

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
NORWAY NCP
REPORT TO THE OECD
2013

National Contact Points must report annually to the OECD 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.

A Common Reporting Framework, based on the Implementation Procedures of the Guidelines, assists NCPs prepare these reports. This information is the basis for the Chair's Annual Report to the OECD Council.

Common Reporting Framework

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Common framework for annual reporting by National Contact Points

The role of National Contact Points is to further the effectiveness of the Guidelines by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the Guidelines in specific instances. NCPs will operate in accordance with core criteria of visibility, accessibility, transparency and accountability.

A. Institutional arrangements

1. Governmental location of the NCP

Since March 2011 the Norwegian NCP is in substance independent of the government. The NCP is funded by and reports administratively to the Norwegian Ministry of Foreign Affairs.

2. Structure of the NCP

Monopartite Interagency Bipartite Tripartite Quadripartite Independent Expert Body

The Norwegian NCP was reformed in 2010. The NCP comprises four individually appointed expert members, and a secretariat employed by the Ministry of Foreign Affairs. The Ministry of Foreign Affairs and the Ministry of Trade and Industry name the expert members based on proposals from business, civil society and trade unions.

3. Does the NCP have an advisory body? Yes No

4. Does the NCP have an oversight body? Yes No

5. Was the NCP structure modified in the reporting period? Yes No

6. How does this structure enable the NCP to operate effectively?

The Norwegian NCP was reformed in 2010. Both certain NGOs and certain business representatives called for a more independent NCP to increase the legitimacy and the efficiency of the NCP, especially when dealing with specific instances involving state-owned enterprises. The new NCP structure was chosen based on broad consultations with all key stakeholders and therefore increased the NCP's legitimacy among the stakeholders compared to the previous model. The structure is also efficient in that representatives from academia/civil society, business and trade unions in the expert panel draw on their networks, both in consultations with experts in specific instances and in awareness raising about the Guidelines. The expert members assess complaints based on material prepared by the secretariat. The NCP and the secretariat also conduct promotional activities regarding the Guidelines. All members of the NCP have signed a declaration of transparency, confidentiality, trade restrictions, and impartiality. As a publicly funded and administered institution, the NCP complies with Norwegian laws and regulations, such as the Norwegian Freedom of Information Act and the Norwegian Public Administration Act.

7. Does the NCP have an allocated budget?

Yes No

The NCP has an annual budget of NOK 4 million (EUR 525 000), which covers the salaries of the secretariat, remuneration to the panel members, consultancy/fact finding costs pertaining to specific instances and information activities, as well as administrative costs. The NCP spent 99 per cent of the budget in 2012, and 75 per cent of the budget in 2011.

8. Does the NCP have dedicated staff?

Yes No

The NCP has a secretariat of two full time positions, recruited by the Ministry of Foreign Affairs. From January 2012 to January 2013 the Ministry also employed a part time assistant for the Secretariat.

9. Are changes in the structure or resources available to the NCP contemplated in the near future?

Yes No

Head of Secretariat will be taking leave from the Ministry from 1 June 2013 and the position is likely to be filled on 1 August 2013 at the earliest.

10. Does the NCP report within the Government on its activities?

Yes No

The NCP administratively reports to the Ministry of Foreign Affairs, and reports on a voluntary basis to the Parliament (Stortinget) on specific instances and issues related to implementation of the Guidelines. The NCP also regularly attends the Norwegian Government's multi-stakeholder consultative forum for corporate responsibility, KOMpakt.

B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages?

Yes No

www.responsiblebusiness.no/www.ansvarlignaringsliv.no

12. Are the 2011 Guidelines available online?

Yes No

In English, including commentaries, and in Norwegian, commentaries to be published in May 2013. A new edition of the website will be launched in June 2013, with links to the Guidelines in English, French, Spanish, Portuguese and Norwegian.

13. Are the 2011 Guidelines available in print?

Yes No

Approximately 500 copies of the Guidelines have been distributed at various seminars, conferences and meetings.

14. Did you develop other products to raise awareness of the Guidelines?

Yes No

Upgraded website

In a survey (see question 19) all stakeholders expressed that the NCP website is the most important

source when they seek information about the Guidelines. The Norwegian website was created in 2011 and in 2012/2013 the NCP identified a need to upgrade the website to make it more accessible and user-friendly. A new version will tentatively be online in June 2013.

Due diligence guidance

The surveys mentioned also revealed a need for guidance about the Guidelines. The Norwegian NCP commissioned a report, after a public tender, to give due diligence guidance to companies. A report has been developed by researcher Mark Taylor at the Fafo Institute for Applied International Studies, and will be published online as a dynamic PDF after adjusting it to this web- and tablet-friendly format.

Test your self tool

In conjunction with the upgrade of the website and the documented need for guidance in our surveys, the Norwegian NCP hired a consultant to develop a simple test your self tool for businesses. The format is a set of statements companies can use to get a general overview of whether their policies and practices are aligned with the Guidelines. A first version of the tool is planned to go online in Norwegian and English in June 2013.

Short film

The 5 minutes long low-cost film was first shown at the NCP Annual Meeting in June 2012, and has been extensively used in seminars, workshops and meetings in Norway and abroad. The film has proven to be a resource-efficient way of presenting the Guidelines and the NCP combined with handing out the Annual report brochure also when the NCP itself or the secretariat do not have the possibility to attend themselves.

15. Is your Annual Report available online?

Yes No

The Annual Report is available online in English http://www.regjeringen.no/en/sub/styrer-rad-utvalg/ncp_norway/reports.html?id=669923. A more accessible brochure version of the Annual Report is available online in English, Norwegian and the indigenous language Northern Sami. Distributed in approximately 1000 copies.

16. Is your Annual Report available in print?

Yes No

The Annual Report Brochure is available in print in English, Norwegian and the indigenous language Northern Sami.

