

DIRECTORATE FOR FINANCIAL, FISCAL AND ENTERPRISE AFFAIRS
INVESTMENT COMMITTEE

**Annual Meeting of the National Contact Points for the OECD Guidelines for
Multinational Enterprises**

ANNUAL NCP MEETING, 29 June 2010

**SPECIAL CAPACITY-BUILDING SESSIONS WITH THE ILO AND THE CONSENSUS BUILDING
INSTITUTE, 28 June 2010**

(Draft annotated agendas)

The 2010 Annual Meeting of National Contact Points will take place at the OECD Conference Centre on Tuesday 29 June 2010 starting at 9.00. Consultations with BIAC, TUAC and NGOs will be held on the same day from 14:00 to 15:00.

Two back-to-back capacity-building sessions on international labour norms and mediation will, in addition, be organised on Monday 28 June 2010 with the ILO and the Consensus Building Institute. These special events will take place in the same location starting at 9:30. BIAC, TUAC and OECD Watch will attend as observers. The annotated agenda is reproduced as an annex to the present document.

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IMPORTANT

Please note that in a spirit of paper economy and for environmental purposes, extra copies of the documents listed on the agenda will henceforth no longer be available in the meeting room, unless they were not made available two weeks (14 days) before the meeting. Delegates are invited to bring with them the copies they receive through OLIS or paper mail or to obtain further copies from their respective permanent delegation to OECD.

Please also note that the OECD Event Management System, which provides delegates with information about OECD meetings, relevant documents, participants, etc, can be consulted through OLIS net by clicking on the Events and People link.

10TH ANNUAL MEETING OF NATIONAL CONTACT POINTS**DRAFT ANNOTATED AGENDA****Tuesday 29 June 2010**

29 June			
09:30	1.	Adoption of the Agenda	DAF/INV/NCP/A(2010)1
09:35	2.	<p>Highlights of the June 2009-2010 Implementation Cycle on the Guidelines</p> <p><i>For reference:</i></p> <p>Draft of the Chair's 2010 Annual Report to the Investment Committee on the activities of the National Contact Points</p> <p>Compilation of the reports of the National Contact Points</p>	<p>DAF/INV/NCP(2010)1</p> <p>DAF/INV/NCP/RD(2010)1</p>
11:00	3.	<p>Volunteer Peer Review of the Dutch National Contact Point: Main findings and Lessons Learned</p> <p><i>For reference:</i></p> <p>Report of the NCP Peer Review Team</p>	DAF/INV/WP/RD(2010)1
12:45		Lunch break	
14:00	4.	<p>Consultations with BIAC, TUAC and NGOs</p> <p><i>For reference:</i></p> <p>Submissions from stakeholders</p>	DAF/INV/NCP/RD(2010)2
15:00	5.	<p>Update of the Guidelines: Procedural Issues</p> <p><i>For reference:</i></p> <p>Terms of Reference for an Update of the Guidelines for Multinational Enterprises</p>	<p>DAF/INV/WP(2010)5</p> <p>DAF/INV(2010)5/FINAL</p>
17:15	6.	<p>Finalisation of Chair's Annual Report</p> <p><i>For reference:</i></p>	

		Draft of the Chair's 2010 Annual Report to the Investment Committee on the activities of the National Contact Points	DAF/INV/NCP(2010)1
17:45	7.	Other business	

ANNOTATIONS

1. Chairmanship of Annual NCP Meetings is performed on a rotating basis, based on availability, interest and experience of NCP officers. Mr. Julian Farrel, Chairman of the Steering Board of the UK National Contact Point has agreed to chair the 2010 Meeting of the National Contact Points (NCPs).

2. **Highlights of the June 2009-2010 Implementation Cycle on the Guidelines**

Drawing on last year's productive exchange, NCPs will again be invited to share and learn from concrete experiences on the functioning of the Guidelines during the June 2009-June 2010 period. This discussion could particularly cover impacts of institutional changes, promotional activities and challenges and opportunities emerging from recent specific instances.

NCPs are also invited to bring copies of any relevant materials, or transmit them electronically, to the Secretariat for circulation at the Annual Meeting.

3. **Volunteer Peer Review of Dutch National Contact Point: Main Findings and Lessons Learned**

At their last meeting, NCPs welcomed the plans presented by the Dutch NCP for conducting a "peer review" of its performance. Several NCPs also indicated their willingness to participate in this exercise.

Document DAF/INV/WP/RD(2010)1 reproduces the report of the NCPs from Canada, Chile, France, Japan and United Kingdom who carried out, from September to December 2009, the peer review of the Dutch NCP's performance. Mr. Andrew Kavchak, co-ordinator for the Canadian NCP and chair of the review team, will present the main findings of the report and invite NCPs to share their views on the value of this exercise as a NCP learning tool.

The Working Party of the Investment Document welcomed the results of the peer review at its 24 March 2010 meeting [DAF/INV/WP/M (2010)1, item 6].

5. **Update of the Guidelines: Procedural Issues**

At the 24 March 2010 meeting, the Working Party of the Investment Committee welcomed the suggested plan to set aside time at the June 2010 NCP meeting for a kick-off discussion on the procedural questions identified for an update of the Guidelines in the terms of reference agreed by adhering governments [see DAF/INV(2010)5/FINAL and DAF/INV/WP/M(2010)1, item 6].

