCP accepted Afrimex’s explanations for the ambiguities and confusion instigated by Mr Kotecha’s evidence to the IDC evidence and his letter to the UN. Ultimately, the NCP kept returning to the same key issues:

-The linkage between the directors in the 3 companies: Mr Ketan Kotecha is a director of Afrimex and Societe Kotecha, Mr Ramnik Kotecha is a director in Societe Kotecha and SOCOMI (during the period that SOCOMI traded in minerals until 2002).
- Mr Ketan Kotecha and Ramnik Kotecha are shareholders of Societe Kotecha.
- Familial relationship – Ramnik Kotecha is Ketan Kotecha’s father.
- Societe Kotecha is a key (but not sole) customer of Afrimex.
- Societe Kotecha provides some services to Afrimex in regards to checking and coordinating mineral deliveries.

27. The NCP believes these links are sufficient to determine that Afrimex was in a position to significantly influence Societe Kotecha and SOCOMI. Therefore, the NCP has treated these companies as linked for the purposes of this complaint.

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5 http://www.publications.parliament.uk/pa/cm200506/cmselect/cmintdev/923/923we10.htm
6 1.3 of OECD Guidelines for Multinational Enterprises
Process

28. The parties entered into mediation and met 3 times. They were unable to agree a mediated settlement and the process subsequently moved to an NCP determination. Mediation is a confidential process between the parties and the NCP will not comment on the discussions that took place during these sessions.

NCP analysis

29. The NCP will only determine on the period after 2000 but as referred in paragraph 7, consideration of Afrimex’s behaviour before 2000 is pertinent when considering behaviour from June 2000.

30. Global Witness alleges that Afrimex paid taxes to an armed group (RCD-Goma) that was engaged in armed conflict against the national Government and these payments contributed to financing (and therefore prolonging) the conflict. These aspects of the complaint fall to paragraphs II.1 and II.2 of the Guidelines.

31. Afrimex explained their trade in minerals is confined to importing minerals from the Democratic Republic of Congo. As Afrimex effectively takes ownership of the minerals at the border, they currently do not have any tax liability in DRC nor have they had tax liability in the past for minerals. Tax paid in DRC on the minerals exported by Afrimex is the responsibility of their suppliers.

32. The NCP considered Mr Kotecha’s evidence to the IDC (referred to in paragraph 21), Mr Kotecha was asked whether Afrimex made any payments to any political organisations or military organisation in DRC, he responded in the negative. Mr Kotecha also confirmed that taxes were paid to the “RCD Government” i.e. RCD Goma, who occupied the area during the conflict and used the taxes collected to fund the conflict. Mr Kotecha subsequently provided written clarification to the IDC, stating that he had responded to these issues on behalf of his family’s business and was not talking about Afrimex.

33. The NCP accepts that Mr Kotecha referred to Societe Kotecha paying taxes to RCD-Goma and not Afrimex. As the complaint centres on the trade of minerals the NCP is restricted to considering the mineral trade only. The NCP accepts that Societe Kotecha does not trade in minerals; the taxes paid to RCD Goma by Societe Kotecha would have been around other business activities and do not form part of this complaint.

34. In correspondence with the NCP, Mr Kotecha referred to SOCOMI holding a mineral license until 2002. During the oral evidence given to the IDC by Mr Kotecha, he refers to the payment of licences and taxes during this period. The NCP believes this included the mineral licences and taxes paid by SOCOMI.

35. Therefore SOCOMI paid taxation and licence fees as outlined in the complaint:

   “From August 1998 to November 2000, non-government forces involved in the conflict imposed a $15,000 per year licence fee in addition to a tax estimated at 8% of the total value of exports on all coltan traders”.

36. This is supported by statistics of exports of coltan and cassiterite collected by IPIS during their research in DRC for the 2002 report “Supporting the War Economy in the DRC: European Companies and the Coltan Trade?”. The statistics cover the period January 2000 to July 2001. A proportion of these

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7  http://www.grandslacs.net/doc/2343.pdf
statistics are used within the report, and show SOCOMI as a significant exporter of minerals from Eastern DRC during this period. The statistics received by the NCP direct from IPIS are more detailed than those used in the report and show Afrimex to be a significant customer of SOCOMI during the period of the research.

