



OECD Watch

Review of National Contact Points for the OECD Guidelines

For the period June 2003 - June 2004

& update of NCP cases filed by NGOs

OECD WATCH

OECD Watch is an international network of NGO's promoting corporate accountability. The purpose of OECD Watch is to inform the wider NGO community about policies and activities of the OECD's Investment Committee and to test the effectiveness of the OECD Guidelines for Multinational Enterprises. Please visit the OECD Watch website for more information: www.oecdwatch.org

The following members of the network act as the Secretariat for the network:

Joris Oldenziel
**SOMO-Centre for Research on
Multinational Corporations**
Keizersgracht 132, 1015 CW Amsterdam
The Netherlands
Tel: (31) (0)20 63 91 291
Fax: (31) (0)20 63 91 321
E-mail: j.oldenziel@somo.nl

Patricia Feeney
**Rights and Accountability
in Development (RAID)**
UK
Tel: (44) 1865 436 245
Fax: (44) 1865 270 721
E-mail: tricia.feeney@ntlworld.com

Cornelia Heydenreich
Germanwatch
Vossstrasse 1 10117 Berlin
Tel: (49) (0)30 28 88 35 64
Fax: (49) (0)30 28 88 35 61
E-mail: heydenreich@germanwatch.org
www.germanwatch.org

This publication has been made possible through funding from the European Commission, Employment and Social Affairs, co-funded by Novib (Oxfam-Netherlands), Miserior and EED. The sole responsibility of this report lies with the authors and the Commission is not responsible for any use that may be made of the information contained herein.

Review of National Contact Points¹

June 2003 - June 2004

This is the second annual report by OECD WATCH, which reviews the performance of the National Contact Points for the OECD Guidelines (NCPs)². It covers the period June 2003 – June 2004. Reports were received about the work of the following NCPs: Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Denmark, Finland, France, Germany, Italy, Mexico, The Netherlands, Norway, Slovak Republic, Sweden, Switzerland, United Kingdom and the United States. The NGOs were asked to assess the activities of their NCPs against the core criteria set out in the OECD Guidelines' Procedural Guidance: visibility, accessibility, transparency and accountability. The report is divided into the following sections: (i) Promotional Work; (ii) Implementation Procedures; (iii) Interpretation of the Guidelines; (iv) Update on the activities of OECD WATCH; (v) Recommendations to NCPs and the Investment Committee. In a separate Annex there is a brief update prepared by SOMO on specific instances filed by NGOs. The initial findings and recommendations of the NGO review were presented to the Annual Meeting of NCPs in Paris on 15 June 2004. This document has been amended in the light of additional comments received since then from OECD WATCH members and NCPs.

Summary

The NGO reports indicate that some excellent promotional work is going on and that some NCPs have made outstanding efforts through innovative websites to highlight the work on the Guidelines. A few NCPs should also be commended for engaging in regular dialogue with all stakeholders about the ethical dilemmas that confront responsible companies in the globalised economy. Task forces, working groups or other advisory bodies tend to improve the work of the NCP. But these positive aspects are offset by the increasing use of procedural devices by some NCPs to disallow complaints.

1. Promotional Work

The Report for the Fourth Annual Meeting of the NCPs by the Investment Committee (the new name for the Committee on International Investment and Multinational Enterprises) expresses its satisfaction with the progress that has been made in promoting the Guidelines. While it is certainly true that the Guidelines have received greater international recognition thanks in part to the commitment and enthusiasm of the Investment Committee's outgoing Chair, Mr Marinus Sikkel, and the efforts of the Secretariat, NGOs have stressed that not enough is being done at a national level to promote and implement the guidelines. This reflects the ambivalent attitude of many adhering governments to the Guidelines, who tend to use them as a rhetorical device to deflect insistent calls for more effective measures to curb unethical corporate behaviour. This lukewarm or opportunistic attitude to the Guidelines is perhaps most clearly seen in the case of Italy, which after four years still only has a "temporary secretariat" without a precise location within the Ministry for Productive Development. This "chronic dysfunctionality" has been allowed to persist despite protests from Italian trade unions and NGOs. The OECD Secretary-General has recently reminded members "governments make a

¹ This publication has been made possible through funding from the European Commission, Employment and Social Affairs and Oxfam-Netherlands. The sole responsibility of this report lies with the authors and the Commission is not responsible for any use that may be made of the information contained herein.

