

Quarterly Case Update

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of OECD Guidelines cases filed by civil society

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1

Case	Adverse social and environmental impacts by Dutch dredging company Van Oord and ECA Atradius on fisher communities in Brazil		
Company/ies	Date filed	Current status	Duration (to date)
Van Oord Marine Ingenuity	1 June 2015	Filed	2 weeks
Atradius Dutch State Business	1 June 2015	Filed	2 weeks
Complexo Industrial e Portuário Eraldo Gueiros – Empresa Suape	1 June 2015	Filed	2 weeks
Complainants	Associação Fórum Suape Espaço Socioambiental, Conectas Direitos Humanos, Colônia de Pescadores do Município do Cabo de Santo Agostinho (Z08), Both ENDS		
National Contact Point(s) concerned	Brazil and The Netherlands		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A1, A2, A3, A11, A12 ; Chapter III (Disclosure) § 4 ; Chapter IV (Human Rights) § 1, 2, 4 and 6; Chapter VI (Environment) § 2a, 2b, 3 and 4.		

Issue

Communities of fishermen and shellfish collectors in the Brazilian state of Pernambuco, along with Brazilian and Dutch NGOs, allege that the Dutch dredging company Van Oord and the Dutch export credit agency Atradius DSB have failed to comply with the OECD Guidelines related to a dredging project in north-eastern Brazil. Van Oord has been active in the Port of Suape since 1995. Its most recent projects include dredging for the Promar Shipyard and the dredging of an ocean access channel to the Port of Suape. In November 2011, the official export credit agency of the Dutch government, Atradius DSB, provided Van Oord with an export credit insurance for its operations in Suape. The complaint is the first under the revised OECD Guidelines to be directed against an export credit agency.

According to the complainants, Van Oord's dredging operations have caused numerous adverse human rights and environmental impacts. Extended sections of rocky ocean bottom have been

blown up with explosives as part of the dredging process. Coral reefs, and mangrove forests have been destroyed seriously affecting local fish populations. Local water management systems are affected in such a way that people living in the port area increasingly suffer from floods. Traditional fishermen and small-scale farmers lost their homes and livelihoods, for which they have received insufficient compensation. The complaint further alleges that Van Oord and Atradius DSB, in collusion with the Suape port authority, failed to conduct appropriate human rights due diligence in order to prevent and mitigate human rights impacts, failed to provide local stakeholders with timely information about the projects' adverse impacts, and failed to meaningfully engage stakeholders on business decisions that directly impacted them.

The complainants request that the Brazilian and Dutch NCPs jointly handle the case and that they facilitate a dialogue with Van Oord and Atradius aimed at

bringing the activities of both companies into line with the OECD Guidelines. Specifically, the complainants request that Van Oord remediate the damage it has caused by rehabilitating damaged areas and ensure protection for other areas endangered by the dredging operations. The complainants also request that the loss of local livelihoods be remediated by establishing protected fish reserves. Finally, the complainants demand that both Van Oord and Atradius DSB undertake and communicate publicly about a process of due diligence to identify, prevent, mitigate and remedy impacts that they cause, or to which they contribute or are linked.

Developments/Outcome

The complaint (in Portuguese) was filed simultaneously with the Brazilian and Dutch NCPs. Both NCPs have confirmed receipt, and the Dutch NCP has indicated it will translate the complaint from Portuguese into English.

2

Case	Human rights and environmental impacts of Nykomb's planned coal-fired power plant in Senegal		
Company/ies	Date filed	Current status	Duration (to date)
Nykomb Synergetics Development AB	7 May 2015	Filed	2 months
Complainants	Takkom Jerry, Association Lumière Synergie Développement (LSD)		
National Contact Point(s) concerned	Sweden		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A10, A11 and A14; Chapter IV (Human Rights) § 1, 2 and 3		

Issue

Takkom Jerry and LSD filed a complaint to the Swedish NCP against Nykomb Synergetics Development AB, a Stockholm-based company that offers process and power systems, engineering consultancy and project development services. Takkom Jerry, a community in the vicinity of Dakar, Senegal, impacted by the a proposed coal-

fired power plant, alleges that Nykomb breached the OECD Guidelines by not taking sufficient measures to avoid potential negative impacts of power plant, for not meaningfully engaging with the local communities whose livelihoods have been put at risk and for acting upon an outdated environmental and social impact assessment from 2009.

The complaint further alleges that community members who have already been adversely impacted by the project and have been resettled have not been compensated.

The complainants request that the Swedish NCP facilitate a dialogue aimed at bringing Nykomb's behaviour in line with the OECD

Guidelines. Given the scale and severity of the impacts of the project as is currently planned,

the complainants suggest that Nykomb relocates its power plant.

Developments/Outcome

The Swedish NCP has confirmed receipt of the complaint and is conducting an initial assessment

3	Case	Holcim's complicity in HR abuses and conflict in Indonesia		
	Company/ies	Date filed	Current status	Duration (to date)
		19 March 2015	Filed	3 months
	Complainants	ELSAM, Auriga, Franciscans International, KPA, PPAB, Sitas Desa and TuK Indonesia.		
	National Contact Point(s) concerned	Switzerland		
	Guidelines Chapter(s) & paragraph(s)			
	Chapter I (Concepts and Principles), § 2; Chapter II (General Policies), § A2 and A14; Chapter IV (Human Rights) § 1, 2, 3, 5 and 6			

Issue

Indonesian and Swiss NGOs filed a complaint to the Swiss NCP against PT. Holcim Indonesia, part of Holcim Ltd Group from Switzerland, a global holding company producing cement, aggregates, ready-made concrete and asphalt, and supporting services. The complainants allege that Holcim Indonesia breached a number of OECD Guidelines provisions by putting 826 households (about 3,000 persons) in Ringinrejo at risk of being evicted from lands they cultivated for the past 19 years by giving this land to the Ministry of Forestry as compensation land for the forest areas that Holcim used for mining

and cement factories in Tuban, East Java.

According to the complainants, Holcim failed to conduct human rights due diligence and engage with relevant stakeholders in order to provide meaningful opportunities for the views of the local communities to be taken into account before designating the land as a compensation land. Furthermore, complainants consider that the stakeholder consultation process taken by Holcim did not include the directly affected people of Ringinrejo, but rather new migrant farmers from outside the region who do not live on the

compensation land. Although the villagers have not yet been evicted from their lands, they remain in an uncertain limbo as to the future of their livelihood.

The complainants request that the Swiss NCP facilitate a dialogue with the company aimed at agreeing on alternative compensation land that does not interfere with the rights of Ringinrejo villagers.

Developments/Outcome

The Swiss NCP acknowledged the receipt of the complaint and forwarded it to Holcim, who in turn responded that they are open to further dialogue.

4	Case	Mylan's export of drugs used for death penalty executions in the US		
	Company/ies	Date filed	Current status	Duration (to date)
		3 March 2015	Filed	3 months
	Complainants	Bart Stapert		
	National Contact Point(s) concerned	Netherlands		
	Guidelines Chapter(s) & paragraph(s)			
	Chapter II (General Policies), § A2, A10, A11, A12, A13 and B2; Chapter IV (Human Rights) § 1, 2, 3, 4 and 5			

Issue

Pharmaceutical company Mylan produces generic medicines, including rocuronium bromide, which has been used as part of a lethal injection to execute death penalty inmates in the United States. Attorney Bart Stapert filed a complaint against Mylan for failing to take action to protect its medicines from being used in executions. By failing to do so, the complainant alleges that Mylan breached a number of OECD Guidelines provisions and is at risk of complicity in a number of human rights abuses, including capital punishment (a violation of the right to life) and torture or other cruel, inhuman or degrading treatment or punishment.

Mylan moved its headquarters to the Netherlands in 2015 because of fiscal reasons. While lethal injection executions of prisoners using experimental drug cocktails is taking place in the US, not the Netherlands, the complaint argues that the Dutch NCP nevertheless has the responsibility to handle the case as it is related to a Dutch company's role in a process leading to such serious human rights abuses.

The complainant requests that Mylan investigate what distribution controls it can impose to prevent the sale of its medicines to prisons for use in executions while maintaining access for legitimate medical

users. Furthermore, he recommends that Mylan take active steps to implement such controls and try to prevent the use of any Mylan medicines which may already have been sold to prisons in executions. Finally, the complainant encourages Mylan to publish a policy statement confirming Mylan's commitment to human rights, in particular in relation to the human rights abuses associated with the use of medicines in lethal injection executions.

Developments/Outcome

The NCP has contacted both parties in the process of formulating its initial assessment.

5

Case	Daewoo's use of cotton harvested with forced & child labour		
Company/ies	Date filed	Current status	Duration (to date)
POSCO	4 December 2014	Pending	6 months
Daewoo	4 December 2014	Pending	6 months
NPS	4 December 2014	Filed	6 months
NBIM	4 December 2014	Filed	6 months
Complainants	Anti-slavery International, Cotton Campaign and Korean Trans National Corporations Watch (KTNCW)		
National Contact Point(s) concerned	Korea, Norway		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A2, A10, A11 and A12; Chapter IV (Human Rights) § 1, 2, 3 and 5; Chapter V (Employment), § 1c and 1d		

Issue

Uzbekistan is one of the few countries around the world that through the implementation of state policy subjects its citizens to forced labour. The government forcibly mobilises farmers to grow cotton and forces more than a million men, women and children to harvest it. Since its first investment in Uzbekistan in the 1990s, Daewoo has expanded to three factories and is currently the country's largest cotton processor, buying 5% of all Uzbekistan's cotton. In return, the Uzbek government provides Daewoo with discounted cotton prices, tax incentives and preferential loans.

The complainants have been in direct contact with Daewoo since 2012. The company repeatedly admitted to having purchased

cotton produced with forced and child labour. Nevertheless, the complaint alleges that Daewoo refuses to cease purchasing forced-labour cotton or to conduct independent human rights monitoring of its supply chain in Uzbekistan. It also alleges that Daewoo failed to conduct comprehensive human rights due diligence in its supply chain and contributes to the ongoing human rights violations associated with the cotton harvest in Uzbekistan.

