

REPORT OF NATIONAL CONTACT POINTS TO THE INVESTMENT COMMITTEE

Common Framework for Annual Reporting by National Contact Points for the period 1 July 2011-30 June 2012

In accordance with Section D of the Procedural Guidance [as revised by C(2011)11/FINAL],¹ NCPs must report annually to the Investment Committee on the nature and results of their activities to further the effectiveness of the Guidelines for Multinational Enterprises, including implementation activities in specific instances, to the Investment Committee .

This Common Reporting Framework is designed to assist NCPs in preparing these reports, which then provide the basis for preparing the Chair's Annual Report to Council on the Activities on the NCPs. The 2012 Annual Report will be the first to report on how NCPs have carried out their duties during the first year of operation of the 2011 updated Guidelines, which were adopted at the OECD Ministerial Meeting of 25-26 May 2011.

The questions of the Reporting Framework have been developed keeping in mind the results of the Update. It is acknowledged, however, that NCPs might not be in a position to answer all these questions, particularly for specific instances received prior to the adoption of the updated Guidelines.

*The 2012 Chair's Annual Report will be discussed at the next NCP meeting which is scheduled to take place on **Tuesday 19 June and Wednesday 20 June 2012.***

*Timely submission of NCPs annual reports will be essential for the preparation of this meeting. NCPs are therefore invited to send these reports to the Secretariat by **c.o.b. Friday, 4 May 2012** [alberta.fumo@oecd.org; and wendy.houet@oecd.org].*

¹ See <http://www.oecd.org/dataoecd/53/59/49744860.pdf> comparing the changes made during the 2011 Update to the 2000 text of the OECD Guidelines for Multinational Enterprises.

**Common Framework for Annual Reporting by National Contact Points
for the period 1 July 2011-30 June 2012**

The role of National Contact Points is to further the effectiveness of the Guidelines. Under Part I of the Procedural Guidance, “NCPs will operate in accordance with the core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.” These criteria apply to all the activities carried by NCPs, including those to be reported under the current implementation cycle of the Guidelines.

A. Institutional Arrangements

1. The following template aims at collecting relevant information about the structure and organization of National Contact Points. It reflects the updated Section A of the Procedural Guidance and related Commentary, concerning the composition of the NCP and the possible existence of an advisory body and an oversight body. Please complete with relevant information and contact details. Please indicate in particular any institutional changes made, or contemplated, as a result of the update. As regards the composition of the NCP, please also indicate whether the NCP is chaired by a senior government official or high level/ well known expert on responsible business conduct.

Governmental Location of the NCP	NCP structure*	Composition of the NCP	Advisory body	Oversight body	Contact details
Independent of Government (Funded and administered by the Ministry of Foreign Affairs)	Independent Expert Body	Four-member expert panel and a secretariat	No	No	P.O. Box 8114 Dep N-0032 Oslo, NORWAY info@responsiblebusiness.no (+47) 94 40 94 93 (+47) 41 44 08 71 www.responsiblebusiness.no

* Section on “NCP Structure” should be filled, as appropriate, indicating one of the following possible structures:

- *Monopartite*, i.e. the NCP is composed of one or more representatives of one Ministry
- *Interagency*, i.e. the NCP is composed of one or more representatives of two or more Ministries
- *Bipartite*: the NCP is composed of one or more representatives of Ministry/Ministries and of business association/s
- *Tripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s and trade union/s
- *Quadripartite*: the NCP is composed of one or more representatives of Ministry/Ministries, business association/s, trade union/s and non-governmental organization/s
- *Independent Expert Body*: the NCP is composed only of independent experts

2. Please indicate, if possible by providing examples, how the structure and organization of the NCP “provide an effective basis for dealing with the broad range of issues covered by the Guidelines and enable the NCP to operate in an impartial manner while maintaining an adequate level of accountability to the adhering government” (Procedural Guidance, I.A.1)

Since 1 March 2011, NCP Norway has been structured as an independent body made up of four experts, each selected on the basis of recommendations from the Confederation of Norwegian Enterprise (NHO), the Norwegian Confederation of Trade Unions (LO), and the Forum for Environment and Development (ForUM). The chair is appointed to a four-year term by the Ministry of Foreign Affairs and the Ministry of Trade and Industry. The other members are appointed to three-year terms. All can be reappointed to a second term. The Norwegian NCP’s secretariat is hosted by the Ministry of Foreign Affairs.

The NCP is independent of the Norwegian government and no longer reports in substance to the Ministry of Foreign Affairs, where it was previously located under the Section for Economic and Commercial Affairs. Additionally, all members of the NCP have signed a sworn declaration of transparency, confidentiality, trade restrictions, and impartiality, regarding their involvement with the National Contact Point. The NCP is administered and funded by the Norwegian Ministry of Foreign Affairs, which also employs the secretariat. As a publicly administered institution, the NCP complies with all relevant laws and regulations, such as the Norwegian Freedom of Information Act and the Norwegian Public Administration Act.

3. “NCPs will develop and maintain relations with representatives of the business community, worker organizations and other interested parties that are able to contribute to the effective functioning of the Guidelines.” (Procedural Guidance, I. A.3).

Please provide details of activities (meetings or exchanges of information...) held with stakeholders during the reporting period on the functioning of the NCP (in case stakeholders are not in the NCP formal structure).

The NCP strives to ensure adequate interaction with representatives of all interested parties, for instance by conducting stakeholder engagement meetings. During 2011/2012 the Norwegian NCP co-hosted three such stakeholder meetings. The first was held in Oslo on 15 June 2011 with the Confederation of Norwegian Enterprise, the Norwegian Confederation of Trade Unions, and the Forum for Environment and Development² and concerned the update of the Guidelines. Another was held in conjunction with the Peace Research Institute Oslo (PRIO) on 17 October 2011 and dealt with the topic of mediation. The third took place in London on 23 March 2012 with the Institute for Human Rights and Business.

The NCP and the secretariat were also invited to speak at events hosted by other institutions and organisations, with a few examples being a Nordic Global Compact meeting; a seminar on “Responsible Business in Rough Places” hosted by the Rafto Foundation on 3 November 2011; a conference on Indigenous Peoples, Corporations, and the Environment, hosted in Kirkenes, Norway by the Working Group of Indigenous Peoples in the Barents Euro-Arctic Region on 9 February 2012; as well as an expert conference on business and human rights, which was convened in Copenhagen, Denmark from 7-8 May 2012 in relation to the Danish Presidency of the Council of the European Union, 2012.

Another example was the NCP’s presence at the Ministry of Foreign Affairs’ annual “speed dating” event, which brings together Norwegian ambassadors and representatives of the Norwegian business community. Many representatives from the business community showed an interest in the NCP and sought further information.

² The Norwegian members of BIAC, TUAC, and OECD Watch, respectively.

4. How does the NCP relate to OECD partner organizations and/or other leading corporate responsibility instruments, such as the ILO/ILO Conventions/ILO Tripartite Declaration on Multinational Enterprises and Social Policy, the UN Global Compact and its local networks, the UN High Commissioner on Human Rights, the Global Reporting Initiative?

How is the coordination of related government activities ensured? Please elaborate, as appropriate, in light of the recent adoption of the UN Guiding Principles for Business and Human Rights.

When handling specific instances and outreach activities, the Norwegian NCP closely follows and refers to other prominent corporate responsibility instruments. As part of Norway's obligation to the OECD, Norwegian ministerial sections responsible for CSR issues are to promote the OECD Guidelines, disseminate information about the NCP system, and support the promotional activities of the Norwegian NCP. That both the Government and the NCP actively promote the OECD Guidelines does not interfere with the Norwegian NCP's independence from the Government in dealing with specific instances. The NCP will cooperate with other relevant sections in the Ministry of Foreign Affairs, any ministries of further relevance, and public institutions.³

Additionally, the NCP secretariat, represented in an inter-departmental network of various CSR coordinators and civil servants under the auspices of the Ministry of Foreign Affairs, will seek to further develop its own relationships with the relevant governmental agencies so as to more effectively contribute to the coordination of related governmental activities. For instance, on 27 March 2012 the NCP secretariat hosted a meeting with representatives from the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Trade and Industry, the Council on Ethics to the Government Pension Fund Global, Norfund, and the Guarantee Institute for Export Credits (GIEK).

5. *“Adhering countries shall make available necessary human and financial resources to their National Contact Points so that they can effectively fulfill their responsibilities, taking into account internal budgetary priorities and practices.”* (Council Decision, I.4).

Has this new provision led to changes to the human resources and budget arrangements for the NCP? Are changes contemplated for the future? Please elaborate as appropriate.

The Norwegian government has endowed the restructured NCP with a budget of approximately NOK 4 million annually⁴, which covers the salaries of the secretariat, remuneration to the panel members, consultancy/fact finding costs pertaining to specific instances, information activities, as well as administrative costs. The members of the NCP are compensated at an annual rate of approximately EUR 16 000 to the chair and EUR 10 000 to each of the remaining three members. The NCP secretariat has two full-time and one part-time (50 per cent) employees. During the first year (March - December 2011) only 75 % of the budget was spent.

³ For instance, with the Section for Economic and Commercial Affairs in the Ministry of Foreign Affairs, tasked with following up on the OECD Guidelines, the UN Global Compact, and the Global Reporting Initiative (GRI); the MFA Department for UN, Peace and Humanitarian Affairs, which follows up on ILO issues in cooperation with the Ministry of Labour; the UN Section, which follows up on the UN Guiding Principles for Business and Human Rights; as well as relevant sections in the Ministry of Trade and Industry, the Norwegian Agency for Development Cooperation, the Norwegian Guarantee Institute for Export Credits, etc.

⁴ Pr April 2012 approx. EUR 525 000

B. INFORMATION AND PROMOTION

Section B of the Procedural Guidance requires NCPs to raise awareness of the Guidelines and their implementation procedures with stakeholders, partner organizations and interested public, and to actively promote their use. Cooperation between NCPs, stakeholder institutional networks and partner organizations can play an important role in enhancing the effectiveness of information and promotional activities on the Guidelines.

6. <i>“The National Contact Points will 1. make the Guidelines known and available by appropriate means, including through online information, and in national languages. (...) 2. raise awareness of the Guidelines and their implementation procedures (...). (Procedural Guidance, I.B.1-2)</i>	
a.	Does the NCP have a dedicated website or dedicated webpages? Please provide the exact link.
	The Norwegian NCP has its own webpage, first launched in June 2011, and regularly updated: www.responsiblebusiness.no .
b.	Is information provided online available also in English or French?
	The online homepage of the NCP is in Norwegian and English, with additional information in New-Norwegian, Sámi (the language of Norway’s indigenous peoples), Spanish, and Mandarin (Chinese).
c.	Have the 2011 Guidelines been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The Norwegian NCP has translated the updated Guidelines, implementation procedures, and commentaries into Norwegian. A brochure about the NCP and the 2011 Guidelines has been made available in Norwegian, English, Spanish, and Mandarin (Chinese). The 2011 Guidelines and implementation procedures have also been made available in other various forms, such as handouts, pamphlets, and presentations. The NCP is also currently working on a short informative film for distribution amongst business with the aim of increasing further awareness of the Guidelines and NCP. NCP Norway issues a periodical newsletter. The first edition was distributed on 30 March 2012.
d.	Have the 2011 Implementation Procedures been translated into the national language/s? Any other? Are they available online? Are they made available by other appropriate means? (Printed version of the translated texts, brochures, etc. If so, please elaborate)
	The 2011 Implementation Procedures are being translated into Norwegian, and will be available online once completed.
e.	Has your NCP Annual Report to the OECD been made available online? If yes, in which language?
	All of the Norwegian NCP’s Annual Reports are available online in English, dating back to 2005/2006. The Annual Report to the OECD 2011/2012 will be available online in English. A brochure summarizing this Annual Report will also be available in English, Norwegian, and Sámi. All versions will be available online.
f.	Has your NCP Annual Report to the OECD been disseminated by means other than the web? If yes, which ones and in which language?
	The Norwegian NCP’s Annual Report to the OECD 2010/2011 is available in print in English, but has not been broadly disseminated. The brochure version of the Annual Report 2011/2012 will be more widely distributed—both digitally and in print—to key stakeholders, including the Norwegian Parliament.

g.	Is the NCP required to report on a regular basis its activities? For example to Parliament?
	The NCP is not required to report to the Parliament, but has done so on a voluntary basis since 1 March 2011. The NCP reports occasionally to the government's consultative body for corporate responsibility, KOMpakt. Administrative issues are regularly reported on to the Ministry of Foreign Affairs.
h.	Does the NCP conduct surveys or collect data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct? Please provide relevant details.
	The Norwegian NCP conducted a survey to gauge Norwegian companies' awareness of the NCP and the OECD Guidelines. It was performed amongst 600 Norwegian enterprises in June 2011, with 48 per cent of participants having some form of international business relations (e.g. production, suppliers, investment, etc). The results showed that nine out of ten companies with international business relations were unfamiliar with both the Guidelines and the NCP. Among those companies conscious of the Guidelines, awareness was highest—15 per cent—among medium-sized companies with 51-199 employees. Conversely, large companies with 500 or more employees were most likely to have been familiar with the NCP itself, with one out of three of the companies aware of their national grievance mechanism. Before conducting the survey the Norwegian NCP consulted, amongst others, the Spanish NCP on a survey it had performed. The Norwegian NCP has shared the methodology of the survey with other NCPs, including the UK NCP which conducted a similar survey, albeit among a smaller group of businesses, the following year. In 2012 the new Norwegian survey will build on improvements made by the UK NCP.

