

**UK NATIONAL CONTACT POINT
FOR THE OECD GUIDELINES :
ANNUAL RETURN TO THE OECD
INVESTMENT COMMITTEE -
2008/09**

May 2010

URN 10 / P98

**UK NATIONAL CONTACT POINT FOR THE OECD GUIDELINES:
ANNUAL RETURN TO THE OECD INVESTMENT COMMITTEE – 2008/2009**

**Common Framework for Annual Reporting by National Contact Points
for the period June 2008 - June 2009**

A. Institutional Arrangements

- The UK NCP is Inter-ministerial, consisting of two ministries i.e. the Department for Business, Innovation, and Skills (was Department for Business, Enterprise & Regulatory until June 2009), and the Department for International Development (DFID). BIS acts as the secretariat for the NCP and full contacts are:

UK National Contact Point
Department for Business, Innovation and Skills (BIS)
Europe, International Trade and Development (EITD)
Bay 4133
1 Victoria Street, London SW1H 0ET
Tel: +44 (0)20 7215 8682 / 6344 / 5756
Fax: +442 (0)20 7215 2234
E-mail: uk.ncp@bis.gsi.gov.uk
Website: <http://www.bis.gov.uk/nationalcontactpoint>

NCPs may wish to provide additional information regarding institutional arrangements (e.g. regarding the composition of the National Contact Point; advisory committees).

- The UK NCP has three members in the team, and their work is overseen by a Steering Board, which consists of representatives from the business, trade union, and NGO communities, as well as representatives from Government Departments i.e. Department for Business, Innovation and Skills (BIS); Department for International Development (DFID); the Foreign and Commonwealth Office (FCO); the Department for Work and Pensions (DWP); and the Export Credits Guarantee Department (ECGD). The Board can also call on representatives of other Government departments and agencies as necessary. The Board meets on a quarterly basis.

How does the NCP relate to other government agencies?

- UKTI (United Kingdom Trade and Investment) which was represented on the NCP Steering Board until December 2008, has links from its site to the NCP's website, and included an article on the OECD Guidelines in a bulletin for their staff (December 2008). Both ECGD (Export Credits Guarantee Department) and UKTI met with the UK NCP in 2008 to discuss options to raise awareness of the Guidelines. The UK Anti-Corruption Unit works closely with the NCP on anti-corruption awareness-raising and has links from its website to that of the UK NCP.

How does the NCP relate to social partners (business community and employee organisations) involved in the functioning of the National Contact Point?

- Both the Confederation of British Industry (CBI) and Trade Union Congress (TUC) are members of the UK NCP Steering Board, so the UK NCP has contact with both organisations on a regular basis. The UK NCP has also met with both organisations during 2008 and 2009 to discuss options for raising awareness of the OECD Guidelines. The websites of both organisations have links to the UK NCP website. In regards to the TUC, the UK NCP keeps in touch with them in relation to trade union related Specific Instances (i.e. G4S, Unilever Pakistan, Unilever Doom Dooma, and Unilever Sewri).
- In September 2008 two members of the UK NCP undertook 5 half-day training modules on UK employment legislation at the request of the unions; and also spent a whole day with the TUC to aid their (UK NCP) understanding of union issues.

How does the NCP relate to other interested parties, including non-governmental organisations (NGOs), involved in the functioning of the NCP?

- The NGO community is represented on the UK NCP Steering Board and therefore it has regular contact with the UK NCP. The UK NCP also has regular dialogue with individual NGOs on specific instances (i.e. BTC pipeline, DAS Air, Anglo American, Afrimex, and Vedanta).
- The government Minister responsible for the UK NCP responded in December 2008 to a NGO report by Rights and Accountability in Development (RAID) on their review of the UK National Contact Point (NCP), which they published in association with the TUC and the Corporate Responsibility (CORE) Coalition. The report raised a number of useful issues, some of which have been/are being taken forward i.e. the number of Government departments represented on the NCP steering board has been reduced, and NCP resources have been increased from two full time staff to three.
- The UK NCP also has regular contact with the NGO community via speaking at NGO organised events (i.e. Norwegian Forum for environment and development; and RAID's Corporate Accountability Workshop, which both took place in February 2009). The UK NCP also hosted a meeting in April (2009) for the London Mining Network, for the second consecutive year.

