

## DRC CASES/ORYX TIMELINE

- October 2002 UN Panel of Experts names 85 companies and accuses them of violating the OECD Guidelines for Multinational Enterprises, includes a number of UK-related companies, some like Oryx are based in tax havens. The UN Security Council calls on all governments to investigate the allegations.
- 6 May 2003 With HRW and AI RAID had a meeting at DTI to discuss handling of DRC cases. FCO also present. This was prior to the UN Panel's final report. The NGOs were assured "the UK Government won't shy away from saying that the Guidelines have been violated". NGOs also given NCP flow chart "for consultation" setting out the procedures for all complaints.
- 27 October 2003 Joint NGO press release "UN must address corporate involvement in Congo Conflict" HRW, RAID, Global Witness et al.
- ? November 2003 Meeting with Chris Mullin (FCO) re UN Panel Report which called for investigation of the 4 companies sent to the UK NCP for 'investigation'. Included Oryx and Avient.
- 17 December 2003 Ministerial Statement urging NGOs to submit information to the NCP.
- 29 December 2003 Geoffrey White, manager of Oryx - after meeting Duncan Lawson, the UK NCP and at the latter's suggestion - contacted RAID re OECD process and follow up to the UN Panel reports. We were not given prior notification by the UK NCP. A meeting was arranged.
- 8 January 2004 Meeting with Hilary Benn concerning the UN Panel report and how the UK Government will handle the cases.
- 28 January 2004 Meeting with Patricia Hewitt and Oona King of the APPG to discuss the DRC cases.
- 23 Jan 2004 Meeting with GW and RM in Oxford where the UN Panel's allegations were discussed. They demanded to know whether RAID was investigating Oryx. PF wrote to RM asking for some documents, not all of which were supplied. Some emails exchanged with RM in which she offered

documents and expressed readiness to clarify any outstanding questions. [notes of meeting]

4 February 2004 At De Beers request, RAID agrees to a meeting at DTC to discuss the UN Panel process and problems with DTI/NCP. De Beers unhappy because unable to reach closure as NCP claims in absence of complainant cannot proceed.

27 February 2004 Meeting with NCP re De Beers and the UN Panel allegations. We offer to act in an advisory capacity rather than as 'complainants'. Discuss the case in detail.

8 March 2004 Email from RM to RAID asking about the launch of the Executive Summary of the report at Chatham House. PF replied inviting RM.

16 March 2004 Public release of the Executive Summary of RAID's report, Unanswered Questions...

24 March 2004 Advance draft of the report submitted to Foreign Office, DTI and DFID Ministers as confidential memorandum at their request.

16 April 2004 NCP Statement on De Beers issued.

22 April 2004 Letter from RW expressing 'disppointment' about the RAID report.

19 May 2004 Letter to RM expressing hope that Oryx will agree to resolve outstanding questions through the NCP process.

May/June 2004 RAID's critique of De Beers Statement published in Mining Journal (can't find the published letter)

28 June 2004 Letter to Patricia Hewitt formally requesting that RAID's report be considered a complainant against Oryx, Avient et al.

28 June 2004 Letter to Chris Mullin (FCO) from Oona King MP re RAID's report, the lack of Government response and restating RAID's desire to act as complainants. It contains a critique of the De Beers Statement.

- 12 July 2004 PF and Hubert Tshiswaka had a meeting with Peter Stephens (in charge of the NCP) at DTI. [Hubert's follow up email]
- 22 July 2004 Joint Letter from HRW, GW, AI calling on Patricia Hewitt to act on RAID's complaints under the OECD procedures. It has never received a reply.
- 17 August 2004 Letter from Duncan Lawson re progress with the DRC cases. He states "One of the main problems in resolving these cases has been the lack of a complainant." He states that the NCP has spent time analyzing additional material from the UN Panel archive which has to be kept confidential. He describes the role of the NCP as a facilitator or mediator between the parties. Before a complaint [by RAID] can be accepted "it must be clear against which provisions of the Guidelines the breach has been alleged (which you have supplied), and must be supported by evidence". At that stage an initial assessment will be made and the process initiated.
- 27 August 2004 PF communication with Richard Napier of De Beers. At the request of the London office (DTC), she sends a list of outstanding issues concerning Oryx which would need to be answered satisfactorily before any agreement is reached between the companies.
- 2 September 2004 Letter from GW concerned that RAID expressing views about the probity of the company and that it had not taken up their invitation to visit the mine. Refers to the exchange with De Beers who were engaged in due diligence and considering entering into a joint venture with Oryx/Amil.
- 2 September 2004 PF response to GW making clear that RAID wanted to continue dialogue, including requests for information, in the context of OECD procedures.
- 10 September 2004 Response from GW saying that they had supplied all the documents we requested the Mining Convention and the full share register. Asked us to wait for the outcome of the NCP process before making comments on the company. Objected to the fact that PF had been in touch with De Beers and that RAID had submitted a formal complaint to

the UK NCP. Concerned that RAID's report was being regarded by some as 'new evidence'.