The complainants also ask Daewoo's parent company POSCO to take its responsibility to avoid contributing to human rights violations in its subsidiary's operations and supply chains. Complaints have also been filed against Norwegian pension funds

NPS and NBIM, requesting that as institutional investors of Daewoo International, they use their leverage to ensure that they mitigate the adverse human rights impacts to which they are directly linked to through their financial relationship with Daewoo.

Developments/Outcome

The complaints were filed simultaneously with the Korean and Norwegian NCPs. 90 days after the filing, the Korean NCP asked for more time in order to carry out the initial assessment. In March 2015, the Korean NCP accepted the cases against the Korean company. There is still no initial assessment from the Norwegian NCP on the NPS and NBIM cases.

6

Case	BT's facilitation of US drone strikes in Yemen by providing communications infrastructure and services		
Company/ies	Date filed	Current status	Duration
BT Group plc.	15 July 2013	Rejected, October 2013	3 months
BT Group plc.	19 August 2014	Rejected, January 2015	5 months
BT Group plc.	10 October 2014	Rejected, January 2015	3 months
Complainants	Reprive		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § 2; Chapter IV (Human rights) § 2, 3, 5, 6		

Issue

Reprive alleges that BT has contributed to gross human rights violations by providing key communications infrastructure from a US military base in the UK to Camp Lemonnier in Djibouti, which is the covert centre from which armed US drones carry out lethal missions over Yemen.

The complainant furthermore alleges that BT is facilitating the US drone programme by providing the UK Government Communications Headquarters (GCHQ) and the National Security Agency (NSA) with mass surveillance infrastructure through wiretaps and compromised optical fibre networks.

The complaint alleges BT has not shown what human rights due diligence it carried out before entering into the contract with the US government and has not sought to prevent or mitigate human rights abuses. Reprive filed the complaint on behalf of a number of affected individuals who have lost relatives in drone strikes or continue to be impacted.

Reprive requests the NCP to investigate BT's possible contribution to the gross violations of international law and human rights that the use of drones in non-war zones entails.

Developments/Outcome

The UK NCP rejected the complaint filed in 2013 by arguing that Reprive had not substantiated a link between BT's communication services and the impact of the US' drone operations.

BT argued its services were of a general character and that it is not a party to information about their exact uses. The NCP also accepted BT's evidence, which the NCP said showed a general level of due diligence has been conducted. A separate policy note on due diligence was released in tandem with the NCP decision, flagging the need for the NCP to clarify when a

heightened standard of due diligence should apply to a company and recognising that the current standard requiring “proof of a specific link may be beyond the capacity of most complaints”.

Reprieve maintains that BT’s assertions were taken at face value without any substantiating evidence, and that a greater onus was placed on them to substantiate the complaint. According to Reprieve, the NCP should have asked BT whether it carried out any risk-based due diligence and whether it had mitigated, avoided, or prevented any adverse human rights impacts. Reprieve notes that civil society should not be relied upon to provide precise links between corporate activities and human rights abuses, especially when a company refuses all cooperation and disclosure.

On 15 May 2014, Reprieve’s request for judicial review by the UK Treasury Solicitor’s Department was denied. Reprieve was told their only recourse is to use the procedures provided by the NCP. After the UK NCP rejected Reprieve’s initial complaint, journalists assisted in uncovering fresh evidence suggesting BT had constructed

the fibre-optic cable with full knowledge that the communications line would utilise Defense Information Systems Network routers and KG-340 encryption devices. These elements of the fibre-optic cable were installed to fit specific NSA requirements to ensure the security necessary to process intelligence data and to issue commands for drones.

Based on this new evidence, Reprieve filed a second complaint with the NCP on 19 August 2014. In this complaint reprieve alleges that both by contracting to provide the fibre-optics infrastructure for the US drone programme and by facilitating mass surveillance by intelligence agencies, BT has failed to respect human rights. Meanwhile, BT continues to ignore evidence of its complicity with the US drone programme.

On 26 September 2014, the NCP asked Reprieve to split its complaint into two separate complaints. This resulted in a third related complaint filed in October 2014 that solely focuses on BT’s collaboration with intelligence agencies to implement mass surveillance programmes that have been acknowledged to feed

directly into drone targeting. In January 2015, the UK NCP decided to reject the two complaints that were submitted in August and October 2014. According to the UK NCP Reprieve could not substantiated its allegations and has not offered any new direct knowledge of the company’s link to the impacts, but relied on new information from generally available sources.

With regard to the allegations that BT knowingly provided fibre-optics infrastructure for the US drone programme, the NCP assesses that it appears that the cable in question is a general purpose product. On the basis of the information submitted the NCP could not determine that the cable was necessary or designed specifically for drone operations. Given this, the NCP did assess BT cables proximity to the drone operations was significant. The NCP further considers that it had not been offered information that findings of international authorities or UK government policies should have suggested to BT that enhanced due diligence was warranted in supplying a general product to this customers.

7

Case	ANZ’s role in displacing and dispossessing the land and productive resources of Cambodian families		
Company/ies	Date filed	Current status	Duration (to date)
Australia New Zealand Banking Group (ANZ)	6 October 2014	Filed	8 months
Complainants	Inclusive Development International (IDI) and Equitable Cambodia (EC)		
National Contact Point(s) concerned	Australia		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A1, A2, A10, A11, A12 and A13; Chapter IV (Human Rights) § 1, 2, 5 and 6		

Issue

The complaint was filed on behalf of 681 families who were forcibly displaced and dispossessed of their land, productive resources and in some cases houses, to make way for a Phnom Penh Sugar Co. Ltd. (PPS) sugar plantation and refinery that was partially financed by ANZ. In addition to forced evictions, military-backed land seizures and destruction of crops and property, PPS also allegedly participated in arbitrary arrests and intimidation of villagers, and the widespread use of child labour and dangerous working conditions that have resulted in the death of several workers. Although these abuses occurred between 2010 and 2011, the affected households remain either uncompensated or

undercompensated for their losses.

The complaint alleges ANZ breached the OECD Guidelines by contributing to these abuses through their actions and omissions, and failing to take reasonable measures to prevent or remedy them. The complainants have raised the problems associated with the PPS loan with ANZ on numerous occasions since becoming aware of ANZ’s role. The case also received much public attention prior to ANZ’s loan decision. Despite this controversy, ANZ proceeded with the loan to PPS.

Even though ANZ reportedly ended the financial relationship with PPS in 2014, the

complainants believe that ANZ can and should divest itself of the profits that it earned unjustly from the PPS. EC and IDI argue in the complaint that ANZ contributed directly to PPS’ illegal actions and profited from those actions, so it has an ongoing responsibility to provide reparations to those affected. The complainants furthermore urge the NCP to recommend that ANZ develop a corporate-level human rights compliant policy on involuntary land acquisition and resettlement, including relevant due diligence procedures, in order to address other similar problems in its portfolio and to ensure that ANZ does not continue to contribute to such human rights violations elsewhere.

Developments/Outcome

The complainants are still awaiting the NCP's initial assessment.

8

Case	G4S's contribution to human rights abuses of asylum seekers in Papua New Guinea		
Company/ies	Date filed	Current status	Duration (to date)
G4S	23 September 2014	Filed	9 months
Complainants	Human Rights Law Centre and Rights and Accountability in Development		
National Contact Point(s) concerned	Australia, United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A2, A8, A.10, A.11, A.12; Chapter IV (Human Rights) § 2, 3, 5 and 6		

Issue

The complaint, submitted to both the UK and Australian NCPs, alleges that UK security contractor G4S failed to meet international standards and committed serious human rights violations in relation to the treatment of asylum seekers detained at an off-shore processing centre in Papua New Guinea (PNG).

The Australian Government established the centre in 2001 as an offshore processing centre. By agreement with PNG, asylum seekers arriving in Australia are forcibly transferred to Manus Island where they are mandatorily detained pending consideration of their refugee status. G4S was contracted by the Australian government to oversee management and security at the Manus Island Centre between February 2013 and March 2014.

Over this period, the Centre was repeatedly criticised by human rights organisations including the office of the United Nations High Commissioner for Refugees for breaching basic minimum standards of care. The most serious incident occurred on 16-17 February 2014 when outbreaks of violence at the facility resulted in the death of an Iranian asylum seeker and injuries to up to 69 others. The outbreak of violence (in which G4S personnel were directly involved) is the subject of an on-going inquiry by the Australian Senate. Prior to the February violence, a number of other incidents had already raised concerns about detainee safety, such as physical violence, threats or aggression towards detainees by G4S personnel and sexual assaults.

The complainants propose the following recommendations to bring G4S's policies and procedures in line with the OECD Guidelines: commitments with respect to a human rights framework for any future contracts it may enter into, commitments with respect to the payment of financial compensation to the detainees injured by G4S guards and to the family of the Iranian asylum seeker, disclosure of information on the outcomes of any internal investigations and disciplinary actions taken against staff involved in the violence, and disclosure of key documents which the company has not provided to the Senate Inquiry.

Developments/Outcome

The complainants are still awaiting the outcome of the NCPs' initial assessment.

9

Case	G4S's contribution to human rights abuses at Guantánamo Bay		
Company/ies	Date filed	Current status	Duration
G4S plc	27 August 2014	Rejected, 31 December 2014	4 months
Complainants	Reprieve		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter IV (Human Rights) § 1, 2, 3, 5		

Issue

The complaint alleges that G4S – through the janitorial services contract of wholly-owned subsidiary G4S Government Solutions, Inc. – may contribute to the ongoing human rights violations being perpetrated at the Guantánamo Bay detention camp. The prison has been the scene of a large variety of torture techniques: use of dogs during interrogations, forced removal of clothing, hooding, stress positions, isolation, sensory deprivation, threatening detainees with death or severe pain, threatening detainees with harm to their families, and religious & sexual humiliation. Even today, mistreatment and

torture continues at Guantánamo Bay.