How the NCP relates with other initiatives such as the UN Global Compact and its local networks?

- The work of UN Global Compact is overseen by the UK NCPs colleagues in the Corporate Responsibility team, which the UK NCP works closely with. The UK Anti-Corruption Unit, which the UK NCP also works closely

with, leads the UK delegation to the OECD Working Group on Bribery. The UK NCP also promotes the Risk Awareness Tool for MNEs in weak governance zones and in March 2009 contributed 45,000 euros to further work to develop a Risk Awareness Tool portal. The UK NCP's relationship with the International Labour Organisation (ILO) guidelines and standards is maintained by membership of the UK NCP Steering Board by the Department for Work and Pensions, which leads for the government on issues relating to the ILO.

Have institutional changes been made, or are currently planned, to improve the performance of the NCP? Do these changes relate to the structure of the NCP or the consideration of specific cases? Please elaborate on the reasons and expected impact of these changes.

- Resources for the UK NCP were increased from two full time staff to three from 30 March 2009.
- Following a light touch review of the UK NCP and the Steering Board, the representation of Government Departments and agencies on the Board was reduced from eight to five Departments. The number of external members remains at four.

B. Information and Promotion

How have the Guidelines been made available in your country (translation, creation of a webpage or website, etc.)?

- The Guidelines are available from a webpage on the BIS (Department for Business, Innovation, and Skills) website, which also includes further links to the Risk Awareness Tool, NCP complaints and review procedures, NCP's current and previous cases, and the minutes of Steering Board meetings. Copies of the Guidelines and the UK NCP leaflet are also made available at various events, seminars, presentations, meetings, and for enquirers on request.

How is co-operation with the business community, trade unions, NGOs and the interested public carried out, with respect to information on, and promotion of, the Guidelines (consultations, distribution of the Guidelines, etc.)?

- The business community, trade unions and NGOs are all members of the UK NCP Steering Board, and therefore they disseminate information to their members. These members have a clear remit from their constituencies to raise concerns and suggest improvements. The UK NCP provides the Steering Board members with an update on current cases and progress on awareness raising activities quarterly, and also responds to any questions raised at the meetings.

- The business community are represented on the UK NCP Steering Board through the Confederation of British Industry (CBI), which disseminates information to its members. Following a presentation by the NCP to the CBI's international investment panel (December 2008), there are a number of options that the CBI have agreed to take forward to raise awareness of the OECD Guidelines for MNEs through their business networks and contacts. The CBI has a link to the OECD Guidelines on their website.
- The Export Credits Guarantee Department (ECGD) is a member of the UK NCP Steering Board, so the UK NCP has regular contact with them. The ECGD has links from their website to that of the UK NCP, and also refers to the Guidelines in its publicly available Case Impact Analysis Process document.
- UK Trade and Investment (UKTI), which was represented on the Steering Board until December 2008, has links from its site to the NCP website. In addition, UKTI has information on the Guidelines on the UKTI portal, and included an article (and a link to the NCP website) on the OECD Guidelines in their e-bulletin to their staff (December 2008).
- An information sheet and leaflet on the Guidelines was circulated to Business Relationship Managers in the Department for Business, Innovations and Skills (BIS). This explains the Guidelines, who they apply to and why business should be aware of them. Relationship Managers maintain one-to-one relationships with the leading firms in each industrial sector and the NCP asked the Relationship Managers to bring the Guidelines to the attention of their companies.
- The trade unions are represented on the UK NCP Steering Board through the Trade Union Congress (TUC), and the UK NCP has had regular contact with the TUC. The TUC continues to promote the Guidelines in various fora inside and outside the trade union world. For example, the TUC issued a press notice on the G4S/UNI specific instance when the final statement was published in December 2008, which was then circulated to their members. The TUC website also contains information about the Guidelines.
- The NGOs are represented on the Steering Board by Richard Hermer (Doughty Street Chambers), and when he is unable to attend his deputy Patricia Feeney (RAID). The UK NCP has regular contact with the NGO community, including attending a number of events that they have organised (i.e. Norwegian Forum for environment and development; and RAID's Corporate Accountability Workshop). The UK NCP also hosted a meeting in April (2009) with the London Mining Network.