7. *“NCPs will raise awareness of the Guidelines and their implementation procedures, including through co-operation, as appropriate, with the business community, worker organisations, other nongovernmental organisations, and the interested public.”* (Procedural Guidance, I.B.2).

“NCPs will co-operate with a wide variety of organizations and individuals, including, as appropriate, the business community, worker organisations, other non-governmental organisations, and other interested parties. Such organisations have a strong stake in the promotion of the Guidelines and their institutional networks provide opportunities for promotion that, if used for this purpose, will greatly enhance the efforts of NCPs in this regard.” (Procedural Guidance, Commentary, I.16)

“Prospective investors (inward and outward) should be informed about the Guidelines as appropriate.” (Procedural Guidance, I.B.1)

a.	How does the NCP promote the Guidelines and their implementation procedures? Does the NCP have a promotional plan on the Guidelines? If yes, please elaborate.
	<p>The NCP has a promotional plan on the Guidelines, and presented a comprehensive Communication Plan⁵ at the OECD NCP meeting in Paris on 8 December 2011. The plan outlines the NCP's vision, mandate, core criteria, stakeholder groups, key operational goals, and key messages. The plan focuses on three key operational goals: (1) to deal with complaints regarding possible breaches of the OECD Guidelines by Norwegian companies with international operations; (2) to provide information about the OECD Guidelines; and (3) to cooperate with other NCPs and the OECD Investment Committee with the aim of furthering the effectiveness of the Guidelines and reaching the goal of functional equivalence between NCPs.</p> <p>On how the NCP promotes the Guidelines, please refer to Sections B.5. and B.6.b–g. for further information about the Norwegian NCP's new homepage, brochures in various languages, information packages, a dilemma training board game, power point presentations with core and specialised content (such as on indigenous peoples), surveys, open meetings, press releases, etc.</p>

⁵ Attached in Annex 2

b.	<p>Did the NCP organise or participate in meetings/seminars/conferences to promote the Guidelines and their implementation procedures? Please elaborate with reference to the reporting period.</p>
	<p>NCP Norway has organised and participated in a number of meetings, seminars, and conferences in order to promote and increase awareness of the Guidelines. The NCP co-hosted:</p> <ul style="list-style-type: none"> • Launch of the new OECD Guidelines, 15 June 2011 (co-hosted by the Norwegian NCP, the Confederation of Norwegian Enterprise, the Norwegian Confederation of Trade Unions, and the Forum for Environment and Development); • “Business in Development: From Conflict to Collaboration”, 17 October 2011 (co-hosted and organized by the NCP, the Peace Research Institute Oslo, and the Business for Peace Foundation) on the NCP, the OECD Guidelines, and the potential for mediation between business and civil society; • NCP and Extractive Sector Event in London, 23 March 2012 (co-hosted by the NCP, organized by the Institute for Human Rights and Business and International Council on Mining and Metals). <p>Events hosted by others where the Norwegian NCP was invited to speak:</p> <ul style="list-style-type: none"> • Meeting with the Chinese Delegation to the University of Oslo, 26 August 2011; • Ministry of Foreign Affairs’ “Open House” for Ambassadors and Business Representatives, 22 August 2011; • Indigenous Peoples’ Forum, Tromsø, Norway, 12 October 2011; • NIMA CSR conference for purchasers Oslo, Norway, 20 October 2011; • “Responsible Business in Rough Places”, Rafto Foundation and the Norwegian School of Economics (NHH) Bergen, Norway, 3 November 2011; • Lecture at BI Norwegian Business School, Executive MBA Programme, 24 November 2011; • Global Compact Nordic Oslo, Norway, 7 November 2011; • Seminar on Indigenous Peoples in Kirkenes, Norway, 9 February 2012; • OECD NCP Peer Review Japan, 16-20 April 2012; • Expert Conference on Business & Human Rights organised by the Danish Presidency of the Council of the European Union, 2012, Copenhagen, Denmark, 7-8 May 2012. <p>In addition to the listed seminars and conferences, the Norwegian NCP also organized and attended 15-20 meetings with key stakeholders in attendance, which included:</p> <ul style="list-style-type: none"> • civil society: ForUM, Friends of the Earth Norway, Norwegian People’s Aid, the International Commission of Jurists Norway, Ethical Trading Initiative-Norway, the Norwegian Burma Committee, and Amnesty International Norway; • trade unions: the Norwegian United Federation of Trade Unions; • business associations: the Confederation of Norwegian Enterprise; • businesses: Storebrand; • public pension funds: KLP and the Government Pension Fund Norway; • public institutions and ministries: representatives of the Ministry of Finance, the Guarantee Institute for Export Credits (GIEK), the Ministry of Foreign Affairs (i.e. the Section for Human Rights and Democracy, and the Section for Economic and Commercial Affairs), the Norwegian Agency for Development Cooperation (Norad), and Innovation Norway.

c.	How has the NCP made use of available institutional networks or representatives of the business community, worker organisations, non-governmental organisations and the interested public to raise awareness and promote the Guidelines and their implementation procedures?
	With reference to the survey performed in 2011, this is an area where the NCP aspires to perform better. The NCP is creating an information package aimed at supporting our outreach activities, and identifying needs for improvement in communication with key stakeholders. During 2012/2013 the NCP will prioritize the further strengthening of our collaboration with the available institutional networks and representatives of key stakeholder groups, such as by speaking at conferences and seminars and having more organisations link directly to our webpage from their own.
d.	How does the NCP promote the Guidelines within Government? Please elaborate.
	The NCP is an “observing member” of KOMpakt, the Government’s consultative body for corporate social responsibility, and informs the forum of specific instances on a regular basis. The NCP has promoted the Guidelines in meetings with State Secretaries of the Ministry of Finance and the Ministry of Foreign Affairs (who launched the updated OECD Guidelines on 15 June 2011) and the Minister of International Development (who participated in a panel debate that was co-hosted by the NCP on 17 October 2011). On 27 March 2012, the NCP organized a meeting aimed at gathering representatives responsible for CSR issues in ministries and state-owned agencies, with the overall goal of promoting the Guidelines and receiving feedback on how the NCP can better coordinate with other ongoing processes and initiatives and to contribute to greater coherence. The NCP has also presented the Guidelines at several internal meetings, seminars, and training sessions at the Ministry of Foreign Affairs. See also B.6.g and B.7.b.
e.	How is co-operation with state owned agencies (export credits agency, state owned enterprises and others) organized, in matters concerning information and promotion of the Guidelines and their implementation? The NCP is also invited to update (in tracked change mode) Annex 1 which describes the links that have been established between the Guidelines and the Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programs.
	In its white paper on Corporate Social Responsibility in a Global Economy (Report No. 10 [2008—2009]), the Norwegian Government has stated that it will “work to increase knowledge and guidance about the Guidelines, among other things through the NCP and relevant public instruments”. In this respect, one agency the NCP has established and maintained close contact with is the Norwegian Guarantee Institute for Export Credits (GIEK). The NCP has considered standards and practices GIEK utilizes when conducting environmental and human rights due diligence in the projects it supports, exchanged views on best practices and approaches, and shared common experience and advise in cases where GIEK has considered similar issues or sectors. GIEK has informed its exporters about the Guidelines, the Norwegian NCP, and the complaint mechanism, as well as advocated, within the Export Credit Group of the OECD, for the inclusion of a reference to the Guidelines in the revision of the OECD Recommendation on the Environment and Officially Supported Export Credit. GIEK has expressed that they take consideration of the findings and opinions of the NCP when reviewing projects they support, and would consult the NCP in the event that a complaint would be raised against a company or project GIEK is reviewing for officially supported export credit. The NCP has also organized a seminar on how to best promote the Guidelines, inviting GIEK, Forfund, the Council on Ethics for the Norwegian Government Pension Fund, the Ministries of Trade, Finance, Environment and Foreign Affairs, to name a few. The NCP will continue its dialogue and close contact with GIEK, as well as work to increase cooperation with state-owned enterprises, and other relevant agencies in all matters concerning information about the Guidelines and their implementation. See also B.7.b and B.7.d.
f.	What use has been made of embassies, notably in emerging markets and other non-adhering countries for raising awareness and promoting the Guidelines?
	The NCP sends information to relevant embassies about specific instances that may concern them, including to those that represent non-adhering countries, and will develop this further. During 2012, the NCP is cooperating with the Norwegian embassy in Santiago, Chile about organising a seminar on

	the Guidelines by presenting the Cermaq case in November 2012.
g.	Have enquiries been received on the Guidelines and their implementation procedures from: (a) other NCPs; (b) the business community, labour organisations, other non-governmental organisations, or the public; or (c) governments of non-adhering countries? Please elaborate on the nature and content of these enquiries where appropriate and on how they were handled.
	<p>The NCP has received and responded to enquiries from academic institutions, the business community, labour organisations, NGOs, as well as the public.</p> <p>(a) The NCP has met and consulted with the British, Colombian, and Dutch NCPs in connection with the establishment of the new structure of the Norwegian NCP. In addition, the NCP maintained contact with the Canadian and Chilean NCPs in the specific instance against the salmon farming enterprise Cermaq ASA and its subsidiaries Mainstream Chile and Mainstream Canada. In the specific instance concerning Statoil's operations in Canada, the Norwegian NCP informed, consulted, and maintained contact with NCP Canada throughout the initial assessment. In the case against Sjøvik AS, the Norwegian NCP has notified the Moroccan NCP of the specific instance. NCP Norway also aims to maintain close contact with the other Nordic NCPs.</p> <p>(b) For a more detailed account, refer to question B.7.b. The NCP has been approached by and met with several NGOs and one trade union, as well as companies, academic institutions, public institutions, and agencies about presenting information on the updated Guidelines, the reformed NCP, and the implementation procedures. The NCP appreciates the feedback it receives concerning stakeholders' expectations of where the NCP can improve.</p> <p>(c) Regarding non-adhering countries, the Norwegian NCP has conducted presentations to the deans of seven Chinese universities and has also developed a brochure in Chinese on the Guidelines and the NCP system.</p>

C. IMPLEMENTATION IN SPECIFIC INSTANCES

Section C of the revised Procedural Guidance requires NCPs to handle specific instances in a way that is “impartial, predictable, equitable and compatible with the Guidelines” (in addition to the “core criteria of visibility, accessibility, transparency and accountability” listed in the chapeau of the present questionnaire). The revised Procedural Guidance also includes new provisions on the stages of the specific instance process and indicative timeframes, NCPs cooperation, parallel proceedings and the publication of the results of the procedures.

General Information on NCP Procedures

8. “NCPs should provide information on the procedures that parties should follow when raising or responding to a specific instance. It should include advice on the information that is necessary to raise a specific instance, the requirements for parties participating in specific instances, including confidentiality, and the processes and indicative timeframes that will be followed”. ((Procedural Guidance, Commentary, I.15)

a. *Has the NCP developed procedures for handling complaints? Are they available online? If yes, in which language/s?*

The Norwegian NCP’s detailed procedures for handling complaints are available in both Norwegian and English at www.responsiblebusiness.no.

b. *Have the NCP procedures for handling complaints been modified as a result of the revised Procedural Guidance? If not, is this being envisaged? In next year’s implementation phase of the Guidelines?*

The NCP’s procedures have been modified in accordance with the revised Procedural Guidelines and reflect the Norwegian NCP’s transparent practice. The Norwegian NCP also invites all parties involved in a specific instance to complete a “feedback form” on how they perceive the case was handled by the NCP, as well as provide recommendations for improvement. This is done in all cases, whether concluded by mediation or final statement. During 2011/2012 the NCP sent such feedback forms to the parties involved in the Cermaq and Intex cases.

Specific Instances during the Reporting Period

This section is devoted to the activities of NCPs in relation to specific instances that were raised, considered or concluded during the June 2011-2012 reporting cycle.

The following questions have been developed with a view the revised Procedural Guidance, Section C and related Commentary I, 22-41. Please ensure that the information submitted is suitable for public dissemination.