G4S's contract for the Guantánamo Bay facility includes a wide range of base operating support services, including housing, facility management, facility investment, other (swimming pools), custodial, pest control, integrated solid waste management, grounds maintenance and landscaping, base support vehicles and equipment, electrical, wastewater, water, and limited facilities support functions. The complaint alleges that through providing these services G4S enables the US government to continue inflicting human rights violations upon

detainees. Reprieve argues that G4S's services will facilitate the indefinite detention of prisoners, which is a breach of the internationally recognised right to a fair trial, the right to liberty and the protection against torture. According to the complaint, it is crucial that G4S clarify the details and extent of its contractual obligations at Guantánamo Bay since "custodial", "facility management", and "base support vehicles and equipment" services could mean the company would be involved (either directly or indirectly) with FCE, force-feeding, and other unlawful and inhumane practices by the US military.

Reprieve insists G4S should cease to provide services under the contract and clarify the nature and scope of the company's work at Guantánamo, detailing specific contractual obligations. Additionally, Reprieve urges G4S to clarify G4S's policy in relation to contracts for support of US counter-terror operations, particularly those related to torture and indefinite detention, including any risk assessment policy with respect to complicity in violations of international law. They further demand documentation on G4S's human rights due diligence carried out prior to entering into the contract and any efforts made to prevent or mitigate the adverse human

rights impacts to which G4S contributes.

Developments/Outcome

The NCP forwarded the complaint to G4S for a response. The company argued that it has little control over its subsidiary and made no attempt to address the substantive allegations of the complaint. Moreover, the company now confirms that it has divested itself of the subsidiary.

In December 2014, the UK NCP decided to reject the complaint and recommended that the complaint be re-submitted with the US NCP, as the contract involves a US multinational and the US Navy. Furthermore, the UK

NCP considers that the allegations refer to policies and practices of the US government in operating a US prison facility and accepts that overseas parent companies have limited influence over US subsidiaries.

The complainants are disappointed about the UK NCP's decision and argue that the UK NCP must do more to hold UK parent companies accountable for abuses by their overseas subsidiaries. They fear that no US government body will hold G4S accountable for contributing to human rights violations in Guantánamo when it is the US itself that is the primary agent of those violations.

10

Case	Arla's human rights due diligence related to export of subsidized milk to developing countries		
Company/ies	Date filed	Current status	Duration
Arla Foods	8 July 2014	Concluded with agreement, November 2014	5 months
Complainants	ActionAid Denmark (Mellempfolkeligt Samvirke)		
National Contact Point(s) concerned	Denmark		
Guidelines Chapter(s) & paragraph(s)	Chapter IV (Human Rights) § 5		

Issue

Arla is the 5th largest global dairy producer and a co-operatively owned by 13,500 farmers based in seven countries; Sweden, Denmark, the UK, Germany, Belgium, Luxemburg, and the Netherlands. Arla, along with other European dairy farmers, have received EU subsidies that have enabled them to export cheap milk powder, among other products, to international markets at low prices. According to the complaint, this undermines the milk industry in the Global South and has negative consequences for the livelihoods of locals.

The complaint alleges that Arla did not have adequate risk processes (due diligence) in place to be certain that the risks of adverse impacts of its activities on

local stakeholders had been minimised in line with the OECD Guidelines.

Arla and ActionAid Denmark were already engaged in dialogue on this issue when the complaint was filed, but ActionAid felt that the dialogue was progressing too slowly.

Developments/Outcome

The NCP communicated with both parties, but it was not necessary for the NCP to facilitate meetings or mediation as the parties were already engaging constructively on their own. The complaint served to speed up the pace of the dialogue between the parties, and just 4 months after the complaint was filed, the parties reached an agreement to ensure Arla's compliance with international human rights

standards (including the OECD Guidelines and UN Guiding Principles) in its operations in developing countries. The agreement includes a commitment by Arla to implement a proactive human rights policy in its global operations, as well as report on the actual and potential adverse human rights impacts of the company's activities.

Arla will also introduce due diligence procedures and engage in a more systematic identification, prevention and mitigation of actual and potential unintended consequences on local farmers' business prospects and rights that may be impacted by Arla's sales and operations.

11

Case	Rabobank's failure to conduct due diligence on investments in Indonesian palm oil operations		
Company/ies	Date filed	Current status	Duration (to date)
Rabobank	26 June 2014	Pending	1 year
Complainants	Friends of the Earth (FoEE) and Milieudefensie (Friends of the Earth Netherlands)		
National Contact Point(s) concerned	The Netherlands		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A.10, A.12; Chapter IV (Human Rights) § 5		

Issue

The complaint concerns the activities and conduct of

Rabobank in relation to loans it provided to Bumitama Agri Group (BGA) and the adverse

environmental impacts at the Bumitama managed Golden

Youth (GY) palm oil plantation in Kalimantan (Indonesia).

In research published in November 2013, FoEE documents how land for s Bumitama-managed plantation in West Kalimantan was cleared in breach of national laws, without the necessary permits or proper government approval. The research also found that Bumitama has knowingly destroyed forest that is home to endangered orang-utans and is partially uses prohibited deep peat land. Also, the company brought illegally produced palm oil into the supply chain by taking over the management of the GY plantation, which was operating without the right permits. Previously, five complaints against Bumitama had already been filed with the Roundtable on Sustainable Palm Oil (RSPO), but to date none of the complaints have yet been resolved. This complaint alleges that Rabobank should have known about the severe environmental, social and legal problems with Bumitama's operations and

nevertheless provided significant loans to Bumitama, directly linking the bank to the impacts caused by Bumitama. The complaint further alleges that Rabobank has failed to implement its own palm oil policy and that it has failed to conduct due diligence and seek to prevent and mitigate impacts with which it is directly linked, as is stipulated in the OECD Guidelines. The complainants request that Rabobank publicly disclose the concrete due diligence procedures and steps it has taken to identify, prevent and mitigate the adverse impacts caused by Bumitama. The complaint also asks Rabobank to exercise its leverage to prevent future adverse impacts by publicly committing to withhold financial services from BGA and to divest from the company until it has resolved problems concerning the legality and sustainability of its operations. Finally, the complainants request that the bank implements its own Environmental, Social and Governance (ESG) policy in a transparent and effective way in

the Bumitama case and in future cases.

Developments/Outcome

During the preliminary discussions on the initial assessment Bumitama announced it had terminated its contract with the illegal Golden Youth palm oil plantation in Borneo, from which it is no longer purchasing palm oil.

The Dutch NCP's initial assessment found that the case still warranted further examination. In light of the termination of Bumitama's contract with the GY plantation, the NCP offered to establish a dialogue between Friends of the Earth and Rabobank specifically focusing on the Rabobank's palm oil supply chain policy and how its implementation compares to the OECD Guidelines. The NCP believes that this dialogue can further contribute to more clarity about the OECD Guidelines recommendations for due diligence for the financial sector regarding loans.

12

Case	Involvement of UK companies in Formula One Grand Prix in Bahrain despite on-going human rights abuses		
Company/ies	Date filed	Current status	Duration
Formula One World Championship Ltd.	31 May 2014	Concluded with agreement, April 2015	11 months
Formula One Management Ltd.	31 May 2014	Concluded with agreement, April 2015	11 months
Delta 3 (UK) Ltd.	31 May 2014	Rejected, October 2014	5 months
Beta D3 Ltd.	31 May 2014	Rejected, October 2014	5 months
Complainants	Americans for Democracy and Human Rights in Bahrain (ADHRB)		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A.2, A.7, A.10, A.11, A.12, A.13, A.14; Chapter IV (Human Rights) §1, 2, 3, 4, 5, 6		

Issue

The complaint questions the human rights compatibility of organising the Formula One (F1) Grand Prix with a global audience in Bahrain, a country widely criticised for its human rights violations. The complaint relates to the F1 Bahrain races in 2012-2014 organised by private UK companies in the midst of on-going human rights violations and in circumstances in which the event itself would give rise to further human rights violations.

The complaint outlines that in 2011 the Bahraini government cancelled the scheduled F1 Grand Prix, citing the instability in the country accompanying the government's crackdown of pro-democracy protests. In 2012 and 2013, however, the Grand Prix returned, but the crackdown

remained unabated, resulting in the death of a protester and injuries to hundreds, as well as the arbitrary detention and torture of hundreds more.

The complaint alleges that by failing to suspend the F1 Grand Prix race, the companies involved in the organisation have, inadvertently or otherwise, contributed to further human rights violations in Bahrain and the continuation of impunity for past violations. The complaint contends that the companies have not conducted substantial due diligence and have not mitigated the human rights impacts linked to their operations in Bahrain. The complainant aims to engage the companies involved in a mediated dialogue towards a solution that will not only serve their own corporate

interests, but also respect the human rights of the people of Bahrain.

Developments/Outcome

In October 2014, the UK NCP determined that the issues of a lack of meaningful stakeholder engagement and proper due diligence by Formula One World Championship Ltd. and Formula One Management Ltd. merited further review. The NCP decided not to further pursue these issues in relation to Delta 3 UK Ltd. and Beta D3 Ltd. on the basis that these companies are not operational companies. The NCP furthermore rejected allegations referring to broad obligations to respect human rights and avoiding or addressing adverse impacts. After the mediation, which was organized by the NCP, Formula One has publicly

committed to respecting internationally recognized human rights in all of its operations. Included in this commitment is a

promise to develop and implement a due diligence policy in which Formula One analyzes and takes steps to mitigate any

human rights impact that its activities may have on a host country, including on the human rights situation in Bahrain.

13

Case	Andritz' contribution to environmental and human rights impacts of the Xayaburi dam in Laos		
Company/ies	Date filed	Current status	Duration (to date)
Andritz AG	9 April 2014	Pending	14 months
Complainants	Center for Social Research and Development, The Community Resources Center, EarthRights International, ECA Watch Austria, The Fisheries Action Coalition Team of Cambodia, International Rivers, The Law and Policy of Sustainable Development Research Center, The Northeast Community Network of 7 Provinces of the Mekong River Basin, Samreth Law Group		
National Contact Point(s) concerned	Austria		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A1, A2, A10, A11; Chapter IV (Human Rights) § 2, 4, 5, 6; Chapter VI (Environment) § 3		

Issue

Austrian engineering giant Andritz supplies key operating technology to the Government of Laos for the Xayaburi dam.

The dam could have serious environmental and human rights impacts for hundreds of thousands of people in Laos, Thailand, Cambodia, and Vietnam. It is the first of 11 planned hydropower projects on the still undammed Lower Mekong River.