Have other information and promotion activities been held or planned (seminars and/or conferences on the Guidelines in general or on specific subjects, informative publications, co-operation with investment promotion agencies, departments of education, business schools, etc.)?

- At the June 2008 UK NCP Steering Board meeting the UK NCP presented a paper setting out the communications strategy to raise awareness of the OECD Guidelines for MNEs. The paper proposed a phased approach, with phase one targeting Government officials, followed by business, NGOs, Trade Unions and other key organisations. The actions taken since this paper was presented are listed in part (B) of this document.
- The NCP has also continued to work with BIS's Anti -Corruption Unit to ensure that there are references to the Guidelines in their programme of regional presentations to UKTI International Trade Advisors (and Regional Development Agencies), and also in their input into the UKTI induction Training module. The NCP has provided input on the guidelines to Anti-Corruption Unit's speaking notes and arranged for copies of the UK NCP booklet and the OECD Guidelines to be available at events they attended.
- An article on the OECD Guidelines and the DAS Air Specific Instance was published on the Department for International Department (DFID) intranet site (July 2008), whilst the BIS intranet had an article on the Afrimex Specific Instance (August 2008), following the publication of the Final Statement for both these cases. Whilst these intranet sites are only accessible to department staff, this increases awareness of the UK NCP and its role within these departments, enabling colleagues to either refer to the work of the UK NCP or, where appropriate, suggest individuals / organisations contact the UK NCP direct.
- In both the DAS Air and Afrimex cases, the then joint BERR (now BIS) /DFID Minister (Gareth Thomas) issued a press notice, to coincide with publication of the Final Statements (July and August 2008 respectively), and therefore raise awareness of the Guidelines both internally and externally.
- A seminar organised by the Department for International Development (DFID), Department for Business, Enterprise and Regulatory Reform (BERR, although now called BIS)), and the Business Leaders Initiative on Human Rights (BLIHR), was held in December 2008. This discussed ways in which the UK government can strengthen its approach to the implementation of the OECD Guidelines in relation to human rights and fragile states. Speakers included the DFID Minister, Michael Foster MP, and external members of the UK NCP Steering Board representing trade unions, business, NGOs, and the All Party Parliamentary Group on the Great Lakes regions.
- The UK NCP has contributed to a number of speeches and briefing material on the OECD Guidelines given by the joint BERR (now BIS)/DFID Minister (Gareth Thomas) at various events including the TUC (Trade Union Congress), Wilton Park Conference (October 2008); the Ethical Trading Initiative 10th anniversary event (October 2008); Smith Institute seminar at the House of Lords (January 2009); and the DFID/ Overseas Development Institute/ Business Action for Africa seminar (February 2009).

- UK NCP attended and spoke at an NGO event in February (2009) “the Norwegian Forum for environment and development” to talk about the Guidelines and the complaint handling process. The UK NCP Steering Board Chair also spoke at a similar NGO event “Corporate Accountability Workshop – Perspective and Opportunities” in London in February 2009, which provided an opportunity for the NGO community to discuss the Guidelines and recent NCP cases.
- The UK NCP arranged for information to be published on the OECD Guidelines and the G4S/UNI specific instance in the January (2009) edition of a monthly Corporate Responsibility (CR) update newsletter that is put together by Business in the Community (BITC) for the All Party Parliamentary Group on Corporate Responsibility.
- Copies of the Guidelines and the UK NCP leaflets have been distributed at events, seminars, workshops and stands, by colleagues in BIS’ Anti-Corruption Unit (various business awareness-raising events 2008 and 2009) and other Government departments i.e Foreign and Commonwealth Office Open Day (1 December 2008), and DFID staff event (10 December 2009).
- The UK NCP provided guidance on the OECD Guidelines and Human Rights which the Foreign and Commonwealth Office (FCO) sent to their overseas posts in December 2008, to assist them in handling any complaints on the behaviour of UK companies overseas. Further work is currently underway with the FCO to produce more detailed guidance for posts in the form of a toolkit on business and human rights including in the context of the OECD Guidelines.

Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones been disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders?