37. The NCP considered the eligibility of the statistics provided by IPIS. IPIS is an independent research institute which focuses on Sub-Saharan Africa; areas of expertise include the exploitation of natural resources. The UK NCP discussed the status of IPIS with the Belgian NCP who confirmed the credibility of the organisation and its work. The NCP considers the statistics received are material evidence in substantiating the trade between SOCOMI and Afrimex.

38. The NCP believes that Afrimex was in a strong position to influence SOCOMI and to question whether SOCOMI should have been paying money to RCD-Goma through the purchase of mineral licences and paying taxes. The information received from IPIS implies that Afrimex was SOCOMI’s only export customer during the period of the statistics collected in 2000/01. If this is the case, Afrimex was the reason that SOCOMI traded in minerals and therefore Afrimex is responsible for SOCOMI paying the licence fees and taxation to RCD-Goma. If Afrimex was not SOCOMI’s only customer, then their responsibility for the payment of taxes depends on what proportion of SOCOMI’s trade in minerals was with Afrimex. These licence fees would have been paid to RCD-Goma during the period they occupied the area (1998 to 2002 – when SOCOMI changed its business activity from minerals).

39. The NCP concludes that Afrimex failed to apply sufficient pressure on an associated company (SOCOMI) to cease trading in minerals during a period when taxes and licence fees were paid to RCD-Goma. These taxes and licence fees were used to fund the continuation of the war. Therefore the NCP determined that Afrimex failed to meet the expectation of paragraphs II.1 and II.2.

40. SOCOMI was not Afrimex’s only supplier. Therefore, the NCP considered whether the supply chain paragraph (II.10) of the guidelines applied. Taxation would have been paid down the supply chain and the NCP was required to consider whether Afrimex was in a position to influence its business partners and suppliers.

41. The NCP’s consideration is centred on the level of “due diligence” applied to the supply chain by Afrimex. Professor Ruggie\(^8\), defines due diligence as “a process whereby companies not only ensure compliance with national laws but also manage the risk of human rights harm with a view to avoiding it. The scope of human rights-related due diligence is determined by the context in which a company is operating, its activities, and the relationships associated with those activities”\(^9\).

42. Mr Kotecha confirmed to the IDC that during the period of the conflict (1998 to 2003) the amount of cassiterite purchased remained at a similar level as that purchased before the conflict while the amount of coltan increased by 100%.

43. On November 2000, RCD-Goma imposed a monopoly on the coltan trade through Societe Miniere des Grands Lac (SOGIML). A tax of $10 per kilogramme of coltan was applied to all traders. Afrimex said they stopped purchasing coltan once this monopoly was imposed. This explanation is partially supported by the IPIS research (covering the period January 2000 to July 2001) which shows just one purchase of coltan by Afrimex after November 2000. As Afrimex only received the IPIS documents

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\(^8\) Professor John Ruggie is the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises

from the NCP on 22 January 2008, they explained they had insufficient time to follow up this single transaction.

44. The NCP has struggled with the inconsistencies put forward by Afrimex in its evidence. For instance Afrimex explained to the NCP that it had stopped importing coltan once the SOGIML monopoly was created. This is contradictory to Mr Kotecha’s evidence to the IDC when he confirmed that Afrimex increased its imports of coltan by 100% during the war.

45. The NCP considered the influence that Afrimex has over its suppliers to consider whether the supply chain requirements of the Guidelines should be applied.

46. Afrimex used 2 independent comptoirs during this period. These comptoirs will have paid taxes and licences to RCD-Goma.

47. Afrimex explained to the NCP that it requested oral reassurances from its suppliers after the discussions with the UN Panel in 2003 and subsequently written assurances after the Channel 4 news item: Congo’s tin soldiers in 2005. This indicates that during the period of the war (prior to 2003); Afrimex did not apply any conditions on its suppliers. This is unacceptable considering the context of the conflict and human rights abuses taking place.

48. During Mr Kotecha’s appearance at the IDC, he cited the written statements from his comptoirs but confirmed that he had not asked his suppliers whether they had made payments to RCD-Goma or any other military organisation or political party.

49. Afrimex provided the NCP with one of the written statements Mr Kotecha referred to during his evidence to the IDC. These statements were requested from Afrimex’s suppliers following the 2005 Channel 4 news article “Congo’s tin soldiers”. The document is dated July 2005 and is signed by Afrimex’s supplier Muyeye, in which he confirms that the minerals sold to Afrimex are purchased from officially recognised producers who are trustworthy individuals and all appropriate export certificates are obtained from the competent authorities.

