

**Table of cases raised by NGOs at National Contact Points**  
**January 2005**  
*Update by SOMO*

<b>Company</b>	<b>NGO(s)</b>	<b>NCP</b>	<b>Period</b>	<b>Issue</b>	<b>OECD Guidelines</b>	<b>Status/ outcome</b>
Electricité de France	Proyecto Gato, Amis de la Terre (FoE France), World Rainforest Movement, Finnish Asiatic Society, CRBM, International Rivers Network, Mekong Watch	France	November 24, 2004 - pending	Failure to identify, respond to and consider environmental and social impacts by Nam Theun 2 dam, failure to comply with the Lao government's international obligations and commitments, anti competitive behaviour	Chapter II, §2, Chapter V, §1a, 2a, 2b, 3, Chapter IX, §1b, 2	The case has been accepted by the French NCP. On December 21, 2004 the NCP held a meeting with the NGO's. In this meeting the complainants explained the issues raised in the complaint and the procedure was discussed. EdF will prepare a response to the complaint by mid January. The NCP will invite Edf and the NGO's end January to explain their positions before the NCP members (government officials, unions and business federations).
Bayer	Germanwatch, Coalition Against Bayer Dangers, Global March against Child Labour	Germany	October 11, 2004 - pending	Child labour in supply chain in India	Chapter II, §10; Chapter IV, §1B	The NGOs received a statement from Bayer via the NCP, in which Bayer argued they did enough to deal with the issue. The NGOs commented to this statement. Bayer went to India to visit their subsidiary and they had talks with the local NGO and with the person who wrote the study. A meeting between the parties is expected in January
Cabot Corporation, Trinitech Holdings, EWRI, OM Group Inc (US)	FOE-US & RAID (UK)	US	August 4, 2004- pending	Role of companies in conflict in the DRC		The US NCP is approaching the companies concerned.

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Oryx, Avient, Das Air, Tremalt/Bredenkamp, Alex Stewart (Assayers) Ltd and Ridgepoint	RAID (UK)	UK	June 28, 2004- pending	Role of companies in conflict in the DRC		The UK NCP is undertaking a preliminary assessment of the cases, it issued a statement on the Avient case in a separate, self-executing process. The NCP accepts Avient Ltd's contention that they were working within a contractual arrangement with the officially recognized governments in the area. The NCP also stated that "in future Avient Ltd. should carefully consider the recommendations of the Guidelines particularly, but not exclusively, Chapter 2 before entering into contracts with Governments and businesses in the area." RAID pointed out that this was not a productive or sensible way of proceeding. RAID will issue a comment on the Avient Statement shortly.
KBC, ING and Dexia	Proyecto Gato	Belgium	May 9, 2004 - pending	Supporting a consortium that sought tax and law exemptions; exerting undue influence on governments in construction of Pipeline in Georgia, Turkey and Azerbaijan (BTC project)	Chapter I, §7; Chapter II, §1; chapter V, §1a, 1c	The Belgian NCP has declared the complaint eligible. Because BP is the main actor in the BTC project, the UK NCP is taking the lead in the procedure.
Tractebel (subsidiary of Suez)	Proyecto Gato	Belgium	April 15, 2004 – pending	Resettlement of people by dam; the project operates at a loss for the government; non – disclosure of documents	Chapter II, §1; chapter II, §2, chapter III, §1 and chapter V, §1c	An initial meeting with the NCP was held on 11 June. On October 29, 2004 the Belgian NCP held a meeting with Proyecto Gato and Tractebel. Tractebel objected to the allegations made by Proyecto Gato. Tractebel did not provide any documents. Next meeting will be in January.
Toyota	Yokohama Action Research, Protest Toyota Campaign (PTC) filed	Japan	March 04 – pending	Denial of right to organise, denial of right to collective bargaining, harassment of union members, illegal dismissals	Chapter II, §2; Chapter IV, § 1a, 6, 7, 8	The Japanese NCP responded to the complaint with a letter dated December 13, 2004 (8 months had passed since the filing of the complaint!). The NCP responded that they will await the decision of the Court of Appeals.

