



WWF International  
Av. Du Mont-Blanc 27  
1196 Gland  
Switzerland

7<sup>th</sup> March 2013

Dear WWF,

## COMPLAINT UNDER THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

The UK National Contact Point (NCP) for the OECD Guidelines notes publicity and press statements this week stating that the OECD, in the form of its UK National Contact Point, is examining SOCO's operations. In view of this, I am writing on behalf of the NCP to remind parties of relevant points of the UK NCP's remit and procedures:

1. Each government that adheres to the OECD Guidelines for Multinational Enterprises is required to maintain a National Contact Point to consider complaints under the Guidelines. The UK NCP is maintained by the UK government to meet this requirement. It is not part of the OECD and has no wider responsibilities for OECD functions. The UK NCP is staffed by a small team of officials based in the Department for Business, Innovation and Skills (BIS), and operates independently of BIS Ministers in its consideration of complaints. For the absence of doubt, the OECD has no role in handling a complaint made to a National Contact Point.
2. Where the NCP publishes an Initial Assessment which accepts a complaint for further examination either in full or in part, this does not constitute a statement from the NCP that the company concerned has breached or acted inconsistently with the Guidelines.
3. Following its Initial Assessment, the next steps in the NCP's process in this complaint are as set out at Paragraphs 36-38 of the published Initial Assessment statement<sup>1</sup>:
  - The UK NCP will formally ask the parties whether they are willing to engage in mediation/conciliation on the issues accepted for further examination with the aim of reaching an agreement.
  - Subject to their response, the UK NCP will liaise with the parties to agree a mediator and terms of reference, and subsequently to arrange mediation/conciliation meetings. If these meetings achieve an agreement, the UK NCP will record this (including any details of the agreement that the parties agree may be published) in a Final Statement.
  - If a mediated/conciliated solution is not possible, the UK NCP will make a further examination into the substantiated issues to reach a determination on whether the company's actions are consistent with the Guidelines, and will record its findings in a Final Statement.

<sup>1</sup> <https://www.gov.uk/government/publications/uk-ncp-initial-assessment-complaint-against-soco-international-plc>

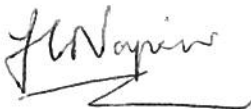
As you know, the NCP does not generally comment publicly on a complaint outside of its publication of assessments and final statements, and does not advise parties on their own statements. However, exceptionally, we believe it is necessary for the further progress of this complaint that the process is clearly understood. The OECD Guidelines advise that

*“The effectiveness of the [complaints] procedure depends on good faith behaviour of all parties involved in the procedures. Good faith behaviour in this context means responding in a timely fashion, maintaining confidentiality where appropriate, refraining from misrepresenting the process and from threatening or taking reprisals against parties involved in the procedure, and genuinely engaging in the procedures with a view to finding a solution to the issues raised in accordance with the Guidelines.”*

In this context, we would also like to make the general observation that the NCP’s experience is that where either party to a complaint makes deliberate public statements which contain incorrect or misleading information relating to the status or the conclusions of the Initial Assessment, or fails to correct such comments made in error, this can undermine the integrity of the NCP process through reducing the prospects of successfully reaching a conclusion through mediation.

The UK NCP requests that if parties feel it necessary to comment publicly further on the complaint, they should accurately reflect the three points above. We also invite parties to publish this letter on their websites to clarify the position.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Liz Napier', with a stylized flourish at the end.

**Liz Napier**  
on behalf of the UK National Contact Point