- The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is available via a link from the UK NCP website. There are also references to the tool in the UK NCP leaflet on the OECD Guidelines, which is disseminated by the UK NCP via events, seminars, and meetings.
- The tool is explicitly mentioned (including a link) in the guidance on the guidelines and human rights that the Foreign and Commonwealth Office (FCO) sent to its overseas posts to assist them in the handling of any complaints they may receive on the behaviour of UK companies overseas.
- The UK NCP referred to the Risk Awareness Tool in its recommendations in both the final statements for the DAS Air (para 54-55) and Afrimex (para 67-70) Specific Instances, which were published in July and August 2008 respectively.

- A consultant (Professor Jenkins) was contracted to recommend options for using the OECD Guidelines and the Risk Awareness Tool to promote responsible business conduct, particularly in countries of weak governance zones. Professor Jenkins presented his report in June (2008), and also made a presentation of this work to key stakeholder, including representatives from business, trade unions and NGOs, at the 11 December DFID/BERR(now BIS)/BLIHR workshop on the implementation of the OECD Guidelines in relation to human rights and fragile states.
- References to the OECD Guidelines and the Risk Awareness Tool (including UK NCP contact details) were included in a short BERR (now BIS) guide for business (March 2009), outlining the range of help BERR (now BIS) can provide to help UK firms overcome problems when trading in the EU or globally.
- The UK NCP has also (March 2009) provided a voluntary contribution of 45,000 euros to support further work on the tool. The project will include practical guidance on how to actually manage the risks outlined in the tool and create a web-portal providing information on the case specific experiences.

Annex 3 to this questionnaire presents Table 1 from the 2008 NCP Chair's Summary ("The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes". NCPs are asked to update this table. If no update is necessary, please indicate this. If the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is referred to in these programmes, please indicate this separately.

- Following consultation with the ECGD, no update is necessary to the UK entry on the table in Annex 3, which says "Links connect the Export Credits Guarantee Department's website with that of the UK National Contact Point. In addition, ECGD refers to the Guidelines in its publicly available Case Impact Analysis Process document".

Have enquiries been received from (a) other NCPs; (b) the business community, employee organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries?

- The UK NCP has contact when necessary with other NCPs through meetings at the OECD, supplemented by informal contacts. The UK NCP has discussed specific instances with other NCPs (i.e. Australian, Swiss) and has also held meetings with other NCPs when they have visited London (i.e. Dutch and Norwegians).
- The UK NCP has had regular contact with the business community, employee organisations, and other non-governmental organisations in relation to specific instances they are dealing with. In addition, enquires

have been received from academics, corporate lawyers, and members of the public (including university students), both from the UK and overseas.

- The UK NCP has not had any enquires from the governments of non-adhering countries. However, the UK NCP met the Head of UKTI (Trade and Investment) office in Hanoi, as part of his visit to London (December 2008), and outlined to him the importance of the OECD Guidelines in the context of UK investment in Vietnam.

C. Implementation in specific instances

NCPs might want to provide the following information on specific instances that were raised and/or concluded during the June 2008-2009 cycle. Please ensure that the information submitted is suitable for dissemination. Subject to respecting adhering countries' commitments to operate in accordance with the core criteria of visibility, accessibility, transparency and accountability, NCPs may provide any information they want (including no information).

- Since June 2008 the UK NCP has closed 3 complaints (against DAS Air, Afrimex and G4S) with publication of the final statements. Information on all three of these concluded cases are listed below. The most recent of these cases was between UNI (a global union) and G4S, who reached a mediated settlement in December with the assistance of professional mediation arranged by the UK NCP. The DAS Air and Afrimex complaints were closed (in July and August 2008 respectively) with robust final statements making clear recommendations for future behaviour. The UK NCP currently has 8 live cases (which includes one case that has been reviewed, and three other cases that have been suspended).

Specific instance 1: G4S / UNI

Date request to consider specific instance was received.

- The UK NCP received specific instance from UNI on 12 December 2006 against G4S.

Who raised the specific instance (e.g. business, trade union, NGO)?

- Union Network International (i.e. Trade Union).

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

- Chapter II (General Policies), paragraph 1 (sustainable development); and Chapter IV (Employment and Industrial Relations), paragraph 1 (collective bargaining).

Does the specific instance involve business activities in a non-adhering country?

