



Center for Human Rights and Environment

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April 17, 2006

Córdoba, Argentina

NORDEA

Hans Dalborg
Chairman of the Board of Nordea
Member of CSR Europe's Advisory Board

Knut Rørbakken
Group CSR Officer
Nordea Bank AB
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RE: Pending NORDEA Response to Corporate Social Responsibility and Human Rights Compliance Complaint

Cc: ING: Michel Tilmant, Cees Maas, Jonathan Attack, Peter Jong, Huib te Haar, Cor Herkstroter, BBVA: José Angel Moreno, Francisco Gonzalez, Tomas Conde, Vitalino Nafria, Manuel Gonzalez Cid, Pablo Fernandez Calvo; Meg Taylor (CAO), Amar Inamdar (CAO), Alieto Guadagni, (World Bank Executive Director for Argentina), Declan Duff (IFC), Atul Mehta (IFC), Santiago Cantón (Inter-American Commission on Human Rights), Jorge Busti (Governor of Entre Ríos, Argentina); Jorge Taiana (Argentine Foreign Minister), Gualaguaychú Environmental Assembly, Keith Kozloff (US Treasury), Johan Frijns (Banktrack); Joseph Wilde (OECD); Business and Human Rights Resource Center; Karl Jackson (World Bank), O. Bordón (Argentine Embassy); Jorge Taiana (Foreign Minister, Argentina), Assembly of Gualaguaychú, Keith Kozloff, Rachel Bayley (US Treasury), BBVA.

Dear Mr. Knut Rørbakken

Thank you for your reply of April 17. As you suggest, in fact yes, "you" replied personally, **with one Email**, on behalf of NORDEA, that you would meet with us. I hope still that this meeting will be possible at some future date as we would be very pleased to meet you.

However, what concerns us is not NORDEA's willingness to meet with CEDHA, but that **NORDEA has not replied publicly or to anyone to the "Corporate Social Responsibility and Human Rights Obligations Complaint"**,¹ which gains more and more legitimacy as time progresses. NORDEA's is involved in very concerning complicity to violations of regulations, norms, and rights confirmed by the IFC's Compliance Advisory Ombudsman, and even by the IFC itself. These violations are of very serious concern to the general public, and are independent to whether or not CEDHA and NORDEA can meet at some unspecified date.

The complaint sent February 6th, has 14 pages of information regarding violations to IFC safeguard and environmental policy, national laws and regulations, international law, by the Botnia project which NORDEA is to support. We submitted evidence and references to a long list of official project documents, official legal complaints, international complaints, and much more information substantiating our arguments and accusations, as well as the conclusions of the CAO, which has ruled against the IFC and the companies in these projects. NORDEA HAS NOT RESPONDED TO ANY OF THESE.

¹ http://www.cedha.org.ar/en/initiatives/paper_pulp_mills/denuncia-nordea-csr-eng.pdf

These violations are of **serious** concern, and are pertinent NOT ONLY TO CEDHA but to the greater local, regional, and international PUBLIC INTEREST, to affected communities, and to NORDEA's stock holders, that should know about where and in what its company is investing. NORDEA owes a full response to this complaint to the public, to Argentines, to Uruguayans, to your own stock holders, and to other communities. A future meeting with CEDHA which may never happen cannot hold up NORDEA's immediate urgency to disclose NORDEA's complicity with these projects and clarify what it is doing to ensure that it is not financing a clearly irresponsible investment.

I will inform you as you probably are already well aware, that ING Group of the Netherlands has **responsibly** chosen to withdraw US\$480 million of their financing to Botnia, *following the Equator Principles Compliance Complaint* with precisely the same accusations we submitted to NORDEA, as well as mounting opposition and increasing risk exposure.² Our information indicates that CESCE, the Spanish Export Credit Agency, is also seriously considering withdrawing its guarantee support to ENCE, the Spanish company that is constructing near Botnia.

You must also be aware of the fact that the Uruguayan and Argentina presidents, were trying to resolve matters concerning this dispute, and that they had established a 90-day truce during which both companies ENCE and Botnia would have to stop construction so that Argentina and Uruguay could evaluate impacts NOT YET studied, particularly on tourism, local agriculture and other issues, such as wind patterns, etc. These gaps were recently confirmed by an IFC contracted report.³ It was the first time progress was made on this unfortunate conflict. Botnia however, **refused to stop construction for this period** (even though it had already announced that it would), because, as **its president suggested to the public, it would hurt stock prices in the Helsinki and NY stock exchanges**. This unfortunate preference for "profit over people and over the environment", is precisely what is wrong with this company in which NORDEA is investing!

It is unfortunate that NORDEA **is ignoring** its human rights responsibilities, its corporate social responsibility, and its abidance of national and international law, and that it is choosing to invest in a project that is causing an unprecedented international dispute between two otherwise friendly countries. We hope that you will not take refuge in a friendly letter you sent to one NGO expressing its willingness to meet to discuss this case as representing NORDEA's "responsibility" to the greater public interest. If your rhetoric about being a responsible investor is true, which at least from your actions, *it seems that it is not*, then at the very least, NORDEA should be responding "responsibly" to the public, and assuming the task of investigating, studying and publicly communicating "how" it is responsibly taking its obligations to heart, ensuring that these projects indeed are a responsible investment! Your responsibility is NOT TO CEDHA, it is to the public and in this respect your silence is complicit with the violations occurring in Uruguay and in Argentina as a result of this investment.

I would be happy to give you more information on the current state of affairs and at some point, would also be willing to meet with Nordea to discuss this case. In the meantime, NORDEA has an obligation to go public with its support and rationale to support these largely opposed projects, that are in violations with so many normative, legal, regulatory and other environmental and human rights norms.

Respectfully,

Jorge Daniel Taillant*
Executive Director
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*Legal Representative to 39,366 CAO Complaint Stakeholders from Uruguay and Argentina

² see ING letter announcing pullout.

³ For IFC contracted Consultant Report see:

http://www.cedha.org.ar/en/initiatives/paper_pulp_mills/uruguay-experts-report-eng.pdf