

Dutch OECD NCP comments

26 Jun 2013

Business & Human Rights Resource Centre invited the Dutch OECD NCP to comment on the following item:

- "Nigeria: Oil giant Shell criticized over Niger Delta pipelines 'sabotage' claims", Amnesty International and Friends of the Earth, 19 Jun 2013, <http://www.amnesty.org/en/for-media/press-releases/nigeria-oil-giant-shell-criticized-over-niger-delta-pipelines-sabotage-clai>

The NCP sent us the following comments:

"What the NCP had to say in this specific instance is in its final statement. But let me add a few general comments. The Dutch NCP in its first contacts makes it clear to notifiers that its policy, based on the wording of the OECD Guidelines and the Procedural guidance for NCPs, is to focus on improving possible negative behaviour of the company, so it will comply with the Guidelines in the near future. If the sole interest of the notifiers is a statement of the NCP that the guidelines are breached, the NCP will not deal with the case. We will simply dismiss the notification. But if the company refuses to cooperate with the NCP and refuses the use of the NCP's good offices, the NCP will try to establish if there is a breach of the guidelines, using the material of the notifiers and results of its own investigation. This is the same attitude as the UK and Norwegian NCPs showed towards non cooperating companies in recent final statements. There is some discussion among NCPs if notifiers say to be focused on future behaviour of the company but have good reasons not to participate in mediation. The Dutch NCP in such a situation will probably try to solve the problem in a bilateral discussion with the company and not dismiss the notification. Many discussions at the moment are about what organizations want NCPs to be, not about what they are expected to do as agreed by their governments in 2011. The NCPs cannot be the remedy system as described in the Ruggie principles. But a good NCP can help to start a remedy procedure."