

**Annual Report 2011**

**Netherlands National Contact Point**

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## Introduction

During the 2008 Annual NCP meeting in Paris, it was decided that the Dutch NCP would be the object of a (voluntary) peer review, that took place in the second half of 2009 until March 2010.

The objectives of the peer review were to: (1) evaluate the structure, practice, effect and results of the Dutch NCP; (2) create a learning process for all participating NCPs; (3) assess issues which may serve as useful input into any possible future revision of the OECD Guidelines; and (4) provide a review report which could be used as input for the Dutch NCP's preparation of its self evaluation report for the Dutch Parliament.

A team of five fellow NCPs from Canada, Chile, France, Japan and the United Kingdom reviewed the Dutch NCP through a series of meetings with stakeholders, a questionnaire survey, review of documents, and discussions. The final report, issued and presented in the OECD Investment Committee Working Group in March 2010, contains 28 recommendations related to the structure of the NCP; the NCP's promotional activities; and the NCP's dealing with specific instances.

The chairman of the Netherlands NCP sent a formal reaction<sup>1</sup> to the peer review to the chairman of the OECD Investment Committee for the 2010 annual NCP meeting. The letter is an addendum to this report.

The peer review provided the Dutch NCP input for the preparation of its self-evaluation report for the Dutch Parliament, June 2010. In reaction to the peer review, the self-evaluation of the NCP and a separate evaluation of the promotional activities of the NCP, the Dutch government concluded that the 2007 reform of the NCP meets up to the expectations and decided in April 2011 to appoint the current NCP members for another period of (maximum) 4 years<sup>2</sup>.

Several lessons were learnt from the review process regarding the promotional activities and the NCP specific instance procedure. This annual report reflects the efforts made up to date to follow up on the recommendations of the review team.

### A. Institutional Arrangements

#### *Organisation*

The Netherlands National Contact Point for the OECD Guidelines has been active in its current form since June 2007, with an independent board, supported by a secretariat and advised by representatives at management level from the four ministries primarily involved in the subject matter - responsible business conduct-, namely the ministries of Economic Affairs, Agriculture and Innovation, Foreign Affairs, Social Affairs and Employment, and Infrastructure and Environment (see box).

The Dutch ministry of Economic Affairs, Agriculture and Innovation (EL&I) is responsible for the NCP and hosts its secretariat.

The independent members of the NCP all have backgrounds in the various stakeholder groups of the NCP's work. They are independent in the sense that they have a seat in the NCP in their personal capacity and are by no means bound by the policies and goals of the Dutch Government or by other organizations.

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<sup>1</sup> See: [http://www.oecdguidelines.nl/wp-content/uploads/ncp\\_reactie\\_op\\_peer\\_review.pdf](http://www.oecdguidelines.nl/wp-content/uploads/ncp_reactie_op_peer_review.pdf)

<sup>2</sup> See for the first government decree: [http://www.oecdguidelines.nl/wp-content/uploads/government\\_decree\\_establishing\\_dutch\\_ncp\\_2007.pdf](http://www.oecdguidelines.nl/wp-content/uploads/government_decree_establishing_dutch_ncp_2007.pdf)

Independent members	Advisory members	NCP Secretariat
F.W.R. Evers LL.M (chairman)	Mr R.E. van Hell (Economic Affairs, Agriculture and Innovation)	Mr J. van Wijngaarden
prof.dr. J.F.G. Bunders	Mr W.H. Bel (Social Affairs and Employment)	Ms M. van Driel
H. Mulder LL.M	Mr H. von Meijenfeldt (Infrastructure and Environment)	Mr M. van Yperen (CSR Netherlands)
L. de Waal	Mr H.J. Bakker (Foreign Affairs)	

#### *Follow up peer review*

At the 2010 May stakeholder meeting of the NCP, stakeholders agreed that it is not necessary that members are representatives of stakeholder groups. Independence, impartiality and communication skills are more important. The current NCP is considered knowledgeable and credible by its stakeholders including business community, labour organizations and NGO's.

When appointing new NCP members, the knowledge of and experience with dealing with OECD Guidelines related issues will be the main criterion. Additionally, solid mediatory experience is important, but should not depend on certification alone. For handling of specific cases it is in the view of the Dutch NCP important that an independent NCP member is able to assess a situation him/herself in order to establish the circumstances of a case as well as bringing parties closer to each other. Introducing an external mediator might in certain cases be useful.