<i>9 (1). Please fill (subject to any confidentiality considerations on the names of the parties involved) the following template for each specific instance received, under consideration or concluded in the reporting period.</i>	
<i>Sector and Country</i>	Nickel Sector in the Philippines
<i>Date complaint received</i>	21 January 2009
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	Future in Our Hands
<i>Industry sector⁶</i>	Mining and Quarrying (C) (mining exploration)
<i>Name of Enterprise/s</i>	Intex Resources ASA
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines⁷</i>	Chapter II (General Policies), 1-3; Chapter V (Environment), 6
<i>Status</i>	Concluded by Final Statement issued 30 November 2011

10 (1). For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
a.	<p><i>What practical issues arose during the initial assessment of the specific instance?</i></p> <p><i>How was the information on the specific instances gathered?</i></p> <p><i>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</i></p>
	<p><i>Background:</i> The complaint contended that Intex conducted flawed consultations with Mangyan indigenous peoples, particularly the Alangan and Tadyawan tribal tribes. In addition, the complaint alleged that the prospected nickel extraction and processing posed threats to vital water resources due to its proximity to a watershed and rivers that provide water to neighbouring villages and agricultural fields. The complaint also included allegations of corruption. The company denied all allegations.</p> <p><i>Practical issues:</i> The restructuring of the Norwegian NCP affected the duration of this specific instance. The former NCP handled the case from 19 January 2009 – 28 February 2011, and the new NCP from 1 March 2011 – 30 November 2011.</p> <p><i>Information gathering:</i> During the initial assessment, the former NCP shared the complaint with Intex in March 2009. Intex submitted its response in February and March 2009. Following the company's</p>

⁶ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

⁷ 2000 version of the Guidelines

	<p>response, the NCP had a meeting with both parties. Subsequently the NCP commissioned an embassy visit and report from Mindoro. The NCP shared the embassy report with the parties in January 2010, before the NCP concluded the initial assessment by accepting the complaint on 4 March 2010.</p> <p><i>Accessibility and Confidentiality:</i> Neither confidentiality nor the identity of the parties were ever an issue.</p>
b.	<p><i>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</i></p>
	<p>There were no relevant parallel proceedings. The validity of the local moratorium on mining was politically disputed, but not challenged in courts.</p>
c.	<p><i>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP?</i></p>
	<p>The former Norwegian NCP accepted the case on 4 March 2010.</p>
d..	<p><i>Has the NCP issued a statement/report on its decision that the issues raised merit/did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</i></p>
	<p>Before the Norwegian NCP was reorganised on 1 March, initial assessments were not made public. This practice changed with the new NCP. This specific instance was initially accepted by the former NCP, which notified the parties about the decision, but did not issue a public statement or report on its acceptance of the case. After the restructuring of the NCP, the new NCP formally accepted the case on 30 March and published the decision on the new NCP webpage.</p>

<i>B. Assistance to the parties</i>	
a.	<p><i>If conciliation or mediation was provided, were these services provided without costs to the parties?</i></p>
	<p>Conciliation/mediation was offered to both parties free of charge, but was refused.</p>
b.	<p><i>In what form has the NCP provided its good offices?</i></p>
	<p>The NCP provided its good offices by offering dialogue, mediation, and fact finding. In addition, the Secretariat explained extensively by e-mail and phone, while also referring the parties to information on the new NCP, its structure, and procedures on our website. Regarding the verification of facts, the former NCP commissioned independent experts, in consultations with the company and the complainers, to conduct a fact-finding mission to Mindoro/the Philippines from 10-21 January 2011. The fact finding report was completed and sent to the parties in February 2011. The new NCP assumed office on 1 March 2011, formally accepted the case on 30 March 2011, and then offered its good offices to the concerned parties. Intex, however, declined the offer of dialogue. With dialogue and potential mediation having been refused, the new Norwegian NCP moved on to drafting a final statement about the alleged breaches of the OECD Guidelines.</p> <p>The new NCP submitted more than 40 questions to both parties to invite them to clarify the facts. The company did not take this opportunity provided to refute the allegations against it within the set time of three weeks. The complainer responded adequately and timely. In July and August, a renewed offer for the company to respond to specific queries, such as whether it had a code of conduct against corruption and, if so, whether it could provide a copy, was offered. The company requested a new postponement based on organisational changes and insufficient staffing. The NCP granted the company an extension until 1 September 2011. The company responded to some of the questions on 24 September. The Norwegian NCP shared a draft final statement with both parties on 7 November, which stated that the company was in breach of the OECD Guidelines. On 26 November 2011 the</p>

	<p>company sent additional documentation as a response to the questions relating to bribery from the NCP dated 20 June 2011. The final statement was amended according to the documentation submitted, and concluded that the NCP did not find evidence establishing that the company had been involved in corruption. The NCP did find breaches of the OECD Guidelines in relation to other issues i.a. consultations with indigenous peoples and information about environmental risks.</p> <p>Key sources of information included submissions from the company and complainant. In addition, the NCP commissioned an independent fact-finding mission by JSL Consulting, as agreed upon by both parties. JSL Consulting undertook an anthropological evaluation of facts on Mindoro in January 2011. Also, independent reports from the Norwegian Institute for Water Research (NIVA) and Tingay Consulting (2011) were commissioned by the NCP, as well as two embassy reports that were based on field visits to the site in 2007 and 2010. The Secretariat also undertook desk top research on Philippine legislation, presidential decrees, UN documents, IFC documents, World Bank reports and other reports, all presented in the footnotes of the final statement. The basis for the conclusions and recommendations of the new NCP are found in the 233 footnotes of the final statement.</p>
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<i>C. Conclusion of the procedures</i>	
<i>a.</i>	<i>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</i>
	The parties declined the NCP's offer of dialogue and potential mediation.
<i>b.</i>	<i>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website...?</i>
	No agreement was reached.
<i>c.</i>	<i>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate</i>
	<p>After mediation was refused, the NCP began preparing a final statement, which was published on 30 November 2011. For additional information on how the NCP provided its good offices and conducted the fact finding, please see C. 10 (1) A.</p> <p>The final statement concluded that Intex had not been operating in accordance with the Guidelines. NCP Norway stated that the Guidelines are applicable to enterprises that are still at a planning or exploratory stage of their operations and that due diligence in relation to human rights and environmental issues will also be key in the future development of the project. The NCP also stated that while the Guidelines do not provide detailed guidance, abiding by national law in itself is not sufficient for compliance with the Guidelines. The company was found to act in accordance with national legislation and the OECD Guidelines on a number of points, including having actively engaged with indigenous groups at the mine site. However, it had not fostered necessary relationships with other indigenous peoples who could also be affected by the project or its infrastructure and, on this point, was in breach of the Guidelines' chapter on human rights.</p> <p>The NCP noted that the authorities had urged Intex to identify primary and secondary indigenous organisations, other relevant groups, and their priorities and consultation requirements. It could not be established, however, that the company had followed the recommendation to consult more broadly. Also, by not being able to provide a clear, proactive stakeholder strategy the company rendered itself vulnerable to criticism from groups that are affected by but do not see themselves as able to benefit from the project.</p> <p>Since a possible breach of the OECD Guidelines is not in itself considered a business secret by the Norwegian Freedom of Information Act, it is not protected on confidentiality grounds. However, if the company had entered into dialogue or mediation, information raised during this process would have been protected, as well as certain business secrets, such as inside information or information that could</p>

	<p>harm the environment or people.</p> <p>The NCP did not find evidence that established that the company has been involved in bribery or corruption. Nor did the NCP find that Intex had acted inconsistently with the Guidelines by supporting a community development project. However, the NCP underscored that commencing community projects prior to gaining social acceptability may raise doubts as to whether the company is undertaking such projects in order to secure endorsements.</p> <p>The NCP underscored that the extraction of minerals and metals requires careful assessment and the disclosure of potential direct and indirect environmental impacts. The Guidelines, according to Chapter V Section 1 a, require enterprises to collect and evaluate “adequate and timely information regarding the environmental, health, and safety impacts of their activities”.</p> <p>Sharing information and engaging in consultations about environmental, health, and safety consequences with the local community and indigenous peoples is a key requirement of the Guidelines, and is of particular importance for projects with large and potentially lasting impacts on the environment and people.</p> <p>The independent fact finder hired by the Norwegian NCP reported that local communities on the island feared that mining would exacerbate the flood problems, pollution of rice fields, and adversely impact biodiversity, water quality, agriculture, and tourism potential. Intex had conducted a detailed environmental impact assessment. However, the NCP found that it had not been disseminated according to the procedures as set forth by Philippine regulations and that it did not provide adequate information about a number of important aspects of the project, for example details on waste emissions, the modelling of atmospheric emissions, the potential for marine pollution, the environmental and social implications of the maintenance of roads and bridges, and whether the route would run through wetlands and biodiversity areas. Nor were sufficient baseline studies conducted.</p> <p>The NCP found that Intex had not been proactive in making available technical information and impact studies, including maps and illustrations that would allow stakeholders to evaluate claims that the project would be safe for the environment and the health of the population. The absence of readily available environmental information makes it difficult for the affected community to assess the actual implications of the project (for further details, see the complete statement on the web).</p> <p>The company was, however, also commended for taking some positive steps, for instance in regard to its commitment to follow international standards, for having consulted adequately with some indigenous groups in the immediate vicinity of the mine, for planning to chose the more expensive mitigation avenue for reducing some of the environmental damage, and for having commissioned a large number of detailed technical and environmental studies.</p>
<p>d.</p>	<p><i>Did the statement contain recommendations on the implementation of the Guidelines? Did it also contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</i></p>
	<p>The Norwegian NCP's final statement offered several specific recommendations that the company in question, Intex ASA, could address so as to bring its operations in line with the stipulations set forth by the Guidelines. The NCP recommended that Intex Resources, as a minimum, act upon the following recommendations:</p> <ul style="list-style-type: none"> • Conduct due diligence in relation to the entire project impact area, including associated infrastructure. As part of the due diligence process, identify primary and secondary Mangyan groups potentially affected by MNP; • Engage in consultations with all impacted indigenous peoples in an understandable language and form, respecting the outcome of the consultations. Establish a consultation system to regularly exchange information with all stakeholders; • Establish a transparent system for deciding community spending and disclose systematic information on criteria for planned and implemented projects. In relation to allegations of

	<p>bribery, inform involved parties about all details such as concerns “logistical support” and the “request for additional funds”;</p> <ul style="list-style-type: none"> • Develop disclosure and reporting plans and systems in accordance with the IFC Performance Standards and the Global Reporting Initiative (GRI). Base the recently updated Code of Conduct and plan for combating corruption on acknowledged international guidelines, and communicate it to the public and in potential contracts; • Prepare a revised Environmental and Social Impact Assessment (ESIA or EIA) that provides a comprehensive and detailed analysis of all the environmental and social implications of all components of the project. The EIA/ESIA should be organised, clearly illustrated, present data understandably, and differentiate between significant and less significant risks; • Finalise the EIA in dialogue with all relevant groups directly affected by the company’s operations and ensure a review by an independent third party. Make the draft EIA publicly available in local languages, including a summary, and invite all stakeholders to hearings to obtain feedback; • Establish a grievance management system to cover the range of possible grievances including environmental health and safety, labour rights, and community grievances by impacted groups and indigenous peoples with reference to the UN Guiding Principles, developed by SRSG Prof. John Ruggie. <p>The final statement did not contain any provisions for the further monitoring of the NCP’s recommendations. The NCP, however, did offer its good offices in granting a follow-up meeting with Intex on 30 January 2012 and has since maintained contact with the company; see section C. 10 (1) C. f.</p>
<i>e.</i>	<i>How was the statement made publicly available? Through a press release, publication on the website?</i>
	<p>The final statement was made available online and through a press release on 30 November 2011. The NCP report received extensive publicity during the end of November 2011 on TV (NRK, the Norwegian Broadcasting Corporation), in newspapers (Dagens Næringsliv, Norway’s largest financial newspaper), and in Norwegian and Philippine online media.</p>
<i>f.</i>	<i>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate.)</i>
	<p>The company asked for a meeting with the NCP, which was conducted on 30 January 2012, in a positive atmosphere and based on the NCP’s good offices. Two subsequent follow-up meetings were conducted between the company and the Secretariat in February and March, with the focus being on how the company could implement the forward-looking recommendations in the final statement. The company is now reporting to be in a constructive process, including self-initiated due diligence on a broad range of issues relating to the NCP case.</p>
<i>g.</i>	<i>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</i>
	<p>The Norwegian NCP concluded that the Guidelines are applicable to enterprises that are still at a planning or exploratory stage of their operations. Abiding by national law in itself is not sufficient for compliance with the Guidelines.</p>

<i>D. NCP coordination</i>	
<i>a.</i>	<i>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</i>
	No.
<i>b.</i>	<i>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</i>
	No, the specific instance took place in a non-adhering country.
<i>c.</i>	<i>Was a leader NCP identified?</i>
	Not applicable
<i>d.</i>	<i>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</i>
	Not applicable

<i>E. Timeframe</i>	
<i>a.</i>	<i>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</i>
	<ol style="list-style-type: none"> 1. The case was received by the former NCP on 19 January 2009 and formally accepted on 4 March 2010. The Intex case was first handled for two years by the former Norwegian NCP. The reorganised Norwegian NCP took over the case on 30 March 2011 after it took office on 1 March 2011. 2. Assistance to the parties <ol style="list-style-type: none"> A) 4 March 2010 – 28 February 2011 (former NCP) B) 1 March – 24 September 2011 (current NCP) 3. Conclusion of the procedures 25 September – 30 November 2011 <ul style="list-style-type: none"> • Spell check and language control of the draft final assessment 25 September 2011 – 30 November 2011 • Draft final assessment shared with the parties 7 November 2011 • Publication of final assessment 30 November 2011, including press release.

