



OECD GUIDELINES
FOR MULTINATIONAL
ENTERPRISES

NATIONAL CONTACT POINT
FOR RESPONSIBLE BUSINESS
CONDUCT THE NETHERLANDS

**La Asamblea Campesina del Cesar por la Restitución de Tierras y el Buen Vivir,
PAX for Peace, and the Centre for Research on Multinational Corporations**

vs.

Port of Amsterdam

Date: 21 August 2025

Initial Assessment

The objective of the initial assessment process under the Implementation Procedures is to determine whether the issues raised in the specific instance warrant further examination. If so, the NCP will offer or facilitate access to consensual and non-adversarial procedures, such as dialogue, mediation or conciliation (e.g. ‘good offices’) to the relevant parties. As specific instances are not legal cases and NCPs are not judicial bodies, NCPs cannot impose sanctions, directly provide compensation nor compel parties to participate in a conciliation or mediation process.

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Executive summary

On 20 April 2023, the Dutch National Contact Point (NCP) for Responsible Business Conduct received a notification of a specific instance from La Asamblea Campesina del Cesar por la Restitución de Tierras y el Buen Vivir, PAX for Peace, and the Centre for Research on Multinational Corporations (hereinafter the notifying party) with regard to an alleged violation of the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct (hereinafter the Guidelines) by Port of Amsterdam.

According to the notifying party, the enterprise failed to meet the expectations set out in Chapter II (General Policies) and Chapter IV (Human Rights) of the Guidelines. The notifying party states that the alleged violations took place in relation to the enterprise's business relationship with other companies in the coal supply chain that allegedly are involved in the ongoing adverse human rights impacts (in particular: forced displacement of over 59,000 individuals) of coal mining activities on farming communities in the coal mining region of Cesar, Colombia. The notifying party argues that the enterprise did not adequately conduct human rights due diligence with respect to the human rights risks associated with commercial activities in the supply chain of the coal it handled as part of its own commercial activities since at least 2009.

The Port of Amsterdam states that its role in the alleged impacts has not been made clear by the notifying party in the original notification dated 20 April 2023. Based on the legal framework within which Port of Amsterdam has to operate, Port of Amsterdam argues that it cannot prohibit the terminals from storing and transshipping coal when there is a current lease agreement and the goods are considered legal under Dutch law. Nevertheless, Port of Amsterdam states that it has taken several steps to enhance its leverage and further strengthen its due diligence in accordance with the OECD Guidelines in its policies and actions, in direct response to the publication of the PAX report in 2014 (Pax (2014), *The Dark Side of Coal*) on the human rights abuses in coal mining area Cesar, Colombia. Port of Amsterdam states that it has cooperated with energy companies and other stakeholders through Bettercoal, promoting social dialogue and the development of a mining company assessment system. Finally, the Port of Amsterdam has made the strategic decision to phase out coal before 2030. According to the enterprise, this decision has already led to a clear decline in coal volumes imported from Colombia.

Coordination

The alleged human rights abuses took place in Colombia. Hence, the Dutch NCP coordinated with the Colombian NCP, which agreed to act as a supporting NCP in this specific instance. Since this specific instance is closely related to five other specific instances involving other NCPs, the Dutch NCP will closely coordinate with the other relevant NCPs to ensure consistency and coherence in the interpretation of the expectations of the Guidelines in relation to the issues brought forward in this case.

Brief overview of the timeline

On 21 April 2023 the NCP had an in-person meeting with the notifying party. The NCP held an in-person meeting with Port of Amsterdam on 31 March 2025. The NCP received the initial written response from Port of Amsterdam on 24 April 2025. The NCP shared the draft Initial Assessment with the parties on 30 May 2025 for comments within two weeks. The Initial Assessment was published on the NCP website on 21 August 2025.

