

DECLARATION OF THE OECD WATCH INTERNATIONAL / INTER-REGIONAL SEMINAR ON OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES

HELD IN GHANA ON 6TH AND 7TH JULY 2006

The participants of the OECD Watch and WACAM Inter-regional Seminar on the OECD Guidelines for Multinational Enterprises and other international norms, standards and principles for responsible business behaviour met in Accra from 6th-7th July 2006.

Participants from twenty countries attended the conference

OECD Watch is a network of over 50 NGOs from 30 countries working on corporate accountability and the OECD Guidelines for Multinational Enterprises. NGOs have expertise in the environment, labour rights, and human rights, among others.

WACAM is an advocacy NGO committed to raising awareness of the impact of mining in Ghana, and the adverse effect that a lack of corporate accountability by foreign enterprises is having. WACAM is committed to the protection of the natural environment and the livelihood of local communities.

The seminar discussed the following issues:

- Globalisation, national policy and multinational investment in developing countries, the case of Ghana
- The OECD Guidelines for Multinational Enterprises, their strengths, limitations and applicability
- The OECD Guidelines for Multinational Enterprises in the African context, examples from the OECD Watch database
- UN conventions and other instruments for advocacy
- The OECD Watch training manual, lessons for using the complaint mechanism

The participants noted that the OECD Guidelines for Multinational Enterprises is one of the instruments available to encourage and promote corporate social and environmental responsibility. It was however noted that, the Guidelines are not binding or mandatory, but are voluntary standards and principles. The strengths and limitations of the OECD Guidelines for Multinational Enterprises as well as the benefits that can flow from using the complaints mechanism were acknowledged.

Participants noted that corporate business practices result in widespread lack of corporate accountability and transparency in developing countries resulting in unacceptably high rate of human rights violations and environmental degradation.

The seminar equally noted the body of customary law and international conventions, such as the UN Declaration on Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the UN Convention on Indigenous Peoples demands that governments are obligated to ensure that all state actors, and multinational enterprises, respect human rights.

Similarly, the February 2006 Interim Report of the Special Representative of the Secretary General on the issue of human rights and multinational corporations and other business enterprises acknowledges that in the context of human rights, the worst forms of abuses can be attributed to the extractive industries.

Again, participants confirmed that, notwithstanding the fact that Africa has approximately 60 per cent of the world's mineral resources, Foreign Direct Investment in the extractive industries has not contributed to sustainable development on the continent.

In addition to this, African communities directly affected by oil, gas and mining extraction can and often do face extreme human rights abuses including forced evictions from their land, deterioration of livelihoods, extreme pollution and degradation of the natural environment, poor labour practice, among others.

Participants noted that weak governance, lack of transparency and accountability in many developing countries contribute to flawed business practices by foreign multinational enterprises, while secrecy in the revenues generated and financing structures in the extractive industries further exacerbates corruption and mismanagement of resources.

In this context, participants:

- Stressed the need for governments to strengthen national laws to regulate activities of multinational companies and to ensure they have both the will and the capacity to strengthen and implement them.
- Called on governments to have the responsibility to uphold international treaties and conventions and to find ways to encourage companies to meet their responsibilities and operationalise the standards and principles contained within the OECD Guidelines, United Nations conventions and treaties, International Labour Organisation conventions and other relevant international instruments
- To ensure that bilateral trade agreements are developed that give consideration to the protection of human rights and labour standards

Participants further noted that the OECD Guidelines were among the most currently recognized mechanism that allows civil society to raise complaints. This Inter-Regional Conference and Seminar therefore recommends:

- that OECD member countries and non-adhering countries fulfil their commitment to promote the principles and standards contained within the OECD Guidelines for Multinational enterprises
- that the functionality of the National Contact Points be strengthened to ensure that the specific instances of corporate irresponsibility are handled in a timely and transparent manner in which all parties are treated equitably.
- that NGOs and other institutions that promote corporate social responsibility undertake to promote awareness and build capacity of local communities affected by oil, gas and mining extraction to hold companies and governments to account for the harmful consequences of their activities.
- that NGOs, for their part, commit themselves to raising credible, well-documented cases to contribute to and ensure a fair and transparent process that results in meaningful improvements for impacted communities.

- that Governments and enterprises commit to open, transparent and credible consultation with communities affected by the business activity
- Participants took part in a series of workshops to consider recent cases using the OECD Guidelines for Multinational enterprises and how they could be applied elsewhere. Emerging issues identified the need for:

-NGOs to initiate and sustain a campaign aimed at making the OECD Guidelines for Multinational enterprises more responsive, with the ultimate goal of developing internationally binding regulations to ensure corporate accountability

- Global collaboration amongst NGOs
- training of local communities in their rights and awareness of redress mechanisms
- Enhanced use of the media
- Use of international judicial processes and alternatives such as the UN Ombudsman
- Shareholder activism and creative campaigns, among others in holding companies and governments to account.

Finally, the conference expresses deep concern about the negative effects of the operations of multinational mining companies on poor mining communities, and thus,

- Affirm our commitment to develop campaigns and work in solidarity to uphold the rights of local communities and support their struggles.

The implementation of these recommendations will contribute to poverty alleviation; encourage greater corporate accountability, protection of workers rights, natural resources and guarantee that local communities are treated with dignity and respect.

Accra, 7th July, 2006

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WACAM

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Peter Pennartz

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