50. The NCP does not consider the suppliers’ statements constitute sufficient due diligence, particularly as it does not deal with rents extracted through the supply chain. In judging how robust these documents are, the NCP considered Mr Kotecha’s admission to the IDC that he had never asked his suppliers about payments to political or military organisation.

51. The NCP concludes that Afrimex did not fulfil the requirements of paragraph II.10 of the Guidelines. The lack of due diligence on the supply chain means that Afrimex failed to fulfil the expectations of paragraphs II.1 and II.2 of the Guidelines. The payment of taxation down the supply chain funded the conflict in which numerous human rights abuses have occurred. The conflict prevented the economic, social and environmental progress key to achieving sustainable development and contributed to human rights abuses.

52. The complainant alleges that payment of taxes to rebel forces constitutes a breach of Chapter VI (combating bribery) of the Guidelines, in particular VI.2 and VI.6. As the NCP has accepted that Afrimex did not pay taxes in DRC, the NCP did not uphold this element of the complaint (Chapter VI).

53. The second part of the complaint alleges that Afrimex practiced insufficient due diligence sourcing minerals from mines that use child and forced labour, working under unacceptable health and safety practices. The specific Guidelines cited are IV.1b, IV.1c and IV.4b.
54. Afrimex questioned whether they could contribute to the abolition of child and forced labour considering they were several steps removed from the mine in the supply chain. The NCP refers to the concept of due diligence described in paragraph 41. If sufficient due diligence is applied to the supply chain, then the NCP considers that Afrimex can make a contribution.

55. Afrimex would have been aware of the potential for minerals to be sourced from mines which use child and forced labour. When Mr Kotecha gave evidence to the IDC, he confirmed that he was aware of the Channel 4 news article “Congo’s tin soldiers” which illustrated the conditions in the Bisie mine in Walikale. When he was challenged on the potential for the minerals purchased to have been sourced from mines which use forced labour, he responded:

“As I mentioned earlier, we asked the people from whom we were buying, the registered comptoirs or the licensed comptoirs, and they assured us that these are not materials coming from any such areas, these are coming from where they have control of the mines.”

56. Mr Kotecha confirmed to the IDC that he had never visited a mine to determine whether forced labour occurred and that his business practices were based on the assurances provided by his suppliers. The NCP recognises that Eastern DRC is a dangerous place, FCO travel advice is not to travel to eastern and north eastern DRC, with the exception of Goma and Bukavu, where advice is against all but essential travel. This is due to continued insecurity and lawlessness in these areas. Instability and fighting between Congolese army and insurgents in North Kivu province have led to a very high number of civilians being displaced. The NCP fully understands why Mr Kotecha would be unwilling to visit the mines to establish the conditions but that in itself illustrates the requirement for increased due diligence.

57. The reliance on oral assurances from the suppliers and the subsequent written statements amount to insufficient due diligence for a company sourcing minerals in the conflict zone in Eastern DRC. The NCP is concerned that these assurances lack substance and are not underpinned by any checks. Afrimex readily admitted to the NCP that it did not know the source of the minerals and put forward the view that as the NCP could not prove that its minerals were sourced from a mine that uses child or forced labour then the NCP could not determine that Afrimex failed to meet the requirements of the Guidelines. The NCP disagrees with this view and asserts that this in fact, supports its view that Afrimex practiced insufficient due diligence on the supply chain. Therefore, the NCP determines that Afrimex failed to meet the requirements of Paragraph IV.1b, IV.1c and IV.4b.

**NCP conclusions**

58. As Mr Kotecha has been trading with DRC since the 1980s and his family trading in DRC since the 1960s, it is untenable to conclude that he was unaware of the situation and the widespread human rights abuses that have taken place in Eastern DRC. When Mr Kotecha gave evidence to the IDC he said he was fully aware of the human rights abuses in Eastern DRC during the conflict. Afrimex was named in a UN report in 2001; this report explicitly linked the ongoing conflict with the mineral trade. Afrimex was then named in the Channel 4 news report “Congo’s tin soldiers” in 2005. It appears neither of these experiences led Afrimex to take action to deal seriously with the allegations made and to consider changing their behaviour.