<i>F. Other</i>	
<i>a.</i>	<i>Has the specific instance involved business activities in a non-adhering country?</i>
	Yes, the specific instance concerned nickel mining exploration in the Philippines.

<i>b.</i>	<i>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</i>
	Intex Resources ASA is a Norwegian registered mining and exploration company headquartered in Oslo, Norway. Intex Resources AS is a subsidiary fully owned by Intex Resources ASA. Intex Resources AS' primary activity is to own stocks and act as a holding company for the Philippine companies that control the Mindoro Nickel Project (MNP).
<i>c.</i>	<i>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</i>
	The NCP has dealt mainly with Intex Resources ASA because the parent company was the enterprise party to the specific instance, but has also been in contact with and available to the subsidiary Intex Resources AS.
<i>d.</i>	<i>Would the NCP care to contribute additional information about the specific instances considered?</i>
	Projects with potentially large impacts on communities and the environment, such as mining, require heightened due diligence as well as requirements for companies to inform relevant stakeholders about the projects in a comprehensive, yet accessible manner, clearly distinguishing between significant and insignificant risks. For details, see Section C. 10 (1) C. g. or www.responsiblebusiness.no .

<i>9 (2). Please fill (subject to any confidentiality considerations on the names of the parties involved) the following template for each specific instance received, under consideration or concluded in the reporting period .</i>	
<i>Sector and Country</i>	Salmon Farming in Chile and Canada
<i>Date complaint received</i>	19 May 2009
<i>Complainant/s</i>	NGOs
<i>Name of Complainant/s</i>	Friends of the Earth Norway/Norwegian Society for the Conservation of Nature and Forum for Environment and Development (ForUM)
<i>Industry sector⁸</i>	Fishing (B)
<i>Name of Enterprise/s</i>	Cermaq ASA
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines⁹</i>	Chapter II (General Policies), Chapter IV (Labour and Industrial Relations), Chapter V (Environment)
<i>Status</i>	Concluded by mediation

⁸ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

⁹ As cited in the 2000 version of the Guidelines

10 (2). For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	<p><i>What practical issues arose during the initial assessment of the specific instance?</i></p> <p><i>How was the information on the specific instances gathered?</i></p> <p><i>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</i></p>
	<p><i>Practical issues:</i> There was strong disagreement between the complainers and the company about the factual basis for the complaint. This specific instance was also affected by the reorganisation of the NCP. The former NCP handled this specific instance from the receipt of the complaint on 19 May 2009. The case was accepted as a specific instance by the former Norwegian NCP on 4 March 2010.</p> <p><i>Information gathering:</i> During the former NCP's initial assessment, the information gathered included a response from the company and comments from NCP Chile and NCP Canada. The restructured Norwegian NCP took over the case from the former Norwegian NCP on 1 March 2011, and formally accepted the case on 30 March 2011.</p> <p><i>Accessibility and Confidentiality:</i> All parties agreed to publicising names and details relating to the specific instance. Both parties were forthcoming in providing timely and reliable information on the specific instance to the NCP.</p>
<i>b.</i>	<p><i>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</i></p>
	<p>In parallel proceedings, Chilean court disputes on whether temporary hired female workers that were pregnant should have rights as permanent employees were being addressed, and fifteen such cases were included in the complaint. The new NCP acquired information from the conclusion of these proceedings that the company had acted in accordance with Chilean law in fourteen out of fifteen cases and that a settlement was reached in one case. In March 2011, the new NCP also acquired information that Mainstream Canada had sued Don Staniford, founder of Global Alliance Against Industrial Aquaculture, for alleged defamation in an information campaign. The verdict is expected in the autumn of 2012. The specific instance was, in spite of these cases, not rejected on the basis of parallel proceedings.</p>
<i>c.</i>	<p><i>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP?</i></p>
	<p>After the initial assessment, the case was accepted by the Norwegian NCP, in close collaboration with the Chilean and Canadian NCPs.</p>
<i>d.</i>	<p><i>Has the NCP issued a statement/report on its decision that the issues raised merit/did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</i></p>
	<p>The former NCP decided to accept the case on 4 March 2010 and informed the parties by e-mail on 10 March 2010. The initial assessment was not made public until the reformed NCP introduced a new practice of publishing initial assessments. The new NCP's decision to accept the case on 30 March 2011 was published on the NCP's webpage.</p>

<i>B. Assistance to the parties</i>	
<i>a.</i>	<i>If conciliation or mediation was provided, were these services provided without costs to the parties?</i>
	Yes. Conciliation/mediation was offered by the new NCP on 13 April 2011, and successfully provided to all parties involved at no cost during 20 – 29 June 2011.
<i>b.</i>	<i>In what form has the NCP provided its good offices?</i>
	See C. 10 (2) B. a. In addition, the former NCP had several meetings with the parties, sent four requests for documentation related to the issues in the complaint to the company and received assessments of this documentation from the complainant. The former NCP also commissioned a report from the Norwegian Institute for Marine Research on the environmental situation and challenges in the period 2000-2006, and received a report from the Norwegian Scientific Committee for Food Safety on risk factors relating to the spread of Infectious Salmon Anaemia (ISA). The new NCP, after receiving the case from the former Norwegian NCP, met with the parties on 13 April 2011. The meeting concluded with the NCP renewing the offer of its good offices of mediation amongst all parties involved. Mediation was accepted by the parties, and was conducted by the head of the NCP. During mediation, a consultant, Mark Taylor from Fafo (the Institute for Applied International Studies), was hired to support the Secretariat in providing guidance to the parties in line with the Norwegian Public Administration Act, Section 11. All three parties participated constructively. In particular the NCP appreciated the active involvement of the Secretary General and Board Director of Friends of the Earth Norway, the Board Director and CEO of Cermaq ASA, and after 1 March 2011 the Board Director and Director General of the Forum for Environment and Development.

<i>C. Conclusion of the procedures</i>	
<i>a.</i>	<i>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</i>
	<p>Mediation conducted by the NCP did result in a joint statement. The agreement was reached on 1 July, officially signed on 10 August 2011, and made public on 11 August 2011.</p> <p>The complaint had alleged that the company had not adequately taken into consideration the indigenous peoples whose access to resources may be compromised by the company's operations in Canada and Chile, through its subsidiaries Mainstream Canada and Mainstream Chile. The complainants had also claimed that the company carried out unfounded dismissals, attempted to prevent the free association of employees in labour unions, discriminated against women, and inadequately implemented safety procedures for employees and temporarily hired workers. Lastly, the complaint had contended that the company's inadequate environmental due diligence posed an environmental threat, such as through the spreading of salmon lice and disease.</p> <p>In the statement, Cermaq admitted that the Chilean aquaculture industry, including Cermaq, should have been operated in a more sustainable manner before the fish health crisis in Chile in 2007. Hence, the parent company accepted responsibility for its subsidiaries' operations worldwide. The complainants, Friends of the Earth Norway and ForUM, recognized that Cermaq learned from the fish health crisis in Chile and that the company has implemented positive changes in its operations so as to both prevent the further proliferation of fish diseases in Chile and conduct its global business in a more socially and environmentally responsible manner. The parties further agreed on the main elements in a responsible aquaculture policy i.a. for human rights and environmental due diligence and for sustainability reporting. Lastly, the parties agreed that the complaint included claims against Cermaq that had been refuted, and that future cooperation and contact between the parties shall be based upon mutual trust and the clarification of facts.</p>

b.	<i>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?</i>
	The full agreement and the NCP final statement about the process were made available through a joint press release from all parties concerned and published on our website on 11 August 2011. The joint statement was covered by the newspaper Dagens Næringsliv (Norway's largest financial newspaper), and mentioned by Norwegian and foreign online media.
c.	<i>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate</i>
	Not applicable
d.	<i>Did the statement contain recommendations on the implementation of the Guidelines? Did it also contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</i>
	Not applicable
e.	<i>How was the statement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
f.	<i>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate.)</i>
	The parties have been invited to meet with the NCP and provide an update regarding the implementation of the joint statement on 16 May 2012.
g.	<i>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</i>
	<p>Following the successful conclusion of the mediation process and the issuance of the joint statement by the parties, the Norwegian NCP deemed the complaint concluded and that no further examinations into the complaint were to take place. The NCP's final statement also included general information about the Guidelines, the Norwegian NCP, and the Norwegian NCP procedures.</p> <p>This specific instance shows that the Guidelines are applicable to the parent company's responsibility for its subsidiaries' operations worldwide. It was also the first specific instance to refer to the new version of the OECD Guidelines, adopted 25 May 2011. It specifically relates to consultations with indigenous peoples and the agreement on concrete indicators for environmental sustainability in fish farming.</p>

<i>D. NCP coordination</i>	
a.	<i>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</i>
	In the Cermaq specific instance, the NGOs stated that they wanted the policies of Cermaq's headquarters to change so that operations abroad would be conducted in a consistent manner. The company agreed, and so did the Canadian, Chilean, and Norwegian NCPs.

b.	<i>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</i>
	During the investigation, under both the former and the reformed NCP, contact was maintained with NCPs Canada and Chile. A draft of the NCP's final statement was shared with and altered according to input from these NCPs. The Norwegian NCP much appreciated the willingness of the Canadian and Chilean NCPs to collaborate and share their comments.
c.	<i>Was a leader NCP identified?</i>
	In consultations with the Canadian and the Chilean NCPs, the Norwegian NCP was chosen as the leader NCP because the complaint was directed towards the parent company's policies.
d.	<i>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</i>
	With NCP Norway as the lead in this specific instance, NCP Canada was consulted on issues concerning the specific instance in Canada, NCP Chile on issues pertaining to Chile.

<i>E. Timeframe</i>	
a.	<i>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</i>
	<ol style="list-style-type: none"> 1. Initial Assessment 19 May 2009 – 4 March 2010: The case was received by the former NCP 19 May 2009 and formally accepted 4 March 2010. The case was first handled for two years by the former Norwegian NCP. The reorganised Norwegian NCP took over the case 30 March 2011 after it took office 1 March 2011. 2. Assistance to the parties <ol style="list-style-type: none"> A) 4 March 2010-28 February 2011 (former NCP) B) 1 March 2011 – 1 July 2011 (new NCP): on 13 April the NCP met with all parties involved to make a renewed offer of its good offices in helping the parties come to an agreement. Mediation was conducted by the NCP from 20—29 June. 3. Conclusion of the procedures 2 July 2011 – 10 August 2011 <p>The joint statement, agreed to by all parties involved, was signed in an official signing ceremony by the Board Directors of the respective organisations on 10 August 2011. The NCP issued its own final statement about the process for the NCP, which was made public together with the joint statement and the jointly agreed press release on 10 August 2011.</p>

<i>F. Other</i>	
a.	<i>Has the specific instance involved business activities in a non-adhering country?</i>
	No, the specific instances concerned activities in two adhering countries, Canada and Chile.
b.	<i>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</i>
	Although the complaint was raised against the Norwegian-owned Cermaq ASA headquartered in Oslo,

	the issues raised pertained to their subsidiaries Mainstream Canada and Mainstream Chile. Some issues addressed in the complaint also concerned subcontractors in Chile. However, the complaint was directed toward the parent company's responsible business policies and the parent company's responsibilities to ensure that subsidiaries implement these policies. The NCP therefore related to this entity throughout the process.
<i>c.</i>	<i>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</i>
	Yes, the Norwegian NCP liaised with the parent company, which was also the enterprise party to the specific instance
<i>d.</i>	<i>Would the NCP care to contribute additional information about the specific instances considered?</i>
	No.

<i>9 (3). Please fill (subject to any confidentiality considerations on the names of the parties involved) the following template for each specific instance received, under consideration or concluded in the reporting period .</i>	
<i>Sector and Country</i>	Hazardous Conditions at Refugee Camp in Kosovo
<i>Date complaint received</i>	22 June 2011
<i>Complainant/s</i>	Individuals
<i>Name of Complainant/s</i>	US lawyer Dianne Post, representing 129 Roma
<i>Industry sector¹⁰</i>	The complaint did not concern any industry or business, but rather humanitarian assistance to the UN. This section is thus not applicable in this specific instance.
<i>Name of Enterprise/s</i>	The case does not concern an enterprise, but a humanitarian NGO; Norwegian Church Aid
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines¹¹</i>	Chapter IV (Human Rights), Chapter VI (Environment)
<i>Status</i>	Concluded by rejection with initial assessment on 27 September 2011.