² OECD Watch is an international network of NGO's promoting corporate accountability. The purpose of OECD Watch is to inform the wider NGO community about policies and activities of the OECD's Investment Committee and to test the effectiveness of the OECD Guidelines for Multinational Enterprises.

binding commitment to promote [the Guidelines] among multinational enterprises operating in or from their territories".³

In the UK, according to a survey of the FTSE 100 companies conducted by Insight Investment at the end of 2002, only twelve responded indicating that they had policy commitments to the OECD Guidelines or had regard to the Guidelines when developing their policies.⁴ In Norway it seems to have taken four years to produce a general information leaflet and the NCP is such a well-kept secret that many of the civil servants working in the Ministry of Foreign Affairs (where the NCP is located) are unaware of its existence. Websites are one of the most obvious means of publicising the Guidelines and the work of the NCPs. There are some good examples of accessible, informative and well laid out websites, the Australian and Brazilian NCPs being seen as the leaders in this area. But there are signs of slippage with the Dutch website which "has deteriorated over the last couple of years" and is not regularly updated. The Dutch however are commended for the prominent way the NCP's statements are displayed and summarised. But the experience of trying to locate information about the Swiss NCP on the website of the State Secretariat for Economic Affairs (Secco) is "like an obstacle course". In the UK, the Guidelines' web page is tucked away under the heading Europe and World Trade on the Department for Trade and Industry's website. The Slovak Republic has succeeded in translating the Guidelines and the contact details for the NCP are provided on the Ministry of Economy's website. There are differences of opinion between the Slovak NCP and NGOs about how many promotional activities have been undertaken. The NCP reports that initiatives have been taken but only involving business and trade unions. Mexico, which has been reluctant to develop the NCP or to publicise the Guidelines, seems to have learnt from its experience with the complaint against the Euzkadi Tyre Company. The NCP has recognised that it needs to be better known and a pamphlet, "lightly touching on some the issues covered in Guidelines", has been prepared. In Belgium, NGOs have welcomed the announcement that an NCP website will be launched in September 2004.

It is difficult in most countries to assess how or indeed whether the Guidelines are being promoted to the business community. In the UK the Confederation of British Industry (CBI), representing business interests, has refused to participate in stakeholder meetings with NGOs and the Trades Union Congress (TUC). In more open societies like Sweden it is clear that the Guidelines are taken seriously through the Swedish Partnership on Global Responsibility, whose Secretariat provides advice, training and workshops to encourage companies to become "ambassadors for human rights, core labour standards and a sound environment". The position in France is mixed. There is little promotional activity and the general public knows very little about the work of the NCP. *Corporate social and environmental responsibility is not at all a tradition in the French administration, and this is translated into how the NCP works and behaves. Furthermore, the French presidency has encouraged French multinationals to join the UN Global Compact and work within that particular framework, to the detriment of the OECD Guidelines.*⁵ Moreover, the tripartite structure of the French NCP is impeding the development of a proper relationship with NGOs, who are not invited to meetings.

In some other OECD countries, from the opaqueness of the NCP reports and the lack of public government support, one can infer that the Guidelines are not being actively promoted as firm recommendations to companies. Indeed, unilateral efforts by NCPs to re-interpret the Guidelines and to disbar com-

3 OECD 'Promoting Corporate Responsibility: The OECD Guidelines for Multinational Enterprises', Article by the OECD Secretary-General, May 2004 will appear in a book on Corporate Social responsibility to be published by the International Bar Association and Kluwer Law International

4 FTSE, now an independent company, originated as a joint venture between the Financial Times and the London Stock Exchange.s..The twelve companies were Anglo American, AstraZeneca, BP, Cadbury Schweppes, Compass Group, GKN, GSK (GlaxoSmithKline), Lattice Group, Rio Tinto, Schrodgers, Shell, Unilever.