17. Does the NCP coordinate with other government activities on responsible business conduct?

Yes No

In 2012/2013 the NCP contributed to an international CSR conference organised by the Ministry of Foreign Affairs, by making sure that NCPs were invited to the conference and by organising a Nordic NCP Roundtable back to back with the conference. The NCP regularly attends the Government's Consultative forum on CSR, KOMpakt, and the secretariat took part as an observing party when the Government asked the KOMpakt working party for input on how to implement the UN Guiding Principles in Norway. For information on further collaboration, see question 18.

18. Does the NCP, together with appropriate state entities (export credits agency, investment state-owned enterprises, overseas investment guarantee and inward investment promotion programs ,..), inform prospective investors about the Guidelines and their implementation?

Yes No

In its white paper on Corporate Social Responsibility in a Global Economy (Report no. 10, 2008-09), the Norwegian Government 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, the NCP maintains close contact with 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 initiated and will continue to increase collaboration with other public institutions to promote the Guidelines such as Norfund, the Council on Ethics for the Norwegian Government Pension Fund Global, the Ministries of Trade, Finance, Environment and Foreign Affairs and Export Credit Norway.

19. If the NCP conducted surveys or collected data documenting enterprises' awareness and use of the Guidelines, such as references in corporate codes of conduct, provide details.

The Norwegian NCP conducts an annual survey among 600 companies on awareness of the OECD Guidelines and the NCP complaint mechanism. The data show that the proportion of Norwegian business leaders in companies with international operations that is familiar with the OECD Guidelines has increased from one in ten in 2011 to six in ten in 2012.

In the most recent survey, six in ten business leaders were to some extent familiar with the Guidelines. The complaint procedure for the Guidelines and the OECD NCP are less well known, but an improvement can be seen here as well. In 2011 roughly one in ten business leaders were aware of the NCP, compared to over one in four (27 per cent) this year.

In 2012, the NCP also conducted a survey amongst company union representatives that are also board members of Norwegian companies, and another survey amongst civil society organizations and trade unions. Amongst union representatives, more than two in three know about the Guidelines, and 17 per cent know them well or fairly well. The feedback shows that many wanted guidance on the use of the OECD Guidelines.

Among civil society organizations and trade unions, four in five are familiar with the OECD Guidelines. But few enter into dialogue about the Guidelines with companies.

The surveys were designed and implemented in collaboration with Ipsos Norstat and MMI for the NCP.

- Report – Company Union Representatives: http://www.regjeringen.no/upload/UD/Vedlegg/ncp/rapport_tillitsvalgte.pdf (in Norwegian)
- Report – Business Survey http://www.regjeringen.no/upload/UD/Vedlegg/ncp/rapport_bedrifter.pdf (in Norwegian)
- Report – NGOs http://www.regjeringen.no/upload/UD/Vedlegg/ncp/rapport_ngo.pdf (in Norwegian)

New surveys will be conducted in 2013.

20. Does the NCP have a promotional plan on the Guidelines?

Yes No

The Norwegian NCP Communication Plan outlines the NCP's vision, mandate, core criteria, stakeholder groups, key operational goals and key messages. All communication goals are linked to one of the NCP's three key operational goals.

Some examples:

1. Strategic goal: The NCP deals with complaints regarding possible breaches of the OECD Guidelines in a manner that is impartial, predictable, equitable and compatible with the Guidelines. Communication goal: Procedures for specific instances, initial assessments and final statements are published on our website.
2. Strategic goal: Key stakeholders, such as large and medium sized enterprises as well as potential notifiers, are aware of and use the Guidelines. Communication goals: The NCP documents knowledge of the OECD Guidelines through annual surveys. The NCP has an accessible website. The NCP responds to all legitimate requests for information in an efficient and timely manner. The NCP presents the Guidelines and the NCP at seminars held by key stakeholders.
3. Strategic goal: Collaboration with other NCPs and the OECD investment committee serves the aim that NCPs work effectively, and that they develop similar practices and understanding of the OECD Guidelines. Communication goals: The NCP shares all information products developed with the OECD investment committee and with other NCPs. The NCP contributes to regional and thematic workshops with NCPs and other key stakeholders.

21. Did the NCP organise any event to promote the Guidelines and their implementation procedures?

Yes No

Title	Meeting with NGOs and trade unions
Date	24.10.2012
Place	Oslo, Norway
	On the basis of a survey conducted amongst NGOs and trade unions, the NCP invited these stakeholder groups to increase awareness about how the Norwegian NCP operates in practice and how NGOs and trade unions can use the OECD Guidelines in their dialogue with companies and in other activities to promote corporate responsibility. The NCP presented its work, and former Supreme Court Judge Lars Oftedal Broch presented his role as an external mediator in the ongoing specific instance Norwegian Support Committee for Western Sahara vs. Sjovik AS. Ms. Gunhild Orstavik in the NGO ForUM (OECD Watch member)

Further details presented ForUMs experiences as a notifier to the NCP. The NCP got many good questions and feedback, was commended for its transparency and efficiency, and also challenged to contribute to that mediated agreements are implemented and to contribute to more documented data on enterprises concrete measures to implement responsible business conduct. Representatives of the following organisations participated: Fellesforbundet (a group of trade unions), ForUM, Future in Our Hands, Ethical Trading Initiative-Norway, Norwegian Confederation of Trade Unions, Norwegian People's Aid, Tax Justice Network, Transparency International Norway.

Title The OECD Guidelines: Challenges for Chilean Investors

Date 16.11.2012

Place Santiago de Chile, Chile

Further details Seminar co-organised with the Chilean NCP and with support from the Norwegian embassy and the Norwegian Ministry of Foreign Affairs. The seminar aimed at discussing opportunities and challenges for Chilean investors related to the Guidelines, and NCP Chile and Norway invited the parties to the Cermaq case to present their joint statement, which was mediated by the Norwegian NCP with support from Chile. Chair of the NCP, Hans Petter Graver, participated in one of the panels together with representatives from the notifiers and the company.

