

National Contact Point of Switzerland

Specific Instance Cerrejon Coal Mine, Columbia Closing Statement

Berne, 15 July 2009

The National Contact Point (NCP) for the OECD Guidelines for Multinational Enterprises promotes the observance of the principles of the Guidelines and discusses with the parties concerned all relevant issues so as to contribute to the resolution of any specific problems, which might arise.

On 2 July 2007, the Australian NCP (ANCP) received a submission on a specific instance regarding the Cerrejon coal mine in Columbia partially owned by Anglo American, BHP Billiton and Xstrata. The submission was lodged by an Australian lawyer, representing parties concerned in Columbia. Specifically it was claimed that the owners and operators of Cerrejon attempted to depopulate an area of the La Guajira Peninsular, Colombia, by destroying the township of Tabaco and through the forced expulsion of its population. Furthermore, it was stated that five other communities in the region are suffering the effect of a policy designed to make living unviable in the area and to drive the population out. On 28 September 2007, the Australian NCP accepted the matters raised.

On 4 October 2007, the Swiss NCP received a similar complaint from the Swiss NGO "Arbeitsgruppe Schweiz-Kolumbien" (ask), which was also assessed as substantiated as well as relevant under the Guidelines and accepted by the Swiss NCP.

Due to the fact that different stakeholders were involved in the complaint, the ANCP organized a meeting in London on 9 October 2007. The meeting was attended by the two complainants, representatives of Anglo American, BHP Billiton and Xstrata, the Australian, Swiss and UK NCPs as well as the Colombian Solidarity Campaign. Participants decided that the specific instance should be dealt with on an integrated basis and the ANCP agreed to take the lead in handling the issue.

Since October 2007, various meetings and exchanges of information took place under the leadership of the ANCP. The Swiss NCP kept close contact to the ANCP. In addition, several follow-up meetings with the Swiss NGO ask took place in order to exchange information and consult on the ongoing proceeding.

On 12 June 2009, after extensive consultation with all parties involved the ANCP published a final statement summarizing the procedural steps and outcomes of the specific instance (see attachment). The Swiss NCP fully supports this statement and takes it as the basis to formally close this specific instance. In the opinion of the Swiss NCP, the mediation process has been successfully led by the ANCP.

The Swiss NCP would like to take the occasion to thank all parties involved for the good cooperation.

Attachment: [Statement by the Australian NCP](#)