- Yes (Nepal, Mozambique, Malawi and the Democratic Republic of Congo).

Sector of activity: extractive industry; agriculture; other primary sectors; manufacturing; financial services; retail distribution; transport; other services.

- Security sector.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

- In March 2008, the UK NCP published its initial assessment accepting the complaint for further consideration concerning Nepal, Mozambique, Malawi and the Democratic Republic of Congo.

If accepted, date specific instance was concluded.

- Following independent mediation, G4S and UNI reached an agreement in resolution of this case – final statement was published on 12 December 2008.

Were the results communicated to the public and, if so, how?

- The final statement was published on the UK NCP website (on 12 December 2008). This does not include the details of the mediated settlement as the parties decided this should remain confidential – our published procedures allow for the parties to decide the extent to which details of the settlement are publicised.
- The UK NCP arranged for information on this specific instance to be published in the January (2009) edition of a monthly Corporate Responsibility (CR) update newsletter that is put together by Business in the Community (BITC) for the All Party Parliamentary Group on Corporate Responsibility.
- The Trade Union Congress (TUC) published a press notice on 23 December, which was circulated to its members. Following the conclusion of this case, the TUAC and UNI also published information / articles on their respective websites.

Would the NCP care to contribute additional information about this specific instance -- e.g. How was information gathered on the specific instance? Did all parties agree with the resolution?

- The UK NCP piloted the use of professional mediators for this complaint reflecting the wide ranging nature and complexity of the complaint which covered a number of countries. This was the first time the UK NCP achieved a mediated settlement and provides an important message to companies subject to a complaint: that the NCP will provide a high quality mediation service with the aim of assisting the parties to come to their own settlement. Following mediation, the parties reached an agreement in resolution of this case and the formal process was then concluded with the issuing of a Final Statement.

Specific instance 2: Afrimex / Global Witness

Date request to consider specific instance was received.

- The UK NCP received a specific instance from Global Witness on 20 February 2007 against Afrimex.

Who raised the specific instance (e.g. business, trade union, NGO)?

- Global Witness (i.e. NGO).

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

- The UK NCP considered the complaint brought under Chapter II (General policies), Chapter IV (Employment and Industrial Relations) and Chapter VI (Combating bribery) of the OECD Guidelines for Multinational Enterprises (the Guidelines) alleging that Afrimex paid taxes to rebel forces in the Democratic Republic of Congo (DRC) and practised insufficient due diligence on the supply chain, sourcing minerals from mines that used child and forced labour, who work under unacceptable health and safety practices. The NCP upheld the majority of the allegations brought by Global Witness.

Does the specific instance involve business activities in a non-adhering country?

- Yes. The Democratic Republic of Congo (DRC).

Sector of activity: extractive industry; agriculture; other primary sectors; manufacturing; financial services; retail distribution; transport; other services.

- Extractive industry (minerals). The complaint alleged that Afrimex paid taxes to rebel forces in the Democratic Republic of Congo (DRC) and

practised insufficient due diligence on the supply chain, sourcing minerals from mines that use child and forced labour, who work under unacceptable health and safety practices.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

- In September 2007, the UK NCP published its initial assessment accepting the complaint for further consideration.

If accepted, date specific instance was concluded.

- The specific instance was concluded, and the final statement was published on 28 August 2008.

Were the results communicated to the public and, if so, how?

- The final statement was published on the UK NCP website (on 28 August 2008), and at the same time the then joint BERR/DFID Minister (Gareth Thomas) also published a press notice on the conclusion of this case. An article on the Afrimex specific instance was also published on the BERR (now BIS) intranet site at the same time, to raise awareness among colleagues. Global Witness circulated a press notice following the conclusion of this case.
- There were articles in the “Engineer” and “Metal Bulletin” publications, as well as information on the case on various website (i.e. Business and Human Rights Centre, European Coalition for corporate justice, Social median.com, Global Policy Forum, and OECD Watch homepage).

Would the NCP care to contribute additional information about this specific instance -- e.g. How was information gathered on the specific instance? Did all parties agree with the resolution?