Title International workshop on the OECD Guidelines for responsible business conduct

Date 28.01.2013

Place Brasilia, Brazil

Further details Seminar co-organised with the Brazilian NCP and the UK NCP. Norwegian Hydro represented by Anne-Lene Midseim openly discussed how concrete challenges can be handled, when she participated in a panel organized by the Brazilian, British and Norwegian NCP in Brasilia. The topic was the OECD guidelines, governments and businesses role in dialogue and mediation between local communities and companies. Adviser Mari Bangstad presented the Norwegian NCP experiences. The importance of having an NCP independent of the government was underlined. Report available online:http://www.regjeringen.no/upload/UD/Vedlegg/ncp/Brasil_Extended_Report_PA_Ashley030513.pdf

Title

Date

Place

Further details

22. Did the NCP participate in any event organised by stakeholders or other entities to promote the Guidelines and their implementation procedures?

Yes No

Title The OECD Guidelines and Export Credit

Date 14/5/2013

Place Oslo, Norway

Further details Internal presentation for Export Credit Norway by adviser Mari Bangstad

Title Academic lunch about the OECD Guidelines

Date 04/4/2013

Place Oslo, Norway

Further details Presentation for Faculty of Law employees by head of secretariat Hege Røttingen

Title NCPs and the Extractive Sector

Date 22/3/2013

Place London, UK

Further details Workshop organised by Institute for Human Rights and Business and UK NCP. Hege Røttingen participated in panel.

Title Investing the Rights Way

Date 15/3/2013

Place London, UK

Further details Launch of guide for investors on responsibility to respect for human rights. Organised by Institute for Human Rights and Business, Calvert Investment and Interfaith Center on Corporate Responsibility. NCP member Elin M. Myrnel-Johansen participated.

Title Investing the Rights Way

Date 08/3/2013

Place New York, US

Further details Launch of guide for investors on responsibility to respect for human rights. Organised by Institute for Human Rights and Business, Calvert Investment and Interfaith Center on Corporate Responsibility. NCP Chair Hans Petter Graver participated.

Title The OECD Guidelines and the NCPs

Date 05/3/2013

Place	Video conference Oslo-Copenhagen
Further details	Organized by the Danish Chamber of Commerce (Dansk Erhverv). Head of secretariat Hege Røttingen presented.
Title	The UN Guiding Principles and the OECD Guidelines
Date	26/2/2013
Place	Oslo, Norway
Further details	Presentation for partly state-owned company by Adviser Mari Bangstad
Title	Supply Chain Responsibility
Date	6/2/2013
Place	Oslo, Norway
Further details	Meeting with the CSR Forum of the Enterprise Federation of Norway (Virke). Presentation by Head of secretariat Hege Røttingen.
Title	EU Expert Consultations on Sector-Specific Guidance on UN Guiding Principles
Date	28/1/2013- 31/1/2013
Place	Brussels, Belgium
Further details	Head of secretariat Hege Røttingen participated in consultations about the ICT Sector and about Employment/Recruitment.
Title	Roundtable on Norway's implementation of the UN Guiding Principles
Date	21/1/2013
Place	Oslo, Norway
Further details	Workshop to gather recommendations for Norway's implementation of the UN Guiding Principles, organised by the working group of the Norwegian Government's Consultative Forum on CSR issues. Secretariat adviser Mari Bangstad participated as an observer and gave information on recent OECD NCP specific instances, models and practices.
Title	Implementation of the UN Guiding Principles
Date	25/1/2013
Place	Warsaw, Poland
Further details	The NCP and the secretariat did not have the possibility to accept the invitation to present the Guidelines and the Norwegian NCP model because of on-going specific instances. The NCP sent brochures and the short film. The Norwegian CSR Ambassador, Ministry of Foreign Affairs, gave a presentation based on speaking points from the NCP secretariat.

Title	Indigenous Peoples, Environment and Business - Case: Tar Sand
Date	13 Dec 2012
Place	Oslo, Norway
Further details	Organised by Greenpeace Norway and Norwegian Forum for Development Cooperation with Indigenous Peoples. Head of secretariat Hege Røttingen gave presentation on "Access to information for indigenous peoples" and participated in panel.
Title	Resolving Company- Community Conflicts: Practical Approaches and Multi-Stakeholder Persp
Date	6 Dec 2013
Place	Hague, Netherlands
Further details	Organised by World Legal Forum in collaboration with Harvard University. Head of Secretariat Hege Røttingen presented the mediated joint statement in the Cermaq case together with representatives of the company and the complainant in the case.
Title	UN Forum on Business and Human Rights
Date	4 Dec 2012
Place	Geneva, Switzerland
Further details	Organised by the UN Working Group on Business and Human Rights. Head of secretariat Hege Røttingen participated in panel. Webcast available: http://www.youtube.com/watch?v=g7gvCRzrT1U
Title	Oslo Conference on Corporate Social Responsibility
Date	13 Nov 2013
Place	Oslo, Norway
Further details	Organized by the Ministry of Foreign Affairs. NCP member Elin Myrmel-Johansen participated in panel. Webcast available: http://tsforum.event123.no/UD/CSR2012/
Title	Human Rights and Business - Utopia?
Date	6/11/2012
Place	Oslo, Norway
Further details	Organised by NGO Forum for Environment and Development. Head of secretariat Hege Røttingen participated in panel.
Title	Roundtable on Corporate Liability for Violation of Human Rights
Date	29 Oct 2012

