

## UPDATE: DRC RELATED CASES

It has been nine months since the final report of the UN Panel of Experts investigating the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (DRC) was presented to the Security Council. There are signs that some OECD governments and National Contact Points (NCPs) are finally starting to examine the dossiers concerning the companies accused by the UN Panel of misconduct.

In a few cases in Belgium, criminal investigations are underway mainly in relation to alleged money laundering offences. A number of NCPs made brief reports about the actions undertaken at the Annual Meeting of National Contact Points for the OECD Guidelines in Paris in June 2004, which are reproduced verbatim below.

Other information on the status of the cases has been compiled by RAID on behalf of OECD WATCH. In July an international coalition of NGOs reiterated its call to the governments of the OECD countries where the companies listed in the UN Panel's report are registered to carry out investigations into the UN's allegations.

### KEY: UN Panel's categories from the final, October 2003 report

Category I	Resolved
Category II	Provisional resolution but continued monitoring by NCP
Category III	Unresolved and NCP investigation
Category IV	Pending government investigation
Category V	Company failed to react

## Belgium

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"The Belgian NCP received 7 dossiers from the Panel. The 7 companies concerned have been interviewed by the Belgian NCP with a view to forming a preliminary evaluation of each case. The Belgian NCP intends to follow the procedural guidance for specific instances as it pursues its examination of these dossiers." (Draft Report for 4<sup>th</sup> Annual Meeting of NCPs, June 2004)

Company	Category	Action Taken
Banque Bruxelles Lambert	(III)	NCP evaluation
Specialty Metals Company SV	(V)	Assessment requested by company
Sierra Gem Diamonds	(III)	Assessment requested by companies
Ahmad Diamond Corporation	(III)	Criminal investigations have been opened into allegations of tax irregularities by Sierra
Asa Diam	(III)	Gems and other diamantaires.
Asa International	(III)	
Forrest Group	(II)	No action reported as yet
Banque Belgolaise	(I)	Criminal Investigation under Anti-money Laundering (AML) charges opened. Five Directors are implicated.
Cogecom	(III)	Criminal Investigation underway against Manager on AML-related charges
C. Steinweg NV	(V)	No action reported

## Canada

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"Seven of the eight Canadian companies were placed in resolved category requiring no further action. The eighth company was in the category 'Pending Case with Government' and further enquiry by the Canadian Government was requested. The NCP has accepted the Panel's conclusions and is in the process of following up with the eighth company. A representative of the NGO coalition was informed of the NCP's approach in a February 2004 meeting." ((Draft Report for 4<sup>th</sup> Annual Meeting of NCPs June 2004)

International Panorama Resources (IV)

Follow up by NCP

## Finland

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The Finnish subsidiary of OMG approached the Finnish Government to ask them to examine the Panel's allegations. In a preliminary statement to the Panel in May 2003, the Finnish NCP stated that the OECD Guidelines 'do not concern commercial disputes' and referred to the allegations about the germanium as 'minor'. No final statement has been published.

OMG/Kokkola Chemicals Oy (I)

Assessment requested by company.

## France

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"The French NCP is currently engaging with a transport company that appeared in category V of the Panel report (Parties that did not react to the Panel report)." (Draft Report for 4<sup>th</sup> Annual Meeting of the NCPs, June 2004).

SVD Transintra (V)

Assessment by NCP

## Germany

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There does not appear to enquiries into any of the companies referred to the German NCP by the Panel.

KHA International AG (III)

Masingiroq GmbH (III)

## Netherlands

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A complaint against Chemie Pharmacie Holland (the Dutch business partner of the US company, Eagle Wings Resources International) was filed in July 2003 by a group of Dutch and Congolese NGOs. In May 2004, after several meetings between the parties, the DUTCH NCP dismissed the case on grounds that the OECD Guidelines were not applicable. However the Dutch NCP issued a statement stating that companies should be proactive "in finding out of origin of the ore and the circumstances that surrounded ore mining", particularly in conflict zones.

Chemie Pharmacie Holland (V)

Statement by NCP

## United Kingdom

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The UK NCP has issued a public statement regarding De Beers. The statement says the Panel's claims are unsubstantiated. (Draft Report for 4<sup>th</sup> Annual Meeting of the NCPs, June 2004)

The UK NCP, after obtaining additional documentation from the UN Panel, has agreed to prepare a preliminary assessment of the cases by September 2004 and complete the examination by the end of the year. It is likely that the NCP will make a statement to the UK Parliament on the outcome.

Complaints have been formally filed against the following companies:

Oryx Natural Resources	(III)
Avient Air	(III)
Tremalt/Kababankola	(III)
DAS Air	(III)
Alex Stewart (Assayers) Ltd	(I)
Ridgepointe International Developments Ltd	(Not categorised)

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