The Xayaburi dam is expected to impede fish migration, adversely affect Thai and Cambodian riverine fishing communities, and cause the extinction of species found only in the Mekong River such as the Mekong giant catfish.

The dam will also likely block the flow of nutrient-rich sediment to Vietnam's ecologically fragile Mekong Delta, which supports a thriving rice farming industry.

Fishery and environmental experts have concluded that the Xayaburi dam and other mainstream Mekong dams risk driving many already-impooverished families along the river into poverty and malnutrition.

As the holder of a \$300 million contract to supply custom-built parts that will power the dam, Andritz is considered to be contributing to the adverse impacts resulting from the project. The company also has significant leverage to improve

the design of the project.

The complaint asks Andritz to conduct impact assessments and to work with the project developer and the Government of Laos to prevent and mitigate impacts, adopt policies to prevent harm in future projects, and help provide an effective remedy for populations affected by the Xayaburi dam.

Developments/Outcome

The Austrian NCP completed its initial assessment on 22 May 2014 and accepted the case for further consideration. In March 2015, the parties met in Vienna to exchange information and decided to continue the process.

14

Case	Multiple human rights, environment, and disclosure violations at China Gold Resources' Gyama Copper-Polymetallic Mine in Central Tibet		
Company/ies	Date filed	Current status	Duration
China Gold International Resources Corp. Ltd.	28 January 2014	Concluded without agreement, April 2015	15 months
Complainants	Canada Tibet Committee (CTC)		
National Contact Point(s) concerned	Canada		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A.1, A2, A10, A11, A14, B1; Chapter III (Disclosure) § 1, 2f, 2g, 3b, 3c, 5; Chapter IV (Human rights) § 1, 2, 3, 5, 6; Chapter V (Employment and Industrial Relations) § 1e, 5; Chapter VI (Environment) § Preamble, 1a, 2a, 4, 5		

Issue

On 29 March 2013, Chinese state media reported that 83 miners were buried after a major landslide hit part of the Gyama Copper Polymetallic Mine located in the Pulang Valley in Siphug Village of Tashi Gang Town in Central Tibet (Tibet Autonomous Region). There were no survivors. The workers were reportedly asleep in their tents when they were buried by a mass of mud, rocks, and debris that was three kilometres wide and thirty metres

deep. The camp where the workers were buried belongs to Tibet Huatailong Mining Development Ltd., a wholly-owned subsidiary of China Gold International Resources.

Although the Chinese government has stated that the landslide was a natural disaster, CTC alleges that there is documented evidence that it was in fact a manmade disaster and that the company had ignored previous warnings and local

protests.

In addition, the complaint describes numerous other disputes with local stakeholders that remain unresolved and are indicative of a range of continuing violations of the Guidelines.

The complaint was filed by CTC because members of affected communities are unable to bring forward public complaints for reasons of personal security.

Developments/Outcome

After confirming receipt on 28 January, CTC did not hear from the NCP until 17 April, when the NCP informed CTC that China Gold was unwilling to engage in the process despite multiple requests from the NCP.

Though it never formally issued an initial assessment, in April 2015 the Canadian NCP released a final statement "accepting" the case and concluding that China Gold had not demonstrated that it is

operating in a manner that can be considered to be consistent with the OECD Guidelines.

Interestingly, in its final statement, the NCP took the unprecedented step of imposing sanctions on the company for failing to engage in the complaint process, including withdrawing Trade Commissioner Services and other Canadian advocacy support abroad. This is a first in the NCP system. The sanctions can be repealed if the company eventually does engage

with the NCP or somehow shows that it has engaged in good-faith dialogue with CTC.

The final statement also made recommendations to China Gold with respect to human rights due diligence including the importance of undertaking human rights impact assessments of the potential impacts of anticipated activities, and of disclosing any past or future reports.

15

Case	Human rights impacts of G4S's security services in Israel and the Occupied Palestinian Territory		
Company/ies	Date filed	Current status	Duration
G4S plc	27 November 2013	Concluded, 10 June 2015	1 year, 7 months
Complainants	Lawyers for Palestinian Human Rights (LPHR)		
National Contact Point(s) concerned	United Kingdom Israel		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § 2; Chapter IV (Human rights) § 1, 2, 3, 5		

Issue

G4S and its Israeli subsidiaries provide, install, and maintain equipment that is used in military checkpoints in the Separation Barrier. The complaint alleges that G4S contributed to serious human rights abuses, including the detention and imprisonment of children in Israeli prison facilities, during which many allege being subject to torture and/or cruel and degrading treatment.

LPHR requests that G4S provide information about where and how its equipment is used and what due diligence checks have been conducted in providing it. The complaint also asks G4S to stop servicing the equipment, remove it, agree to an independent audit of these actions, and agree to

identify ways to compensate the people who have suffered adverse impacts.

LPHR is represented by the London-based law firm Leigh Day.

Developments/ Outcome

On 22 May 2014, the NCP accepted the case; however, it rejected allegations relating to G4S's obligations to avoid causing or contributing to adverse human rights impacts and to conduct human rights due diligence.

The NCP offered the parties mediation, but G4S declined the offer, claiming it was legally bound to keep information relevant to the case confidential, and because it felt that LPHR did not have a mandate to negotiate

and resolve the issues. Given this situation, the NCP informed the parties on 8 July 2014 that it would proceed to the next phase of the complaint process and conduct a further examination of the allegations in the complaint.

In March 2015, the NCP issued its final statement, finding that G4S's actions "are not consistent with its obligation under Chapter IV, Paragraph 3 of the OECD Guidelines to address impacts it is linked to by a business relationship." As a result of this breach, the UK NCP found that G4S is also technically in breach of other Guidelines' provisions related to respect for human rights, but that the company had not failed to respect human rights in regard to its own operations.

16

Case	HR violations resulting from failure to resolve earthquake insurance claims and inadequate/incomplete repairs to earthquake-damaged homes		
Company/ies	Date filed	Current status	Duration (to date)
Earthquake Commission	11 November 2013	Rejected, February 2014	3 months
Southern Response Earthquake Services	11 November 2013	Rejected, February 2014	3 months
IAG New Zealand Ltd.	11 November 2013	Filed	19 months
Tower Insurance Ltd.	11 November 2013	Filed	19 months
Vero Insurance New Zealand Ltd.	11 November 2013	Filed	19 months
Fletcher Construction Co. Ltd.	11 November 2013	Filed	19 months
Arrow International	17 June 2014	Pending	12 months
Complainants	Wider Earthquake Community Action Network (WeCAN)		
National Contact Point(s) concerned	New Zealand		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A2, A6, A10, A11, A12, A13, A14; Chapter IV (Human Rights) § 1, 2, 3, 4, 5, 6		

Issue

In September 2010 and February 2011, four major earthquakes and an estimated 13,000 aftershocks

devastated the Canterbury region, which includes New Zealand's second largest city, Christchurch. The earthquakes

resulted in 185 deaths and injured 11,432 people.

Multiple complainants have

alleged that the Earthquake Commission, Southern Response, IAG New Zealand, Tower Insurance, and Vero Insurance's failure to resolve insurance claims more than three years after the earthquakes has violated their rights to health and adequate housing in accordance with the International Covenant on Economic, Social, and Cultural Rights. Multiple complainants have also alleged that Fletcher Construction has not started repairs, not completed repairs, or has inadequately repaired

earthquake-damaged homes and has thus violated their rights to health and adequate housing as well.

Developments/Outcome

The NZ NCP rejected the complaint against the Earthquake Commission and Southern Response as it considers that they are not multinational enterprises. The complainants disagree with these grounds for rejection, citing the Guidelines' assertion that "multinational and domestic enterprises are subject to the

same expectations in respect of their conduct" under the Guidelines.

In December 2014, the NCP completed its initial assessment and accepted the case against Arrow. The NCP has requested additional documentation to substantiate the allegations in the other cases before proceeding with the initial assessment. The complainants are currently compiling the requested evidence.

17

Case	Social and environmental violations associated with oil exploration by SOCO in the DRC's Virunga National Park		
Company/ies	Date filed	Current status	Duration
SOCO International plc	7 October 2013	Concluded with agreement , June 2014	8 months
Complainants	WWF International		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § 5, A14; Chapter IV (Human Rights), § 5; Chapter VI (Environment), § 2a, 2b		

Issue

WWF's complaint alleges SOCO's oil exploration activities in Virunga National Park (Virunga) do not contribute to sustainable development. According to the complaint, SOCO has disregarded the DRC's legal commitment to preserve Virunga as a World Heritage Site. Since June 2008, the World Heritage Committee has been clear that oil exploration and exploitation activities in Virunga are incompatible with the park's World Heritage Site status. The complaint also alleges that SOCO negotiated a production sharing contract (PSC) with the DRC government that includes a "full freezing" stabilization clause that effectively exempts it from any new laws or regulations, even those aimed at strengthening protections for human rights, the environment, health and safety, or other policies relating to the pursuit of sustainable development in Virunga.

In addition, WWF alleges that SOCO has not provided any evidence that it has conducted appropriate and systematic human rights due diligence and that it has failed to inform the public about the potential

environment, health, and safety risks and impacts of its activities. Lastly, the complaint alleges that SOCO's community consultations have not been characterised by meaningful two-way communication, and the its use of state security forces during consultations and as promoters of its project has created a "heightened risk of intimidation" in which many local residents do not feel safe to express their views or concerns.

WWF estimates that to bring SOCO's operations into line with the Guidelines, it will require the immediate cessation of its activities in and around Virunga.

Developments/Outcome

The UK NCP accepted the majority of the complaint in February 2014, rejecting only the allegation that SOCO had sought or accepted a legal exemption by accepting the company's claim that it did not intend for the stabilisation clause to be applicable to anything beyond the "fiscal regime". The UK NCP hired an external mediator to mediate between the parties. On 11 June 2014, the mediation resulted in an agreement and joint statement by

the parties. As part of the statement, SOCO agreed "not to undertake or commission any exploratory or other drilling within Virunga National Park unless UNESCO and the DRC government agree that such activities are not incompatible with its World Heritage status". SOCO agreed to cease its operations in approximately 30 days.