Place	Oslo, Norway
Further details	Organised by the University of Oslo, Faculty of Law. Head of secretariat Hege Røttingen presented the OECD Guidelines.
Title	The OECD Guidelines and transparency/access to information
Date	Oct 2012
Place	Zurich, Switzerland
Further details	Organised by the University of Zurich. NCP Chair Hans Petter Graver presented.
Title	CSR - A driver of innovation and competitiveness in the Nordic Region
Date	11 Oct 2012
Place	Trondheim, Norway
Further details	Conference organised by the Norwegian Ministry of Trade and Industry. Secretariat assistant Matthew Arens organised a stand for Q & A about the Guidelines. The Norwegian NCP infofilm was shown during the conference in collaboration between the Norwegian NCP and the Danish Business Authority.
Title	Course for diplomat trainees
Date	28 Sept 2012
Place	Oslo, Norway
Further details	Organised by the Ministry of Foreign Affairs. Head of secretariat Hege Røttingen presented the Guidelines and the NCP.
Title	OECD Guidelines and indigenous peoples
Date	27 Sep 2012
Place	Karasjok, Norway
Further details	Consultation organised by the Norwegian Sami Parliament. NCP Chair Hans Petter Graver participated on videolink and secretariat adviser Mari Bangstad was present for follow-up questions.
Title	Meeting with UN Working Group on Business and Human Rights member Alexandra Guáqueta
Date	11/9/2012
Place	Oslo, Norway
Further details	Organised by the Ministry of Foreign Affairs. Head of secretariat Hege Røttingen participated.

Title	YS' (trade union) Corporate Responsibility Conference
Date	11/9/2012
Place	Oslo, Norway
Further details	NCP member Gro Granden presented.
Title	Extractive Industries and Indigenous Peoples
Date	10//2012
Place	Tromsø, Norway
Further details	Organised by the Ministry of Foreign Affairs, the Working Group on Indigenous Peoples in the Barents Euro-Arctic Council, in cooperation with Centre for Sami Studies, University of Tromsø. Secretariat adviser Mari Bangstad showed infofilm and handed out brochures. Report available: http://uit.no/Content/327123/Extractive%20industries%20and%20indigenous%20peoples%20-%20Sep%2010%202012%20-%20Report.pdf
Title	EU Conference on National Human Rights Institutions
Date	6-8/9-2012
Place	Berlin, Germany
Further details	Organised by the International Coordinating Committee of National Human Rights Institutions. NCP Chair Hans Petter Graver and Head of secretariat Hege Røttingen participated in panels.
Title	Speed-dating with Ambassadors and Business Representatives
Date	20/8/2012
Place	Oslo, Norway
Further details	Organised by the Ministry of Foreign Affairs. Secretariat adviser Mari Bangstad had a stand for Q & A with participants about the Guidelines.
Title	Singapore University Summer Institute on Business and Human Rights
Date	16 - 17/7/2012
Place	Singapore
Further details	NCP Chair Hans Petter Graver gave lecture on the Guidelines and the Norwegian NCP experiences

23. What use has been made of embassies, notably in emerging markets and other non-adhering countries, for raising awareness and promoting the Guidelines?

The Norwegian NCP has collaborated with the Norwegian embassies to Chile and Brazil to contribute to NCP workshops in Santiago de Chile and Brasilia. The Norwegian NCP has also proposed to the Ministry of Foreign Affairs to collaborate on an information package to embassies during 2013.

24. Does the NCP have a direct relationship with OECD partner organisations and/or other leading responsible business conduct instruments:

ILO?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
UN Global Compact and its local networks?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
UN Office of the High Commissioner on Human Rights?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
National Institution for the Protection and Promotion of Human Rights?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Global Reporting Initiative?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
ISO26000?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other	<input type="checkbox"/> Yes	<input type="checkbox"/> No

ILO

The Norwegian NCP participated by videolink on the ITC ILO course "Promoting Labour Standards through Corporate Social Responsibility: instruments and practices" 22 October 2012. The NCP also used the ILO Helpdesk in relation to a specific instance.

UN Global Compact Nordic

The NCP has held a presentation for the UN Global Compact Nordic network, and has had a meeting about future collaboration with the Norwegian coordinator at the Confederation of Norwegian Enterprise (NHO).

National Institution for the Protection and Promotion of Human Rights

Chair of the NCP and Head of Secretariat were invited when the EU discussed the role of NHRIs in Berlin autumn 2012, and the NCP Secretariat gave input to text on NCP/NHRI collaboration in a draft fact sheet to be published by the International Coordinating Committee of National Human Rights Institutions. The Norwegian NHRI is currently undergoing restructuring.

ISO26000

The NCP Secretariat regularly exchanges information with the Norwegian ISO 26000 committee.

25. Does the NCP or another government agency promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones?

Yes No

The NCP promotes the OECD Risk Awareness Tool online and in our Annual Report Brochure. The Ministry of Foreign Affairs has a CSR tools and resources site, where the tool is listed.

26. Does the NCP or another government agency promote the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High Risk Areas?

Yes No

The NCP promotes the OECD Due Diligence Guidance online and in our Annual Report Brochure. The Ministry of Foreign Affairs promotes the Guidance on their CSR tools and resources website.

27. Were enquiries received on the Guidelines and their implementation procedures

From other NCPs?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
From the business community?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
From labour organisations?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
From non-governmental organisations?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
From governments of non-adhering countries?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Other	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The NCP was asked to share its experiences in a regional workshop of Latin American NCPs in Santiago de Chile on 15 November 2012. The NCP shared its experiences as a relatively newly established and independent NCP in telephone conferences and meetings with several NCPs, including Canada, Denmark, Netherlands, Switzerland and US. The NCP had several meetings on request from the business community, including business organisations such as the Confederation of Norwegian Enterprise (NHO) and the Enterprise Federation of Norway (Virke), and meetings with specific companies on the Guidelines and their implementation procedures. The requests from the business community, including from companies, often concerns questions about clarification of due diligence requirements both in general and specific situations, including in the supply chain. For list of meetings with other NCPs, the business community, labour organisations and non-governmental organisations see Questions 21, 22 and 29.