¹⁰ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

¹¹ As cited in the 2000 version of the Guidelines

10 (3). For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	<p><i>What practical issues arose during the initial assessment of the specific instance?</i></p> <p><i>How was the information on the specific instances gathered?</i></p> <p><i>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</i></p>
	<p><i>Background:</i> The complaint was filed by an American lawyer, Dianne Post, who, on behalf of 129 Roma refugees, alleged that Norwegian Church Aid was operating in violation of the Guidelines. According to the complainants, the violations took place after the 1999 NATO bombing of Kosovo, when the Roma who did not flee were placed in refugee camps. These camps were allegedly erected on land that was either contaminated with lead or had once been used as a toxic waste dump site. As a result, the inhabitants of these camps have experienced severe health problems. Although Norwegian Church Aid did not set up these camps, the complainants maintain that it should be held accountable, as it is Norwegian Church Aid that is responsible for managing these camps.</p> <p><i>Practical Issues:</i> NCP Norway presented the case to the OECD Investment Committee at the Annual Meeting of the NCPs in Paris on 27 June 2011 for their consideration and advice. The Norwegian NCP received unanimous support in rejecting the case.</p> <p><i>Gathering Information:</i> All parties were forthcoming in providing timely and reliable information on the specific instance to the NCP.</p> <p><i>Accessibility and Confidentiality:</i> The identities of the 129 Roma refugees represented by Dianne Post were treated as confidential, upon their request, in order to protect their safety. Further information was gathered by assessing the complaint and Norwegian Church Aid's response to it.</p>
<i>b.</i>	<p><i>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</i></p>
	<p>The issues raised in this specific instance had been brought to court. However, the Norwegian NCP did not find grounds to reject the case based on parallel proceedings.</p>
<i>c.</i>	<p><i>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP?</i></p>
	<p>The Norwegian NCP rejected the case on 27 September 2011.</p>
<i>d.</i>	<p><i>Has the NCP issued a statement/report on its decision that the issues raised merit/did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</i></p>
	<p>The complainants argued that Norwegian Church Aid should be considered a multinational enterprise (MNE) on the grounds that it receives nearly half of its income from public funds and operates internationally. The Norwegian NCP, however, concluded that Norwegian Church Aid could not be considered as an MNE as understood by the OECD Guidelines. The particular NGO is registered in the Norwegian official register (Brønnøysund Register Centre), not as a Business Enterprise, but in the register for voluntary organisations. The organisation was registered by Norwegian authorities in 2010 as a non-profit organisation, based on the organisation's Articles of Association. The activity concerned was not economical, but humanitarian. The OECD Annual NCP Meeting on 27 June 2011 supported the Norwegian NCP view that the case be rejected. The Norwegian NCP declared the case inadmissible as a specific instance, and investigated neither the substance of the claim nor whether the Guidelines had in fact been breached. The initial assessment was made available to the parties</p>

	concerned before being made public on 27 September 2011.
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<i>B. Assistance to the parties</i>	
<i>a.</i>	<i>If conciliation or mediation was provided, were these services provided without costs to the parties?</i>
	Not applicable
<i>b.</i>	<i>In what form has the NCP provided its good offices?</i>
	Not applicable

<i>C. Conclusion of the procedures</i>	
<i>a.</i>	<i>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</i>
	Not applicable
<i>b.</i>	<i>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
<i>c.</i>	<i>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate</i>
	Not applicable
<i>d.</i>	<i>Did the statement contain recommendations on the implementation of the Guidelines? Did it also contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</i>
	Not applicable
<i>e.</i>	<i>How was the statement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
<i>f.</i>	<i>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate.)</i>
	Not applicable
<i>g.</i>	<i>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</i>
	Not applicable

<i>D. NCP coordination</i>	
<i>a.</i>	<i>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</i>
	No, only NCP Norway was involved in the specific instance.
<i>b.</i>	<i>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</i>
	Not applicable
<i>c.</i>	<i>Was a leader NCP identified?</i>
	Not applicable
<i>d.</i>	<i>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</i>
	Not applicable

<i>E. Timeframe</i>	
<i>a.</i>	<i>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</i>
	The duration of the initial assessment phase lasted about three months: 1. Initial assessment June 22 – 27 September 2011 (rejected)

<i>F. Other</i>	
<i>a.</i>	<i>Has the specific instance involved business activities in a non-adhering country?</i>
	Not applicable
<i>b.</i>	<i>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</i>
	Not applicable
<i>c.</i>	<i>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</i>
	Not applicable
<i>d.</i>	<i>Would the NCP care to contribute additional information about the specific instances considered?</i>
	See Section C. 10 (3). A. d. and the initial assessment in full on www.responsiblebusiness.no

<i>9 (4). Please fill (subject to any confidentiality considerations on the names of the parties involved) the following template for each specific instance received, under consideration or concluded in the reporting period.</i>	
<i>Sector and Country</i>	Oil Sands Extraction in Canada
<i>Date complaint received</i>	28 November 2011
<i>Complainant/s</i>	NGOs
<i>Name of Complainant/s</i>	Norwegian Climate Network and Concerned Scientists Norway
<i>Industry sector¹²</i>	Mining and Quarrying (C)
<i>Name of Enterprise/s</i>	Statoil ASA
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter VI (Environment)
<i>Status</i>	Concluded

10 (4). For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	<p><i>What practical issues arose during the initial assessment of the specific instance?</i></p> <p><i>How was the information on the specific instances gathered?</i></p> <p><i>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</i></p>
	<p><i>Background:</i> The complaint claimed that Statoil ASA's investments and operations in the oil sands of Alberta have directly contributed to Canada's violation of its international obligation to reduce greenhouse gas emissions in the period 2008—2012. The complaint maintained that bitumen extraction from these oil sands must remain unexploited if the world is to have a fighting chance of stabilising the global climate.</p> <p><i>Practical Issues:</i> The company refuted the allegations of being in breach of the Guidelines. Chiefly the company argued that the case should be rejected on procedural grounds and if accepted it should be dealt with by the Canadian NCP rather than the Norwegian NCP.</p> <p><i>Information Gathering:</i> The fact finding included a desk based review of the complaint, a response from the company, telephone meetings with the parties concerned, and contact with NCP Canada. All parties were forthcoming in providing timely and reliable information on the specific instance to the NCP.</p>

¹² Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

	<i>Accessibility and Confidentiality:</i> Neither were an issue.
<i>b.</i>	<i>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</i>
	The NCP has taken note of court cases filed against Statoil ASA in Canada concerning oil sands extraction. One of these is referred to in the published initial assessment. There are no court cases that concern the alleged breach of the OECD Guidelines or otherwise identical issues as presented in the claim. It was therefore not considered relevant to dismiss this specific instance on the ground of parallel proceedings.
<i>c.</i>	<i>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP?</i>
	The Norwegian NCP rejected the complaint on 13 March after extensive consultations with the Canadian NCP and the OECD Secretariat in Paris. NCP Norway shared a draft of the initial assessment with NCP Canada, which provided comments. The NCP rejected the complaint because it was directed towards the policy of countries, in this specific instance the policy of Canada to allow the development of oil sands, rather than at the manner in which Statoil has acted within the framework of this policy. However, the NCP underscored the serious challenges presented by greenhouse gas emissions and climate change. The risks associated with major emissions and the cumulative environmental consequences from the oil sands industry are significant. Furthermore, the NCP noted that the complaint did not concern whether Statoil, in its activities, was in breach of international instruments or national regulations which are covered by the Guidelines. For the NCP to accept the complaint, it would have to specify the manners in which the company has allegedly violated the Guidelines and to substantiate their claim with facts. The complaint should be directed toward the practices of the enterprise rather than at the nature of the business sector and national authorities. The Norwegian NCP thus rejected the complaint on the basis that it does not meet the criteria specified in the OECD Procedural Guidelines, nor does it clearly fall within the scope of the Guidelines.
<i>d.</i>	<i>Has the NCP issued a statement/report on its decision that the issues raised merit/did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</i>
	The initial assessment was first circulated to the parties involved, who were invited to correct factual mistakes, and was subsequently made available to the concerned parties before being published on 13 March. The statement examines the procedural guidance of the Guidelines carefully, and argues that while the complaint concerns some of today's most pressing issues – greenhouse gas emissions and climate change – and that although the risks of major greenhouse gas emissions and the cumulative environmental impact from oil sand extraction is serious, this specific instance is to be rejected for specific reasons (see above C. 10 (4) A. c.). In order for the OECD Contact Point to be mandated to process a complaint, it must concern specified violations of the Guidelines that can be attributable to the company in question.

<i>B. Assistance to the parties</i>	
<i>a.</i>	<i>If conciliation or mediation was provided, were these services provided without costs to the parties?</i>
	Not applicable

b.	<i>In what form has the NCP provided its good offices?</i>
	The NCP offered its good offices by holding a meeting with the complainant in August 2011 and by offering the complainant the opportunity to further detail the complaint in December 2011. The complainant did not wish to heed this request.

<i>C. Conclusion of the procedures</i>	
a.	<i>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</i>
	Not applicable
b.	<i>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
c.	<i>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate</i>
	Not applicable
d.	<i>Did the statement contain recommendations on the implementation of the Guidelines? Did it also contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</i>
	Not applicable
e.	<i>How was the statement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
f.	<i>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate.)</i>
	Not applicable
g.	<i>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</i>
	Not applicable

<i>D. NCP coordination</i>	
a.	<i>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</i>
	The Norwegian NCP was designated on 8 January 2012 by the OECD Secretariat as the correct entity to assess the complaint after consultations with the Canadian NCP. It was agreed that the Canadian NCP was to be kept informed throughout the process. The Canadian NCP took a supportive role and facilitated access to factual information relating to the operation in Canada.

b.	<i>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</i>
	The specific instance concerned activities taking place in another adhering country, Canada, which was consulted throughout the process.
c.	<i>Was a leader NCP identified?</i>
	See above, C. 10 (4) D. a.
d.	<i>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</i>
	Not applicable

<i>E. Timeframe</i>	
a.	<i>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</i>
	1. Initial Assessment 28 November 2011 – 13 March 2012 (Rejected)

<i>F. Other</i>	
a.	<i>Has the specific instance involved business activities in a non-adhering country?</i>
	No.
b.	<i>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</i>
	No.
c.	<i>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</i>
	Yes.
d.	<i>Would the NCP care to contribute additional information about the specific instances considered?</i>
	Despite rejecting the complaint, the NCP, in the initial assessment, highlighted the risks associated with oil sands development. The NCP called particular attention to valid concerns about the current monitoring regime, that land reclamation is not keeping pace with land disturbance, and of the long-term and cumulative regional effects on groundwater and air quality.

<i>9 (5). Please fill (subject to any confidentiality considerations on the names of the parties involved) the following template for each specific instance received, under consideration or concluded in the reporting period .</i>	
<i>Sector and Country</i>	Fisheries and fish processing in Western Sahara
<i>Date complaint received</i>	5 December 2011
<i>Complainant/s</i>	NGO
<i>Name of Complainant/s</i>	Norwegian Support Committee for Western Sahara
<i>Industry sector¹³</i>	Fishing (B)
<i>Name of Enterprise/s</i>	Sjøvik AS
<i>Relevant Chapter(s) and Paragraph(s) from Guidelines</i>	Chapter IV (Human Rights)
<i>Status</i>	Accepted

10 (5). For each specific instance received, under consideration or concluded in the reporting period, please answer as appropriate to the following questions.