59. Afrimex purchased minerals sourced from Eastern DRC throughout the period of occupation (1998 to 2003). The NCP restricts itself to concluding on the period from June 2000. The NCP accepts that Afrimex did not pay taxes to RCD-Goma as it did not accrue a tax liability in DRC. However, the NCP recognises that Afrimex did not take steps to influence its associated company, SOCOMI. SOCOMI paid taxes and mineral licences to RCD-Goma and these payments contributed to the continuation of the
conflict. Therefore the NCP concluded that Afrimex failed to meet the following requirements of the OECD Guidelines for Multinational Enterprises:

**II.1** “Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.” and

**II.2** “Contribute to economic, social and environmental progress with a view of achieving sustainable development.”

60. The NCP accepts that Afrimex did not pay taxes to RCD-Goma. While Societe Kotecha and SOCOMI did, the NCP does not believe these payments constitute bribery. Therefore the NCP does not consider that Afrimex failed to meet the expectation of Chapter VI of the Guidelines that deal with bribery and corruption. The NCP also rejects the allegation that Afrimex participated in improper involvement in local political activity (paragraph II.11).

61. The NCP has found insufficient evidence that Afrimex encouraged business partners or suppliers (comptoirs and SOCOMI) to apply principles of corporate conduct compatible with the Guidelines. Taxation on minerals paid by these business partners and suppliers to RCD-Goma will have paid for weapons and therefore contributed to the continuation of the conflict. From June 2000, the NCP has concluded that Afrimex failed to meet the following requirements of the OECD Guidelines for Multinational Enterprises:

**II.1** “Respect the human rights of those affected by their activities consistent with the host government’s international obligations and commitments.” and

**II.2** “Contribute to economic, social and environmental progress with a view of achieving sustainable development.”

**II.10** Encourage, where practicable, business partners, including suppliers and subcontractors, to apply principles of corporate conduct compatible with the Guidelines.

62. The NCP also concluded that from June 2000 Afrimex applied insufficient due diligence on the supply chain and this remains the case. The UK NCP expects UK business to respect human rights and to take steps to ensure it does not contribute to human rights abuses. Afrimex did not take steps to influence the supply chain and to explore options with its suppliers exploring methods to ascertain how minerals could be sourced from mines that do not use child or forced labour or with better health and safety. The assurances that Afrimex gained from their suppliers were too weak to fulfil the requirements of the Guidelines. Therefore the NCP found that Afrimex had failed to:

**IV.1.b** “Contribute to the effective abolition of child labour.”

**IV.1.c** “Contribute to the elimination of all forms of forced or compulsory labour.”

**IV.4.b** “Take adequate steps to ensure occupational health and safety in their operations.”

**NCP recommendations**

63. Afrimex offered to formulate a corporate responsibility policy document to shape its actions going forward. The NCP thanks Afrimex for this suggestion and understands that work is underway on this document.
64. In creating this corporate responsibility document, the NCP draws Afrimex’s attention to the UN Special Representative on the issue of Human Rights’ recent report: “Protect, Respect and Remedy: A Framework for Business and Human Rights”. In this report, Professor Ruggie outlines a basic human rights due diligence process which will include “a human rights policy…broad aspirational language may be used to describe respect for human rights but more detailed guidance in specific functional areas is necessary to give those commitments meaning.”

65. In formulating this corporate responsibility document, Afrimex is required to consider the potential implications of their activities. The Company has been provided with a great deal of information over the years describing the human rights abuses associated with the mineral trade in Eastern DRC. Afrimex must take proactive steps to understand how their existing and proposed activities affect human rights in DRC. This impact assessment should make explicit references to internationally recognised human rights. The information gathered in this impact assessment should directly feed into the corporate responsibility policy.

66. To ensure this policy is effective, it needs to be integrated into Afrimex’s way of working; to create this policy without a subsequent change in behaviour would merely create a worthless piece of paper. In Afrimex’s case this means requiring its suppliers to do no harm: to take credible steps to ensure that military forces do not extract rents along the supply chain; to require a commitment that adequate steps are taken to ensure that minerals are not sourced from mines using forced and child labour, and are not from the most dangerous mines. Afrimex then needs to consider the necessary steps to monitor the effectiveness of this policy, which should be reviewed periodically.