C. Proactive agenda

In accordance with the Investment Committee's proactive agenda, NCPs should maintain regular contact, including meetings, with social partners and other stakeholders in order to: a) consider new developments and emerging practices concerning responsible business conduct; b) support the positive contributions enterprises can make to identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries

28. Did the NCP identify new emerging challenges for enterprises, or engage in any related activities?

Yes No

To contribute to the proactive agenda, the Norwegian NCP prioritizes issues related to specific instances that have been or are being handled by the NCP, or issues of special interest to Norwegian stakeholders, including business, civil society and trade unions. In 2012/2013 the Norwegian NCP participated in the OECD working group for financial due diligence. The NCP also invited the Sami Parliament to suggest candidates for the working group on stakeholder engagement in the extractive sector. In addition the NCP Head of secretariat participated in a panel at a workshop about NCPs role in the extractive sector, organized by Institute for Human Rights and Business (IHRB) and UK NCP. This workshop was a follow-up to a similar workshop co-organised by Norway NCP and IHRB in London in March 2012. In June 2013 the Norwegian NCP contributes to a seminar about due diligence in the ICT sector, co-organised with IHRB and OECD as part of the OECD Global Forum for Responsible Business Conduct in Paris.

D. Co-operation and peer learning

In addition to contributing to the Committee's work to enhance the effectiveness of the Guidelines, NCPs will engage in joint peer learning activities. In particular, they are encouraged to engage in horizontal, thematic peer reviews and voluntary NCP peer evaluations. Such peer learning can be carried out through meetings at the OECD or through direct co-operation between NCPs.

29. Did the NCP engage in direct co-operation with other NCPs?

Yes No

Norway contributes to the development of similar practice by sharing all information material it produces. For transparency and accountability reasons, the Norwegian NCP publishes all of its final assessments and mediated outcomes in full, including the factual basis, reasoning, and assessment, each substantiated with footnotes to provide access to the specific sources on which the assessment is built.

NCPs improve faster when they learn from each others' best practices. In 2012/13, NCP Norway contributed to sharing best practices by:

- Chairing the annual meeting of the OECD NCPs in Paris, June 2012 and sharing experiences in meetings in the Investment Committee in December 2012 and March 2013
- Work to strengthen regional collaboration by organising a Nordic Roundtable in Oslo in November 2012, and working together with Latin American NCPs on workshops in Santiago de Chile and Brasilia in November 2012 and January 2013
- Chairing the Peer Review of Japan and pledging a Peer Review of itself for autumn 2013
- Working together with other NCPs and specific industries on the Guidelines, e.g. extractives, telecommunications

Collaboration with relevant NCPs in specific instances is another opportunity for NCPs to increase their efficiency and achieve functional equivalence. In 2012/13, NCP Norway:

- Co-organised a presentation in Santiago de Chile with NCP Chile on the mediated joint statement between Cermaq ASA, Friends of the Earth Norway and Forum for Environment and Development
- Collaborated with NCP Sweden on the initial assessment in the specific instance Jijnjevaerie vs. Statkraft AS
- Coordinated and exchanged information with NCPs Netherlands and South Korea and consulted the OECD concerning the Posco/ABP-AGP/NBIM case

30. Is the NCP interested in volunteering for a peer evaluation? Yes No

The Norwegian NCP has signed up for a peer review that will tentatively take place in October/November 2013.

31. Is the NCP interested in being part of the team conducting a voluntary peer evaluation? Yes No

Due to change of staff, and a lot of resources dedicated to the peer review of the Norwegian NCP, in 2013, the NCP could participate in a team from the autumn 2014.

E. Specific instances

32. Did the NCP develop procedures for handling specific instances? Yes No

- are they available online? Yes No

In Norwegian: http://www.regjeringen.no/upload/UD/Vedlegg/ncp/ncp_prosedyrer_n.pdf

In English: http://www.regjeringen.no/upload/UD/Vedlegg/ncp/ncp_prosedyrer_e.pdf

- in which language/s ? English and Norwegian

- do procedures take into account the 2011 Procedural Guidance? Yes No

33. How many new specific instances did the NCP receive in the reporting period?

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Title	Wind power project in Sami reindeer herding areas
Leading NCP	Sweden
Supporting NCP	Norway
Description	Alleged failed consultations between Sami village and wind power project of which a Norwegian state-owned company is the majority owner.
Theme/s	IV. Human Rights
Date specific instance received	29.10.2012