<i>A. Initial Assessment</i>	
<i>a.</i>	<p><i>What practical issues arose during the initial assessment of the specific instance?</i></p> <p><i>How was the information on the specific instances gathered?</i></p> <p><i>Was accessibility to reliable information or the protection of confidentiality or the identity of the parties an issue?</i></p>
	<p><i>Practical Issues:</i> The Norwegian NCP did not receive any response to the notifications it sent to the Moroccan NCP. The Norwegian NCP received information that the first e-mail sent on 20 December 2011 had not been received due to internet server problems. After having received additional contact information from the OECD secretariat, the NCP sent two additional notifications, but still received no reply.</p> <p><i>Information Gathering:</i> Information gathering by the NCP on this specific instance included the response from the company, a desk based assessment of the complaint, a meeting with the company, and telephone meetings with representatives of both parties. All parties concerned were forthcoming in providing timely and reliable information on the specific instance to the NCP.</p> <p><i>Accessibility and Confidentiality:</i> Neither were an issue.</p>

¹³ Please specify sector with reference to the [UN ISIC International Standard Industrial Classification of All Economic Activities, Rev.4](#): A - Agriculture, hunting and forestry; B - Fishing; C - Mining and quarrying ; D - Manufacturing ; E - Electricity, gas and water supply ; F – Construction; G - Wholesale and retail trade; repair of motor vehicles, motorcycles and personal and household goods ; H - Hotels and restaurants ; I - Transport, storage and communications ; J - Financial intermediation ; K - Real estate, renting and business activities ; L - Public administration and defence; compulsory social security ; M - Education ; N - Health and social work ; O - Other community, social and personal service activities ; P - Private households with employed persons ; Q - Extra-territorial organizations and bodies.

b.	<i>Were the issues raised in the specific instance also been addressed in parallel proceedings? If so, what was the nature of the latter proceedings? Were both parties involved in these proceedings? How did the latter procedure affect the specific instance procedure? Did the NCP consult the institutions conducting the parallel proceedings?</i>
	There are no relevant parallel proceedings.
c.	<i>At the end of the initial assessment, was the request to consider the specific instance accepted or rejected? Was the specific instance transferred to another NCP?</i>
	The Norwegian NCP accepted the case on 8 March 2012.
d.	<i>Has the NCP issued a statement/report on its decision that the issues raised merit/did not merit further examination? If so, was it circulated only to the parties involved or made publicly available? Please elaborate.</i>
	The initial assessment was first circulated to the parties involved, who were invited to correct factual mistakes, and was subsequently made available to the concerned parties before being published on 8 March 2012. The initial assessment states that Sjovik AS, through its subsidiaries Sjovik Africa AS and Sjovik Morocco S.A, is alleged to be in breach of the Guidelines by operating a fishing vessel and running a fish processing plant in the Non-Self-Governing Territory of Western Sahara. The company is accused of breaching the Guidelines Chapter IV; Human Rights, no. 1 by having failed to respect the Sahrawi right to self-determination, including the right to be consulted in relation to the exploitation of natural resources.

<i>B. Assistance to the parties</i>	
a.	<i>If conciliation or mediation was provided, were these services provided without costs to the parties?</i>
	The NCP invited the parties to dialogue by e-mail on 6 March 2012 with the view to facilitate mediation free of charge. Both parties accepted the invitation.
b.	<i>In what form has the NCP provided its good offices?</i>
	The NCP has invited both parties to meet on 14 May 2012 in order to explore further opportunities for dialogue and mediation. If dialogue or mediation is refused or proves unsuccessful, the NCP will publish a final statement on whether or not the Guidelines have been breached.

<i>C. Conclusion of the procedures</i>	
a.	<i>Did the parties reach agreement on the issues raised? Please elaborate as appropriate.</i>
	Not applicable
b.	<i>If an agreement was reached, did the NCP issue a report on the results? How was the agreement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
c.	<i>Where the parties failed to reach agreement, did the NCP issue a statement concluding the specific instance? Please elaborate as appropriate</i>
	Not applicable

d.	<i>Did the statement contain recommendations on the implementation of the Guidelines? Did it also contain provisions for the monitoring of the implementation of the recommendations? Please elaborate as appropriate.</i>
	Not applicable
e.	<i>How was the statement made publicly available? Through a press release, publication on the website?</i>
	Not applicable
f.	<i>Was the NCP further contacted by parties after the conclusion of the specific instance? Please elaborate.)</i>
	Not applicable
g.	<i>Did the statement contain other information on the implementation of the Guidelines? Please elaborate as appropriate.</i>
	Not applicable

<i>D. NCP coordination</i>	
a.	<i>Was the specific instance a multi-jurisdictional instance and involved other NCPs? If yes, please specify.</i>
	This specific instance concerns business operations in the Non-Self-Governing territory of Western Sahara. This territory is claimed by the adhering country of Morocco, although no UN organ has recognised Moroccan sovereignty as the rightful administering power. The Norwegian NCP has notified the Moroccan NCP and the OECD Secretariat in Paris about the case. It is clear that the Norwegian NCP is the right body to examine the claim, as the case concerns unresolved territorial issues and a Norwegian enterprise.
b.	<i>If the specific instance takes place among adhering countries, are the home and the host NCPs consulting? Please provide details.</i>
	NCP Morocco was notified of the specific instance by e-mail on 20 December 2011. It was sent the draft initial assessment in which the Norwegian NCP decided to accept the case on 24 February 2012. NCP Morocco was also notified about the forthcoming publication of the initial assessment and sent a copy of the final initial assessment on 6 March 2012. NCP Morocco will be kept duly informed, and, when relevant, consulted about further developments.
c.	<i>Was a leader NCP identified?</i>
	See above C. 10(5) D. a.
d.	<i>Are all involved NCPs dealing with the same complaint or are there issues that each NCP is handling separately?</i>
	Not applicable

<i>E. Timeframe</i>	
<i>a.</i>	<i>What was the duration of the specific instance procedure? More specifically, what were the respective lengths of the three intermediate phases (1. initial assessment; 2. assistance to the parties and 3. conclusion of the procedures)?</i>
	<p>1. Initial Assessment 5 December 2011 – 8 March 2012</p> <p>2. Assistance to the Parties 9 March 2012 – Ongoing</p> <p><i>The Norwegian NCP aims to conclude the case by December 2012.</i></p>

<i>F. Other</i>	
<i>a.</i>	<i>Has the specific instance involved business activities in a non-adhering country?</i>
	The case concerns fishing operations off the coast of the Non-Self-Governing territory of Western Sahara. Western Sahara is claimed by Morocco, which adheres to the Guidelines.
<i>b.</i>	<i>Does the specific instance involve a specific business relationship (supplier, subcontractor...)?</i>
	The complaint involves the Norwegian-owned Sjovik AS, which controls Sjovik Africa AS and Sjovik Morocco S.A.
<i>c.</i>	<i>Has the home NCP liaised with the parent company of the enterprise party to the specific instance?</i>
	The Norwegian NCP has met with the parent company, Sjovik AS, which is the enterprise party to the specific instance.
<i>d.</i>	<i>Would the NCP care to contribute additional information about the specific instances considered?</i>
	If dialogue or mediation succeeds, the outcome of the specific instance and a final statement on the process will be published by the NCP. If dialogue or mediation fails, the NCP will make public a final statement on the merits of the claim.

D. OTHER IMPLEMENTATION ISSUES

<p>11. Proactive Agenda - <i>In accordance with the Investment Committee’s proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders (...)</i> (Procedural Guidance, Commentary, I.18).</p>	
a.	<p><i>Has the NCP held or planned activities in accordance with the Investment Committee proactive agenda? (seminars and/or conferences on specific Guidelines issues, informative publications or guides.)?</i></p>
	<p>In accordance with the Investment Committee’s proactive agenda, NCP Norway both hosted and attended various seminars and conferences relating to the Guidelines. For a comprehensive list, refer to question B. 7. b.</p>
b.	<p><i>What proactive agenda issues deserve particular attention in your country?</i></p>
	<p>NCP Norway actively establishes and maintains regular contact with key stakeholders to strengthen awareness of both the OECD Guidelines and the complaint mechanism.</p> <p>The Norwegian NCP conducted a survey among enterprises (referred to in Section B. 6. h) which documents that raising further awareness about the OECD Guidelines and the Norwegian NCP amongst companies is important. Awareness of the Guidelines and the NCP may also be low among other key stakeholders, including NGOs, trade unions, academia, and other relevant groups such as the organisations of the indigenous peoples of Norway. The Norwegian NCP will continue to conduct surveys amongst key stakeholders to measure whether key communication goals are being met.</p>

<p>12. Peer Learning - <i>In addition to contributing to the Committee’s work to enhance the effectiveness of the Guidelines, NCPs are encouraged to engage in peer learning/ reviews activities. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.</i> (Procedural Guidance, Commentary, I.19).</p>	
a.	<p><i>Did the NCP participate in peer learning activities with other NCPs ? Please elaborate.</i></p>
	<p>NCP Norway co-organized and participated in two panels at a conference in London on 23 March 2012, which was attended by representatives from the extractive sector, NCPs, trade unions, and NGOs. NCPs Canada, Colombia, Germany, Netherlands, UK, and US attended/participated. During 2011/2012 NCP Norway has actively consulted with NCP Canada, Chile, Colombia, Netherlands, and UK. From 16—20 April 2012, NCP Norway was asked to chair the NCP delegation that participated in Japan’s peer review. During 2012, NCP Norway has also been asked to take the lead on a Nordic NCP collaboration project, funded by the Nordic Council of Ministers. See also B. 7. g.</p>
b.	<p><i>Would the NCP be prepared to engage in a “voluntary peer review? Within the next twelve months?</i></p>
	<p>Yes, Norway has signed up for a voluntary peer review, preferably in September 2013.</p>

<p>13. <i>Do you wish to provide any other information on the nature and results of NCP activities during this implementation cycle of the updated Guidelines, including on any useful experiences and/or difficulties encountered in carrying out the duties of the NCP?</i></p>	
	<p>The restructuring of the NCP has been beneficial. The NCP’s independence from the Norwegian government has proven important, especially in politically or diplomatically sensitive cases, which allows the NCP to play its role as an impartial grievance mechanism. For the government, it may also be beneficial to point out that the NCP operates independently.</p>

	<p>The NCP was endowed with a secretariat and a separate budget (NOK 4 million), as of 1 March 2011, which has been key in helping the NCP to execute its mandate to the fullest of its abilities. Only 75 % of the budget was spent during the first year of operation (March – December 2011).</p> <p>After the restructuring process, the NCP has consulted heavily with other NCPs, mainly the UK and Netherlands to receive input about how other NCPs are structured, operate, and handle complaints.</p> <p>A short document entitled “The Road to a More Effective Norwegian NCP” details this transition and may provide insight to other NCPs considering a restructuring of their own.¹⁴</p>
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<p><i>14. Future work. What issues might deserve particular attention during the 2012-2013 implementation cycle of the OECD Guidelines? Please elaborate as appropriate.</i></p>	
	<p>Particular attention should be given to the NCPs two core activities: dealing with specific instances and information.</p> <p><i>Information:</i> It is important for all NCPs to have updated their information material, contact information, and home pages with NCP-relevant information. Consideration should be also given to the TUAC report that shows a considerable discrepancy among NCPs in this respect.</p> <p>In order to efficiently pool resources, all NCPs should share information material developed. This requires that NCPs be transparent. The aim of the OECD Guidelines is to assist companies in contributing to sustainable development. It is the task of the NCP to raise awareness of this goal and to raise awareness of the societal and governmental expectations to the business community. Effective promotion is a means to this end. NCPs must actively work to give the Guidelines a more visible presence in their respective countries. Companies aware of the Guidelines may be less likely to inadvertently breach them and more likely to implement reforms so as to operate in accordance with their recommendations. But it is also the goal of the NCP to help companies meet these expectations. A strengthened communication strategy provides a good foundation for increasing the publicity of the Guidelines.</p> <p><i>Specific Instances:</i> The Norwegian NCP underscores that dialogue and mediation are the preferred solutions to specific instances, but if this is not possible, the NCP should be prepared to issue a final statement on the merits of the case.</p> <p>NCPs need to underscore the value of mediation. To ensure the trust and credibility of the NCP, both parties must be fully informed about the details of the process ahead.</p>

¹⁴ Refer to Annex 3

E. WEAK GOVERNANCE ZONES AND CONFLICT-AFFECTED AND HIGH RISK AREAS

Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas	
<p>On 25 May, the OECD Council meeting at Ministerial level adopted a Recommendation on Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas (hereafter the “<i>Guidance</i>”). Adhering governments to the Declaration on International Investment and Multinational Enterprises are expected to actively promote the observance of the “<i>Guidance</i>” approved by the Investment Committee and the Development Assistance Committee in December 2010.</p>	
1	<p><i>How has the Guidance been disseminated and its observance actively promoted among companies operating in or from your country and sourcing minerals from conflict-affected or high-risk areas? Which government agency has been actively involved? What means have been used?</i></p>
	<p>The <i>Guidance</i> is available on the front page of the NCP website and was disseminated to key stakeholder group in a newsletter on 30 March 2012.</p>
2	<p><i>What measures have been taken to actively support the integration into corporate management systems of the Five-Step Framework for Risk-Based Due Diligence recommended by the Guidance ?</i></p>
	<p>In the Intex Final Statement, the Norwegian NCP referred i.a. to the <i>Guidance</i> in its recommendation to the company to include the potential for engagement in conflict-affected areas as part of the due diligence process¹⁵.</p>
3	<p><i>What measures have been taken to promote the active use of the Guidance by other stakeholders professional associations, financial institutions, and civil society organisations?</i></p>
	<p>See Section E. 1.</p>

OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones	
4.	<p><i>Has the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones continued to be disseminated or otherwise referred to in the context of interactions with enterprises and stakeholders? Please elaborate.</i></p>
	<p>The OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones is published on the front page of the NCP website and was disseminated to key stakeholder groups in a newsletter sent out on 30 March 2012. In the Intex specific instance, the Norwegian NCP referred i.a. to the OECD Risk Awareness Tool.¹⁶</p> <p>It is also accessible via the MFA’s Section for Economic and Commercial Affairs’ website.</p> <p>In collaboration with Fafo (the Institute for Applied International Studies), the Norwegian NCP has developed an overview of the relevant resources and authorities in Norway with a competence in high risk and weak governance zones, entitled “State Responses to Business Operating in High Risk Zones”. It will also be made available on our website.</p>
5.	<p><i>Do you have information about the use of this instrument by investors in Weak Governance Zones?</i></p>
	<p>At the present, there is no such available information. The Norwegian NCP will conduct a new survey among companies regarding awareness of the OECD Guidelines during 2012, and will consider including questions related to investors’ awareness of the OECD Risk Awareness Tool.</p>

¹⁵ See Intex Final Statement, p.47, footnote 216

¹⁶ See Intex Final Statement, p.47, footnote 215

**ANNEX 1.
THE OECD GUIDELINES AND EXPORT CREDIT, OVERSEAS INVESTMENT
GUARANTEE AND INWARD INVESTMENT PROMOTION PROGRAMMES**

Australia	Export credit and investment promotion	Australia's Export Finance and Insurance Corporation (EFIC) promotes corporate social responsibility principles on its website, including the OECD Guidelines. The Guidelines are hosted on the Australian NCP's website. Links to the Australian NCP's website are provided on the Foreign Investment Review Board and the Austrade websites.
Austria	Export credits	Oesterreichische Kontrollbank AG, acting as the Austrian export credit agency on behalf of the Austrian Federal Ministry of Finance, is actively promoting corporate responsibility principles and standards. On its website, extensive information on CSR issues, including the current text of the Guidelines, is available.
Belgium	Export credit and investment guarantees	The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.
Canada	Export Credits	The Export Development Canada (EDC) promotes corporate responsibility principles and standards, including the recommendations of the Guidelines. EDC has linked its website with that of Canada's NCP. Guidelines brochures are distributed. Dialogue on CSR with key stakeholders is maintained.
Chile	Investment promotion	The Foreign Investment Committee is the agency which promotes Chile as an attractive destination for foreign investment and international business.
Czech Republic	Investment promotion	There is a special agency called "Czech Invest" operating in the Czech Republic which provides information on the Czech business environment to foreign investors. It has prepared an information package (which includes the Guidelines) that is passed to all foreign investors considering investing within the territory of the Czech Republic. The Czech NCP co-operates closely with Czech Invest.
Denmark	Export credits	When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the OECD Guidelines and encourages exporters to act in accordance with the OECD Guidelines.
Egypt	Investment promotion	The General Authority for Investment and Free Zones (GAFI) is the Egyptian investment promotion agency. GAFI is under the Ministry of Investment. ENCP maintains a close ties with GAFI. Through GAFI ENCP and the Guidelines brochures are distributed.
Estonia	Investment promotion	The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.
Finland	Export credit guarantees and investment insurance	Finland's Export Credit Agency, Finnvera, calls the attention of guarantee applicants to the Guidelines through its web pages and CSR report.
France	Export credits and investment guarantees	Companies applying for export credits or for investment guarantees are systematically informed about the Guidelines. This information takes the form of a letter from the organisation in charge of managing such programmes (COFACE) as well as a letter for companies to sign acknowledging that they are aware of the Guidelines (" <i>avoir pris connaissance des Principes directeurs</i> ").

Germany	Investment guarantees	Companies applying for investment guarantees are referred to the Guidelines directly by the application form. In the application process, they have to confirm awareness of this reference by signature. The reference also provides a link to further information on the Guidelines.
Greece	Investment promotion	The <i>Guidelines</i> are available on the portal www.mnec.gr as well as on the websites of the Ministry of Foreign Affairs (www.agora.gr), the Invest in Greece Agency (www.investingreece.gov.gr), the General Secretariat of Consumers Affairs (http://www.efpolis.gr), the and the Export Credit Insurance Organization (ECIO) (www.oaep.gr).
Hungary	Investment promotion	The site of Investment and Trade Development Agency has links to the Ministry for National Economy, EXIMBANK, MEHIB, and other ministries where important OECD documents on bribery, anti-corruption, export credits are available. Cross links support the quick search for relevant OECD documents.
Israel	Investment Promotion Centre	The site of Israel's Investment Promotion Centre has a direct connection to the Israeli NCP web site where the OECD Guidelines are available electronically.
Italy	Export credits	The Italian NCP is in regular contact with SACE (the Italian association in charge of insuring export credit) and contributes to its activities.
Japan	Trade-investment promotion	The Guidelines (basic texts and Japanese translation) are available on the websites of the Ministry of Foreign Affairs (MOFA); Ministry of Health, Labour and Welfare (MHLW); and the Ministry of Economy, Trade and Industry (METI). The Japan External Trade Organization (JETRO) website, the ASEAN-Japan Centre website and the Nippon Export and Investment Insurance (NEXI) website are also linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion.
Korea	Trade-investment promotion	OECD Guidelines can be found at the MKE (Ministry of Knowledge Economy) website (www.mke.go.kr). MKE promotes trade and investment.
Lithuania	Investment promotion	"Invest Lithuania" Agency (http://www.businesslithuania.com) operates in the Republic of Lithuania and provides information on the Lithuanian business environment to foreign investors. It has prepared an information package that is passed to all foreign investors considering investing within the territory of Lithuania. The Lithuanian NCP (at the Ministry of Economy) co-operates closely with the "Invest Lithuania" Agency. Investment Promotion Programme for the period of 2008-2013 was adopted by the Government on 19 th of December 2007. The goal of the programme is to improve investment environment in Lithuania in general and to establish an efficient system for the promotion of direct investment, focusing on long term development of economy and the prosperity of the society. Whole text of the Investment promotion Programme can be found at the web page of the Ministry of Economy: http://www.ukmin.lt/en/investment/invest-promotion/index.php
Mexico	Investment Promotion	The Mexican NCP is located within the Directorate General for Foreign Investment in the Ministry of Economy, which is responsible for Mexico's participation in the Investment Committee as well as in different international organisations, among other activities. The guidelines can be found on the website. Mexico's investment promotion agency - PROMEXICO - works in close co-operation with this Department.

Netherlands	Export credits and investment guarantees	Applicants for these programmes or facilities receive copies of the Guidelines. In order to qualify, companies must state that they are aware of the Guidelines and that they will endeavour to comply with them to the best of their ability.
New Zealand	Export Credit promotion	New Zealand's Export Credit Office (ECO) mentions the OECD MNE Guidelines on its website. The ECO also provides a link to both the OECD Guidelines and the New Zealand NCP's website.
Norway	Guarantee Institute for Export Credits (GIEK)	GIEK has developed its own social responsibility policy which is posted on its website. The main basis for GIEK's work on environmental and social aspects is provided by the <u>OECD's guidelines of 12 June 2007 (Common Approaches)</u> . The guidelines refer to, among others, World Bank standards, and are relatively comprehensive and detailed, with a strong follow-up and control mechanism. They are revised regularly. GIEK will, in collaboration with the Norwegian NCP, also post information about the updated OECD MNE Guidelines and the NCP on its website. For more information please see: http://www.giek.no/miljo_og_sosialt_ansvar/gieks_politikk_innen_samfunnsansvar/en
Poland	Investment promotion	The Polish NCP is located in the investment promotion agency (PAIIZ). The Polish Information and Foreign Investment Agency helps investors to enter the Polish market and find the best ways to utilise the possibilities available to them. It guides investors through all the essential administrative and legal procedures that involve a project; it also supports firms that are already active in Poland. PAIIZ provides rapid access to the complex information relating to legal and business matters regarding investments, helps in finding the appropriate partners and suppliers, together with new locations.
Portugal	Exports and Investment Promotion	AICEP – Portugal Global is a Business Development Agency responsible for the promotion of exports, the internationalisation of Portuguese companies, especially SMEs and for inbound foreign investment. The Guidelines are part of the information given to all companies.
Romania	Romanian Agency for Foreign Investments (ARIS)	The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The RNCP's webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines (basic texts) are available electronically on the sites of the MFA (www.mae.ro) and the Romanian Agency for Foreign Investments (ARIS) (www.arisinvest.ro). The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language. Other useful documents posted on the RNCP's web page include: <ul style="list-style-type: none"> • Policy framework for Investment; • OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Romanian Agency for Foreign Investment edited, among other specific promotional materials, the brochure entitled "Frequently Asked Questions - An Overview", including a separate chapter on Romanian National Contact Point and OECD Guidelines for Multinational Enterprises.

Slovenia	Promotion and awareness of OECD Guidelines	The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the OECD Guidelines for Multinational Enterprises is already a part of Slovenian policies. Slovene NCP has just been reconstructed and will perform various promotional activities mostly in second half of the year 2009 (e.g. translation into Slovene language, first public appearance, printing and distribution of Guidelines).
Slovak Republic	Investment promotion	NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in Slovak language at Ministry's webpage. The Ministry of Economy is funding and supervising an agency for investment and trade development (SARIO) that promotes both business environment and investment opportunities. The investors entering the Slovak republic who had been awarded with governmental incentives are to commit themselves to keep the Guidelines (part of the awarding decision).
Spain	Investment guarantees	CESCE (Export Credit Agency) that manages investment guarantees, COFIDES (Corporation for Development Finance) provide Guidelines brochures to applicants for support and investment guarantees.
Sweden	Export credits	The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on environment, the rules on bribery, the OECD Guidelines for MNE's and the Swedish Partnership for Global Responsibility.
Switzerland	Export credits insurance	The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism (www.serv-ch.com).
Turkey	FDI	The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for investment policy making. The Treasury's website provides information on the Guidelines.
United Kingdom	Export credits and investment insurance	The Export Credits Guarantee Department's (ECGD) website contains links to the website of the UK National Contact Point.
United States	Export and import credits and investment guarantees	The Export-Import Bank of the United States provides information on the Guidelines to applicants for their programmes in support of U.S. business activities abroad.

ANNEX 2.

OECD NCP NORWAY DRAFT COMMUNICATION PLAN

DRAFT COMMUNICATION STRATEGY FOR THE NORWEGIAN OECD NCP – 2012

1. The vision

Sustainable development through responsible trade and investment

2. The mandate

- a. To handle complaints regarding possible breaches of the OECD Guidelines by Norwegian companies with international operations (To be a grievance mechanism)
- b. To promote the OECD Guidelines
- c. To cooperate with other NCPs and the OECD investment committee with the aim of furthering the effectiveness of the Guidelines

3. The Norwegian NCP in brief

As a member of the OECD, Norway is required to establish a national contact point, a so-called grievance mechanism. The contact point provides information about the OECD Guidelines and handles complaints regarding possible breaches of the Guidelines by Norwegian companies with international operations. No other guidelines for responsible business are established with this type of grievance mechanism.

The Norwegian contact point comprises four individually appointed experts and a secretariat consisting of two persons. The contact point is not a legal body, but can facilitate dialogue, offer mediation and assess whether a company has breached the Guidelines. The contact point does not seek cases on its own initiative, but processes complaints based on requests from individuals and organisations.

The members of the expert panel are appointed by the Ministry of Foreign Affairs and the Ministry of Trade and Industry, based on recommendations from the Confederation of Norwegian Enterprises (NHO), the Confederation of Norwegian Trade Unions (LO), and the Forum for Environment and Development (ForUM). The contact point receives funding and administrative support from the Ministry of Foreign Affairs, but operates independently of the government.

The members of the expert panel are Hans Petter Graver (chair), dean and professor law, University of Oslo; Gro Granden, special adviser, LO (the Confederation of Norwegian Trade Unions); Elin M. Myrmel-Johansen, director, Storebrand; and Jan Erik Korssjøen, lecturer, Buskerud College and Norwegian University for Life Sciences and former CEO, Kongsberg Group.

The Norwegian NCP is located in Oslo (outside the Ministry) together with the Council of Ethics for the Norwegian Pension Fund – Global.

The Norwegian NCP's web address is www.responsiblebusiness.no
(Norwegian: www.ansvarlignæringsliv.no)

4. Principles guiding the Norwegian NCP's activities, including communication

The role of National Contact Points is to further the effectiveness of the Guidelines. Under the Procedural Guidance, "*NCPs will operate in accordance with the core criteria of visibility, accessibility, transparency and accountability to further the objective of functional equivalence.*" These criteria apply to all activities carried out by NCPs.

Visibility. In conformity with the Decision, adhering governments agree to nominate NCPs, and also to inform the business community, worker organisations and other interested parties, including NGOs, about the availability of facilities associated with NCPs in the implementation of the *Guidelines*. Governments are expected to publish information about their NCPs and to take an active role in

promoting the *Guidelines*, which could include hosting seminars and meetings on the instrument. These events could be arranged in cooperation with business, labour, NGOs, and other interested parties, though not necessarily with all groups on each occasion.

Accessibility. Easy access to NCPs is important to their effective functioning. This includes facilitating access by business, labour, NGOs, and other members of the public. Electronic communications can also assist in this regard. NCPs would respond to all legitimate requests for information, and also undertake to deal with specific issues raised by parties concerned in an efficient and timely manner.