67. The NCP also refers Afrimex to the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones, which has been developed as part of the OECD’s Investment Committee’s follow up to the Guidelines. The Risk Awareness tool consists of a list of questions that companies should ask themselves when considering actual or prospective investments in weak governance zones. These questions cover obeying the law and observing international relations; heightened managerial care; political activities; knowing clients and business partners; speaking out about wrongdoing; and business roles in weak governance societies – a broadened view of self interest.

68. The Risk Awareness Tool states that ‘Companies have the same broad responsibilities in weak governance zones that they do in other investment environments – they are expected to comply with their legal obligations and to observe other relevant international instruments covering such areas as human rights…’. A company should question what steps it has to take to avoid situations where it might aggravate existing problems, for example, human rights abuses and violent conflict and what measures it has adopted to respect the human rights of those affected by its activities consistent with the host government’s international obligations and commitments. Key questions that a company should ask itself are:

- Do the host government, other important political bodies and non-state actors respect human rights?
- Do non-state actors impair the enjoyment of human rights?
- If the country is experiencing armed conflict, do the parties to the conflict respect international humanitarian law?
- Does the host government fully control its territory? If not, what is the human rights situation in areas outside of effective government control and is international humanitarian law respected if there is armed conflict?
- What do external evaluations of the government’s record in respecting human rights and international humanitarian law indicate?
69. The Risk Awareness Tool warns of the ‘heightened risks of entering into relationships with employees, clients or business partners that might damage business reputations or give rise to violations of law or to other abuses (e.g. of human rights).’ The onus is upon companies to exercise heightened care to manage these risks, including ‘informing itself about possible roles in host country criminality, corruption and violent conflict of people with whom it may have business or political relations’ and ensuring ‘that it does not, through its business relations, facilitate criminality, corruption and/or human rights abuses or contribute to fuelling violent conflict (e.g. through heightened care in the collection of information, selection of employees and business partners, contracting practices, assessment and resolution, documentation and follow-up monitoring)’.

70. The Risk Awareness tool has already been shared with Afrimex and can also be downloaded from: www.oecd.org/dataoecd/26/21/36885821.pdf

71. The UN sanctions apply on arms in DRC. The Group of Experts on the DRC outlined their view of “due diligence” on purchasing minerals from Eastern DRC; this includes the precise identification of deposits from which minerals have come; whether the deposits are controlled/taxed by illegal armed groups and; a refusal to buy such minerals. The sanctions unit at the Foreign and Commonwealth Office (FCO) provides the following advice to UK companies that are sourcing minerals from conflict areas:

“It is clear that where a company or individual is intending to purchase minerals from areas of the DRC where there is a high rebel presence it will need to consider carefully where it risks being in breach of the arms embargo and may need to demonstrate to the appropriate authorities that it has taken all reasonable steps to ensure that its actions comply with the existing sanctions regime.”

72. Afrimex sources minerals from Eastern DRC where there is a high rebel presence. This advice is pertinent to Afrimex and should be incorporated into the policy document that Afrimex is currently formulating.

73. The July 2007 report by the UN Group of Experts on the Democratic Republic of Congo illustrates the on-going situation in DRC, particularly the methods by which rebels extract rents from the mineral trade:

106. Following up on the case study of cassiterite (tin oxide) production in Walikale presented in the group’s interim report the presence, nature or abuse and illegal exploitation by members of the non-integrated FARDC 85th Brigade have not substantially changed. A small number of soldiers under the direct command of the 8th Military Region and the mining police who were recently deployed in the Walikale area were not able to break the 85th Brigade’s control of the mining sites and the transit routes to and from the mining areas. Extortion and illegal taxation of producers and transporters have become even more profitable to the members of this armed group because of the increase in the world market price of tin oxides (cassiterite), accelerating the demand for transport, local trade and frequency of flights to and from Walikale.”

74. Despite this paper being published after the date of the complaint, the NCP considers it to be pertinent to illustrate the continuing situation in DRC and the urgent need for Afrimex to take steps to ensure due diligence. The extract describes a specific set of circumstances and events in this region. The 2007 Pole Institute paper “Rules for Sale” commissioned by DFID, USAID and Comesa, describes both the comptoirs used by Afrimex as having premises in Njingala at Walikale, this makes it likely that some

\[10\] www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20S2007%20423.pdf

of the minerals purchased by Afrimex were sourced from this area. This alone does not prove that extortion and illegal taxation on these minerals took place but it illustrates the clear need for Afrimex to apply due diligence on the supply chain.