5 Report by Association 4 D

plaints on quite spurious grounds strongly suggests that under pressure from the business lobby some governments are trying to row back from the revised, negotiated text. This is discussed below in section (iii) *Interpretation of the Guidelines*.

2. Implementation Procedures

The potential of the OECD Guidelines resides in the unique implementation procedure, which is, in the words of the OECD Secretary-General, *"the most visible sign of adhering governments' commitment to the Guidelines is their participation in the instrument's distinctive follow-up mechanism"*.⁶ Concerns about companies' behaviour can be brought to the attention of the NCP and the matter resolved through the specific instance mechanism. The emphasis is on solving problems but at the end of the process the NCP is expected to issue a public statement indicating whether or not a company was found to have breached the Guidelines. After only four years of implementation the process is showing signs of strain.

One sign of this is the lack of clarity about how many complaints have been officially acted upon by the NCPs. For the first time the Secretariat has been allowed to include "a historical archive table" in the Report for the Fourth Annual Meeting, which provides some basic information on the estimated 77 specific instances, that have been filed with NCPs over the past four years.⁷ But then, according to the information in the table between 2001 and 2004, only 27 "specific instances" have been "considered". The table gives some information on cases, which have either been stopped or come to some kind of resolution. It then lists eleven cases as still "pending" or "under consideration" which is certainly not complete.⁸ The UK NCP makes no mention of the three cases that have been on the books for between one and two years but has included two cases neither of which was dealt with as a specific instance. While OECD WATCH welcomes the effort to be more transparent about the complaints it is to be hoped that in the future the table will more accurately reflect the NCPs' genuine achievements and output as well as the precise basis of their intervention and the current status of the cases. But the confusion about the number of cases highlights the reasons why the Secretariat has been asked by NGOs and TUAC to play a stronger role in record keeping. But overall the message is clear: NCPs are increasingly keen to demonstrate their value and, partly as a result of the work of TUAC and the OECD WATCH, efficiency in dealing with cases is emerging as a key performance indicator.

Over the past four years complaints against 32 companies have been filed by NGOs.⁹ Nine new cases (related to the Democratic Republic of the Congo) have been presented since the June meeting. Of the remaining complaints, proceedings have been concluded in twelve cases and one was withdrawn after the company went into liquidation. Eight of the remaining cases are pending, and three were declared inadmissible on the grounds that there was no investment nexus. In only two of the concluded cases did the complaints result in an agreed joint statement. Despite this, a number of cases have had some positive outcomes: in two cases where the complaints were eventually dismissed NCPs issued recommendations to the companies concerned about their future conduct. Unfortunately the UK and Mexico are allowing cases to drag on for years without resolution. The Clean Clothes Campaign and partners expressed disappointment about the way in which the NCPs had handled their case. The quality of the process did not, in their view, repay the effort that had gone into researching the problems and preparing the material. On the other hand, the NGO, Centro Ecoceanos, believes their complaint (jointly filed

⁶ OECD Secretary-General, May 2004

⁷ The figure should be 76 as Portugal with one case is listed twice.

⁸ As the report is still a draft these anomalies may be corrected later

⁹ See Annex below: Table of Cases of raised by NCPs.

Update prepared by SOMO.

with Milieudefensie and trade unions), that was the first to come before the Chilean NCP, has set an important precedent. It has provided "a problem solving model for the future" one which involves all Parties – Government, stakeholders and the company. This positive view is shared by the Chilean Government, who reported on the outcome at the OECD Roundtable in June. Centro Ecoceanos is full of praise for the work of the Chilean NCP and its consultative NGOs and acknowledges that the company, Nutreco/Marine Harvest Chile, positively engaged in the process. "Despite their limitations, the OECD Guidelines are still a potentially useful tool to uphold the environmental, labour and human rights of local communities".