Host country/ies	Sweden
Source	<input type="checkbox"/> Trade Union <input type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input checked="" type="checkbox"/> Other interested parties
Industry sector	Electricity, gas, steam and air conditioning supply
Status	Concluded
Summary	<p>The Norwegian and the Swedish OECD National Contact Points (NCPs) in principle accepted, but deferred the consideration of, a notification from the Sami reindeer herding collective Jijnjevaerie Sami Village against the Norwegian state-owned company Statkraft AS. The notification concerns alleged breaches of the OECD Guidelines by Statkraft AS in its wind farm projects in the counties of Jämtland and Västernorrland in Sweden. The joint venture Statkraft SCA Vind AB, of which Statkraft owns 60 per cent, operates the wind power project. Jijnjevaerie Sami Village claims that Statkraft AS risks breaching the Guidelines provisions on the corporate responsibility to respect human rights if they do not engage in meaningful consultations with the Sami village. Their main request to Statkraft AS is to engage in such consultations with the Sami Village. The Sami Village requests the NCPs to facilitate such a dialogue.</p> <p>How a multinational company engages with relevant stakeholders and respects the internationally recognised human rights of those affected by their activities, including indigenous peoples, fall within the scope of the Guidelines.¹ The NCPs also find that the notifier has a legitimate interest in the matter, that the claims concerning stakeholder engagement are material and substantiated, and that there is a link between the enterprise's activities and the issue raised. That the notification is admitted should in no way be understood to imply that the enterprise has breached the Guidelines. The NCPs have only considered whether the notification could merit further consideration, and not the substance of the claims.</p> <p>However, since a bilateral dialogue between the parties has been renewed since the notification, the NCPs have decided to defer the case to allow the parties to find a mutually acceptable solution to this situation without the NCPs' assistance. The case is put on hold until either of the parties requests the NCPs to open the case.</p> <p>The NCPs are non-judicial grievance mechanisms with a mandate to help resolve issues related to how enterprises implement the Guidelines. The wind power project in question has been permitted by the Swedish Superior Environmental Court, provided that the enterprise implements certain measures to reduce adverse impact on the reindeer collective. On the other hand, that parallel proceedings have taken place is not a sufficient argument to reject this case. The NCPs find that an offer of good offices could make a positive contribution to the resolution of these issues.</p> <p>The NCPs commend both parties for being forthcoming with information during this initial assessment. While the case is put on hold, the NCPs strongly encourage the parties to engage in a dialogue that can provide the basis for long-term co-existence acceptable to both parties. The NCPs recommend that the parties base their dialogue on two-way communication and the good faith of the</p>

	participants on both sides in accordance with the Guidelines and on other widely recognised corporate responsibility instruments such as the UN Guiding Principles on Business and Human Rights, the International Finance Corporation's Performance Standards and the UN Global Compact.	
Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 29.10.2012	From date:	From date:
To date: 14.02.2013	To date:	To date:
<ul style="list-style-type: none"> •Initial assessment http://www.regjeringen.no/pages/36798927/samivillage.pdf •Complaint http://www.regjeringen.no/pages/36798927/complaint_statkraft.pdf •Preliminary views from the company http://www.regjeringen.no/pages/36798927/statkraft_preliminary.pdf 		

Title	Financial human rights due diligence
Leading NCP	Norway
Supporting NCP	Netherlands, South Korea
Description	Minority shareholder responsibility to respect human rights
Theme/s	II. General Policies
	III. Disclosure
	IV. Human Rights
Date specific instance received	9.10.2012
Host country/ies	India
Source	<input type="checkbox"/> Trade Union <input checked="" type="checkbox"/> NGO <input type="checkbox"/> Individuals <input type="checkbox"/> Business <input type="checkbox"/> Other interested parties
Industry sector	Financial and insurance activities
Status	Concluded
	The Norwegian, Dutch and South Korean National Contact Point s (NCPs) for the OECD Guidelines for Multinational Enterprises (MNEs) (hereafter: the OECD Guidelines or the Guidelines) received a complaint from the four non-governmental organisations (NGOs): Lok Shakti Abhiyan (India), KTNC Watch (South Korea), Fair Green and Global Alliance (Netherlands) and Forum for environment and development (Norway) (hereafter: the Notifiers) on 9 October 2012. The notification concerned alleged breaches of the Guidelines by South Korean Pohang Iron and Steel Enterprise (POSCO) in its joint venture POSCO India Private Limited. The notification was also directed at two of