Regarding the question of possibility of appeal, the Dutch NCP feels that this would place an unnecessary judicial burden on a procedure which should be very accessible and thus should have the lowest threshold possible. If stakeholders would feel the NCP is not functioning properly, this can be brought to the attention of the minister for Agriculture and Foreign Trade (ministry of Economic Affairs, Agriculture and Innovation). This procedure gives the minister the possibility to comment on the handling of a specific instance by the NCP, without the possibility to change the statement of the NCP though.

#### *Other developments*

Involvement of stakeholders is secured through semi-annual stakeholder meetings which were held November 15, 2010 and (planned) June 9, 2011. Main agenda item of the June stakeholder meeting is the outcome of the update of the Guidelines, the implication of this for stakeholders and their reaction on it.

December 8, 2010, the Ministry of Economic Affairs, Agriculture and Innovation, in cooperation with the NCP, organised a specific (key) stakeholder consultation on the Dutch input for the update of the OECD Guidelines.

The NCP stakeholder meetings are attended by a wide variety of stakeholders, including representatives from individual companies, business and sector organisations, trade unions, OECD Watch and other NGOs, government agencies, presidents of central worker councils and consultants. A new stakeholder group welcomed in 2011 is (representatives from) accountancy firms.

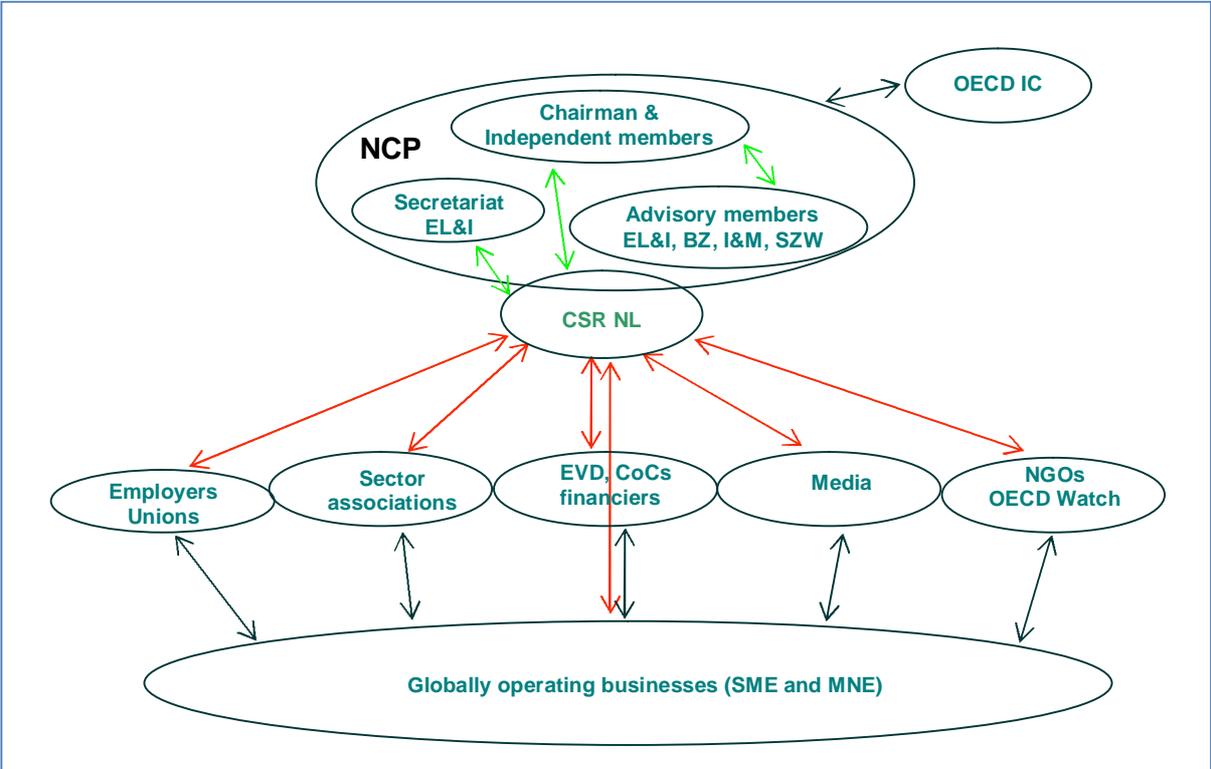
Goal of the stakeholder meetings is to provide stakeholders with an update and to give them the opportunity to comment on the ongoing specific instances and communication activities. For the 2010 fall meeting, stakeholders were given the opportunity to provide input for the agenda of the meeting.