SOCO also committed never again to jeopardize the value of any other World Heritage Sites anywhere in the world and to undertake environmental impact assessments and human rights due diligence that complies with "international norms and standards and industry best practice, including appropriate levels of community consultation and engagement on the basis of publicly available document".

The WWF-SOCO agreement represents the first time a company has agreed to halt operations during NCP-facilitated mediation. Despite the agreement, however, SOCO has yet to relinquish its operating permits.

Case	Human rights abuses at Mirador copper mine in Ecuadorian Amazon		
Company/ies	Date filed	Current status	Duration
Corriente Resources Inc.	25 July 2013	Rejected, July 2014	1 year
CRCC-Tongguan Investment (Canada)	25 July 2013	Rejected, July 2014	1 year
Complainants	Residents of Zamora Chinchipe, Ecuador; FIDH; Mining Watch Canada		
National Contact Point(s) concerned	Canada		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § Chapeau, A10, A11, A12, A14; Chapter IV (Human Rights), § 1, 2, 6; Chapter VI (Environment), § Chapeau, 2a, 2b		

Issue

The complaint concerns the operations of Ecuacorriente S.A., an Ecuadorian subsidiary of Corriente Resources and CRCC-Tongguan Investment (Canada) Co., Ltd., which holds the first contract with the Ecuadorian government for the Mirador project. Both companies are Canadian subsidiaries of the Chinese conglomerate CRCC-Tongguan, which acquired Corriente Resources and all of its holdings in Ecuador in 2010.

The complaint alleges multiple violations, including a lack of adequate environmental evaluation and numerous human rights abuses such as forced displacement and lack of respect for Indigenous People's rights. Local families, both indigenous and campesino, are allegedly being forcibly displaced to make way for the open-pit copper mine.

The consultation process is alleged to have been marred by a lack of full disclosure and transparency, lack of adequate environmental impact studies, and lack of free, prior and informed consent of or consultation with affected communities.

The company has allegedly fuelled division among the affected communities and is complicit in violent state

repression of protests against large-scale mining in the area.

The complainants further contend that the likelihood of acid mine drainage and other environmental impacts of the mine in the highly ecologically sensitive area, coupled with the company's lack of human rights due diligence and implementation of remedial measures, poses a serious threat to the local communities' access to water, land, livelihood, and way of life. The complainants call on the NCP to ensure that the Guidelines are being implemented by recommending that the company respect the rights of communities and nature, as enshrined in the Ecuadorian Constitution and other national and international instruments, and ultimately desist from further mining activities in Ecuador.

Developments/Outcome

The NCP confirmed receipt of the complaint on 25 July 2013 and requested translations of certain documents, which were provided within five weeks.

More than a half-year later, on 4 April 2014, the NCP said it had received additional information from the company that caused the prolonged delay in publishing its initial assessment. One year after the complaint was filed, the Canadian NCP announced it was rejecting the complaint in July

2014. As ground for its decision, the NCP argued that the allegations had not been substantiated, although it never requested clarification or further input from the complainants regarding any of the allegations at any point during the course of the year. The complainants are disappointed that the NCP appears to have disregarded the comprehensive information they provided. They feel that the NCP has inappropriately applied an extremely high standard for substantiation at the initial assessment phase. They note that the Chair of the OECD Working Party on Responsible Business Conduct has stated that the substantiation standard in the Guidelines is only meant to prevent frivolous complaints and is not meant to set an "unreasonable threshold for offering good offices", as they feel the Canadian NCP has done in this case.

Interestingly, despite the fact that the Mirador Mine is held by Ecuacorriente, a company based in Ecuador, and the project managed by CRCC-Tongguan based in China, the NCP nevertheless indicated it would have been willing to admit the complaint because the company has a subsidiary in Canada and neither Ecuador nor China are adherents to the OECD Guidelines.

Case	Adverse human rights impacts at Kinross Gold Corporation mine in Brazil		
Company/ies	Date filed	Current status	Duration (to date)
Kinross Gold Corporation	18 June 2013	Pending	2 years
Complainants	Local residents association of the city of Paracatu		
National Contact Point(s) concerned	Brazil		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies) § A1, A2, A7, A11, A12 and A15; Chapter IV (Human Rights) § 1, 2, 3, 4, 5 and 6; Chapter VI (Environment) § 3, 4, 5, 6 and 6d		

Issue

The local residents' association of the city of Paracatu in the Brazilian state of Minas Gerais alleges that River Paracatu Mining Company, a subsidiary of Canadian mining company Kinross, has caused incalculable harm to people and the environment around an

adjacent gold mine. The complaint is based on a report by the Council for the Defense of Human Rights that determines that the cause of chronic poisoning of the population of Paracatu is the release of arsenic and other toxic substances by open-pit gold mining activity. The

complaint further alleges that the company has caused cracks in houses adjacent to the mining site and has caused the isolation of rural properties close to new hydroelectric dams in the region of Machadinho.

Developments/Outcome

After completing its initial assessment in August 2013, the Brazilian NCP accepted the case for further examination. The

Brazilian Ministry of Environment is taking the lead in handling the case for the NCP. The company has responded, and the NCP is

requesting further information from the parties.

20

Case	Environmental, health and human rights violations by the KPO oil and gas consortium in Kazakhstan		
Company/ies	Date filed	Current status	Duration (to date)
British Gas Group	6 June 2013	Pending	2 years
Chevron	6 June 2013	Pending	2 years
ENI	6 June 2013	Pending	2 years
Complainants	Crude Accountability, Ecological Society Green Salvation, Zhasil Dala		
National Contact Point(s) concerned	United Kingdom (lead), Italy, United States		
Guidelines Chapter(s) & paragraph(s)	Chapter I (Concepts and Principles), § 2; Chapter II (General Policies), § A2, A5 A7, A11, A12, A13, A14; Chapter III (Disclosure), § 4; Chapter IV (Human Rights), § 1, 2, 3, 5, 6; Chapter VI (Environment), § 1a, 1b, 2a, 2b, 4, 5.		

Issue

The complaints concern the Karachaganak Oil and Gas Condensate Field's environmental, health and human rights impacts on residents of Berezovka village in Kazakhstan. They allege that the Karachaganak Petroleum Operating, B.V (KPO) Consortium, comprised of British Gas, ENI, Chevron, Lukoil, and Kazmunaigaz, has abused the human rights of the residents of Berezovka by polluting the air, harming the health of the community, and refusing to relocate residents to a safe, clean environment.

They further allege that KPO has repeatedly violated Kazakhstan's environmental standards by exceeding emissions standards, improperly disposing of toxic waste, and polluting bodies of water. The complainants assert

that, given the long history of environmental violations, KPO has not made significant attempts to improve its environmental performance and has failed to implement environmental management systems that are appropriate to the risks of its operations.

The complainants also allege that KPO has failed to disclose relevant non-financial information to stakeholders, failed to conduct appropriate due diligence, and failed to obey domestic Kazakhstani law with regard to the Sanitary Protection Zone, in which no one is allowed to live.

Developments/Outcome

The UK NCP's December 2013 initial assessment narrowed the scope of mediation to those families that are located in the Sanitary Protection Zone with a focus on finding a mediated

solution with regard to their relocation to a safe and environmentally clean location.

The NCP rejected the complainants' request to examine relocating Berezovka village because the consortium's obligation to do so had not been substantiated. The NCP also concluded that a link between the KPO's operations and the sinkholes in the village had not been established.

A procedural issue to note is the NCP recommended the complainants bring in a UK partner since meetings will take place in London.

The UK NCP engaged a professional mediator, and mediation is ongoing. The complainants are awaiting a response from KPO.

21

Case	Human rights abuses associated with ENRC mines in the DRC		
Company/ies	Date filed	Current status	Duration (to date)
Eurasian Natural Resources Corporation (ENRC)	13 May 2013	Pending	2 years, 1 month
Complainants	Rights and Accountability in Development (RAID)		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A1, A2, A3, A11, A12, A13; Chapter IV (Human Rights), § 1, 2, 3		

Issue

The complaint – filed by the law firm Russell-Cooke LLP acting on behalf of RAID – concerns mining assets controlled by companies associated with ENRC in the DRC, including the Canadian company Africa Resources.

The complaint alleges human rights impacts affecting the impoverished populations of Kisankala and Lenge villages, which are located on two adjacent mining concessions in the province of Katanga. Specifically,

the complaint alleges that Kisankala village's only clean water system has been in disrepair for over 10 months following a clash between local security guards and artisanal miners based at Kisankala. In addition, the complaint addresses underlying problems the communities face, including claims concerning resettlement and compensation, the alleged absence of environmental and social monitoring, particularly for Lenge village, and the alleged misbehaviour of private security

guards.

Developments/Outcome

The UK NCP accepted the case in October 2013, but it refused to examine resettling Kisankala village and environmental and social monitoring in Lenge village, arguing there was "insufficient evidence".

ENRC has denied all the allegations, but has indicated its willingness to enter into mediation.

The UK NCP engaged a professional mediator, but the

mediation has broken down and the NCP is preparing a final

statement.

22

Case	Role of C&A, KiK and Karl Rieker in textile factory fire in Bangladesh		
Company/ies	Date filed	Current status	Duration (to date)
C&A	13 May 2013	Pending	1 year, 1 month
KiK	13 May 2013	Concluded, November 2014	1 year, 6 months
Karl Rieker	13 May 2013	Concluded, November 2014	1 year, 6 months
Complainants	Uwe Kekeritz (German Parliamentarian - Alliance 90/Greens), European Center for Constitutional and Human Rights (ECCHR), Medico International		
National Contact Point(s) concerned	Germany, Brazil		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A10, A11, A12; Chapter IV (Human Rights), § 2, 3, 5		

Issue

The complaint concerns the (partial) responsibility of three German garment retail companies for the Tazreen factory fire in Bangladesh in November 2012, which caused 112 deaths and injured 300. The high number of casualties was exacerbated by poor fire safety and a lack of emergency exits.

The complainants allege that as customers of the textiles produced in the Tazreen factory, the companies are partly responsible for the poor safety and working conditions that exist. They argue that the companies are not fulfilling their obligations towards workers within their global supply chain and that the remedial measures taken by the companies after the fire are insufficient.