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	together with TMPCWA (Philippine union)					The complainants are very disappointed with this reply and have sent a letter of protest to the Japanese NCP (December 16, 2004)
National Grid Transco	Citizens for a Better Environment (CBE), Zambia	UK	July 25, 2003 – pending	Concessions obtained that put local consumer interests concerning tariffs at a disadvantage; inhibited competition; unduly stifled the national taxation base, unsustainable revenue management and inhibited sound employment and industrial relations.	Chapter II, §5; Chapter VI, §1; Chapter X; Chapter VII, §4; Chapter IX, §1(a) (d), 2, 3; Chapter IV, §6	NGT responded to the complaint by sending a letter to the NCP on 14 November 2003 suggesting a willingness to engage. It responded to and defended itself against the allegations made by CBE. It stated that the Guidelines had not been breached. Furthermore, NGT held that the investment by NGT in Copperbelt Energy Corporation plc and the agreements made were entered into in Nov 1997 and therefore the revised version of the Guidelines did not come into play. NGT held that this excluded application of some of the alleged violations that were made in accordance with the revised Guidelines (chapter II, paragraph 5).
Chemie Pharmacie Holland (CPH)	Milieudefensie (Friends of the Earth Netherlands), The Netherlands institute for Southern Africa (NiZA), Novib, the NC-IUCN , CENADEP, RECORE and PAL	Netherlands	July 3, 2003- May 2004	Role of companies in conflict in the DRC.	Chapter IV, §1, b and c and §4, b, Chapter V, Introduction and §2 and 3; chapter II, §10, 11	Final meeting was held on 13 February 2004. The NCP regarded the Guidelines not to be applicable due to lack of an investment nexus. The NGOs are dissatisfied with the outcome as they believe there was an investment nexus. In June they issued a statement outlining their disagreement with the NCPs statement.
West LB (Germany)	Greenpeace Germany	Germany	May 2003 – October 2003	Financing for a Pipeline in Ecuador, that is said to be violating environmental and human rights	Chapter II, §1,2 & Chapter V	The complaint was not accepted by the NCP due to lack of an investment nexus. Greenpeace is considering asking for a formal clarification by the OECD Investment Committee about the eligibility of the complaint.

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BP and its consortium partners in the proposed Baku-Tbilisi-Ceyhan (BTC)	Campagna per la Riforma della Banca Mondiale – Corner House - FERN - FOE-EWNI, France, NL, US-Platform - Urgewald - WEED - Germanwatch - BUND	UK	April 2003-pending	Seeking tax and law exemptions and undue influencing of governments in construction of Pipeline in Georgia and Turkey	Chapter 1, §7, Chapter II §5, Chapter V, §1, §2a, 2b, §4 Chapter III, §1	The complaint has been declared eligible and the substantive allegations are now being dealt with by UK Government officials in the host countries. The UK NCP has spoken to BP who has agreed to respond to the complaint. BP replied to the complaint in March 2004, almost a year after the date of filing, stating that they thought the project complied with the OECD Guidelines. Concerns were raised about the fact that a funding package has been approved which makes the UK government a financial stakeholder in the BTC. On October 24, 2004 the NGOs sent a letter to the NCP, concerns were expressed about the ECGD's statement that the BTC project complied with the OECD Guidelines and its decision to support the project. The NGOs doubt the impartiality of the NCP.
Sandvik & Atlas Copco (Sweden)	Attac Sweden & Friends of the Earth Sweden	Sweden	February 18, 2003 - June 24, 2003	Alleged pollution and human rights violations in gold mining in Ghana	Chapter II, §1, 2,10, Chapter III, §II & Chapter V	Finalised. The NCPs statement held that the companies had not failed to comply with the OECD Guidelines. But the NCP also encouraged the companies to remedy the lack of knowledge of the contents of the Guidelines among their subsidiaries and among their staff in Ghana.

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First Quantum Minerals	Table de Concertation sur les Droits Humains au Congo/Kinshasa	Canada	December 5, 2002 – Octobre 2004	Role of companies in conflict DRC	Chapter VI	Case closed. The Canadian NCP in its annual report states that the case is closed but the NGOs have challenged that decision which was never formally communicated to them. They have sent a letter of protest to the NCP on 29 October 2004. A second Canadian organisation (le Regroupement pour la responsabilité sociale des entreprises) has supported the request for further action by the NCP.
Brylane inc, subsidiary of Pinault-Printemps-Redoute (PPR)	CCC Austria (supported a trade union case led by UNITE)	Austria, US, France, Netherlands	October 8, 2002- January 2003	Denial of the right to organise and harassment	Chapter IV, §1a, 4a	Finalised. Case was dropped on the grounds that a company owned by PPR (Gucci) did not have sufficient influence on its parent company. The complaints and the campaign led to a local agreement regarding the union busting accusations.
Adidas & Nike	Clean Clothes Campaign (CCC) Austria, CCC Germany & Global Exchange (US)	Filed in Austria, transferred to Germany & US	September 2002 by Austrian CCC- transferred to German and US NCP November 2002- statements May 2004	Labour conditions in supply chain in Indonesia	Chapter IV, §1a and 1d. Chapter II, §7	Public NCP statement in May 2004, the parties did not agree on the facts of the matter gathered in subsequent research nor on the precise options for action to be derived from these facts. The CCC felt that the outcome was disappointing. The process did not repay the effort and resources that they had put into doing the research and preparing the information. On September 15 2004 the German CCC published their assessment on the Adidas case, which also included proposals for future action. On May 27, 2004 the US NCP issued a statement. The US NCP concluded that the information available did not indicate that its further involvement was needed. The US NCP assessed that the conduct of NIKE was being effectively addressed through other appropriate means. It held that NIKE had demonstrated its commitment to an ongoing collaborative process to improve the working conditions it offered its factory