Since 2010, the chairman of the Dutch NCP is an advisory member of the International CSR (ISCR) committee of the Dutch Social Economic Council (SER). As an advisory and consultative body of employers representatives, union representatives and independent experts, the SER is a typical platform organisation for social dialogue. In 2008, the SER published a [Statement on International Corporate Social Responsibility](#) which calls on trade and industry to actively pursue responsible supply chain practices. The Council's Statement provides the basic principles for doing so e.g. based on the OECD Guidelines. The special committee reports annually on the progress made in introducing responsible supply chain practices.

**B. Information and Promotion**

*Organisation*

Promotion is one of the two main tasks of an NCP and the responsibility of all persons involved in the Dutch NCP. Within the NCP organisation, a communication manager has been appointed to coordinate the promotional activities of the NCP. The communication manager is placed at the independent national CSR knowledge centre *MVO Nederland* (CSR Netherlands) in order to make use of its outreach programmes towards companies, sector associations, business society and other stakeholders.



*Schematic overview of communication strategy*

In cooperation with the NCP members, the communication manager prepares a communication strategy and translates this in an annual communication plan. The communication strategy focuses on promotion of the Guidelines to Dutch companies via intermediary business organisations such as sector associations and the Dutch Agency for International Business and Cooperation (EVD).

#### *Follow up peer review*

The Dutch NCP welcomes the recommendations regarding active engagement with stakeholders and has sought to further enhance this. One of the steps taken is to involve separate stakeholder groups in the preparation of the stakeholder meetings and to give them an active role, for example by bringing in discussion items, by giving a presentation or by moderating a workshop. For the June meeting, the NCP approached two types of stakeholder groups: (1) NGO's and (2) small & medium sized companies (SMEs). Both parties reported that they are interested in attending the stakeholder meetings but at this point did not see an active role for themselves in preparing the meeting. The NGO's organized in OECD Watch coordinate and bring their points of interest and concerns in the meetings and SMEs very disappointedly indicated that they do not have the time or capacity to play an active role.

The NCP welcomes the four large accountancy firms (PwC, E&Y, Deloitte, KPMG) as a new and important stakeholder group. It is clear that there is a growing demand for expert verification of CSR yearly reports. Another new stakeholder group to involve is company staff councils.

The peer review team's suggestions for teaming up with other NCPs to share experiences and communication tools are interesting and well worth exploring. The first steps have been taken by exchanging institutional arrangements, mediation experiences, communication plans and tools of the Dutch NCP with the Norwegian NCP and with the Danish CSR centre regarding the revision of the Danish NCP.

Another joint effort is to support mediation strategies and procedures with the UK NCP and the Norwegian NCP. The Dutch NCP furthermore discussed with the Luxembourg NCP how to deal with a specific instance in a problem solving way and the necessity of credible and transparent institutional requirements.

The Dutch NCP will be active in promoting further cooperation with other NCPs to share experiences and to explore ways of working together, including by providing assistance to 'lead' NCPs with the handling of specific instances.

With regard to multilingual information, last year the Dutch NCP developed the [CSR policy tool](#) as a new implementation tool. This tool is translated in English and helps companies to gain insight into their current CSR activities, assess their value and determine what other CSR activities they would like to implement. The CSR policy tool is easy to apply and gives companies insight in the return on investments of CSR initiatives. The Dutch government attaches great importance to CSR and expects companies receiving an export grant and other forms of government assistance to conduct their business activities in conformity with the OECD Guidelines and to draw up a CSR policy plan. Other tools in English include a basic OECD Guidelines [Self-assessment](#) and a [communication selection tool](#) that allows companies to incorporate ready made copytexts in their policy plans. The [CSR Navigator](#), which helps companies to navigate the sea of CSR codes, was updated last year into a 2.0 version and was re-launched in May 2011. This tool can be translated in most languages using a webpage translator.