Explanatory note on the timeline: The original notification concerned seven enterprises: one logistical company and two port authorities headquartered in the Netherlands and four energy companies headquartered outside of the Netherlands that at some point in time burned coal in the Netherlands. In line with the Guidelines' Implementation Procedures, the NCP undertook coordination activities with the other concerned NCPs as well as with the Colombian NCP. In order to

deal effectively with the notification, the NCP held separate online meetings with all seven enterprises to propose a joint procedure. The outcome is that there will not be a joint procedure. Hence, there will be six separate procedures, as the submission against one energy company was withdrawn by the notifying party.

The NCP acknowledges that in this case the indicative timelines for the Initial Assessment have not been met, mainly because of a temporary lack of capacity at the Dutch NCP, and also due to the complexity of the specific instance(s), the high number of actors involved, and the necessary coordination with several other NCPs. **Conclusion**

The NCP concludes that the notification concerning Port of Amsterdam **warrants further examination** based on the following criteria:

- the identity of the party concerned and its interest in the matter;
- whether the issue is material, i.e. relevant to the implementation of the Guidelines; and substantiated, i.e. supported by sufficient and credible information;
- whether the enterprise is covered by the Guidelines;
- whether there seems to be a link between the enterprise's activities and the issue raised in the specific instance;
- the extent to which applicable law and/or parallel proceedings limit the NCP's ability to contribute to the resolution of the issue and/or the implementation of the Guidelines;
- whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines.

Below it is explained why, in the NCP's opinion, these criteria have been met.

This decision does not mean that the issues raised have been given consideration on the merits and does not imply any finding as to whether the enterprise has acted in accordance with the Guidelines.

Substance of the submission (facts presented) and the enterprise's response

Summary of the submission

This specific instance alleges that Port of Amsterdam has failed to meet the expectations in Chapter II (General Policies) and Chapter IV (Human Rights) of the Guidelines.

In its submission, the notifying party describes that between 1996 and 2006, severe adverse human rights impacts occurred in the Cesar mining region. Right-wing paramilitary groups committed atrocities, including the forced displacement of more than 59,000 victims. During this period, the mining companies Drummond and Prodeco/Glencore commenced and eventually expanded their mining operations. The notifying party argues that these mining companies financially benefited from the forced displacements of local communities due to their subsequent purchase of victims' lands from intermediaries that were allegedly unlawfully occupying and selling the land from which people were forcibly displaced.

The notifying party estimates that over 100 million tons of coal linked to forced displacements in Cesar has been transported to and through the Netherlands since at least 2009. The notifying party states that Port of Amsterdam is directly linked to the forced displacements in Cesar through a series of business relationships with other companies that handle, buy, sell and mine the coal. However, according to the notifying party, the enterprise did not use, individually or collectively, its leverage to seek to prevent or mitigate the negative impacts and to remediate these impacts where they did occur, as is expected of it under the Guidelines.

According to the notifying party, the vast majority of displaced individuals from Cesar have not yet received adequate or effective land restitution, and much of the land in question has been unlawfully expropriated.

The notifiers state that, for more than a decade, they have engaged with the enterprise over its responsibilities regarding human rights abuses in Cesar. These discussions have not led to the enterprise exercising its leverage that would in turn lead to the effective remediation of the ongoing adverse impacts associated with the forced displacements.

The notifying party requests from Port of Amsterdam that the enterprise:

- Recognises and accounts for its direct link to the severe ongoing adverse impacts associated with forced displacements in the Cesar mining region and seeks to address these impacts.
- Publicly calls on and exercises leverage over the energy companies concerned, as well as the coal mining companies concerned, to insist that they comply with the OECD Guidelines.
- Develops a time-bound plan for just transition and responsible disengagement from coal that includes seeking to address adverse impacts to which the enterprise was directly linked.
- Meaningfully engages with the Asamblea Campesina and other affected rightsholders' groups in each of the above actions.

Response by the enterprise

Port of Amsterdam is the Port Authority for the Amsterdam port area. It is fully owned by the municipality of the city of Amsterdam. Port of Amsterdam is responsible for the management, operation and development of the port and the associated port area.