NCPs adopt widely differing approaches to the way they handle complaints, the procedures in the main are slow and cumbersome and seem designed to discourage complainants. The average time taken by NCPs to conclude the specific instance procedure is about 10 months, but some NCPs, like the UK NCP are taking more than twice as long. The Austrian NCP rarely takes responsibility for dealing with a complaint and seems to prefer to delegate the issue to another NCP. But at least the issues raised are discussed in the Task Force, of which NGOs are members. The German NCP applies a restrictive interpretation of the Guidelines, which has led to a number of complaints being found inadmissible. But at least in Germany, as in Austria, the complaints are discussed in a working group, which includes business sector, trade unions and NGOs. Despite this apparent openness, NGOs in most countries feel that the discussions with the NCP are somewhat cosmetic and that prior decisions about the cases have been taken behind closed doors. This means that there is no real opportunity to engage in a proper debate about the issues. Too often decisions seemed to have been made as a result of special pleading by the companies, or tinkering with the procedures, or, as is discussed below, by re-interpreting the Guidelines. While adhering governments rejected the proposal that the Investment Committee should act as a second instance, where NCP decisions on the substance of a case could be reviewed, some appeals mechanism at the national level is needed if confidence in the fairness of the proceedings is to be restored.¹⁰ Since the revision of the Guidelines the Committee has had only one request for clarification. In that case (presented by the UK NCP), excessive confidentiality meant that only minimal background information about the complaint was provided. As a result the questions posed were barely intelligible to most NCPs.

On balance, the practice of the Dutch NCP provide the best model: decisions on admissibility are usually taken within a reasonable period of time after a couple of months; the complainants soon thereafter have a meeting with the NCP and other government representatives to discuss the case; after these meetings the NCP circulates minutes. After an exchange of information between the parties the NCP convenes a further (and usually) final, meeting after which a decision is made. Several months may then elapse as the NCP tries to reconcile the differences between the parties. The Dutch NCP has played a proactive role in helping identify points of agreement as well as pinpointing areas of disagreement. Where possible, the NCP attempts to get the parties to agree to a joint statement, which is made public.

3. Interpretation of the Guidelines

Divergences in the interpretation given to the Guidelines are undermining their usefulness as a global instrument. Some NCPs are simply disallowing complaints that relate to supply chain issues from even being considered, this trend is particularly common in Germany, the USA and The Netherlands.

¹⁰ The Committee's role is limited to clarifying interpretations of the scope and meaning of the Guidelines.

NGOs are disturbed at the way an alleged absence of investment nexus is protecting companies whose long term trading activities appear to breach the supply chain provision of the Guidelines. In its most recent report, RAID provides a comprehensive critique of this approach ¹¹:

- "Any limitation of the applicability of the 'supply-chain' provision on the grounds that trade relationships are outside the scope of the Guidelines represents a partial interpretation. The OECD's Working Party on the Declaration (WPD), following a meeting on the scope of the Guidelines, instructed the Secretariat to prepare a background paper on this issue.¹²
- Firstly, while the Guidelines form part of the OECD Declaration on International Investment and Multinational Enterprises, the latter does not define investment. The Guidelines recognise that MNEs encompass a broad range of business arrangements and organisational forms in which strategic alliances and closer relations with suppliers and contractors tend to blur the boundaries of the enterprise.¹³ The WPD background paper asserts: 'In this context, definitions of business activities such as investment may be quite broad. This suggests that there may be room for flexibility in assessing multinational enterprises' influence and the presence of an investment relationship in the supply chain, depending on the specific circumstances.'¹⁴
- Secondly, the way in which the Guidelines are formulated militates against their narrow application to investment activities per se: (1) a number of international standards – inter alia, the Universal Declaration of Human Rights, the ILO Declaration on Fundamental Principles and Rights at Work, the Copenhagen Declaration for Social Development – are cited which are relevant to the application of the Guidelines.¹⁵ These cover a broad range of relationships and areas of conduct. Several OECD instruments are also referenced in this regard.¹⁶ (2) The Guidelines are recognised as complementing and reinforcing private efforts to define and implement business conduct.¹⁷ To cite one example, the International Chamber of Commerce's (ICCs) rules of conduct and corporate practices manual on fighting bribery contain recommendations that are relevant to both trade and investment.¹⁸ They adopt a broad view of the business transactions to which the rules apply.
- Thirdly, the text of the Guidelines gives explicit recognition to the trading dimension of the activities of MNEs whereby 'their trade and investment activities contribute to the efficient use of capital, technology and human resources';¹⁹ and to the promotion of sustainable development 'when trade and investment are conducted in a context of open, competitive and appropriately regulated markets.'²⁰ "

4. Up-date on the Activities of OECD WATCH

Over the past year, a lot of effort has gone into consolidating OECD WATCH's international membership base, drawing up a mission statement, fundraising and improving outreach, mainly through its website, which was inaugurated in March 2004. The positive results of a feasibility study conducted by SOMO into establishing an OECD WATCH network was discussed at a meeting in Amsterdam with members of the Coordinating Committee in December 2003. The booklet by Friends of the Earth (Netherlands) "A Toolkit to the OECD Guidelines" has been widely disseminated and is available in several languages, including French, German, Spanish and Indonesian. Friends of the Earth (US) have recently brought out a guide in Russian. OECD Watch, with

11 RAID, Unanswered questions: companies, conflict and the Democratic Republic of Congo, Oxford June 2004

12 Ibid.

13 Guidelines, op. cit., Preface, paragraph 2.

14 'Background paper on the scope of the Guidelines,' op. cit., I.3.

15 Guidelines, Preface, paragraph 8.

16 Ibid., Preface, paragraph 9. Listed are: the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions, the OECD Principles of Corporate Governance, the OECD Guidelines for Consumer Protection in the Context of Electronic Commerce, the OECD Guidelines on Transfer Pricing for Multinational Enterprises and Tax Administrations.

17 Guidelines, Preface, paragraph 7.

18 'Background paper on the scope of the Guidelines,' op. cit., I.2.

19 Guidelines, Preface, paragraph 4.

20 Ibid., paragraph 5.

funding from the European Commission (DG Employment and Social Affairs), are to hold an international training and strategy seminar on the OECD Guidelines in Berlin on 14th and 15th of October 2004 for NGOs from countries that have recently joined the EU and from applicant countries.

In February 2004, with the help of the Australian NCP, the Brotherhood of St Laurence (BSL), a member of OECD WATCH's Consultative Committee, secured a meeting with Veronique Ingram, Chair of the OECD Steering Group on the Draft Principles of Corporate Governance. BSL/OECD WATCH had prepared a submission outlining NGO concerns about the narrow focus of the revised text and the need to use the opportunity of the review to enhance the synergies with other instruments such as the OECD Guidelines.

OECD WATCH members have engaged in promotional activities about the Guidelines at the World Social Forum in Mbumbai, at the WTO Symposium in Geneva, at a meeting in the Belgian Senate and at the UN Commission of Human Rights in Geneva. Members usually act as a coordinator providing information and advice on a regular basis to NGOs (in both OECD and developing countries), to members of parliament, the media and even to companies. RAID/OECD WATCH organised a successful high level meeting at Chatham House (the Royal Institute for International Affairs) in London in March 2004 to discuss follow up to the UN Panel of Experts Investigating the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of Congo. Marinus Sikkel, the Chair of the Investment Committee, participated and a number of other NCPs attended. In Latin America, OECD WATCH's partners Red Puentes (including Fundacion El Otro) have had meetings with the Argentinean NCP to try to raise the visibility of the Guidelines. OECD WATCH members are also contributing to a study that the UN Office of the High Commissioner for Human Rights (OHCHR) is preparing on strengthening standards regarding companies' human rights responsibilities.