Cooperation with Dutch embassies is strengthened and resulted in joint outreach efforts in China, Colombia, Panama, Vietnam, India, Turkey, Egypt, Gulf region and Eastern Europe. The NCP has

assisted the embassies to inform local companies and organizations regarding the OECD Guidelines and the NCP. Embassies have organized special CSR meetings for Dutch companies and their local partner companies in these countries.

To inform the embassy staff on the OECD Guidelines and the NCP, the Dutch NCP, CSR Netherlands and the Dutch government developed a [CSR passport](#), a booklet with basic information on international CSR. The passport helps the embassy staff and the international business community understand what CSR entails. This passport is available in English, French and Spanish. The next step is a shared internet portal on CSR for Dutch embassies.

#### *Other developments*

The NCP (and CSR Netherlands) delivered several presentations and workshops on international CSR, the OECD Guidelines and the NCP. The box below gives a selection of the contributions of the Dutch NCP in 2010/2011.

<i>Event and date</i>	<i>NCP contribution</i>	<i>Type and number of participants</i>
<i>GRI conference, May 2010</i>	<i>Lunch session by Mr. Mulder on OECD Guidelines in relation to GRI</i>	<i>International participants from governmental organizations, business, labor, NGO's etc</i>
<i>US NCP meeting Washington DC, May 2010</i>	<i>Speech by Mr. Mulder on experiences from the Dutch NCP</i>	<i>200 officials and business representatives</i>
<i>CSR event Benelux chamber of commerce China, September 2010</i>	<i>Speech and workshop on international CSR e.g. OECD Guidelines and NCP</i>	<i>40 Dutch/Belgian/Chinese companies in China, Chinese government</i>
<i>Training chamber of commerce, September 2010 and February 2011</i>	<i>Training on international CSR e.g. OECD Guidelines and NCP</i>	<i>2 x 20 CoC business advisors</i>
<i>CSR Future leaders event, October 2010</i>	<i>Speech by Mr. Mulder on e.g. OECD Guidelines and NCP</i>	<i>20 CSR managers from largers companies</i>
<i>International meeting Export Credit Agencies (e.g. Atradius), October 2010</i>	<i>Speech and workshop by Mr. Evers on NCP in relation to OECD common approaches export credits</i>	<i>50 international ECA professionals</i>
<i>ESG Europe, investor corporate summit, October 2010</i>	<i>Speech by Mr. Mulder on ESG requirements, CSR reporting and OECD Guidelines</i>	<i>300 investors and CSR professionals</i>
<i>China – Dutch CSR event, December 2010</i>	<i>Speech and on international CSR e.g. OECD Guidelines and NCP</i>	<i>22 Dutch companies (SMEs)</i>
<i>International Supply Chain Management Congres NEVI, IDH, Rabobank, December 2010</i>	<i>Workshop by Mr. Evers on OECD Guidelines and NCP</i>	<i>25 Purchasers from larger companies</i>
<i>New Year event CSR Netherlands/Sustainable Trade Initiative, January 2011</i>	<i>Key-note speech by Ms. Bergkamp on e.g. OECD Guidelines</i>	<i>500 Entrepreneurs (mainly SMEs) and CSR experts</i>
<i>Meeting Dutch NGO's on CSR (CSR Platform), January 2011</i>	<i>Workshop by OECD Watch on when and how to use the NCP grievance system</i>	<i>20 NGO's</i>

<i>Seminar on International CSR, responsible chain management and human rights, February 2011</i>	<i>Presentation by Mr. Evers on OECD Guidelines and NCP</i>	<i>10 Sector associations, VNO-NCW</i>
<i>Meeting presidents of central workers councils of multinational enterprises (MNO), February 2011</i>	<i>Participation by Mr. Mulder on their new released CSR code of conduct</i>	<i>35 Presidents of MNE central workers councils</i>
<i>International trade fair Dutch chambers of commerce, April 2011</i>	<i>Workshop on international CSR e.g. OECD Guidelines and NCP</i>	<i>25 Entrepreneurs in textiles and fashion (SMEs)</i>

The past year, CSR Netherlands and the NCP maintained its outreach focus on SMEs via sector associations by organizing workshops and meetings with sector associations and (some of their) member companies. Focus was on Metals, Agri-business, Cement & Concrete (construction sector), Promotional products and Toys.