	<p>POSCO's investors; (1) the Dutch pension Fund ABP and its pension administrator APG, and (2) the Norwegian Bank Investment Management (NBIM) of the Government Pension Fund Global (the Fund).</p> <p>The notifiers claim that NBIM has failed to take the appropriate steps to prevent or mitigate negative human rights and environmental impacts in connection with its investment in POSCO.</p> <p>The notifiers request:</p> <p>(1) That NBIM (and ABP/APG) increase their efforts to use their leverage in order to influence POSCO.</p> <p>(2) That NBIM (and ABP/APG) publicly disclose minimum criteria for the continuation of the investment in POSCO.</p> <p>(3) The South Korean, Norwegian and Dutch NCP to carry out an independent fact finding mission in order to examine the issues raised related to an alleged breach of the Guidelines by POSCO. The allegations are that POSCO has failed to seek to prevent or mitigate human rights impacts, failed to conduct comprehensive human rights due diligence and failed to carry out environmental due diligence in its project to set up a steel plant in the Jagatsinghpur District in Odisha , India, which is carried out by the wholly-owned subsidiary POSCO India Private Limited (Posco India).</p> <p>In accordance with the OECD Guidelines' Procedural Guidance, the Dutch, Norwegian and South Korean NCPs have agreed to coordinate, but also to handle the notification against the enterprise registered in their respective country. The NCPs have also consulted with the OECD Investment Committee. The South Korean NCP handles the specific instance involving POSCO. In the initial assessments the Norwegian NCP accepted the case against NBIM and the Dutch NCP accepted the case against ABP/APG. Both NCPs found that the Guidelines apply to fund managers and minority shareholders and that the cases can contribute to clarifying the application of Chapter IV (Human Rights) to investors, and in particular how the provisions on human rights due diligence apply to minority shareholders.</p> <p>The Norwegian NCP has not assessed the claims or carried out any fact finding concerning POSCO's operations in India or the activities of POSCO vis-à-vis POSCO India as this has not been deemed necessary in the assessment of NBIMs compliance with the OECD Guidelines. Examining the complaint against POSCO and APG respectively is considered beyond the scope of the review of the Norwegian NCP.</p> <p>The assessment of the Norwegian NCP is specifically limited to whether NBIM has acted in accordance with the Guidelines. As the complainants have raised issues with respect to the human rights chapter of the Guidelines, the NCP has examined two dimensions of the application of this chapter of the Guidelines to NBIM: (1) the extent to which NBIM has integrated the OECD Guidelines provisions on human rights – including due diligence -- into its policies and processes; and (2) the steps NBIM has taken -- or omitted-- in response to the allegations in this Specific Instance, including issues related to Chapter III of the OECD Guidelines on Disclosure. Environmental issues are also relevant to this Specific Instance and the Environmental Chapter of the OECD Guidelines with the update in 2011 includes due diligence requirements. However, this Specific Instance focuses on the human rights aspects as this was the focus of the ForUM submission to the Norwegian NCP concerning NBIM.</p>
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<p>Summary</p>	<p>The NCP has assessed submissions from NBIM and the notifiers, the OECD Investment Committee, publically available information on NBIM's web page and other relevant information available.</p> <p>As the complaint was filed after the updated OECD Guidelines entered into force, and the investment existed after this date, it is assessed according to the 2011 version of the Guidelines.</p> <p>CONCLUSIONS</p> <p>KEY POINT- NBIM HAS VIOLATED THE OECD GUIDELINES</p> <p>The Norwegian NCP concludes that NBIM violates the OECD Guidelines chiefly on two accounts. First; by refusing to cooperate with the OECD NCP NBIM violates the OECD Guidelines Procedural Guidance. Second; by not having any strategy on how to react if it becomes aware of human rights risks related to companies in which NBIM is invested, apart from child labour violations.</p> <p>THE OECD GUIDELINES ARE APPLICABLE TO THE FINANCIAL SECTOR, INVESTORS AND MINORITY SHARE HOLDERS</p> <p>NBIM has submitted that the OECD Guidelines do not apply to minority shareholding nor in this Specific Instance. The NCP does not share this view. The OECD Guidelines apply to the financial, sector, as they do to all sectors. They do not make any exception for sub-groups of investors, nor do they exempt minority shareholders. The OECD Chapter on Human Rights converge with the UN Guiding Principles on Business and Human Rights, which are applicable to minority shareholders of institutional investors. The Norwegian NCP has consulted with the Dutch and UK NCPs, which in recent cases applied the Guidelines to the actions of multinational enterprises in the financial sector, including investors as majority and minority shareholders. All three NCPs have come to the conclusion that the OECD Guidelines apply to minority shareholders.</p> <p>The question is thus not whether the OECD Guidelines apply to the financial sector and minority shareholding but how they apply.</p> <p>In situations where the enterprise has a large number of business relationships, the NCP recognises that it may not be feasible to conduct significant research on all companies in the portfolio prior to each investment. However, in such situations the enterprise is expected to develop a risk based approach to human rights beyond the mere financial risks. NBIM already takes such an approach to certain human rights risks, such as child labour. NBIM should build on its experience from focusing on children's' rights to find ways to integrate also other human rights into their risk management system, provide more information on the processes it uses, and seek opportunities to enhance its data collection regarding human rights.</p> <p>In section 4.3.2 of the Final Statement, the Norwegian NCP focus on some aspects of what due diligence may entail for minority shareholders, including its scope and depth.</p> <p>NON-COOPERATION WITH THE OECD NCP IS BREACH OF THE OECD</p>
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	<p>GUIDELINES</p> <p>Norway has a state obligation as an adhering country to the OECD Guidelines to promote the Guidelines and the OECD scheme of national contact points (NCPs). The Norwegian NCP expects that Norwegian actors respect the OECD Guidelines and cooperate with the OECD NCP. According to the Guidelines, cooperation with NCP is a key part of "responsible business practices". The Guidelines underscore that the effectiveness of the Specific Instances procedure depends on good faith behaviour of all parties involved in the procedures. In this context, as NBIM is the responding party, good faith means responding to the NCP queries in a timely fashion and "genuinely engaging in the procedures with a view to finding a solution."</p> <p>NBIM rejected the Norwegian NCP offer of dialogue and refused to provide any information on whether they were engaging with POSCO in any other forum.</p> <p>NBIM was given the opportunity, in line with the NCP's procedures, to address the complaint via dialogue/mediation or written procedure. NBIM chose the written procedure. The NCP pointed out to NBIM in writing 13 February that the general presentation by NBIM could not be considered response to the NCP specific 32 questions to NBIM dated 4 January. NBIM still did not, provide a satisfactory response, in writing or orally. This is particularly regrettable in light of the Norwegian people's expectation that applies to state owned enterprises. As a result, the NCP has drawn the conclusion that NBIM's actions were in breach of the OECD Guidelines on this point.</p> <p>In light of this, the NCP finds it particularly unfortunate that NBIM has refused to engage in a meaningful dialogue with the NCP on its adherence to the OECD Guidelines.</p> <p>NBIM'S DUE DILIGENCE AND MANAGERIAL SYSTEMS TO PREVENT POSSIBLE HARM ACCORDING TO CHAPTER IV (HUMAN RIGHTS)</p> <p>This Specific Instance relates to the OECD Guidelines' human rights chapter. The NCP has thus examined the various steps of due diligence applicable to this case in section 4.3.</p> <p>The NCP underscores that companies should not simply choose to only address a small spectrum of human rights if they may have significant impacts on a range of other rights. Rather, responsibilities are tied to impacts: enterprises should be prepared to address the impacts they have, not just those they find of interest. Prior to the investment, NBIM could decide not to invest because the human rights risk is too high, or they could seek to impose conditions or changes in the management systems of a portfolio company to better manage significant human rights concerns. If NBIM, after investing, learns of a portfolio company's human rights impacts, it still has a number of tools available, including shareholder proposals, engagement with management, and the threat of divestment.</p> <p>NBIM'S LACK OF DISCLOSURE ACCORDING TO OECD GUIDELINES CHAPTER III</p> <p>It is difficult for the NCP to conclude that NBIM acts in accordance with the OECD Guidelines in the absence of information from NBIM to the contrary. NBIM has demonstrated lack of disclosure in three areas in this Specific Instance: (1) non-cooperation with the NCP, (2) lack of communication on its human rights due diligence and (3) non-observance of the OECD Guidelines</p>
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Chapter III. After NBIM was informed of allegations that POSCO was responsible for grave and large scale human rights impacts, it should have investigated them. The NCP has received no information from NBIM to indicate whether NBIM did or has intentions to do so, alone or with other responsible investors. It is understood that there can be legitimate confidentiality concerns related to business sensitive information, meaning that NBIM cannot always provide detailed information about the nature and extent of dialogue with a specific company. However, there is an opportunity for greater openness without jeopardizing confidentiality requirements under the current system, and NBIM should have used this opportunity to disclose more, in particular to the NCP, but also to the general public