The issues paper prepared by the Secretariat [DAF/INV/WP(2010)5] invites NCPs to draw on their own experiences with the implementation of the Guidelines in identifying possible ways of addressing the procedural questions singled out for consideration during the update.

6. **Finalisation of the Chair's 2010 Annual Report on the Guidelines**

In accordance with the Council's 2000 June Decision, NCPs must report each year to the Investment Committee on their Guidelines-related activities, keeping in mind the criteria of

visibility, accessibility, transparency and accountability outlined in the procedural guidance. The draft Annual Report [DAF/INV/NCP(2010)1] is based on the annual reports by individual National Contact Points [DAF/INV/NCP/RD(2010)1] and relevant discussions by the Committee and the Working Party over the reporting period of June 2009 to June 2010.

NCPs will be invited to suggest any necessary substantive modifications on the understanding that any factual corrections should be provided in writing prior to or shortly after the Annual Meeting. They will in addition be invited to discuss priorities for the next implementation cycle on the Guidelines keeping in mind that most of the Working Party's time in the remainder of this year and 2011 is likely to be devoted to the update of the Guidelines. This exchange could particularly take into account *inter alia*:

- the discussion on items 2-5 of the agenda;
- the consultation with BIAC, TUAC and NGOs (OECD Watch) of 29 June 2010 (from 14:00-15:00) [the submissions of stakeholders will be reproduced in DAF/INV/NCP/RD(2010)2];
- any other issues raised by NCPs during the Annual Meeting.

The results of the discussion will be recorded in the concluding section of the 2010 NCP Annual Report entitled "Consideration for future action".

7. Other Business

NCPs will be informed by the OECD representative at the 8th Meeting of the ISO/TMB/WGSR held in Copenhagen on May 17-21 2010 of the outcome of the meeting.

**SPECIAL CAPACITY-BUILDING SESSIONS WITH ILO AND
THE CONSENSUS BUILDING INSTITUTE**

ANNOTATED AGENDAS

Monday 28 June 2010

09:30-11:15		Special Session with ILO Chair: Manfred Schekulin, Austria's NCP and Chair of the Investment Committee
09:35	1.	“ILO as a Resource for Addressing Employment and Industrial Relations Issues under the OECD Guidelines” Ricarda McFalls , Chief, Multinational Enterprises Programme, ILO Emily Sims , Senior specialist, Multinational Enterprises Programme, ILO <i>Chapter IV on Employment and Industrial Relations is the most widely used chapter of the Guidelines for Multinational Enterprises. In these presentations, ILO intends to highlight the relationship between international labour standards and the OECD Guidelines, give an overview of the tools and resources available in the ILO, and provide some examples of how ILO can support NCP efforts to resolve disputes involving employment and industrial relations.</i>
10:20	2.	Open discussion
11:10	3.	Concluding remarks by the Chair
11:15		Coffee break
11:30-18:00		Special Session with the Consensus Building Institute Chair: Manfred Schekulin, Austria's NCP and Chair of the Investment Committee
11:35	1.	“Overview of the Theory and Practice of Mediation” Professor Lawrence Susskind , Massachusetts Institute of Technology, Founder and Senior Consultant of the Consensus Building Institute

		<p>Professor David Kovick, Senior Associate, Consensus Building Institute</p> <p><i>Professional mediators see the NCP facility as a unique non-judicial mechanism for redressing misconduct by multinational enterprises. This session will provide a discussion of the basic elements of effective mediation, and how mediation is being incorporated into the processes of other multilateral institutions around the world. A brief case will be presented, raising an hypothetical complaint brought to the attention of an NCP, as a basis for discussion. Parts of the presentation could draw on the feedback from pre-workshop NCP participant enquiries about the questions NCP participants may have about mediation.</i></p> <p><i>For reference:</i></p> <p>Meeting Summary, NCP Consultations with Mediation Experts at Harvard Law School, November/December 2009</p> <p>2006 OECD Roundtable on Corporate Responsibility –Developing a Pro-Active Approach to the OECD Guidelines: Summary of Roundtable Discussion and Address on International Mediation, published as Part II of the 2006 Annual Report on the OECD Guidelines for Multinational Enterprises [www.oecd.org/daf/investment/guidelines]</p>
13:00		Lunch Break
14:30	2.	<p>“Mediation and NCPs: Addressing the Obstacles”</p> <p><i>Institutionalizing mediation within NCP practices and the Guidelines pose challenges or obstacles -- of capacity, of resources, of dual function, and others. In this session, discussions will explore how to overcome these challenges in the design of potential mediation approaches, in practical ways. The session will be based on the feedback from pre-workshop NCP participant surveys about the challenges they perceive.</i></p>
16:00		Coffee break
16:30	3.	<p>“Mediation and the OECD Guidelines: A Brainstorming Session”</p> <p><i>In his most recent report to the United Nations, John Ruggie, Special Representative to the Secretary General on Business and Human Rights, highlighted the role that NCPs can play in providing greater access to non-judicial remedies through the use of mediation, for disputes over the conduct of multinational corporations abroad. This session will be a facilitated brainstorming session to generate ideas from NCP participants about potential revisions to the Procedural Guidance of the OECD Guidelines to enhance the role of NCPs and their use of mediation.</i></p>
17:30	4.	<p>Next steps</p> <p><i>NCP participants will explore potential next steps in discussing the role that mediation can play in NCP processes. Specifically, participants may wish to discuss the possibility of a follow-on session on building mediation capacity within NCPs.</i></p>
17:50	5.	Concluding Remarks by the Chair