- The information was gathered from a wide range of sources, this included the UK NCP contacting BERR (Department for Business, Enterprise and Regulatory Reform) colleagues (i.e. lawyers, accountants, and researchers), other government departments (i.e. FCO, UK Embassy in Kinshasa, DFID office in Kinshasa), and research organisations to get relevant information about the DRC and minerals, including export statistics (i.e. IPIS and Pole Institute). Global Witness submitted extensive information alongside the complaint, including a summary of Mr Kotecha’s (Afrimex Ltd) appearance before the International Development Committee. Information was also extracted from the UN Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the DRC, and the Group of Experts on the DRC.

- Afrimex did not agree with the resolution. The opportunity for a review of the UK NCP's procedural handling of the complaint was offered to both parties before publication, but the parties did not request such a review.

Specific instance 3: DAS Air / RAID

Date request to consider specific instance was received.

- The UK NCP received a specific instance from Rights and Accountability in Development (RAID) 28 April 2005 against DAS Air.

Who raised the specific instance (e.g. business, trade union, NGO)?

- RAID (i.e. an NGO).

Which chapters of the Guidelines are cited in the specific instance? If possible, please also cite the specific recommendation(s) covered by the request.

- The UK NCP considered the complaint brought under Chapter I (Concepts and principles, para 7) and Chapter II (General policies, para 1,2, 5 and 10).

Does the specific instance involve business activities in a non-adhering country?

- Yes. The complaint alleged that DAS Air knowingly breached United Nations embargoes by transporting minerals, notably coltan, from rebel held areas of Democratic Republic of Congo (DRC).

Sector of activity: extractive industry; agriculture; other primary sectors; manufacturing; financial services; retail distribution; transport; other services.

- Extractive industry (minerals). The complaint alleged that DAS Air knowingly breached United Nations embargoes by transporting minerals, notably coltan, from rebel held areas of DRC.

Was the request to consider the specific instance accepted or rejected (if possible, describe grounds for not taking up a request)?

- The request to consider the specific instance was accepted.

If accepted, date specific instance was concluded.

- The Specific Instance was concluded, and the final statement was published on 21 July 2008.

Were the results communicated to the public and, if so, how?

- The final statement was published on the UK NCP website (on 21 July 2008), and at the same time the then joint BERR/DFID Minister (Gareth Thomas) also published a press notice on the conclusion of this case. The Minister also made written statement to Parliament to coincide with the publication of the final statement.
- An article on the DAS Air specific instance was published on the DFID intranet site (Spotlight) at the same time, to raise awareness among colleagues. RAID also circulated a press notice following the conclusion of this case.
- There was an article in the “Observer” newspaper, as well as information/articles on the case in various websites (i.e. Business and Human Rights website, Voice of America, and Reuters).

Would the NCP care to contribute additional information about this specific instance -- e.g. How was information gathered on the specific instance? Did all parties agree with the resolution?

- DAS Air was a ‘heritage’ case (lodged with the NCP in April 2005), and the behaviour alleged in this complaint fell in the period 1998 to 2001. The current version of the Guidelines came into force in June 2000, replacing the 1991 version. The NCP therefore took the view that it is not appropriate to apply the 2000 version of the Guidelines to events that occurred before 2000. However the NCP considers that past behaviour is pertinent when considering behaviour that occurred after June 2000, so referred to applicable DAS Air actions that took place before June 2000 when forming its conclusions.
- The information was gathered from a wide range of sources, this included the UK NCP contacting BERR (now BIS) colleagues (i.e. lawyers), other government departments (i.e. FCO, UK Embassy in Kinshasa). RAID also submitted extensive information alongside the complaint, including papers from the Porter Commission, which was established to look at allegations made in the UN report, specifically about Uganda, and provided much of the information in support of RAID’s original complaint. Information was also extracted from the UN Panel of Experts on the Illegal Exploitation of Natural Resources and other Forms of Wealth of the DRC, and the Group of Experts on the DRC.
- DAS Air denied the allegations in the complaint and strongly objected to the allegations that they contributed to the ongoing conflict in the DRC

and human rights' abuses. The NCP received no further responses from DAS Air after 18 October 2006, even though they did not go into administration until September 2007.

Specific instances considered by NCPs to date

Annex 4 presents a summary table intended to provide basic information about specific instances that have been accepted for consideration by NCPs up to June 2009. NCPs are asked to verify and update this table if necessary.

- See Annex 4, which has been updated.