RECOMMENDATIONS

The duty and mandate of the NCP is to make recommendations on the implementation of the OECD Guidelines in accordance with the “Procedural Guidance” as per Chapter C, para. 3 of the Guidelines, when a party is unwilling, or unable to participate in the proceedings. The NCP recommends that NBIM, as a minimum, acts upon the following recommendations:

1. Cooperate with the OECD NCP Norway by responding to the NCPs questions related to whether NBIMs conduct is in line with the OECD Guidelines and accept the NCP offer to facilitate dialogue/mediation in this Specific Instance. Be more transparent in showing to the NCP how NBIM is a responsible investor in this Specific Instance. NBIM is commended for openness on many general aspects, but is also encouraged to disclose more information related to the risk of its portfolio companies impacting other human rights than child labour.
2. Expand human rights due diligence in connection with its investments to address the whole range of human rights that may be relevant to its investments, beyond just child labour.
3. Identify which human rights risks are prevalent in the various sectors or types of investments and develop a strategy to address these. NBIM is encouraged to work with other investors to increase leverage.
4. Include in the strategy to work with other investors to encourage selected investees with particular risks to establish a grievance mechanism.
5. Publicise the strategy on human rights due diligence. Disclosure will make NBIM less vulnerable to criticism that NBIM addresses human rights risks randomly.
6. In addition to these core recommendations, the NCP recommends that NBIM acts upon the more detailed recommendations outlined at the end of the Final Statement.

Initial assessment	Assistance to parties	Conclusion of the procedures
From date: 9 Oct 2012	From date: 28 Nov 2012	From date: 19/2/2013
To date: 27 Nov 2012	To date: 18/2/2013	To date: 27/5/2013
Initial assessment http://www.regjeringen.no/upload/UD/Vedlegg/csr/Kontaktpunktet/121126-INITIAL-ASSESSMENT-NBIM.pdf Complaint http://		•Final Statement http://www.regjeringen.no/pages/36798927/nbim_final2.pdf •Attachement to final statement: Letter from UN OHCHR

www.regjeringen.no/upload/UD/Vedlegg/ncp/posco_klage.pdf Attachment to the complaint http://www.regjeringen.no/upload/UD/Vedlegg/ncp/posco_vedlegg.pdf Questions to the company		http://www.regjeringen.no/pages/36798927/ohchr_nbim.pdf •Press Release http://www.regjeringen.no/en/sub/styrer-rad-utvalg/ncp_norway/news/nbim_statement.html?id=727722
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34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?

Yes No

Title	Fisheries off the coast of Western Sahara
Status	In progress
Summary	<p>The complaint claims that Sjøvik AS, which fishes and operates a fish processing plant in the Non-Self-Governing territory of Western Sahara through its subsidiaries Sjøvik Africa AS and Sjøvik Morocco S.A, has failed to respect the Sahrawi right to self-determination, thereby violating the human rights provisions of the Guidelines. Sjøvik denies that the human rights provisions of the Guidelines are being violated, and accentuates that the complaint seems to be politically motivated. Furthermore, Sjøvik contends that the complaint lacks basis in local circumstances within the area of responsibility of Sjøvik AS.</p> <p>The Norwegian NCP found that the complaint was substantiated and sufficiently enough linked to the Guidelines to accept the case. The fact that Norway has accepted the case does not necessarily mean that the company in question has acted in violation of the Guidelines.</p> <p>The NCP has invited the company and the complainant to mediation. If mediation is unsuccessful, the NCP will publish a final statement on whether the company has violated the Guidelines. If so, the NCP will provide recommendations as to how the company can better operate in accordance with the OECD Guidelines in the future.</p>
Link	http://www.regjeringen.no/upload/UD/Vedlegg/csr/Kontaktpunktet/120312NCP_Initial_Assessment_FINAL.pdf

F. Useful experiences and future work

35. 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.

Follow-up to mediated agreements: Input from the parties to the Cermaq case, where "all parties agreed that including more details on monitoring in the joint statement could have made the follow-up process more predictable, and enabled better co-ordination and a higher level of trust between the parties" (OECD Annual Report on implementation of the OECD Guidelines 2012) is taken into account in a new case currently in progress.

36. Based on your recent activities, what issues might deserve particular attention during the 2013-2014 implementation cycle of the OECD Guidelines?

Continued capacity building in mediation, especially on follow-up to mediated agreements that can be resource-efficient for the NCP as well as increase predictability and reduce uncertainty for both notifiers and companies.

How the NCPs, especially when handling specific instances, can contribute to companies' establishing operational-level grievance mechanisms in accordance with Commentary 46 in the OECD Guidelines. Companies establishing informal or formal operational level-grievance mechanisms will be more likely to enter into real dialogue with local communities and may thus contribute to resolve problems before they become specific instances, or perhaps even court cases. However, there is a need to gather best practices to ensure that operational level grievance mechanisms are perceived as legitimate by the stakeholder groups for whose use they are intended, and on which role NCPs could play in this respect.

Collaboration between NCPs in specific instances to achieve functional equivalence, especially related to facilitating dialogue/mediation and if necessary follow-up of mediated agreements.

NCP CONTACT INFORMATION

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