Transparency. Transparency is an important criterion with respect to its contribution to the accountability of the NCP and in gaining the confidence of the general public. Thus, as a general principle, the activities of the NCP will be transparent. Nonetheless when the NCP offers its “good offices” in implementing the *Guidelines* in specific instances, it will be in the interests of their effectiveness to take appropriate steps to establish confidentiality of the proceedings. Outcomes will be transparent unless preserving confidentiality is in the best interests of effective implementation of the *Guidelines*.

Accountability. A more active role with respect to enhancing the profile of the *Guidelines* – and their potential to aid in the management of difficult issues between enterprises and the societies in which they operate – will also put the activities of NCPs in the public eye. Nationally, parliaments could have a role to play. Annual reports and regular meetings of NCPs will provide an opportunity to share experiences and encourage “best practices” with respect to NCPs. The Committee will also hold exchanges of views, where experiences would be exchanged and the effectiveness of the activities of NCPs could be assessed.

In accordance with the criteria set forth in the “Guiding Principles on Business and Human Rights” by UNSRSG, Professor John Ruggie, the Norwegian NCP also strives to be:
Legitimate: enabling trust from the stakeholder groups for whose use they are intended, and being accountable for the fair conduct of grievance processes;

Accessible: being known to all stakeholder groups for whose use they are intended, and providing adequate assistance for those who may face particular barriers to access;

Predictable: proving a clear and known procedure with an indicative timeframe for each stage, and clarity on the types of process and outcome available and means of monitoring implementation;

Equitable: seeking to ensure that aggrieved parties have reasonable access to sources of information, advice and expertise necessary to engage in a grievance process on fair, informed and respectful terms;

Transparent: keeping parties to a grievance informed about its progress, and providing sufficient information about the mechanism’s performance to build confidence in its effectiveness and meet any public interest at stake;

Rights-compatible: ensuring that outcomes and remedies accord with internationally recognized human rights;

A source of continuous learning: drawing on relevant measures to identify lessons for improving the mechanism and preventing future grievances and harms

Based on engagement and dialogue: consulting the stakeholder groups for whose use they are intended on their design and performance, and focusing on dialogue as the means to address and resolve grievances.

5. Communication policy

The purpose of having a communication strategy is to support the implementation of mission and mandate.¹⁷

- Division of responsibility for communication
 - a. Regarding complaint cases (Specific Instances) the leader of the NCP or the one he appoints in the specific case is the only one to make statements to the media.
 - b. Regarding the OECD Guidelines and the NCP as such, all members of the Expert Panel and the Secretariat are encouraged to take initiatives and participate actively and broadly to increase awareness of responsible business conduct.
- Principles for communication
 - All NCP-N communication activities shall be characterized by the core criteria and effectiveness criteria for non-judicial grievance mechanisms brought forward in the OECD Guidelines as well as the Report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises, John Ruggie. (A/HRC/17/31).
 - Due considerations should be given to dilemmas which arise in the space between actively promoting responsible business, guiding civil society and being an independent grievance mechanism. The NCP and Secretariat have on a voluntary basis committed themselves¹⁸ to not trade in enterprises that are subject to assessment by the Norwegian NCP, oath of secrecy¹⁹ and oath of competence to ensure impartiality. The expert members and secretariat employee's competence is to be discussed at the receipt of each complaint/specific instance. Clarity about the independent role of the NCP and the individual representative is strived for in all dealings with a complaint procedure and in dialogue/mediation with the parties, as well as in general presentations.
 - Communication with key stakeholders – who are they; why are they important?
 - i. Business: small, medium and large Norwegian registered enterprises are important because they are who the OECD Guidelines aim to guide. They are most effectively and efficiently reached through their industry organisations, media and the web.
 - ii. Civil society: Norwegian and international NGOs and concerned individuals, affected local population including indigenous peoples are important because they are the ones the OECD Guidelines aim to protect. They are best reached through the NCP home page and through open meetings.
 - iii. Other NCPs: They are important because they complement each other in creating the OECD web of guidance for business operating cross borders. They are best reached through the OECD NCP annual meetings, with the OECD Secretariat or through individual contact.
 - iv. Academia: national and international research institutions and individual academics are important because they are multipliers, reviewers and contributors to good information on the OECD Guidelines, including on the implementation through complaint cases, mediated results or best business practices in relation to the OECD and the NCPs. They are best reached through the NCP home page, open discussion fora, social medias and discussion fora, lectures, student internship, availability to researchers and other cooperation with learning institutions, academic periodicals.

¹⁷ Details about the purpose and mandate is found here: http://www.regjeringen.no/en/sub/styrer-rad-utvalg/ncp_norway/ncp_norway/mandate.html?id=669916

¹⁸ Please find the oath here: http://www.regjeringen.no/upload/UD/Vedlegg/ncp/ncp_taushet_e.pdf

¹⁹ i.a. with reference to Norwegian Public Administration Act §§ 13-13f.

- v. Public offices and officials: Norwegian and other countries public offices and officials are important because they provide the legal and administrative framework which business is obliged to respect and which is to protect the society, nature and inhabitants. They are best reached through communications to the Ministries and other relevant public offices.
- The core message to stakeholders is for business to respect the OECD Guidelines. If they clearly state that they do so and show how they respect the OECD Guidelines through their operations they reduce their chances of being complained about or criticized by the NCP. If they are complained about to the NCP, the enterprise is expected to cooperate through dialogue with the civil society in which they operate and by providing, in a timely manner, specific and comprehensible information relevant to the complaint as requested by the NCP, and finally to follow up on recommendations by the NCP.
 - Best communication channels - different stakeholder groups
 - i. NCP home page: www.responsiblebusiness.no
 - ii. Social media (FB, Twitter etc)
 - iii. Media: Norwegian "financial times" Dagens Næringsliv and Norwegian main news channel "NRK" are the most important information channels for the target group.
 - iv. Presentations through industry organisations (in Norway NHO, internationally industry specific organisations have to be identified)
 - v. Academic institutions and publications
 - vi.

6. Communication plan 2012

Communication activities shall help N-NCP achieve key operational goals in 2012.

- a. **Key operational goal: To handle complaints regarding possible breaches of the OECD Guidelines by Norwegian companies with international operations**
 - New incidents received and solved in accordance to timeline and with joint statements as outcome
 - If joint statement is not feasible, publish final statement and respond to press inquiries.
 - Actively make assessments and recommendations by the NCP known to the relevant business segments in particular and public in general to ensure respect for the OECD Guidelines and knowledge about the NCP- complaint mechanism.

How can communication support and utilize these activities?

- information to key stakeholders on the guidelines and grievance mechanism (diff channels)
- media attention following decisions /joint statements/ received complaints/follow up activities

- b. **Key operational goal: To provide information about the OECD Guidelines**
(key operational goals = key communication goals)

- i. *Meetings with key stakeholders*
 - All relevant ministries, government agencies, public funding agencies: Meetings on cooperation with follow up activities regarding promotion of Guidelines

- All relevant state owned companies : meetings - training, implementation (-Important business organizations outside NHO: Shipping)
- All major NGOs: Meetings – information on guidelines, complaints mechanism

ii. *Web/FB/Twitter:*

- Strategy & plans for use of web & social media/incl. evaluation routines
- Improved information on guidelines requirements (accessibility)

iii. *Media*

- Utilization of news picture:

Responsibility re initiatives; networking with journalists; use of social media; roles expert panel/secretariat

- Handling of press requirements re comments, interviews etc. Media training; Q&A; responsibilities expert panel /secretariat; routines regarding internal information

- Proactive activities regarding media coverage
Producing news – utilizing activities; networking - journalists

iv. *Conferences – seminars*

Storebrand

Norfund

Global compact – Nordic

KOMPakt

UiT – Sami studies

International activities (cooperation with relevant international civil society institutions and international industry organisations).

Prioritizing invitations to external arrangements

Both the secretariat and the expert panel, depending on availability, will represent the NCP with presentations, panel discussions and participation in public debate.

c. Key operational goal: To cooperate with other NCPs and the OECD investment committee with the aim of furthering the effectiveness of the Guidelines

- Formal meetings – OECD/ Paris
- OECD annual report
- Networking – shared experiences / NCPs; Cooperation with other relevant NCP re specific instances
- Cooperation with Nordic NCPs re Nordic CSR-strategy
- Outreach to specific industry segments in cooperation with other NCPs

How can communication support and utilize these activities?

- Development of the web-site, a short info-film, a power point presentation and brochures about the Norwegian NCP will rationalise the out-reach, given that demand currently exceeds available personnel at the Norwegian NCP.
- Networking/collaboration: Sharing information from meetings with relevant stakeholders
- Re-use of texts and other information material (annual report, speeches...)
- Cooperation with other NCP on communication activities (conferences, media, information material)

7. Planned activities 2012 (detailed plans with estimated timeuse, budget, responsibility etc.

January – March
April – June
July – September
October – December

ANNEX 3: THE ROAD TO A MORE EFFECTIVE NORWEGIAN NCP

The reformed Norwegian NCP became operational as of 1 March 2011. Changes made to its composition, administration and budget were based on Report no. 10 (2008-2009) to the Storting, “Corporate social responsibility in a global economy”²⁰ and a broad stakeholder consultation process.

The former NCP had a tripartite structure and consisted of members from the Ministry of Trade and Industry, the Ministry of Foreign Affairs, the Confederation of Norwegian Industries, and the Confederation of Norwegian Trade Unions. Some saw this as an effective model reflective of Norwegian tradition while others identified weaknesses such as:

- Domination of government interests;
- No civil society representation;
- A lack of financial resources;
- Appointment on the basis of position;
- A high degree of staff turnover.

Civil society organisations advocated for the establishment of an ombudsman institute for corporate responsibility that would assess Norwegian companies’ compliance with binding guidelines for corporate responsibility. The same organisations urged the restructuring of the NCP to make it more independent and effective. Rather than establishing a new grievance mechanism and guidelines, the Norwegian government set forth the intention to consider different models for organising the NCP in Report no. 10 to the Storting.

During the consultation process that formed the basis for the current NCP model, the Ministry of Foreign Affairs gathered information about NCP organisation in other OECD countries and held consultations with:

- The NCPs in the UK and the Netherlands;
- OECD Watch;
- The UN Special Representative for Business and Human Rights;
- The secretariat of the Council on Ethics for the Government Pension Fund - Global.

The effectiveness criteria for non-judicial grievance mechanisms set forth in the “Protect, Respect, Remedy” framework for business and human rights provided the guiding principles for the reorganisation.²¹ The Model National Contact Point promoted by OECD Watch²² and a report from FAFO on “Non-Judicial Remedies in Norway for Corporate Social Responsibility Abroad”²³ were also considered. Labour organisations, civil society, business, academia and government offices were invited to provide feedback on two alternative models for the NCP proposed by the Ministry of Foreign Affairs in a public hearing.²⁴ On this basis, the Government made a proposal for a reorganised NCP that was approved by Parliament on 18 April 2010.

The reformed NCP was made independent of the Government while the Ministry of Foreign Affairs retained administrative responsibilities. The NCP is comprised of a four-person Expert Panel and a full-time Secretariat. The Ministry of Foreign Affairs in consultations with the Ministry of Trade and Industry appointed the Expert Panel based on proposals from the Confederation of Norwegian Trade Unions (LO), the Confederation of Norwegian Industries (NHO), and civil society. The chair of the NCP

²⁰ Available online: http://www.regjeringen.no/pages/2203320/PDFS/STM200820090010000EN_PDFS.pdf

²¹ The effectiveness criteria for non-judicial grievance mechanisms are: legitimate, accessible, predictable, equitable, transparent, rights-compatible, a source of continuous learning and based on engagement and dialogue.

²² http://oecdwatch.org/publications-en/Publication_2223

²³ <http://www.fafo.no/pub/rapp/10088/10088.pdf>

²⁴ Among the respondents were Amnesty International, ForUM for Environment and Development, the World Wildlife Fund for Nature, the Ethical Trading Initiative, the Ministry of Justice, employers and labour organisations and several companies. See http://www.regjeringen.no/nb/dep/ud/tema/naeringslivssamarbeid_samfunnsansvar/naeringslivssamarbeid/modeller_kommentarer.html?id=573492.

is the dean of the law faculty of the University of Oslo while the other three members have labour and corporate backgrounds. The secretariat reports to the Expert Panel, prepares draft statements for approval, and actively promotes the Guidelines. The NCP has been allocated an annual budget of NOK 4 million by the Ministry of Foreign Affairs after the reorganisation process.

As an agency executing public authority, the NCP follows Norwegian legislation, including the Public Administration Act and the Freedom of Information Act. As part of the public administration, the secretariat can draw on government resources where needed. The NCP has achieved significant visibility and legitimacy in Norwegian public debates and media due to the involvement of the Expert Panel, the initiative of the secretariat, and the resources available to the NCP.