Port of Amsterdam has clear legal frameworks within which it operates, on the local, national and international level. The Law of the Sea (UN), for example, stipulates the right of innocent passage that allows for a vessel to pass through the territorial sea of another state, subject to certain restrictions e.g. the national sanctions list. In addition, it owns the land in the Amsterdam port area and issues land leases to private parties operating terminals and sites there. These include coal terminals. The land leases issued by the Port of Amsterdam have fixed terms (for a maximum of 50 years) to guarantee investments for (sustainable) development. The leasehold agreements with the companies in the port area are legally binding contracts that, unless otherwise stipulated in the contract, cannot be changed unilaterally by one of the contracting parties. In relation to the coal terminals, Port of Amsterdam therefore claims it cannot prohibit the terminals from storing and transshipping coal when there is a current lease agreement and the goods are considered legal under Dutch law.

According to the enterprise, Port of Amsterdam has a strong focus on decarbonization of the overall supply chain that will also affect its dealings with the coal sector. *“This started as early as 2008, when the Port of Amsterdam announced it would no longer give out additional leases to new ‘fossil based’ terminals (coal and liquid fuels). [...] In 2017 Port of Amsterdam took a next step, to disengage with the coal sector in particular. This resulted in the “coal decision” in 2017 to phase out coal in or before 2030. Port of Amsterdam was the first major Port to communicate such a statement and started directly with engagement. [...] The Port aims to be climate neutral in 2050 and all future fuel terminal leases can only be renewed if they can demonstrate a strategy towards 100% renewable fuels operation.”*

Port of Amsterdam argues that it has integrated the Guidelines in the core of its vision, strategy and instruments. It states that it has taken several steps regarding coal in direct response to the publication of the PAX report in 2014 (*Pax (2014), The Dark Side of Coal*) on the human rights abuses in coal mining area Cesar, Colombia. *“In direct response to reports of alleged impacts, we have taken several steps to enhance our leverage and further strengthen our due diligence in accordance with the OECD guidelines.”*

“First, in 2015 Port of Amsterdam became a member of the multistakeholder initiative Bettercoal to increase its leverage. Bettercoal has a dedicated Colombia working group (CWG) that acts as a multi-stakeholder dialogue platform and a way for members to coordinate efforts monitoring the continuous improvement of producers in the country and advance country expertise. However, the overall Bettercoal Programme is responsible for the field research, the social programmes and for developing assessment systems.

Secondly, in 2016 Port of Amsterdam started a process to institutionalise the OECD Guidelines, culminating in a vision on due diligence and a Corporate Social Responsibility (CSR) establishment policy (MVO vestigingsbeleid) for companies that want to become part of the port. Our CSR establishment policy is applied to all cargo flows and establishment requests and considers the business operations as well as the entire value chain. We have proactively engaged with NGOs, including PAX and SOMO, to discuss their policies on multiple occasions and we have organised stakeholder sessions on due diligence.”

Thirdly, the enterprise states in relation to its aforementioned “coal decision” in March 2017:

“The result is a clear decrease in coal transshipment and coal volumes from Colombia. The Eurostat data is publicly available, we therefore do not agree with the statement that we are not transparent

about our data. The import numbers that are mentioned in the complaint do not correspond with the Eurostat data."

Proceedings of the NCP to date

Since the receipt of the submission on 20 April 2023, the following steps have been taken:

- On 21 April 2023, the NCP held its first in person meeting with the notifying party.
- On 9 June 2023, the NCP informed the enterprise of the notification.
- On 13 July 2023 April, the NCP sent a confirmation of receipt to the notifying party.
- On 6 September 2024, the NCP held a preliminary online meeting with the enterprise to propose a joint procedure with the other 6 enterprises initially involved in the Specific Instance.
- On 3 October 2024, the enterprise informed the NCP it preferred an individual procedure.
- On 10 October 2024 the Dutch NCP held an update meeting in person with the notifying party.
- On 23 January 2025, the NCP requested the Colombian NCP if it would act as supporting NCP.
- On 5 February 2025, the Colombian NCP confirmed it would act as supporting NCP.
- On 31 March 2025, the Dutch NCP held an in person meeting with Port of Amsterdam to discuss the submission.
- On 24 April 2025, the NCP received the initial written response to the notification from Port of Amsterdam.
- On 30 May 2025, the NCP sent the draft initial assessment to both parties for comments within 2 weeks. At the same day, the draft initial assessment was shared with the Colombian NCP and the German NCP for comments.
- On 21 August 2025, the NCP published the initial assessment on its website.