The importance of the OECD Guidelines and the role of the NCP have been stressed many times by the government in several debates in Parliament on CSR and related subjects. The Guidelines are structurally integrated in government related policies like: (1) the Social and Economic Council declaration on international CSR, (2) the Dutch Trade Board, (3) the financial export instruments and trade missions of the Dutch government and (4) Partner manifest of CSR Netherlands (to date 1500 paying members and as many signed manifests, including the commitment to the OECD Guidelines).

Together with the Dutch Agency for International Business and Cooperation (EVD) the Dutch NCP developed a new [Brochure on International CSR](#) including the OECD Guidelines and the operation of the NCP.

### **C. Implementation of Specific Instances**

#### *Organisation*

As a follow up to the June 2010 mediation workshop for NCP representatives by prof. Lawrence Susskind in Paris, the Dutch NCP supported a commission to the [Consensus Building Institute](#) (CBI) to develop a mediation manual to provide clarity on whether, when and how NCPs can use mediation to resolve complaints in specific instances.

Since specific instances often concern long-running conflicts, the Dutch NCP is also experimenting with a new preemptive, more informal approach in which the NCP provides assistance to and seeks to bring parties together at an early stage, not preceded by a formal notification. This includes that also companies can go to the NCP in case of a (possible) conflict with an NGO. The NCP in this case employs its role as an independent mediator that supports parties regarding their issues and dilemmas, aimed at preventing and solving problems. This creates more room for parties with a broad perspective to talk about common interests. In 2010-2011, this approach has gained the first satisfactory results.

#### *Follow up peer review*

The new (informal) preemptive approach provides more room for engaging stakeholders and assessing interests of all involved parties. The Dutch NCP aspires a low threshold for its problem solving services. Extensive assessment of the representativeness of a complainant and/or the importance of his interest should not jeopardize this. Furthermore, the present and future

implementation of the OECD Guidelines by a company should be the focus of the handling of a specific instance.

Cooperation with embassies can be useful considering their knowledge of local circumstances, as the Dutch NCP has found in a few cases. Regarding protective measures for notifiers, the NCP feels this is an important issue which merits further reflection within the OECD.

In general, the Dutch NCP is strengthening its relation with Dutch embassies on creating awareness of the Guidelines and the possibility for NGOs in non-OECD countries to bring specific instances to the NCP (see also section B).

The NCP has published the way it deals with parallel procedures in the handling of specific instances on its website with thanks to the UK colleagues who showed the way.

In the procedures of the Dutch NCP, first an initial assessment is made regarding admissibility. The notification determines the scope of this initial assessment. After admissibility, the NCP, after meetings with the parties, sets out the facts and circumstances of a case through a conflict- or situation assessment. The assessment could alter the scope of the case, both in terms of involvement of stakeholders and the issues to be investigated.

The assessment by which the facts and circumstances are established is then offered to parties by the NCP as a base for mediation. The parties may agree or disagree with the found facts or circumstances. Mediation will be based on the facts and circumstances the parties agree to share among each other.

Information shared with the NCP members for the benefit of the mediation are preferably shared between parties, but a party may request the NCP to keep information confidential.

If mediation is unsuccessful or parties do not see a possibility for successful services by the NCP, the NCP returns to its situation assessment of found facts and circumstances to determine whether or not the company complied with the OECD Guidelines. The NCP may also include publicly available information. Confidential information shared for the benefit of mediation is not included, unless a party agrees to this.

The division between the different stages and the use and confidentiality of the information in each phase must be made clear to all parties involved. In this light the NCP will give more timely information on the timelines during procedures as these may change due to unforeseen consultation with other stakeholders.

The NCP sees great added value in conducting follow up a year -or as agreed between parties- after the closure of the handling of a specific instance and has adopted this as part of its standard practice.

*Other developments*

January 2011, the Dutch NCP received two new notifications of specific instances in which the Guidelines were allegedly violated (see boxes).