The complainants call on the companies to ensure that their suppliers improve fire protection and pay compensation to families of the victims and others affected.

Furthermore, the complainants call on the companies to pay fair wages, enter into dialogue with trade unions, and conduct due diligence in their supply chains.

Developments/Outcome

The German NCP accepted the complaints against Karl Rieker and KiK and forwarded the C&A case to the Brazilian NCP. The Brazilian NCP still has not issued an initial assessment.

In May 2013, Karl Rieker and KiK submitted responses to the Business and Human Rights Resource Centre (BHRRC). C&A declined to respond, citing the confidentiality requirements of the specific instance process.

The German NCP accepted the complaints against Karl Rieker and KiK with regard to companies' due diligence requirements to ensure the safety of workers at the Tazreen factory. As the C&A entity doing business with Tazreen is registered in Brazil, the German NCP

forwarded the case to the Brazilian NCP, which accepted the case in October 2013.

In May 2013, Karl Rieker and KiK submitted responses to the complaint. The companies highlighted measures they had taken after the case had been filed. C&A declined to publically respond, citing the confidentiality requirements of the specific instance process.

Beginning in January 2014, the Germany NCP facilitated mediation between the parties. The NCP's November 2014 final statement includes an agreement between the complainant and Karl Rieker expressing satisfaction with the precautionary measures taken by Karl Rieker to improve fire protection and safety standards of its suppliers in Bangladesh. The complainant was not satisfied that KiK had fulfilled its due diligence requirements so no agreement was signed. The C&A case is still pending at the Brazilian NCP.

23

Case	Gamma & Trovicor's role in Bahraini human rights abuses		
Company/ies	Date filed	Current status	Duration
Gamma International	1 February 2013	Concluded without agreement, December 2014	2 years, 4 months
Trovicor GmbH	1 February 2013	Concluded without agreement, May 2014	1 year, 3 months
Complainants	Privacy International, Bahrain Center for Human Rights, Bahrain Watch, European Center for Constitutional and Human Rights (ECCHR), Reporters Without Borders		
National Contact Point(s) concerned	Germany and United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A2; Chapter IV (Human Rights), § 1		

Issue

The complaint alleges that Gamma and Trovicor are selling intrusive surveillance technology and training to the Bahraini government where this technology is allegedly used to target human rights activists. By doing so, and by continuing to maintain the technologies, Gamma and Trovicor are alleged

to be aiding and abetting the Bahraini government in its perpetration of human rights abuses, including violations of the right to privacy, freedom of expression and freedom of association, as well as arbitrary arrest and torture.

Developments/Outcome

In November 2013, the German

NCP offered to mediate a discussion about Trovicor's management system, but it would not consider the company's role in human rights abuses in Bahrain. The NCP argued that the allegations were not substantiated. The complainants disputed the NCP's decision and argued that they had provided sufficient

evidence about Trovicor's business relationship with the Bahraini government.

After the NCP refused to change its stance, the complainants refused mediation on 30 January 2014. The NCP issued its final statement "terminating" the case on 21 May 2014.

The Gamma case was accepted by the UK NCP on 24 June 2013 even though the NCP found that direct evidence about the company's supply of surveillance technology and training had not been provided by the complainants.

While the UK NCP appointed an external mediator, the process had several flaws. The parties did not have an agreed agenda before they met, and information about who would represent the company was not provided.

Gamma was represented by an external lawyer who was not authorised to take decisions and did not have knowledge of the

relevant technical issues. The complainants were prepared to discuss the substance of their complaint while the Gamma representative only wanted to agree to additional dates for mediation. After one meeting, the process entailed written statements by the parties to come to an agreement.

After mediation did not result in an agreement the UK NCP proceeded with issuing its final statement on the case. Given the costs involved for complainants to attend mediation, the parties note that the NCP should ensure mediation is conducted effectively.

In its final statement issued in December 2014 the UK NCP confirms many of the issues raised in the complaint and finds that Gamma's actions were inconsistent with a number of OECD Guidelines provisions. The NCP criticised Gamma for failing to put in place a due diligence process and commit to any binding standards for the

observance of human rights. The NCP also considers that the company's overall engagement with the NCP process has been unsatisfactory.

Although the UK NCP was unable to verify the allegation that Gamma is linked to abuses through a supply to Bahrain, its recommendations to Gamma broadly apply to the company's future trading. The NCP recommends Gamma to participate in industry best practice schemes and discussions and to reconsider its communication strategy to offer the most transparent and consistent engagement. The NCP further recommends the company to co-operate with official remedy processes used by victims where it identifies that its products may have been misused.

In November 2015, the NCP expects an update from both parties to assess if the recommendations have been followed up.

24

Case	Human rights violations at GCM's Phulbari coal mine in Bangladesh		
Company/ies	Date filed	Current status	Duration
GCM Resources plc	19 December 2012	Concluded without agreement, November 2014	2 years
Complainants	International Accountability Project, World Development Movement		
National Contact Point(s) concerned	United Kingdom		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § A2, A7; Chapter III (Disclosure), § 2e; Chapter IV (Human Rights), § 1, 2, 3, 4, 5		

Issue

Communities in the Bangladeshi sub-districts of Phulbari, Birampur, Nababganj and Parbatipur – including villages of indigenous households who are considered to be the oldest inhabitants of the South Asian sub-continent – have been fighting to halt a proposed open-pit coal mine known as the Phulbari Coal Mine Project for over seven years.

The complaint – filed on behalf of the communities – alleges that GCM Resources plc, the company that has full management responsibility for the mine, has abused the human rights of the communities, failed to properly consult them, and failed to disclose relevant information in their local languages.

The number of people that would be displaced should the project proceed is contested. At the lowest end of the spectrum, GCM

states that it would displace 49,487 people. However, an Expert Committee formed by the government of Bangladesh to assess the project concluded that it threatens the water sources of 220,000 people, with unknown displacement impacts over time. According to GCM, the project would displace 2,328 indigenous peoples. However, Bangladesh's National Indigenous Union, Jatiya Adivasi Parishad, estimates it would displace and/or impoverish 50,000 indigenous people. GCM also states that their project would acquire 14,660 acres of land, 80% of which is fertile and productive agricultural land. Although 80% of the affected households currently have land-based livelihoods, GCM's draft Resettlement Plan clearly states there will be no land-for-land compensation and "most households will become landless".

The UN Special Rapporteur on the Rights of Indigenous People, James Anaya, has twice commented in the UN record on GCM's failure to seek or secure the free, prior, and informed consent (FPIC) of indigenous people who would be affected by the project. This is an ongoing violation of the right to FPIC that now spans more than seven years. GCM cannot avoid these forced evictions if its project is implemented. This means that violations of the human rights of tens of thousands of people are, indeed, inevitable if GCM's project is implemented.

Developments/Outcome

The UK accepted the complaint in June 2013. However, the NCP said the allegations that GCM had failed to disclose information about risks and failed to prevent or mitigate human rights impacts were "not substantiated" because the complainants had not shown that the impacts were happening

or occurring on or after 1 September 2011 when the revised Guidelines' took effect. Instead, the NCP accepted GCM Resources' claim that it will avoid and mitigate the impacts of relocating the estimated 54,000 people should the project proceed.

The NCP has only allowed examination of issues regarding violation of the rights of affected communities that have been shown to be inevitable, the alleged failure by GCM to follow its own self-regulatory standards, and whether the company's review of its plans in the period between September 2011 (when Chapter IV provisions were added to the Guidelines) and December 2012 (when the complaint was filed) included appropriate human rights due diligence.

The NCP's refusal to consider potential human rights impacts has outraged the complainants, particularly in light of the fact that seven of the United Nation's Special Rapporteurs took coordinated action in February of 2012 to issue a joint UN press release calling for an immediate halt to GCM's proposed project on the grounds that it threatens the fundamental human rights of tens of thousands of people, including the rights to food, water, adequate housing, freedom from extreme poverty and the rights of indigenous people.

In addition, Miloon Kothari, the former UN Special Rapporteur on the Right to Adequate Housing and author of the UN Principle and Guidelines on Development-based Evictions and Displacement wrote to the UK NCP to on 19 October 2013 to notify it that the massive displacement that GCM intends to carry out constitutes "forced evictions," as defined in international law, and as such is a violation of human rights in itself.

When the NCP offered to facilitate mediation between the parties, GCM denied the allegations and urged the NCP not to accept the case. As the parties could not agree on terms for mediation, the NCP moved to conduct an examination of the allegations in the complaint and issue a final statement. The NCP sent a draft final statement to the parties, but publication was delayed because the complainants requested that the UK NCP's Steering Board review the NCP's handling of the case.

The Steering Board issued its review in October 2014 and noted that, as it considers the human rights abuses at issue in the case to be prospective, the NCP made a procedural error not to apply the 2011 Guidelines to the complaint and noted that the 2011 Guidelines clearly apply to prospective human rights abuses. The review committee recommended that the complaint

should be re-examined in light of this concern and the NCP should issue a new final statement reflecting the re-examination.

Despite the recommendation of the Steering Board's review panel, there appears to have been no re-examination of the complaint. Instead, the original final statement was published on 20 November 2014 with as only change the addition of a short footnote stating that the review had taken place and that the 2011 Guidelines had been applied. In its final statement the NCP concluded that it only found GCM in partial breach of its obligations to develop trusted self-regulatory practices and management systems, but not in breach of other human rights provisions.

IAP and WDM are deeply concerned by a number of shortcomings of the complaint process, most notably the failure of the NCP to consider the (inevitable) human rights impacts of the project if it goes ahead. In addition, the complainants are concerned about on-going violations of free prior and informed consent of affected indigenous people, restrictions on civil and political rights of opponents of the project and high risk of violence if the company persists in pushing the project forward.

25

Case	Statkraft's wind power operations in breach of indigenous rights in Sweden		
Company/ies	Date filed	Current status	Duration (to date)
Statkraft SCA AB	29 October 2012	Pending	2 years, 8 months
Complainants	Jijnjevaerie Saami village		
National Contact Point(s) concerned	Norway (lead) and Sweden		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § 1, 2, 14; Chapter IV (Human Rights), § 1, 2, 5; Chapter VI (Environment), § 2a, 2b		

Issue

Statkraft is currently building a 360-turbine wind farm in the municipality of Jämtland, Sweden on the traditional lands of the indigenous reindeer-herding collective of Jijnjevaerie Saami village. Much of these lands serve as migration routes and winter herding pastures.