5. Recommendations

- Governments should take care to uphold the integrity of the specific instance procedure. At present companies have much greater access to the NCPs. It is essential that rules governing the contacts that NCPs (or others working with the NCP) may have with companies that are the subject of specific instances should be drawn up and made public.
- Given the divergences in the handling of cases by different NCPs, and drawing on positive experiences, the Investment Committee should consider, as a matter of urgency, revising the OECD's procedural guidance for NCPs.
- There is a need to establish some form of national appeals process whereby complainants (or other parties) might request a review of the decisions made by NCPs on specific instances. The review mechanism might be entrusted to a parliamentary committee, an ombudsman, a supreme administrative court (Conseil d'Etat) or an advisory group. The current situation is neither clear nor satisfactory.
- All NCPs - as a minimum requirement - should hold public meetings with stakeholders, including NGOs and the media, at least once a year.
- Every NCP should have an accessible, informative and well laid out website. Statements should be available in the national language(s) and, where possible, translated into either English or French (the OECD's working languages). Ideally the NCPs' websites should be linked to a central website maintained by

the OECD Secretariat, which could then provide interested parties with reliable information on cases, issues and procedures.

▣ NCPs should consider including either in their statements or in annexes to their statements the results of their investigations into existing rules and regulations governing aspects of corporate behaviour, for example, information on Securities' Laws. By releasing non- confidential information of this kind, all parties would benefit from the NCP's research.