<b>Case</b>	<b>Shell Nigeria</b>
<i>Date of notification</i>	<i>January 2011</i>
<i>Complainant</i>	<i>Amnesty International, Friends of the Earth (FoE) International, and FoE Netherlands allege that Shell made false, misleading and incomplete statements about incidents of sabotage to its operations in the Niger Delta and the sources of pollution in the region</i>
<i>Enterprise concerned</i>	<i>Royal Dutch Shell</i>

<i>(sector)</i>	<i>(oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Netherlands (leading) and NCP UK</i>
<i>Status</i>	<i>Accepted by the Netherlands NCP, pre-assessment meetings ongoing</i>
<i>Chapters cited</i>	<i>Chapter III (Disclosure), paragraph 1, 2, 4e Chapter V (Environment), paragraph 2, 3 Chapter VII (Consumer interests), paragraph 4</i>
<i>Agreement</i>	<i>Not yet</i>
<i>Final statement</i>	<i>Not yet</i>

<b>Case</b>	<b>Arcelor Mittal Liberia</b>
<i>Date of notification</i>	<i>January 2011</i>
<i>Complainant</i>	<i>Friends of the Earth (FoE) Europe and Liberia-based Sustainable Development Institute (SDI)/FoE Liberia allege that ArcelorMittal has breached the OECD Guidelines with regard to its management of its County Social Development Fund</i>
<i>Enterprise concerned (sector)</i>	<i>Arcelor Mittal Liberia (mining, metal)</i>
<i>Involved NCP</i>	<i>NCP Netherlands and NCP Luxembourg (leading)</i>
<i>Status</i>	<i>Discussion with notifiers and Luxembourg about which NCP should be leading</i>
<i>Chapters cited</i>	<i>Chapter II (General policies), paragraph 1, 7, 11 Chapter VI (Combating bribery), paragraph 5</i>
<i>Final statement</i>	<i>Not yet</i>

To date, one case is still pending at the Dutch NCP (see box).

<b>Case</b>	<b>Shell Argentina</b>
<i>Date of notification</i>	<i>June 2008</i>
<i>Complainant</i>	<i>Foro para la Participación Ciudadana (FOCO), Friends of the Earth (FoE) Argentina alleges that Shell is violating domestic law and ignoring the Argentinean government's sustainable development campaigns and policies</i>
<i>Enterprise concerned (sector)</i>	<i>Shell CAPSA, a subsidiary of Royal Dutch Shell (oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Netherlands and NCP Argentina (leading)</i>
<i>Status</i>	<i>Pending, waiting on court decision (parallel procedure) with agreement of parties concerned</i>
<i>Chapters cited</i>	<i>Chapter II (General Policies), paragraph 1, 2, 5 Chapter III (Disclosure), paragraph 1, 2, 4e, 5b Chapter V (Environment), paragraph 0-8</i>
<i>Final statement</i>	<i>Not yet</i>

FOCO and Friends of the Earth Argentina allege Shell Capsa for the irresponsible actions at the company's oil refinery in the Dock Sud industrial area which have put the health and safety of neighbouring residents in danger. The affected community, called Villa Inflamable, is home to about 1.300 families who live in extreme poverty and lack access to basic sanitation, clean water and other essential utilities. The complaint notes that the refinery was closed for seven days in August 2007 after Argentina's national environmental authority found multiple violations to national environmental law. The case was filed simultaneously with the Argentinean and the Dutch NCPs because the complainants believed the violations were a systemic problem in the global operations of Shell.

Despite the existence of parallel legal proceedings, in September 2008 the Argentine and Dutch NCPs accepted the case (with the former taking the lead). The Argentine NCP prepared a list of “considerations” from the complaint and asked the parties to respond; both complied. In addition, in April 2009, three members of the NCP visited Villa Inflamable to interview residents and see the conditions. However, Shell Capsa has refused to participate in the process and did not accept the Argentinean National Contact Point’s offer for good offices, arguing that doing so could affect its position in the Argentinean Federal Courts, due to the existence of parallel proceedings of judicial nature on the same matters. The enterprise requested the Argentinean NCP to put on hold the proceedings until the resolution of the ongoing judicial causes. Considering the situation, the Dutch National Contact Point suggested that the parties could try to hold a dialogue on the issues that were not covered by the judicial causes, tackling some issues of ‘supra legal’ nature. Regarding this initiative, shared by the Argentinean NCP, the parties did not reach an agreement on the scope and content of a possible dialogue. The complainants insisted on giving priority to the discussion of the matters included in the complaint as well as any other topic that could possibly arise over the course of this dialogue, even though they were not included in its formal presentation. The enterprise, in turn, expressed again the reason of the existence of parallel proceedings not to accept informal conversations, informing that the company had already been carrying out social development activities in the neighborhood close to the refinery, to help its residents. The NCPs therefore decided that waiting for the decision of the court is now the best option.