D. Other

How have the core criteria for the operation of NCPs (visibility, accessibility, transparency, and accountability) been applied in your country to further the effectiveness of guidelines implementation? Please provide examples that illustrate this.

- *Visibility:* The NCP has proactively promoted the Guidelines and its role both internally (within Government) and externally (NGOs, business, and trade unions). During 2008 the UK NCP has published final statements for five specific instances which has meant that the profile of the UK NCP has increased. In two of these cases (i.e. DAS Air and Afrimex) the BERR Minister issued press notices to coincide with the publication of these Final Statements (specific instance) for the first time. As listed above, the UK NCP has also attended a number of events, and contributed to Ministerial speeches. The NCP has also taken the opportunity to update fellow NCPs on its activities at relevant OECD meetings and occasionally outside of these meetings.
- *Accessibility:* The UK NCP has widely advertised its contact details (telephone, fax and e-mail) on its website, leaflets, and its banner stand (which is used at events). The UK NCP has its own e-mail account (uk.ncp@bis.gsi.gov.uk) to provide a single contact which can be accessed by all three members now working in the UK NCP team rather than just one individual.
- *Transparency:* The UK NCP has provided details of its activities: on its webpages; to other NCPs at OECD meetings in Paris; and in discussions with business, trade unions, NGOs and other interested parties. At the quarterly meetings of the Steering Board, the UK NCP provides the members with an update on the status of the cases and the progress on awareness raising activities quarterly, and responds to any questions raised. The minutes of these Steering Board meetings are published on the UK NCP website (<http://www.bis.gov.uk/nationalcontactpoint>).

- *Accountability:* The UK NCP has kept UK Ministers and the UK Parliament informed of its activities, for example by answering Parliamentary Questions and Ministerial correspondences. When the NCP issues final statements with regard to Specific Instances these are approved by Ministers and are subsequently deposited in the libraries of the Parliament. The UK NCP also provides the UK NCP Steering Board members with an update on the status of the cases and the progress on awareness raising activities quarterly, and responds to any questions raised at the meetings. These members have a clear remit from their constituencies to raise concerns with and suggest improvements to the UK NCP.

Do you wish to provide any other information on the nature and results of NCP activities, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?

- G4S/UNI Specific Instance: The UK NCP cannot over emphasise how positive using a professional mediator has proven to be. Not only does an experienced mediator challenge the parties to reach agreement and therefore discussions are more likely to result in a positive outcome, but it removes the NCP's need to examine. This is important as mediation and examination are the two most time consuming and complex elements of the complaints procedure for the NCP.
- Retrospective guidance was published on the UK NCP website following consultation with the NCP Steering Board. This followed a number of complaints to the UK NCP brought by NGOs that allege breaches of the guidelines following the Revision in 2000, but which relate to activities undertaken prior to June 2000 when the latest revision was published. This has caused the NCP difficulties because: (i) some of the alleged breaches relate to provision of the guideline which were only introduced as a result of the revision in 2000. The complainants therefore allege that the MNE failed to comply with a recommendation that was not in the guidelines at the time the alleged behaviour took place; and (ii) there is ambiguity in the language of the 1991 revision as to whether the Guidelines applied in non-adhering countries (countries not members of the OECD). The NCP has therefore proposed to only investigate complaints pre-2000 if both parties consent to its investigation. The NCP considers its application of the guidelines to the Anglo-American complaint is consistent with this guidance as Anglo American agreed to the retrospective application of the Guidelines. As DAS Air was in receivership we were unable to get their permission to apply the Guidelines retrospectively and Afrimex refused permission. In both the latter cases, the NCP referred to the behaviour before 2000 in the Final Statement as it was pertinent for the analysis of the complaint.
- The UK NCP Steering Board will be discussing at its June 2009 meeting what should be done to follow-up Final Statements once they have been published. At the moment, there are no specific procedures in place,

therefore the UK NCP will find out what processes other NCPs currently have in place to follow up on final statements (i.e. possibly following-up 6 or 12 months after final statement has been published).

If the NCP disposes of surveys or statistics documenting companies' awareness of the Guidelines, do you wish to make this information available in your report?

- N/a.

What issues do you consider particular attention during the 2009-2010 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.

