

**UPDATE BY THE UK NATIONAL
CONTACT POINT FOR THE OECD
GUIDELINES FOR MULTINATIONAL
ENTERPRISES**

Complaint from International
Accountability Project and World
Development Movement against
GCM Resources plc

JUNE 2014

Update on complaint status at 9th June 2014

- Following publication of the Initial Assessment in June 2013, the UK National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises (the Guidelines) examined the issues accepted for further examination.
- Parties were informed of the NCP's draft findings at the end of January 2014, and a Final Statement was issued to parties in April 2014. Following this, a review of the NCP's procedure in the complaint was requested. A party can request a review at the end of the NCP procedure if it considers that the NCP did not follow proper or fair procedure in considering a complaint.
- The review will be conducted by the NCP's Steering Board. If the review identifies errors of procedure, the Board can request the NCP to examine any errors. Because of this, the NCP's findings at this stage are provisional only.
- The NCP's Final Statement on the complaint will not be published until the review process is completed. The NCP is publishing this update to assist parties in responding to stakeholder enquiries, as consideration of the complaint has exceeded the one year period within which the NCP aims to complete the complaints process.

Background

1. The UK NCP's Initial Assessment of the complaint can be found at <https://www.gov.uk/government/publications/uk-ncp-initial-assessment-complaint-from-the-international-accountability-project-and-the-world-development-movement-against-gcm-resources-plc-in-ban> .
2. The NCP accepted for further examination issues relating the company's obligations under the following provisions of the Guidelines:

Chapter II General Policies

Paragraph 2 [Enterprises should...] Respect the internationally recognised human rights of those affected by their activities.

Paragraph 7 [Enterprises should...] Develop and apply effective self-regulatory practices and management systems that foster a relationship of confidence and mutual trust between enterprises and the societies in which they operate.

Chapter IV Human Rights

Paragraph 1 [Enterprises should...] Respect human rights, which means they should avoid infringing on the human rights of others and

should address adverse human rights impacts with which they are involved

Paragraph 5 [Enterprises should...] Carry out human rights due diligence as appropriate to their size, the nature and context of operations and the severity of the risks of adverse human rights impacts.

3. The NCP offered mediation to the parties, but neither party was willing to agree to mediation without pre-conditions unacceptable to the other party. On 19 July 2013, the UK NCP informed the parties that it would undertake a further examination of the substantiated issues, and make findings on the company's observance of the Guidelines. In response to an invitation from the NCP, both parties then submitted details of additional documents and sources they considered were relevant to a further examination, and the NCP drew on these and relevant third party sources to make its findings.
4. On 31st January 2014, the NCP shared with the parties a draft of its Final Statement. Comments were received from the company and from the complainants, and the NCP considered these before finalising its Final Statement and issuing it to parties in April 2014. The right to request a review of the NCP's procedure arises at this point, and a review request was made by the complainants on 15th May.
5. The NCP has released this update to assist parties in responding to stakeholder enquiries, as consideration of the complaint has exceeded the one year period within which the NCP aims to complete the complaints process. **It is not the UK NCP's Final Statement on the complaint – the Final Statement will be issued once the review process is completed.** Details of the review process, including timings, can be found at <https://www.gov.uk/government/publications/complaints-brought-under-the-oecd-guidelines-for-multinational-enterprises-to-the-uk-national-contact-point-review-procedure> .

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UK National Contact Point for the OECD Guidelines for Multinational Enterprises

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