If the project proceeds as planned, it will severely restrict the community's ability to pursue reindeer husbandry, which is the basis of their economic and cultural survival. The project will force Jijnjevaerie Saami village

members to abandon their herding practices and forcefully dislocate them from the environment that provides them with their cultural identity. The complaint alleges that Statkraft has failed to meaningfully engage with the Jijnjevaerie Saami village and that the consultations, which have taken place have been flawed. The complaint further alleges that Statkraft has failed to take adequate steps to prevent adverse impacts from the wind farm.

Jijnjevaerie Saami village has demanded that Statkraft engage in meaningful consultations on all developments affecting them and that all appropriate steps to prevent adverse impacts on the environment and their reindeer herding practices be taken.

Developments/Outcome

On 14 February 2013, the Swedish and Norwegian NCPs finalised their initial assessment and accepted the case with Norway taking the lead.

After the complaint was filed, the parties renewed their dialogue. The NCPs decided to defer the case to allow the parties to find a mutually acceptable solution.

In May 2013, an informal meeting between the parties was held with the Swedish NCP to discuss a set

of proposals made by the Jijnjevaerie Saami village on how to mitigate the damage from the wind farm. After the dialogue failed to produce an agreement, the Norwegian NCP resumed its lead role in handling the case. It hosted the first official meeting between the parties in November

2013 to discuss the terms of reference for mediation. The mediation facilitated by the NCP did not result in a negotiated agreement between the parties. In March, the Norwegian NCP started drafting a final statement on the case.

26

Case	Environmental pollution at Barrick Gold's mines in Argentina		
Company/ies	Date filed	Current status	Duration (to date)
Barrick Exploraciones Argentinas S.A. Exploraciones Mineras S.A	9 June 2011 9 June 2011	Delayed without resolution Delayed without resolution	4 years 4 years
Complainants	Citizen Participation Forum for Justice and Human Rights (FOCO), Asociación Ecologista Inti Chuteh, Asamblea Popular por el Agua, Asamblea Permanente por los Derechos Humanos de La Matanza; Bienaventurados los Pobres, Conciencia Solidaria al Cuidado del Medio Ambiente, el Equilibrio ecológico y los derechos humanos Asociación Civil, National Deputy Victoria Donda, National Deputy Miguel Bonasso; the Frente Cívico por la Vida, Nora Cortiñas, Organización de Naciones y Pueblos Indígenas en Argentina and the Inter-American Platform for Human Rights, Democracy and Development		
National Contact Point(s) concerned	Argentina		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), Chapter III (Disclosure), Chapter VI (Environment)		

Issue

The complaint alleges that Barrick Gold Corporation has violated Guidelines' provisions on disclosure, environment and general policies at the company's Veladero and Pascua Lama gold mines in the Argentine San Juan province.

The complaint alleges that Barrick has systematically polluted groundwater, air, soil, and glaciers and has caused a loss of biodiversity around the mines.

The complainants also highlight the company's negative impact on the local population's health and the deteriorating regional economy resulting from the destruction of natural landscapes and restrictions on access to land and water resources.

Moreover, the case alleges that Barrick has violated the right to information, has been improperly involved in local political decision-making, and has used violence against social and environmental

organisations.

The complainants call on Barrick to actively engage and consult with affected communities, conduct an interdisciplinary environmental analysis, and initiate medical studies to investigate negative impacts on the local people's health.

Developments/Outcome

After not hearing back from the NCP for more than a month, FOCO wrote to the NCP on 22 July 2011 requesting information about the status of their case.

On 2 August 2011, the NCP met with the complainants and requested additional documentation of the alleged violations and more details regarding the parallel legal proceedings against Barrick.

On 6 October 2011, FOCO provided additional information and asked the NCP to move quickly to finalise the initial assessment and forward the

complaint to the company.

On 2 November 2011, the NCP asked the complainants to specify whether the complaint is primarily directed against the parent company, against Barrick's Argentine subsidiaries, or both.

In December 2011, FOCO clarified its complaint is against Barrick Exploraciones Argentinas S.A. and Exploraciones Mineras S.A and submitted additional information.

More administrative delays ensued, partly due to multiple changes in the NCP's personnel.

Following repeated requests by the complainants, the NCP finally invited the complainants to an "informal" meeting on 10 August 2012.

The complainants are still open to engage in mediation, but as of November 2014, no further action has been taken by the NCP since it accepted the case in May 2013.

27

Case	CRH's construction activities in the Occupied Palestine Territories		
Company/ies	Date filed	Current status	Duration (to date)
CRH plc.	3 May 2011	Delayed without resolution	4 years, 1 months
Complainants	Ireland Palestine Solidarity campaign (IPSC)		
National Contact Point(s) concerned	Ireland		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), §1, 2, 3, 6, 11		

Issue

The Ireland-Palestine Solidarity Campaign's complaint alleges

that CRH, through its jointly owned subsidiary Neshor Cement Enterprises, has violated

provisions related to sustainable development and respect for human rights. CRH is the largest

company in Ireland and politically very influential.

Through its subsidiary, CRH supplies cement for the Separation Wall, which restricts the movement of the Palestinian people, destroys property, trees and agricultural land and cuts off access to water in the West Bank and East Jerusalem. The Wall also cuts communities and families off from each other, separates people from vital services such as health care and educational facilities, and hinders Palestinian access to employment.

CRH also provides cement for building illegal settlements in the West Bank.

Developments/Outcome

As part of its initial assessment, the Irish NCP contacted the company for a response.

CRH did not respond to the content of the complaint, but it did raise questions regarding legal and procedural matters of the specific instance procedure. The Irish and Israeli NCPs also initially collaborated on the case.

In February 2013, IPSC sent a letter to the Irish Minister of Jobs, Enterprise, and Innovation in an attempt to move the case forward. The letter urged the Minister to engage directly with the NCP to take the case forward.

After the letter was sent, the Irish NCP met with IPSC and declared its determination to “unblock” the case. The NCP contacted the company, but CRH again responded with procedural queries.

IPSC followed up in January 2014

expressing extreme dismay with the NCP’s lack of communication and action on the case. IPSC has requested that the NCP make a determination as to whether CRH have violated the Guidelines and issue a final statement with recommendations to the company to end the activities that are in breach.

The Irish Attorney General was asked in the spring of 2014 to assess whether the NCP would be the appropriate institution to investigate the complaint. In April 2015, following the publication of national procedures for the MNE Guidelines, the Irish NCP met with CRH and ISPC and invited the parties to submit any further views. The subsequent CRH submission is being considered in the context of the NCP’s initial assessment.

28

Case	Environmental and labour rights breaches at Cameroonian palm oil plantations		
Company/ies	Date filed	Current status	Duration
Bolloré	7 December 2010	Concluded with agreement, June 2013	2 years, 6 months
Financière du Champ de Mars SA	7 December 2010	Concluded, June 2013	2 years, 6 months
SOCFINAL	7 December 2010	Concluded, June 2013	2 years, 6 months
Intercultures	7 December 2010	Concluded, June 2013	2 years, 6 months
Complainants	Association Sherpa, Centre pour l’Environnement et le Développement, Fondation Camerounaise d’Actions Rationalisées et de Formation sur l’Environnement, MISEREOR		
National Contact Point(s) concerned	Belgium, France, Luxembourg		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), § 1, 2, 3, 4, 6, 7, 10; Chapter III (Disclosure), § 2, 3, 4, 5; Chapter V (Employment), § 1a, 2, 4b, 5, 8; Chapter VI (Environment), § 1, 2, 3, 6d, 7, 8		

Issue

Sherpa, CED, FOCARFE and MISEREOR allege that the Société Camerounaise de Palmeraies’s (SOCAPALM), a Cameroonian producer of palm oil, has negatively affected the traditional livelihoods of local communities and plantation workers.

The expansion of SOCAPALM’s operations has allegedly diminished the size of local communities and the availability of public services and natural resources, and the company has not contributed to local development, thereby violating its contract with the Government of Cameroon.

The complaint alleges that water and air pollution are not adequately treated, causing problems for both the communities and the environment.

Local villagers also have reported physical abuse by SOCAPALM’s security agent Africa Security. The complainants also allege that SOCAPALM’s treatment of plantation workers constituted a breach of the Guidelines. They claim that precarious work is rampant and freedom of association is limited.

Additionally, the housing facilities are deplorable and dividends promised to employees when SOCAPALM was privatised in 2000 were never paid.

The complaint also contends that SOCAPALM has breached the Guidelines’ Disclosure Chapter by failing to properly disclose relevant information about the company and potential environmental risks.

The French, Belgian and Luxembourgian holding companies Bolloré, Financière du

Champ de Mars, SOCFINAL and Intercultures exert joint control over SOCAPALM’s operations in Cameroon through complex financial investments. The complainants allege that these companies have breached the Guidelines by failing to take action to prevent SOCAPALM’s negative impact on the environment, local communities, and workers.

Developments/Outcome

The French NCP declared all four cases admissible.

After refusing to cooperate for almost two years, Bolloré indicated a willingness to solve the issues and bring SOCAPALM’s operations in line with the Guidelines. Sherpa and Bolloré accepted the NCP’s offer of mediation in February 2013.

The NCP's June 2013 final statement concluded that through their business relations with SOCAPALM, all four holding companies violated the Guidelines.

The NCP found that SOCAPALM had breached certain Guidelines relating to general policies, employment and industrial relations, and the environment. The NCP said the companies were not respecting recommendations on information disclosure.

The NCP recommended that the companies find a remedy to the violations, and that they rely on the action plan prepared during the mediation to do so. The action plan covers a range of issues, including community dialogue, reduction of environmental nuisances, public services, local development, workers' rights and conditions of work, transparency, and

compensation of local communities for their loss of resources and lands.

A procedural issue to note is the complainants insisted on obtaining the NCP's final statement before the end of the mediation, so they could concentrate on the action plan rather than discussing the alleged violations. This approach aimed to clearly differentiate mediation from the process of agreeing to a final statement.