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						workers abroad, for example through its participation in the Fair Labour Association.
Nutreco and daughter company Marine Harvest Chile	Milieudefensie (FOE-Netherlands) & Centro Ecoceanos (Chile)	Netherlands transferred to Chile	August 22, 2002-October 15, 2003	Environmental damage in salmon farms in Chile, no contact with stakeholders, anti-trade union practises	Chapter V, §2a, 3, 4, Chapter II, §7, §10, Chapter IV, §1a, 2b	Finalised. The Chilean NCP issued a report in October 2003 including recommendations and a proposal for dialogue. Among the recommendations were recognition of the rights to join a trade union, to collective bargaining and other core labour rights. Moreover, the NCP recommended that standards should progressively be brought into line with those found in the Netherlands. The dialogue process is still ongoing.
Continental AG (Germany) & Euzkadi (Mexico)	Germanwatch, FIAN	Filed in Germany transferred to Mexico	May 27, 2002-pending	Closure of factory without proper prior notice to employees and trade unions, not in accordance with Mexican law.	Chapt. IV, §1a, 6, 7 & Chapt II, §2	The complaint was accepted by the German NCP but later transferred to the Mexican NCP. However, its office did not have any resources at the time of filing. The case has been resolved. On 17 January 2005 the conflict was settled in the presence of Mexican president Vicente Fox. The factory has been reopened and the workers are back to their jobs. Furthermore, the workers have a received a total of 50% in shares of the tyre factory. Although this case wasn't resolved with the intermediation of the Mexican NCP one could say that the OECD Guidelines, in one way or another, served as a tool for international pressure.

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TotalFinaElf and oil supplier in Russia	Greenpeace Germany	Germany	April 10, 2002- May 2005	Pollution of environment in Russia	Chapter II, §2 & Chapter V, §2a, 2b	The NCP did not accept the case, due to lack of an investment nexus. NGOs are considering asking for a formal clarification by the Investment Committee.
Anglo American, Congola Copper Mines (KCM)	RAID (UK), Citizens for Better Environment (CBE), Afronet (Zambia)	UK	February 27, 2002- pending	Unfair privatisation, resettlement issues in mining in Zambia	Chapter II, §1, 2, Chapter IX, §1, 3, Chapter V, preamble, §2b, Chapter III, §2	Initial assessment completed in June 2002. Process has been badly handled by the UK NCP. CIME was asked to clarify the scope of the Guidelines and it reached a decision in April 2004 saying that the case should proceed. The NCP/DTI had declared that it would regard the Investment Committee's decision as binding, is now handling the case again.
First Quantum Mining (Canada) & Glencore Int. AG (Switzerland) & Mopani (Zambia)	Oxfam Canada, RAID (UK), Afronet, Decop (Zambia)	Canada	July 16, 2001- February 4, 2002	Resettlement of tenant communities in Zambia	Chapter. II, §2, 7 & Chapter V, §2a, b	Finalised. Mopani undertook positive measures to improve the situation (setting aside land for farmers, dropping levies on land and withdrawing the immediate threat of evictions). Oxfam welcomes short term measures by company, but continuing efforts will be required by all parties to find a satisfactory long-term solution.
Adidas Netherlands & Kubbinga importer	India Committee of the Netherlands (ICN)	Netherlands	June 20, 2001 - December 2002	Labour issues in football industry in India	Chapter IV, §1a, 2a, 1b, 4b, & chapter II, intro, §10	Finalised, joint statement issued. Some agreement on need for monitoring of codes of conduct. Concerning the complaint against Kubbinga the NCP found no violation due to lack of an investment nexus
Binani (UK/India), Ramco (Zambia)	RAID (UK), Afronet (Zambia)	UK	May 2001- June 2003	Alleged corruption and bad management in copper mines in Zambia	Chapter II, §1, 2, 5 Chapter IV, §1a, 6, Chapter VI, Chapter X	Closed. Ramco in Zambia went into receivership. The case continued against Binani in the UK but when Ramco was liquidated it was dropped.