Coordination:

The alleged human rights abuses took place in Colombia. Hence, the Dutch NCP coordinated with the Colombian NCP, which agreed to act as a supporting NCP in this specific instance. Since this specific instance concerns six enterprises, the Dutch NCP will closely coordinate with the other relevant NCPs to ensure consistency and coherence in the interpretation of the expectations of the Guidelines in relation to the issues brought forward in this case.

Explanatory note on the timeline:

The initial Specific Instance concerned seven enterprises: one logistical company, two port authorities headquartered in the Netherlands and four energy companies headquartered outside of the Netherlands that at some point burned coal in the Netherlands. In line with the Guideline's Implementation Procedures, the NCP undertook coordination activities with the other relevant NCPs as well as with the Colombian NCP. In order to deal effectively with the notification, the NCP held separate online meetings with all seven enterprises to propose a joint procedure. The outcome is that there will not be a joint procedure. Hence, there will be six separate procedures, as the submission against one energy company has in the meantime been withdrawn by the notifying party.

In relation to the above, the NCP had a variety of meetings with the enterprises concerned, the other relevant NCPs and the OECD RBC Secretariat, while keeping all parties informed of the process on a regular basis.

The NCP acknowledges that in this case the indicative timelines for the Initial Assessment have not been met, mainly because of a lack of capacity at the Dutch NCP, and also due to the complexity of the specific instance(s), the high number of actors involved, and the necessary coordination with several other NCPs.

Initial assessment by the NCP

The NCP has decided to accept the submission. This decision has been taken following an assessment by the NCP as to whether the issues raised warrant further examination. For this decision, the NCP took into account the following six criteria, which are set out in the commentary to the Procedural Guidance, paragraph 33.

The identity of the party concerned and its interest in the matter

The specific instance is submitted by the following three organizations:

- Asamblea Campesina del Cesar para la Restitución de Tierras y el Buen Vivir (Asamblea Campesina del Cesar, or ACCRTBV, in short) is a Colombian regional organisation of peasant communities who have been victims of forced displacements by illegal armed groups that took place mainly in the years 1996-2006. Since its establishment in 2012, the organisation has been working for the victims' right to truth, justice, reparations and security guarantees.
- PAX for Peace is a Dutch NGO, working to protect civilians against acts of war, end armed violence and build inclusive peace. PAX has been active in Colombia, for more than 20 years, including conducting research and campaigning on corporate involvement in human rights impacts related to coal mining and forced displacements.
- The Centre for Research on Multinational Corporations, in short SOMO, is a Dutch NGO, conducting research on corporate accountability. SOMO conducts research on the relationship between European energy companies and adverse human rights impacts associated with coal mining in the Cesar mining region.

It is standing practice that NCPs accept submissions filed by trade unions, NGOs or other organisations that seek to address causes they defend. In this specific instance, the notifying party consists of three organisations defending causes that relate to the issues raised. Hence, the NCP is of the opinion that the notifying party has a legitimate interest in the issues raised in this submission.

Whether the issues raised are material and substantiated

In line with the Commentary to the Procedural Guidance for NCPs, paragraph 33, the NCP interprets 'material and substantiated' to mean that, based on the information submitted, the issues raised are relevant to the implementation of the Guidelines and supported by sufficient and credible information.

The submission is material in the sense that it refers to the alleged non-compliance by Port of Amsterdam of provisions in Chapter II (General Policies) and Chapter IV (Human Rights) of the Guidelines. The issues raised by the notifying party are sufficiently substantiated by extensive background information and research.

Whether the enterprise is covered by the Guidelines

In 2013, the Amsterdam Municipal Port Authority became independent under a new name, Port of Amsterdam. The City of Amsterdam holds 100 percent of the shares.

Port of Amsterdam has business relationships with clients and business partners around the world, and it undertakes activities that are commercial in nature. It is a multinational enterprise in the sense of the Guidelines and thus covered by the Guidelines.