75. The UK Government expects British companies to exercise the highest levels of due diligence in situations of widespread violence and systematic human rights abuse, such as that which prevails in Eastern DRC.

76. The NCP urges UK companies to use their influence over contracting parties and business partners, when trading in natural resources from this region, to ensure that due diligence is applied to the supply chain.

77. The NCP reiterates John Ruggie’s definition of due diligence:

“Due diligence can be defined as a process whereby companies not only ensure compliance with national laws but also manage the risk of human rights harm with a view to avoiding it. The scope of human rights-related due diligence is determined by the context in which a company is operating, its activities, and the relationships associated with those activities”.

28 August 2008

Margaret Sutherland  Dal Dio  Martin Taylor
UK-NCP  UK-NCP  UK-NCP
Department for Business, Enterprise and Regulatory Reform  Department for Business, Enterprise and Regulatory Reform  Department for International Development
Statement by the United Kingdom NCP

Final statement by United Kingdom National Contact Point for the OECD Guidelines for Multinational Enterprises: G4S and Union Network International

12 December 2008

OECD Guidelines for Multinational Enterprises

1. The Guidelines are recommendations that governments endorse and promote in relation to the behaviour of multinational enterprises. They are voluntary principles and standards for responsible business conduct. They are the only comprehensive, multilaterally-endorsed code of conduct for multinational enterprises.

2. The Guidelines establish non-legally binding principles covering a broad range of issues in business ethics in the following areas of operation: general company policies, disclosure of information, employment and industrial relations, environment, combating bribery, consumer interests, responsible use of science and technology, competition and taxation.

3. The Guidelines are not legally binding but OECD governments and a number of non OECD members are committed to promoting their observance. The Guidelines are also supported by the business community and labour federations. In addition, a number of Non-Governmental Organisations are also heavily involved in the work of the OECD Investment Committee responsible for monitoring and reviewing the Guidelines and are increasingly involved in overseeing the operation and promotion of the Guidelines.

4. The final statement has been approved by Gareth Thomas, Minister for Trade and Consumer Affairs and copies have been placed in the House of Commons and the House of Lords libraries.

Specific Instance procedure

5. The first step when a complaint is brought to the NCP under the OECD Guidelines is the initial assessment; this consists of a desk-based analysis of the complaint, the company’s response and any additional information provided by the parties. The NCP uses this information to determine whether further consideration is required under the Guidelines. The initial assessment is published to: www.berr.gov.uk/nationalcontactpoint. If a case is accepted, the NCP instigates mediation between the two parties to ascertain whether they can agree on an appropriate way forward. Should mediation fail, the NCP will determine whether the Guidelines have been met and if necessary, make recommendations for future conduct.

Background of complaint

6. On 12 December 2006, the UK National Contact Point (NCP) received a request from UNI (the Complainant) to consider the specific instance regarding G4S (the Company).

7. In March 2008, the NCP published its initial assessment accepting the complaint for further consideration concerning Nepal, Mozambique, Malawi and the Democratic Republic of Congo under the following paragraphs of the Guidelines:

   a. Chapter II, Paragraph 1. The Guidelines state that “enterprises should … contribute to economic, social and environmental progress with a view to achieving sustainable development.”
b. Chapter IV, Paragraph 1 (a): right to organise. The Guidelines state that “Enterprises should, within the framework of applicable law, regulations and prevailing labour regulations and practices... respect the right of their employees to be represented by trade unions and other bona fide representatives of employees, and engage in constructive negotiations, either individually or through employers associations, with such representatives with a view to reaching agreements on employment conditions.”

8. The initial assessment outlined the allegations that were accepted for further consideration as: in Mozambique on non payment of back pay, non payment of severance pay, dismissal and blacklisting of workers with union involvement and non compliance with Court and Minister orders. In Malawi on overtime pay, refusal to allow medical visits, and refusal to leave, and in Nepal on provision of holiday bonuses, access to toilets or water for security officers in private homes, payments to provident fund and lack of rules and advanced notice on remote or difficult postings and the issue of union recognition in DRC. Acceptance of a complaint for further consideration does not mean that the NCP considers G4S to have operated inconsistently with the Guidelines.