- Review of the Guidelines – there has been some talk about the possibility of the Guidelines being reviewed, as 2010 will be the 10th anniversary of when they were last revised. It would therefore be helpful to get clear advice from the OECD on whether a review is planned, and if so, what the timetable is, and also clarification on the process, so NCPs can plan accordingly to ensure that they fully engage with the process (and with their stakeholders).

ANNEX 4: SPECIFIC INSTANCES CONSIDERED BY UK NATIONAL CONTACT POINT TO DATE (as of June 2009)

NCP concerned	Issue dealt with	Date of Notification	Host Country	Guidelines Chapter	Status	Final Statement	Comments
United Kingdom	BP (et al.) – various alleged breaches of the OECD Guidelines in the construction of the Baku-Tbilisi-Ceyhan (BTC) pipeline.	2003	Azerbaijan, Georgia, Turkey	II.5 Exemption from Regulation, III.1 disclosure, V.1 environmental management, V.2a information on environmental health/safety V.2b community consultation, V.4 postponement of environmental protection measures	Ongoing	n.a.	At the request of the parties this case was reviewed by the UK NCP's Steering Board. The outcome of the review is available on: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Activities of Oryx Minerals alleged in a UN Expert Panel Report	2003	Democratic Republic of Congo	This was not specified in the Panel Report	Concluded	Yes	http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Activities of De Beers in UN Expert Panel Report	2003	Democratic Republic of Congo	This was not specified in the Panel Report	Concluded	Yes	http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Activities of National Grid/Transco/	2004	Democratic Republic of Congo	Various	Concluded	Yes	http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	DAS Air – alleged failure to apply due diligence when transporting minerals and	2005	Democratic Republic of Congo	II.1 achieving sustainable development. II.2 human rights II.10 encourage business partners, including suppliers and sub-contractors, to apply	Concluded	Yes	Finalised July 2008. Final statement can be found at: http://www.bis.gov.uk/nationalcontactpoint

	alleged breach of UN embargo.			principles of corporate conduct compatible with the guidelines.			
United Kingdom	issues related to employees' right of representation.	2005	Bangladesh	IV. Employment and Industrial Relations.	Suspended	n.a.	
United Kingdom	Anglo American – issues arising from the privatisation of the copper industry in Zambia during the period 1995-2000.	2005	Zambia	Various	Concluded	Yes	Finalised May 2008. Final statement can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Peugeot - issues related to the closure of the Ryton manufacturing plant.	2006	UK	IV. Employment and Industrial Relations	Concluded	Yes	Finalised 1 February 2008, final statement can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	G4S - issues related to pay, dismissal, leave and health & safety entitlements.	2006	Mozambique Malawi DRC Nepal	II. General policies IV. Employment and Industrial Relations	Concluded	Yes	The UK NCP piloted the use of a professional mediator for this complaint. Through mediation, the parties reached an agreement and resolved the complaint with a mutually satisfactory outcome. Final statement can be found at:

							http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Unilever (Sewri factory) – Employment issues related to the transfer of ownership, and subsequent closure, of the Sewri factory.	2007	India	I. Concepts and principles IV. Employment and Industrial Relations	Ongoing	n.a.	Initial assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Afrimex – alleged payments to armed groups and insufficient due diligence on the supply chain.	2007	Democratic Republic of Congo	II. General policies IV Employment and Industrial Relations VI Combating bribery	Concluded.	Yes	Finalised August 2008. Final assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Unilever (Doom Dooma factory) - issues related to employees' right to representation.	2007	India	IV. Employment and Industrial Relations	Suspended	n.a.	Initial assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	British American Tobacco – issues related to employees' right to representation.	2007	Malaysia	IV. Employment and Industrial Relations	Suspended	n.a.	Initial assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint

United Kingdom	Vedanta Resources – impact of a planned bauxite mine on local community.	2008	India	II. General Policies V. Environment	Ongoing	n.a.	Initial assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint
United Kingdom	Unilever (Rahim Yar Khan factory) – dismissal of temporary employees seeking permanent status in the factory.	2008	Pakistan	II. General Policies IV Employment and Industrial Relations	Ongoing	n.a.	Initial assessment can be found at: http://www.bis.gov.uk/nationalcontactpoint