Whether there seems to be a link between the enterprise’s activities and the issues raised in the specific instance

The notifiers estimate that over 100 million tons of coal linked to forced displacements in Cesar has been transported to and through the Netherlands since at least 2009, including through the Port of Amsterdam. The notifying party states that Port of Amsterdam has maintained business relationships with other companies in the coal supply chain that are involved in handling, buying, selling and mining the coal in question, which according to the notifying party, directly links them to the alleged adverse impacts of forced displacements associated with coal mining in Cesar, Colombia.

In the framework of the Guidelines, an enterprise may have responsibilities in relation to its own activities but also in relation to those of its business partners. From the perspective of the Guidelines (Chapter IV, Commentary 48), an enterprise may be linked to certain negative effects in its value chain regardless of whether there was a direct relationship with the entity causing those effects. Hence, according to the Guidelines, there can be a link even if the business relationship is indirect, i.e. beyond the first tier in an enterprise’s value chain, whether upstream or downstream. From the information that has been made available to the NCP in relation to the notification and the relevant definitions in the Guidelines, it can be deduced that there seems to be a link between the activities of Port of Amsterdam and the issues raised in this specific instance.

The extent to which applicable law and/or parallel proceedings limit the NCP’s ability to contribute to the resolution of the issue and/or the implementation of the Guidelines

The NCP is not aware of any proceedings that address the issues raised in this specific instance that concern Port of Amsterdam. There are a number of other domestic and international proceedings that have dealt with issues related to the alleged involvement of the coal mining companies in human rights and land rights violations associated with coal mining in Colombia. But since these claims do not address the activities nor the responsibility of Port of Amsterdam, they do not limit the ability of the NCP to accept this complaint for further consideration.

Whether the examination of the issue would contribute to the purposes and effectiveness of the Guidelines

The Dutch NCP believes that dealing with this notification may contribute to achieving the Guidelines’ objectives and enhancing their effectiveness in the sense that it could help clarify the responsibilities under the Guidelines Chapter II (General Policies) and Chapter IV (Human Rights) for a port authority like Port of Amsterdam as part of its position in the value chain, being allegedly linked to the coal mining companies operating in Colombia. This would include a clarification of Port of Amsterdam’s responsibility in relation to adverse impacts to which it is connected through its value chains.

Conclusion

The NCP is of the opinion that this submission **warrants further examination** on the basis of the criteria laid out in the commentary to the Procedural Guidance, paragraph 33. The conclusion reached by the NCP in this initial assessment is based on the information received from both parties. The NCP does not express an opinion on the correctness of the statements of the parties, or the validity of the documentation provided by them.

Next steps

In accordance with the Dutch NCP Specific Instance Procedure, the NCP **accepts** this case for further examination and offers its good offices to the parties. The NCP has asked both parties whether they are willing to engage in a mediation/conciliation process, with the aim of agreeing how the issues raised can be successfully addressed.

Both the notifying party and the enterprise have accepted the NCP's good offices. In accordance with the NCP procedure, further activities relating to the specific instance procedure will be confidential while good offices are ongoing. The NCP will, together with the parties, take the necessary steps to guarantee a careful and confidential process.

If the parties cannot reach an agreement as a result of the good offices, the NCP will, in principle, examine the issues and provide recommendations concerning the observance of the Guidelines. In any case, it will complete the procedure by issuing a Final Statement, which it will publish on its website.

The role of National Contact Points (NCPs) is to further the effectiveness of the OECD Guidelines. The Dutch government has chosen to establish an independent NCP, which is responsible for its own procedures and decisions, in accordance with the Procedural Guidance section of the Guidelines. In line with this, the Dutch NCP consists of four independent members, supported by four advisory government officials from the most relevant ministries. The NCP Secretariat is hosted by the Ministry of Foreign Affairs. The Minister for Foreign Trade and Development Cooperation is politically responsible for the functioning of the Dutch NCP. More information on the OECD Guidelines and the NCP can be found on the [NCP Website](#)

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