In 2010, one case -in which the NCP was cooperating with the Irish NCP but did not have the lead- was closed (see box).

<b>Case</b>	<b>Shell Ireland</b>
<i>Date of notification</i>	<i>August 2008</i>
<i>Complainant</i>	<i>Póbal Chill Chómaín (local community group), Action from Ireland (AFRI) and Sherpa (international human rights advocates group) alleges that a gas pipeline would pass too close to populated areas and go through an area prone to landslides, raising health and safety concerns to local communities</i>
<i>Enterprise concerned (sector)</i>	<i>Shell Exploration and Production Ireland Ltd (SEPIL), a subsidiary of Royal Dutch Shell and co-investors Statoil of Norway and Vermilion Energy Trust of Canada (oil and gas industry)</i> <i>(oil and gas industry)</i>
<i>Involved NCP</i>	<i>NCP Ireland (leading), NCP Netherlands and involvement of NCP Norway and NCP Canada</i>
<i>Status</i>	<i>Closed</i>
<i>Chapters cited</i>	<i>Chapter II (General Policies)</i> <i>Chapter V (Environment)</i>
<i>Final statement</i>	<a href="#"><u>Yes</u></a>

Pobal Chill Chomáin (People of Kilcommon) and two supporting NGOs filed a complaint concerning the Corrib gas project in North West County Mayo, Ireland run by a consortium of Shell E&P Ireland, Statoil Exploration Ireland, and Vermilion (which bought out Marathon Oil’s share in 2009). The project includes a gas processing plant and a pipeline to transport untreated gas from the sea to the processing plant. The complaint alleges the pipeline would pass too close to populated areas and given the instability of peat in some areas, there is an increased likelihood of pipeline failure. The groups also point to environmental concerns.

The Irish NCP, in cooperation with the Dutch NCP, conducted an initial assessment, and both NCPs declared the case admissible. The Norwegian, US and later Canadian NCPs were informed about the

process. However, the process was put on hold while direct discussions between Shell and the complainants were being facilitated by the Irish government. When these talks collapsed in early April 2009, the Irish NCP held separate discussions with the parties. In September 2009, the NCPs summarised their findings and concluded that mediation would be extremely difficult given the irreconcilable positions on the main issue: relocation of the planned processing plant. Shell has refused to discuss relocation, claiming it received all necessary government permits for the plant. There was also significant disagreement as to whether the consortium engaged in sufficient consultations with the community. In January 2010, the complainants agreed with the NCPs' assessment that mediation appeared impossible and requested that the NCPs close the procedure with a final statement. The NCPs joint final statement focused on the issue of due diligence by the consortium, stating it was beyond its competence and mandate to draw conclusions on the validity of location of the processing facility. The statement concluded that in the early stages of the project, dialogue with stakeholders had not been in accordance with the spirit of the Guidelines. However, since 2005, the consortium had improved its practices and shown willingness to address health and safety concerns. The NCPs' statement also advised that in general, enterprises have a responsibility to respect the rights of people impacted by their activities. Companies are expected to exercise due diligence in the broad sense of the concept, and they have a responsibility to consider going beyond what is legally required when it comes to consulting local communities.

## **Conclusion**

The NCP in 2010 has learned from the views of colleagues, not only by the peer review report, but also by exchanging views and experiences in formal and informal meetings. It will continue to pledge for more involvement of the OECD organization in actively bringing up to date colleague NCP's who are less visible in their actions in their countries. For the success of the updated Guidelines it is important that each NCP should establish a standard for their functioning that is recognizable and acceptable both for the international business and NGO communities.

*Addendum: Letter from the chairman of the Netherlands NCP as a first reaction to the peer review report*