9. The parties to the complaint agreed to mediation.

Summary of mediation (provided by G4S and UNI)

10. By decision dated, March 2008 the UK NCP for the OECD Guidelines for Multinational Enterprises announced its intention to accept a specific instance under these Guidelines. In an effort to reach a voluntary resolution to the case the NCP appointed ACAS Arbitrator and Mediator John Mulholland to serve as conciliator-mediator.

11. Mr. Mulholland convened a series of conciliation discussions between the G4S and UNI to consider the concerns raised by UNI regarding the conduct of G4S in relation to the Guidelines in four countries: Democratic Republic of Congo, Nepal, Malawi and Mozambique.

12. Further to these discussions, G4S and UNI have reached an agreement in resolution of this case.

13. The parties have agreed to specific commitments with regard to the specific issues presented in Nepal and DRC. In connection with Mozambique and Malawi, the parties have agreed to a process to allow them to work more closely together on a number of specific issues at the national level. The aim of this process is to both protect the rights and interests of G4S employees and to build and strengthen the local relationships between G4S and the unions which represent its employees.

14. As part of this process G4S has also reaffirmed its ongoing commitment to honour and respect national law and to respect the ILO core labour Conventions, including the rights to freedom of association and collective bargaining.

NCP comment

15. Accordingly this formal process has now been concluded and there will be no investigation into the allegations made in UNI’s complaint to the UK NCP.

16. The UK NCP congratulates G4S and UNI for engaging constructively and in a manner that has directly resulted in their agreement to this mediated settlement.

12 December 2008

Arno Vanden Eyde  NCP  Dal Dio  NCP  Margaret Sutherland  NCP
Mr. Angel Gurria  
Secretary-General  
Organisation for Economic Co-operation and Development  
Paris, France  

Dear Secretary-General,

I am writing to you to convey the keen interest of the International Conference on the Great Lakes Region (ICGLR) in developing co-operation with the OECD in order to effectively curb the illegal exploitation of natural resources in the region. For the African Great Lakes Region it is of paramount importance to translate its rich endowment of natural resources from sources of conflict into resources for security, stability and development as outlined in the "Pact on Security, Stability and Development", signed by the eleven Head of States of the International Conference on the Great Lakes Region (ICGLR) at Nairobi on December 15, 2006.

As you may already know, on April 2 and 3 2009, the ICGLR organized the first expert meeting to launch the "Regional Initiative against the Illegal Exploitation of Natural Resources" as part of the implementation of the Pact and its respective "Protocol on the Fight against the Illegal Exploitation of Natural Resources". Let me take this opportunity thank the OECD for taking part in this meeting.

By launching this Initiative, the member states of the ICGLR agreed on a set of measures to combat illegal exploitation of natural resources, through enhancing legal cooperation and by creating a regional mechanism for certification of natural resources. This core initiative of the ICGLR is a stepping stone towards socioeconomic transformation of the region as well as a contribution to worldwide efforts to put an end to the illegal exploitation of natural resources.

We realize that for this initiative, we need the support of international organizations like the OECD which understand the problems arising out of coordinating and facilitating the efforts of member states...
with sometimes diverging interest. Therefore, we kindly seek your support and experience in the development and adaptation of integrity tools.

We consider that most of the provisions in such OECD integrity instruments as the OECD Guidelines for Multinational Enterprises and its companion OECD Risk Awareness Tool for investors in weak governance zones are directly relevant to our endeavours. These instruments have some uniquely valuable attributes which are of particular interest to us:

- their international reputation is grounded in the authority of the adhering countries that agreed to implement its provisions,
- these states generate 90% of all foreign direct investment flows globally, and
- they have prominent influence over the conduct of corporations operating under their jurisdictions, as they are home to almost all major extractive industry corporations

These features have contributed to making OECD integrity instruments the more reputable and useful for the standards-setting conventions presently available to us. We would therefore welcome the opportunity to establish with the OECD how best the OECD Guidelines and the OECD Risk Awareness Tool can be incorporated into our Regional Initiative to harmonize common efforts and counter illegal resource extraction in the region.

I look forward to positive consideration of this proposal by the OECD

In the meantime, allow me to express to you, Mr. Secretary General, the assurances of our highest consideration.

Yours sincerely

Ambassador Liberata Mulamula
Executive Secretary

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