The complainants were pleased that the NCP's statement pointed out the violations, including reviewing each chapter of the Guidelines in relation to these.

In March 2014, the NCP announced in a follow-up statement that the action plan was adopted in September 2013 and that an independent organisation has been selected to monitor its implementation. The

NCP's follow-up statement also notes that it should be informed annually about the action plan's implementation. The NCP issued a second follow-up communiqué in March 2015 to ask all parties to take responsibility for concrete implementation of the action plan.

Even after the NCP's findings of non-compliance and additional statements, the action plan is not being carried out as planned. The Luxemburg-based holding company, SOCFIN, has refused to implement it, and neither the Luxemburg, the French, nor the Belgian NCP has managed to convince the company to honour the agreement. Bolloré has made improvements to its community engagement policy as a result of the case, but the communities have otherwise been left without any form of remedy to date.

29

Case	Toyota's anti-trade union practices in the Philippines		
Company/ies	Date filed	Current status	Duration (to date)
Toyota Motor Corporation	4 March 2004	Delayed without resolution	11 years, 3 months
Complainants	Toyota Motor Philippines Corporation Workers' Association (TMPCWA), Support Group for TMPCWA in Japan		
National Contact Point(s) concerned	Japan		
Guidelines Chapter(s) & paragraph(s)	Chapter II (General Policies), §2; Chapter V (Employment) §1, 6, 7, 8		

Issue

TMPCWA filed a complaint against Toyota Motor Philippines Corporation (TMP) for labour rights violations. The complaint alleges TMP refused to recognize TMPCWA as the sole and exclusive bargaining agent, and the company has actively tried to hinder workers' right to association and collective bargaining.

In addition, TMP refused to organize "Certification Elections", as required by law. When elections were eventually held in March 2000, TMP challenged the favourable results for TMPCWA. In March 2001, Philippine authorities reaffirmed TMPCWA's legitimacy. On the same day, 227 leaders and members (who had participated in the previous

month's gathering) were unjustifiably dismissed.

Developments/Outcome

In September 2004, six months after the case was filed, the Japanese NCP announced it was still conducting an initial assessment and that in its opinion the case of TMPCWA is still at bar at Court of Appeals. The NCP again stated it was still conducting an initial assessment in 2007 after facing criticism in OECD meetings and by an International Solidarity Campaign.

Meanwhile, TMPCWA and supporting groups have met with Toyota regularly every year at Toyotas headquarters in Tokyo and Toyota City. In September 2009 an ILO High Level Mission was sent to the Philippines to do fact-finding at TMP.

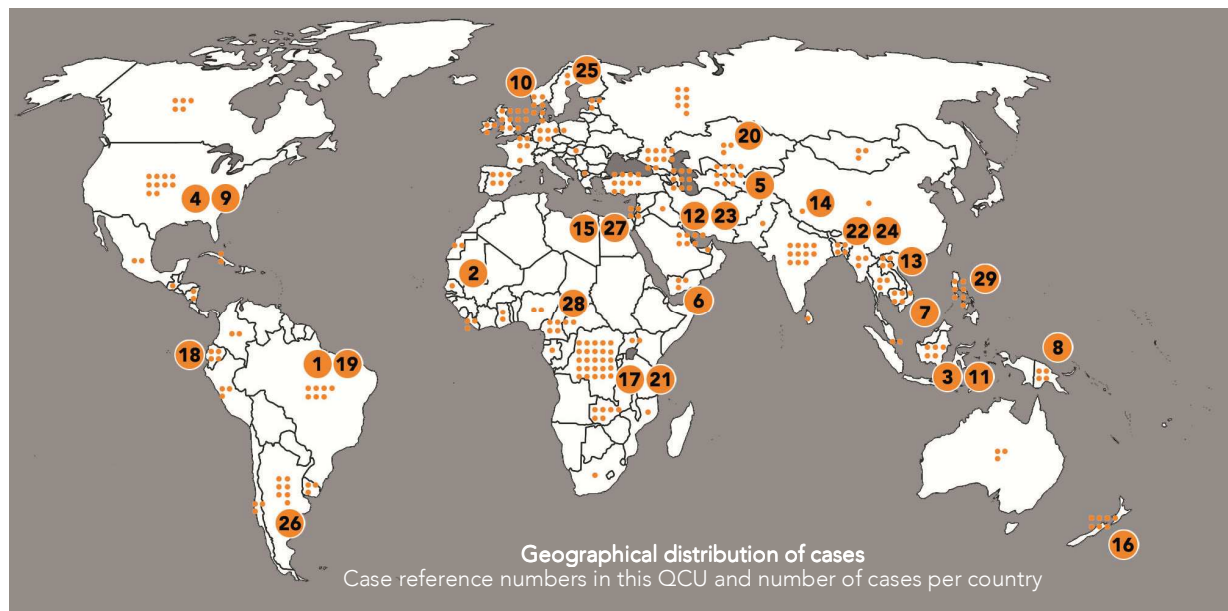
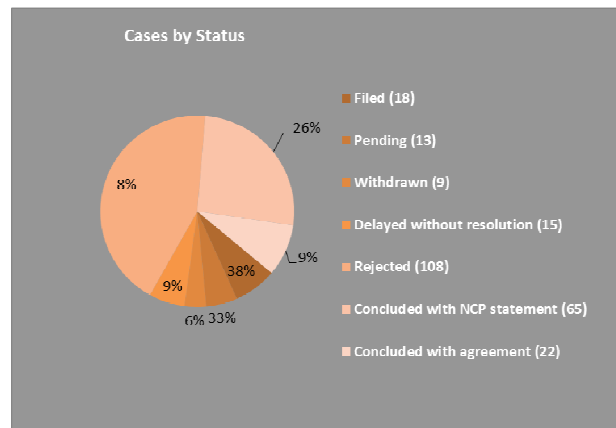
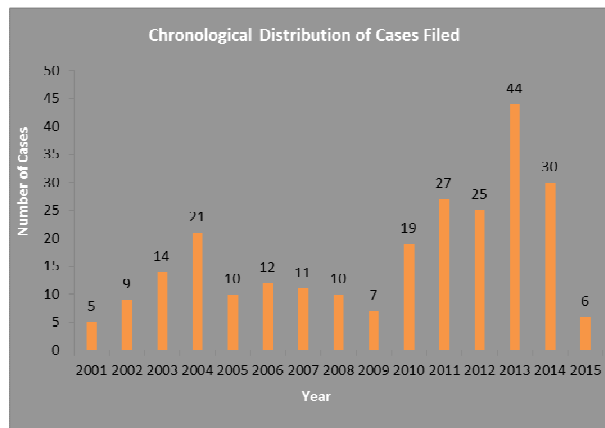
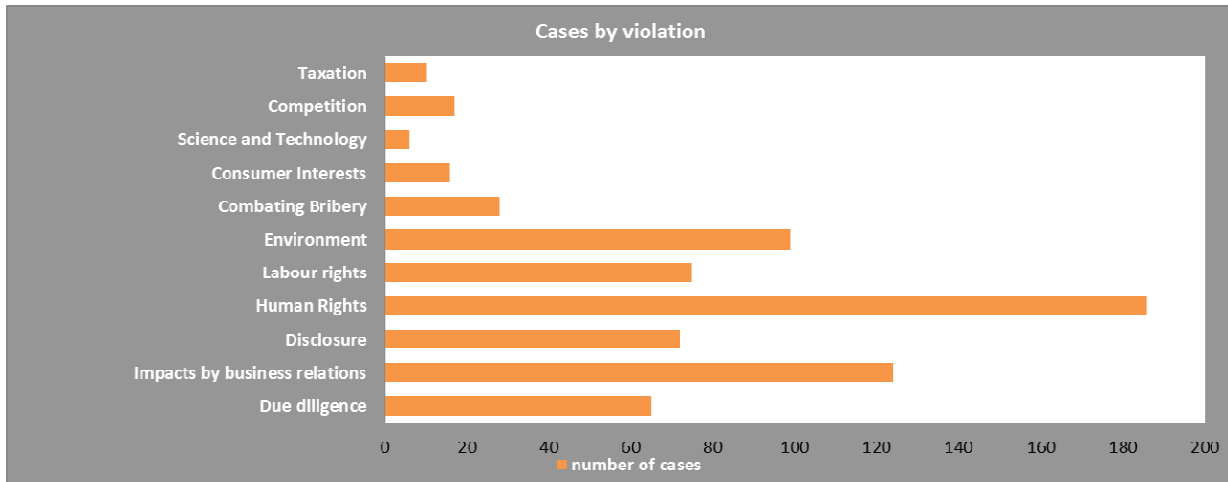
Although the complainants consider the case "blocked", in October 2009 they received informal word the Japanese NCP was planning to (re)start the initial assessment on the case. The complainants sent a letter urging the NCP to start this assessment without further delay.

In March 2010, the Japanese NCP released its initial assessment and accepted the case, but no further progress has been made. In August 2010, TMP dismissed four TMPCWA leaders.

To date the Japanese NCP has not moved the case forward, despite the complainants' continued struggle for justice and freedom of association and collective bargaining.



As of June 2015, 250 OECD Guidelines cases have been filed by civil society organisations, communities and individuals.



OECD Watch is an international network of civil society organizations promoting corporate accountability. The Quarterly Case Update aims to document the views and experiences of NGOs involved in NCP/OECD Guidelines procedures. This Quarterly Case Update has been compiled and edited by Joseph Wilde-Ramsing, Virginia Sandjojo and Ilona Hartlief, Centre for Research on Multinational Corporations (SOMO). OECD Watch strives to ensure that the information in this case update is accurate, but does not independently verify the information provided to it by the complainants, NCPs, and the companies involved in the various cases. The publication of this Quarterly Case Update has been made possible through funding from the Dutch Ministry of Foreign Affairs. For more information on these and all OECD Guidelines cases filed by civil society, visit www.oecdwatch.org/cases or contact the OECD Watch secretariat at Sarphatistraat 30, 1018 GL Amsterdam, The Netherlands, info@oecdwatch.org, www.oecdwatch.org, +31 20 639 1291.