

OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES
NORWAY NCP
REPORT TO THE OECD
2014

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 appoint the expert members based on proposals from business, civil society and trade unions. The Ministry of Foreign Affairs retains the responsibility to provide financial resources and to be the employer of the NCP Secretariat's two full time positions.

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?

In the Norway NCP Peer Review Report one of the findings were that "The Norway NCP's move to an independent Expert Panel and a dedicated budget and Secretariat in 2011, has enhanced the ability of the NCP to fulfill its mandate". The Peer Review Team underlined that "the independent structure of the Norway NCP is particularly important in light of the Norwegian context, where more than 30 per cent of business is state-owned or state-supported enterprises. In such a context, the independent structure is essential for stakeholders to have confidence that the NCP could act impartially in addressing a Specific Instance involving a state-owned enterprise". The Peer Review Team noted that "the performance of the Norway NCP has improved substantially since the shift to an independent structure", but also that "the combination of the expert panel, the full-time secretariat and the dedicated budget were all pointed to as essential in making the independent structure work effectively". However, the Peer Review Team further noted that it "understood the main challenge facing the Norway NCP as being able to operate independently without becoming isolated" and pointed to that an independent NCP becoming "too disconnected from the government authority that created it, risk losing some of the convening power that comes from the implicit authority of the state. To reduce this identified risk, the NCP has introduced targeted measures in our Work Plan to increase contact and collaboration with the most relevant Ministries and public bodies with the

broader aims to ensure continued government trust in the NCP and to contribute, in consultation with the Ministry of Foreign Affairs, to coordination and policy coherence on issues related to the Guidelines.

7. Does the NCP have an allocated budget? Yes No
8. Does the NCP have dedicated staff? Yes No
9. Are changes in the structure or resources available to the NCP contemplated in the near future?
 Yes No
10. Does the NCP report within the Government on its activities?
 Yes No

B. Information and promotion

11. Does the NCP have a dedicated website or dedicated webpages? Yes No
12. Are the 2011 Guidelines available online? Yes No
13. Are the 2011 Guidelines available in print? Yes No
14. Did you develop other products to raise awareness of the Guidelines? Yes No
15. Is your Annual Report available online? Yes No
16. Is your Annual Report available in print? Yes No
17. Does the NCP coordinate with other government activities on responsible business conduct?
 Yes No
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
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 2013 survey results show that awareness of the OECD Guidelines have increased significantly from 1 out of 10 in 2011 till 6 out of 10 in 2012 and 2013. The companies to a large extent have internal codes of conduct that cover important areas of the OECD Guidelines. For instance 9 out of 10 companies have codes that cover EHS and working conditions, whereas 6 out of 10 have codes covering human rights. The survey confirms that many companies have internal codes of conduct for instance on EHS and human rights, but 1 out of 3 states that there is a need for guidance on implementation in practice. The survey was conducted by Norstat in June 2013 and IPSOS MMI delivered the analysis. See our website for details: <http://www.responsiblebusiness.no/en/2013/12/19/business-leaders-see-need-csr-guidance/>

20. Does the NCP have a promotional plan on the Guidelines? Yes No

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

Yes No

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

Yes No

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 had informal contact with relevant embassies regarding specific instances. The NCP has also proposed to the Ministry of Foreign Affairs to collaborate on sending information on the Guidelines and the NCPs to embassies during 2014. We hope to do so when we have an updated brochure with information about the new expert panel members (expected to be appointed in near future).

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 checked="" 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 checked="" type="checkbox"/> No
ISO26000?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

ILO

The NCP Secretariat has consulted the ILO Help Desk for Business on International Labour Standards in relation to specific instances.

Nordic Global Compact

The NCP Secretariat were present at a conference organized by the Nordic Global Compact Network in August 2013 and maintains contact with the Confederation of Norwegian Enterprise on potential collaboration.

UN Office of the High Commissioner on Human Rights and the UN Working Group on the issue of human rights and transnational corporations and other business enterprises
Chair of the NCP was invited to take part in a panel on the UN Business and Human Rights at the UN Global Forum on Business and Human Rights in Geneva 2-4 December 2013. Upon invitation the Norwegian NCP Secretariat met with UN Working Group member Pavel Sulyandziga in Oslo in April 2014 to present the Norwegian NCP experiences with specific instances concerning indigenous peoples.