Patricia Feeney, Rights and Accountability in Development

Annex: Table of cases raised by NGOs at National Contact Points

Update August 2004, SOMO for OECD Watch

COMPANY	NGO(s)	NCP	PERIOD	ISSUE
Cabot Corporation, Trinitech Holdings, (EWRI), OM Group Inc (US)	FOE-US & RAID (UK)	US	August 4 2004 - pending	Role of companies in conflict the DRC
Oryx, Avient, Das Air, Tremalt/ Bredenkamp, Alex Stewart (Assayers) Ltd and Ridgepointe	RAID (UK)	UK	June 28 2004 - pending	Alleged complicity in the illegal exploitation of natural resources, which helped fuel conflict in the Democratic Republic of Congo
KBC, ING and Dexia	Proyecto Gato vzw	Belgium	9 May 2004 - pending	Supporting a consortium that sought tax and law exemptions; exerting undue influence on governments in construction of Pipeline in Georgia, Turkey and Azerbaijan, (BTC project)
Tractebel (subsidiary of Suez)	Proyecto Gato vzw (Belgium)	Belgium	15 April 2004 - pending	Resettlement of people by dam; the project operates at a loss for the government; non – disclosure of documents
National Grid Transco	Citizens for a Better Environment (CBE), Zambia	UK	25 July 2003 - pending	Concessions obtained that put local consumer interests concerning tariffs at a disadvantage; inhibited competition; unduly stifled the national taxation base, unsustainable revenue management and inhibited sound employment and industrial relations.
Chemie Pharmacie Holland (CPH)	Milieudefensie (Friends of the Earth Netherlands), The Netherlands institute for Southern Africa (NiZA), Novib, the NC-IUCN , CENADEP, RECORE and PAL	Netherlands	3 July 2003 - May 2004	Alleged complicity in Human rights violation through CPH's involvement in Coltan trade in DRC
West LB (Germany)	Greenpeace Germany	Germany	May 2003 - not accepted	Financing for a Pipeline in Ecuador, that is said to be violating environmental and human rights
BP and its consortium partners in the proposed Baku-Tbilisi-Ceyhan (BTC)	Campagna per la Riforma della Banca Mondiale – Corner House - FERN - FOE- EWNl, France, NL, US- Platform - Urgewald - WEED - Germanwatch - BUND	UK	April 2003 - pending	Seeking tax and law exemptions and undue influencing of governments in construction of Pipeline in Georgia and Turkey
Sandviken & Atlas Copco (Sweden)	Attac Sweden & Friends of the Earth Sweden	Sweden	18 February 2003 - 24 June 2003	Alleged pollution and human rights violations in gold mining in Ghana
Brylance inc, subsidiary of Pinault- Printemps-Redoute (PPR) by UNITE)	CCC Austria (supported a trade union case led Netherlands)	Austria, US, France,	8 October 2002 - January 2003	Denial of the right to organise and harassment
Adidas & Nike	Clean Clothes Campaign (CCC) Austria, CCC Germany & Global Exchange (US)	Filed in Austria, transferred to Germany & US	September 2002 by Austrian CCC - transferred to German NCP Feb 2003- statement May 2004	Labour conditions in supply chain in Indonesia
Nutreco and daughter company Marine Harvest Chile	Milieudefensie (FOE-Netherlands) & Centro Ecoceonos (Chile)	Netherlands transferred to Chile	22 August 2002 - October 2003	Environmental damage in salmon farms in Chile, no contact with stakeholders, anti-trade union practises
Continental AG (Germany) & Euzkadi (Mexico)	Germanwatch, FIAN	Filed in Germany transferred to Mexico	27 May 2002 - pending	Closure of factory without proper prior notice to employees and trade unions
TotalFinaElf and oil supplier in Russia	Greenpeace Germany	Germany	10 April 2002-	Pollution of environment in Russia
Anglo American, Congola Copper Mines (KCM)	RAID (UK), Citizens for Better Environment (CBE), Afronet (Zambia)	UK	27 February 2002 - pending	Unfair privatisation, resettlement issues in mining in Zambia
First Quantum Mining (Canada) & Glencore Int. AG (Switzerland) & Mopani (Zambia)	Oxfam Canada, RAID (UK), Afronet, Decop (Zambia)	Canada	16 July 2001 - 4 February 2002	Resettlement of tenant communities in Zambia
Adidas Netherlands & Kubbinga importer	India Committee of the Netherlands (ICN)	Netherlands	20 June 2001 - December 2002	Labour issues in football industry in India
Binani (UK/India), Ramcoz (Zambia)	RAID (UK), Afronet (Zambia)	UK	May 2001 - June 2003	Alleged corruption and bad management in copper mines in Zambia

