

Final declaration*
**by the National Contact Point for the OECD Guidelines for Multinational
Enterprises regarding a complaint by Wake up and Fight for Your Rights Madudu
Group and FIAN Deutschland against Neumann Gruppe GmbH**

On 15 June 2009, Wake up and Fight for Your Rights Madudu Group, Uganda, and FIAN Deutschland e.V. (the complainants) submitted a complaint against Neumann Gruppe GmbH to the German National Contact Point for the OECD Guidelines for Multinational Enterprises.

The OECD Guidelines for Multinational Enterprises, as part of the OECD Declaration on International Investment and Multinational Enterprises, present recommendations for responsible corporate conduct in the case of investment abroad and function on a voluntary basis. The governments of the OECD Member Countries and other participating countries have committed themselves by way of their respective National Contact Points to promoting the use of this voluntary code of conduct and to helping to arrive at solutions to complaints via confidential mediation involving relevant partners.

The main substance of this complaint was accusations of expulsion by force and without adequate compensation by the Ugandan military prior to the establishment of a coffee plantation by the subsidiary of Neumann Gruppe, the Kaweri Coffee Plantation, and of a lack of willingness on the part of the company, as the beneficiary of the resettlement, to engage in dialogue and to exert influence on the Ugandan government.

Basically, the complainants made the following demands of Neumann Gruppe:

1. to engage in dialogue with the complainants;
2. to contribute to an agreement on how a solution can be achieved in the case;
3. to help to speed up the court proceedings;
4. to use its possibilities to exert influence on the Ugandan government with a view to the Ugandan government participating in a dialogue with the complainants and Kaweri Coffee Plantation/ NG, and
5. to participate itself in this dialogue.

After careful preliminary review, on 28 August 2009 the German National Contact Point accepted for in-depth consideration the questions that had been raised, and obtained detailed statements from both parties. Thanks to the mediation and an invitation by the German National Contact Point, a constructive dialogue commenced and both sides were able to present their respective view of this case. To this end, it held discussions both with the complainants and with Neumann Gruppe. The German Embassy in Kampala was also actively involved.

A joint final discussion mediated by the German National Contact Point and the relevant federal ministries took place in Berlin on 8 December 2010. Both parties are also opponents in a court case in Uganda, and both parties expressed a manifest desire to

contribute to a resolution of the dispute in this court case. Here, both parties are considering the possibility of an out-of-court settlement.

On the basis of the rapprochement achieved in the discussion on 8 December 2010, both parties should continue their efforts to achieve an out-of-court settlement.

In the discussion on 8 December 2010, it became clear that Neumann Gruppe has since met the main demands cited above. It also drew attention to the non-profit-making welfare programmes of the Hanns R. Neumann Foundation, to which it is closely related and which credibly underlines its intensive commitment to coffee-producing countries.

The German National Contact Point recognises these efforts, and requests the parties to keep it informed about the case.

In the context of the investigation by the National Contact Point, there were no indications that Neumann Gruppe could not believe in good faith that it had acquired the land for use as the Kaweri Coffee Plantation from the Ugandan Investment Authority free of encumbrances and claims of third parties. In the view of the German National Contact Point, the parties should work together to further strengthen the relationship of trust between the Kaweri Coffee Plantation / Neumann Gruppe and those affected. To this end, the German National Contact Point sees an urgent need for the complainants to refrain from public attacks against Neumann Gruppe and to actively take up the offer of in-court and out-of-court negotiations towards an amicable settlement.

The German Embassy in Kampala will continue to follow the case, and German Ambassador Klaus Dieter Düxmann will continue to be available as a contact.

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For the National Contact Point
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* Figure I C 3 of the Procedural Guidance of the OECD Guidelines