- 27 September 2004 Letter to GW reiterating RAID's willingness to discuss outstanding questions in the context of the OECD procedures. Explained that any delay in resolving matters through the good offices of the NCP not due to RAID. We attached a list of documents that we wished to have sight of. Oryx didn't send them to us.
- 27 September 2004 Letter to Duncan Lawson expressing disquiet about the handling of the DRC cases and RAID's exclusion from the process. Protest and the way a Statement has been issued on Avient, when RAID had submitted a complaint against the company and made clear its wish to act as complainant.
- 28 September 2004 Hubert Tshiswaka email to Peter Stephens (DTI) expressing disquiet about the Avient Statement. Reminds Peter Stephens of verbal undertaking that RAID and ACIDH accepted as complainants.
- 15 October 2004 Stakeholders Meeting with the NCP at which NGOs pressed for clarity about the DRC cases, expressed concern that Statement on Avient had been issued with no complainant. The NCP was asked why RAID not being allowed to act as complainant. Muddled responses about the restrictions imposed by the UN Legal Department about the documents they supplied. [Notes]
- 26 October 2004 Duncan Lawson email exchange about arranging a meeting. Given that NCP's limited availability in October and November, PF suggests first week of December.
- 5 November 2004 Peter Stephens (DTI) replies to Hubert Tshiswaka saying that DTI will take forward the complaint. Promises to meet PF shortly after her return from the DRC. Given the confidentiality surrounding the additional UN Panel material has to deal with NGO complaint separately but "it does not undermine our intention to proceed with your complaint".
- 23 November 2004 PF in Mbuji Mayi. She telephones Sengamines and GW invites her to visit. Spends the day at the mine with Congolese partner, Hubert Tshiswaka. GW asked PF

whether RAID knows what is happening with NCP as Oryx has not heard anything from Duncan Lawson. Expressed annoyance that case like De Beers dealt with preferentially.

3 December 2004

PF contacts NCP about proposed meeting told it's not possible due to OECD Anti Bribery Convention Review.

11 January 2005

Meeting at DTI with Matthew Conway, Claire Williamson, Daniel Caistor and Duncan Lawson. At last minute, Judith Whitely (DFID) invited. Lawson and Caistor opposed to holding up Statements which have already been drafted and shared with companies by allowing a unified process. RAID told it has not submitted evidence against Oryx which we dispute. Told that after Statements issued it will still be possible for RAID to submit complaints provided there is fresh evidence. Conway promises to discuss with Minister the possibility of having a unified rather than twin track approach. RAID handed over a list of source documents.

2 February 2005

Memorandum to Hilary Benn requesting his support for RAID to be included in the OECD process.

2 February 2005

Letter from Matthew Conway (DTI) saying he hopes to inform us shortly about the way forward. He suggests it will be a three way dialogue between Oryx, DAS Air and RAID resulting in one Statement on each of the complaints followed by a Parliamentary statement on the 4 DRC cases.

7 February 2005

Launch of Report by All Party Parliamentary Group on the Great Lakes' Region "The OECD Guidelines for Multinational Enterprises and the DRC". It examined the UK Government's handling of the DRC cases and called for RAID to be admitted into the process.

8 March 2005

Letter from Hilary Benn (which RAID only received on 29 March), setting out the agreed process in which RAID will act as complainant. Sets a deadline of two months for completing the process. Welcomes the role RAID has undertaken in resolving the cases.

14 March 2005

Email from Duncan Lawson informing us that the two Ministers involved had agreed to a unified process and

inviting RAID to submit its complaint no later than 29 March.

29 March 2005

RAID resubmits complaint with additional material.

22 April 2005

NCP assessment of RAID's submission received. It removes from consideration 3/5ths of the complaint claiming that the UN Panel agreed these issues with Oryx.

26 April 2005

RAID sends a response to the NCP assessment asking for its full complaint to be discussed. DTI refuses to 're-open' issues fully dealt with by the UN Panel unless there is new evidence. According to DTI the UN Panel had already seen evidence submitted by RAID in 4 of the 6 areas. DTI is willing to facilitate dialogue with the company. Assessment will not be on the agenda.

28 April 2005

RAID resubmits complaint against DAS Air. RAID indicates it wish to challenge inadequate Statement on Avient and asks how DTI wishes to proceed.

6 May 2005

Meeting at DTI with Geoffrey White (Oryx) and Mischon de Reya lawyers.