OECD Guidelines

STATUS/OUTCOME

Chapter II, III, IV, IX and X	The US NCP is approaching the companies concerned.
Chapter X.1, Chapter III.3, III.4), Chapter VI.1, VI.5, and VI.6), Various paragraphs of Chapter II	The UK NCP is undertaking a preliminary assessment of the cases. The NGOs have been promised a report in September.
Chapter 1, §7; Chapter 2, §1; chapter 5, §1 a and chapter 5, §1c	Initial assessment pending
Chapter 2, §1, chapter 2, §2 and chapter 3, §1 and pending. An initial chapter 5, §1c	Initial assessment. An initial meeting with the NCP was held on 11 June. In July, the NCP asked Tractebel to respond to the complaint.
Chapter II, para 5; Chapter VI, para 1; Chapter X; Chapter VII, para 4; Chapter IX, paras 1(a) (d), 2, 3; Chapter IV, para 6.	NGT responded to the complaint by sending a letter to the NCP on 14 November 2003 suggesting a willingness to engage. It responded to and defended itself against the allegations made by CBE. It stated that the Guidelines had not been breached. Furthermore, NGT held that the investment by NGT in Copperbelt Energy Corporation plc and the agreements made were entered into in Nov 1997 and therefore the revised version of the Guidelines did not come into play. NGT held that this excluded application of some of the alleged violations that were made in accordance with the revised Guidelines (chapter II, paragraph 5).
Chapter IV, paras 1, b and c and para 4, b, Chapter V, Introduction and paras 2 and 3;	Final meeting was held on 13 February 2004. The NCP regarded the Guidelines not to be applicable due to lack of an investment nexus. The NGOs are dissatisfied with the outcome as they believe there was an chapter II, para 10 investment nexus. In June they issued a statement outlining their disagreement with the NCP's statement.
Chapter II & Chapter V	The complaint was not accepted by the NCP due to lack of an investment nexus. Greenpeace is considering asking for a formal clarification by the OECD Investment Committee about the eligibility of the complaint.
Chapt. 2, para 5, Chapt. 5, para 1, para 2a, 2b, para 4 Chapt 3, para 1	The complaint has been declared eligible and the substantive allegations are now being dealt with by UK Government officials in the host countries. The UK NCP has spoken to BP who have agreed to respond to the complaint. BP replied to the complaint in March 2004, almost a year after the date of filing. The NGOs are preparing a reply. Concerns were raised about the fact that a funding package has been approved which makes the UK government a financial stakeholder in the BTC. This raises serious questions about the independence of the complaints process.
Chapter II & Chapter V	Finalised. The NCP's statement held that the companies had not failed to comply with the OECD Guidelines. But the NCP also encouraged the companies to remedy the lack of knowledge of the contents of the Guidelines among their subsidiaries and among their staff in Ghana.
Chapter IV	Finalised. Case was dropped on the grounds that a company owned by PPR (Gucci) did not have sufficient influence on its parent company. The complaints and the campaign led to a local agreement regarding the union busting accusations.
Chapter IV, paras 1a and 1d. Chapter II, para 7	Public NCP statement in May 2004, the parties did not agree on the facts of the matter gathered in subsequent research nor on the precise options for action to be derived from these facts. The CCC felt that the outcome was disappointing. The process did not repay the effort and resources that they had put into doing the research and preparing the information. "We agreed to disagree"
Chapter V, para 2a, para 4, Chapter II, para 7, para 10, Chapter IV	Finalised. The Chilean NCP issued a report in October 2003 including recommendations and a proposal for dialogue. Among the recommendations were recognition of the rights to join a trade union, t to collective bargaining and other core labour rights. Moreover, the NCP recommended that standards should progressively be brought into line with those found in the Netherlands. The dialogue process is still ongoing.
Chapt. IV, paras 1a, 6, 7 & Chapt II, para 2	The complaint was accepted by the German NCP but later transferred to the Mexican NCP. However, its office did not have any resources at the time of filing. The process is still ongoing and there has not been much action in the past two years.
Chapter II & Chapter V	Finalised. The NCP did not accept the case, due to lack of an investment nexus. NGOs are considering asking for a formal clarification by the Investment Committee.
Chapter II, , paras 1, 2, Chapter IX, paras 1, 3, Chapter V, preamble, para 2b, Chapter III, para 2	Initial assessment completed in June 2002. Process has been badly handled by the UK NCP. CIME was asked to clarify the scope of the Guidelines and it reached a decision in April 2004 saying that the case should proceed
Chapter. II, paras 2, 7 & Chapter V, para 2	Finalised. Mopani undertook positive measures to improve the situation (setting aside land for farmers, dropping levies on land and withdrawing the immediate threat of evictions)
Chapter IV, paras 1a, 2a, 1b, 4b, & chapter II, intro, para 10	Finalised, joint statement issued. Some agreement on need for monitoring of codes of conduct. Concerning the complaint against Kubbinga the NCP found no violation due to lack of an investment nexus.
Chapter II: sustainable development, human rights and seeking exemptions, Chapter IV, paras 1a, 6, Chapter VI, Chapter X	Closed. Ramcoz in Zambia went into receivership. The case continued against Binani in the UK but when Ramcoz was liquidated it was dropped.