National Institution for the Protection and Promotion of Human Rights
The Norwegian National Institution is undergoing restructuring. However, the NCP Secretariat has met with the current administration and will prioritize to strengthen the ties once the new institution has been established.

ISO26000
The NCP Secretariat receives regular information from the Norwegian ISO 26000 committee and informs the ISO 26000 committee through its digital newsletter.

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

Yes No

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

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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

(In addition to the Peer Review)

From NCPs
The NCP Secretariat made requests to several NCPs on their implementation procedures, including to Denmark, Netherlands and UK, and received requests on the Norwegian NCP implementation procedures from several NCPs including Denmark, Canada, Switzerland, Netherlands.

The Business community

The NCP reached out mainly through conferences organized by others (see Question 21). In addition the NCP upon request from a major Norwegian company developed and held a workshop on what happens when the NCP receives a specific instance. The NCP also received a small number of questions related to putting the OECD Guidelines into practice from companies, in particular related to context-specific due diligence.

Labour organisations

Compared to previous years, the NCP received a larger number of enquiries from labour organisations and in particular from international labour organisations in relation to the conclusion of a specific instance.

NGOs

The NCP received several general enquiries from Norwegian NGOs and in particular from the the Norwegian Forum for Environment and Development and from the Norwegian Burma Committee, as well as more specific questions from a few NGOs related to potential specific instances.

Governments of non-adhering countries

Through third parties, the NCP was asked to provide information on the Guidelines to government representatives from inter alia Angola, Myanmar and the Ukraine.

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

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

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

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

E. Specific instances

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

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

34. Do you have any updates on specific instances that were reported and not concluded in the previous reporting period?

Yes No

Title	Fishery in Western Sahara
Status	Concluded
Summary	Concluded by joint statement. Former Supreme Court Judge Lars Oftedahl Broch was hired to mediate on behalf of the NCP. A follow-up meeting will be held on 15 May 2014.
Link	http://www.responsiblebusiness.no/en/assessment-of-complaints/nscws/

F. Useful experiences and future work

34. 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.

The Norwegian NCP found the Peer Review Process in 2013 to be a highly valuable learning process, and an opportunity to reflect upon our procedures and practice in general. In particular, we have become very aware of our stronger points - but also our weaker points. For instance, the Norwegian NCP has experienced challenges with bringing parties to the mediation table. On engaging reluctant parties, the Peer Review Team notes that the practice of the Norway NCP of issuing final statements, has been seen as an important source of leverage for the Norway NCP, and in the eyes of its stakeholders, adds to its credibility. In addition, the Peer Review Team notes, efforts to engage reluctant parties can pose challenges related to the indicative timelines contained within the NCP's procedural guidance for handling specific instances. In such cases, some flexibility in timing is recommended by the Team for the NCP to build understanding with a reluctant party about how the Guidelines apply and to encourage voluntary collaboration with the Specific Instance process.

35. Based on your recent activities, what issues might deserve particular attention during the 2014-2015 implementation cycle of the OECD Guidelines?

1. Functional equivalence: Capacity building for NCPs.

Most NCPs have limited resources and limited experience with dialogue/mediation, and at the same time meet higher expectations after the update of the Guidelines in 2011 to facilitate dialogue and mediation. It would be of great advantage if the OECD Secretariat could build on the good work they are already doing to facilitate peer learning between NCPs, for instance at the Annual Meeting, and

for instance through support to regional networks. For each NCP to benefit more than today from being part of the NCP network, there is also a potential to increase exchange of practical case experience between NCPs. The Secretariat could also take a more active role to help NCPs get access to other NCPs experiences. This could help NCPs to avoid "reinventing the wheel" when establishing procedures and practices, and direct us towards adapting best practices to our proper contexts. Such workshops would perhaps benefit from taking place in smaller groups and in more informal settings than the current format of the Annual Meetings.

3. To, as soon as possible, move to the next phase of the OECD Guidelines Proactive Agenda project on the Financial Sector for all NCPs to be able to more actively conduct meaningful outreach activities to financial sector institutions.

NCP CONTACT INFORMATION

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