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Swiss Confederation

Federal Department of Economic Affairs,
Education and Research EAER

State Secretariat for Economic Affairs SECO
Special Foreign Economic Service
International Investment and Multinational Enterprises

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Mr. Zach Abraham
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Bern, 3 February 2017

Submission under the OECD Guidelines for Multinational Enterprises

Dear Sirs,

The Swiss National Contact Point (NCP) has taken note of Survival International's public statements and several media reports published since the release of our report on the Initial Assessment on 20 December 2016 stating that the OECD is investigating WWF International's activities in Cameroon. In view of this and the future process, we would like to remind you of relevant points of the Swiss NCP's role and procedures (see also "Information on the Specific Instances Procedure"¹):

- Each government adhering to the OECD Guidelines is required to establish a NCP to handle submissions under the OECD Guidelines. The Swiss NCP is maintained by the Swiss federal administration to meet this requirement. It is not part of the OECD and the OECD has no role in handling submissions received by the Swiss NCP.
- Where the Swiss NCP publishes a report on the Initial Assessment which accepts a case for further consideration, this does not constitute a judgment from the NCP that the behaviour or actions in question were inconsistent with the OECD Guidelines. This is explicitly stated in the Swiss NCP's report on the Initial Assessment (see p. 9).

¹ Available at: https://www.seco.admin.ch/seco/en/home/Aussenwirtschaftspolitik_Wirtschaftliche_Zusammenarbeit/Wirtschaftsbeziehungen/NKP/organisation-und-kontaktaufnahme.html.

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- Following its Initial Assessment, the next steps in the Swiss NCP's process are the following (see "Information on the Specific Instances Procedure"):
 - When the NCP accepts a case, it asks the parties if they are willing to engage in mediation on the issues accepted for further examination. The aim of such mediation is for the parties to agree on the essential facts of the case, consider them according to the OECD Guidelines and discuss possible solutions.
 - If the parties reach an agreement and find a solution for the dispute, the NCP will publish a Final Statement with the results of the proceedings (including any details of the agreement that the parties agree may be disclosed).
 - If no agreement is reached or one of the parties is not willing to take part in the proceedings, the Swiss NCP will also make this information publicly available in a Final Statement. It will include a summary of the reasons why an agreement was not reached.
- The Swiss NCP requests the parties to maintain confidentiality during the NCP proceedings. In order to establish an atmosphere of trust, no information on the content of the proceedings or any information exchanged during the proceedings (e.g. written submissions of the parties) may be published or shared with third parties. The NCP reserves the right to stop the proceedings if a party does not respect confidentiality.

We would also like to make the general observation that the Swiss NCP's experience is that where a party to a submission makes deliberate public statements with incorrect or misleading information, or fails to correct such comments, this can undermine the integrity of the NCP process and reduce the prospects of successfully reaching a conclusion.

In view of the future process, the Swiss NCP requests that if parties feel it necessary to comment publicly further on the submission, they should accurately reflect the points above. In order to clarify some of the incorrect or misleading information, the present letter may be published by the parties on their websites.

Kind regards,

State Secretariat for Economic Affairs SECO



Nadja Meier

On behalf of the Swiss National Contact Point



**The global movement
for tribal peoples' rights**

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**We help tribal peoples
defend their lives, protect
their lands and determine
their own futures**

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OECD Guidelines for Multinational Enterprises
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6 February 2017

Dear Mrs Meier,

Survival International v WWF

Thank you for your letter of 3 February, the contents of which we have noted.

I can confirm that we are happy to proceed and thank you once again for your offer.

I can also confirm, as I wrote on 2 January, that we agree to keep confidential any (unpublished) materials exchanged during mediation, and the content of any discussions, with the sole proviso that we reserve the right to pass to the Baka any information we receive which will benefit them. Presumably this won't be a problem for WWF, particularly as we've made it clear at the beginning. (This stipulation has always been Survival policy. We are obviously duty bound to share with tribal people anything which would help them defend their rights.)

From our side, Survival will not require any statements it makes or information it provides to be confidential.

Yours sincerely,

Stephen Corry
Director