

NCP Steering Board Minutes SBM20 (12)

Note of 20th meeting of the UK National Contact Point (NCP) Steering Board held on 28 February 2012 at 10.30am at the Department for Business, Innovation, and Skills (BIS) Conference Centre, 1 Victoria Street, London SW1H 0ET.

PARTICIPANTS:

Names of member	Name of Department	External / Internal member
Tricia Feeney	RAID	External
Ben Moxham	TUC	External
Jeremy Carver		External
Simon Phillips	ECGD	Internal
Karen Johnson	DFID	Internal
Annette Warrick	DWP	Internal
Peter Astrella	UKTI	Internal
Toby Relf	FCO	Internal
Michael Williams (Chair)	BIS	Internal
Steven Murdoch	BIS	Internal
Danish Chopra	BIS	NCP
Sergio Moreno	BIS	NCP
Peter Monday	BIS	NCP

ITEM 1 **Welcome and apologies**

1.1 Apologies for absence:

Members not attending	Replacement attending	Department /Org.
Hannah Cockburn	Toby Relf	Internal
Lord Jordan	Ben Moxham	External
Richard Hermer	Tricia Feeney	External
Jim Bligh		External

ITEM 2: **Approval of draft minutes of 19th Steering Board (SB) meeting 5 October 2011 – SBM19 (11) - and matters arising**

Minutes of the 19th SB meeting – SBM19 (11)

2.1 The draft minutes were agreed as amended.

[Action: NCP to publish the finalised minutes of the 19th SB meeting on the NCP website.]

ITEM 3: **Actions from last meeting**

3.1 There was no progress to report since December on the establishment of a grievance mechanism by CDC.

[Action: DFID to further update on CDC progress in establishing a grievance mechanism and on including reference to the OECD Guidelines in the toolkit for fund managers]

3.2 The NCP updated the Steering Board on the voluntary peer learning process, there will be peer review and learning study of Japan by the Netherlands, Norway and the UK on 17-19 April. The external members asked if there is a plan for how a review will be conducted and if the process has been designed. The TUC encouraged a quicker pace of country reviews otherwise it will take 40 years to review every NCP. The external members praised and encouraged peer learning events such as the UK NCP's one with Colombia and Norway on 28 February 2012.

[Action: NCP to explore: whether more than one country could be reviewed in the same reporting year; whether the OECD Secretariat could take a leading role in reviewing NCPs, using a light touch approach; whether the German NCP has also volunteered for peer review]

3.3 The NCP reported that UKTI had declined the opportunity to use external board members on the course for staff working in posts overseas. The course programme is already full with each segment a relatively short 15 to 20 minutes. The part of the programme dedicated to introducing the MNE guidelines are shared with the tackling of foreign bribery. The external members recommended a focus on the guidelines.

[Action: UKTI to confirm that the Guidelines (and anti-bribery mechanisms) do feature in training events dedicated to UKTI staff going abroad]

3.4 The external board members reiterated their wish to be consulted on the FCO update of the business and human rights toolkit.

3.5 The UK NCP pursued Turkey's NCP, through the UK Delegation to the OECD, on the status of two complaints in Turkey of interest to the UK.

3.6 The TUC reported they had not produced a suitably brief report on trade unions in Colombia.

[Action: TUC to share with the UK NCP a summary note on the trade unions briefing on Colombia]

3.7 The European Commission was being pro-active in including references to the Guidelines in relevant draft texts on investment for discussion with third countries. The Guidelines have, for example, been referred to in a paragraph on corporate social responsibility included in the Commission's counter-proposal to Singapore for an investment chapter in the proposed Free Trade Agreement. They have also been included in a draft EU-US document on principles underpinning foreign investment.

3.8 The dates for 2012 meetings were confirmed as 30 May, 5 September and 5 December.

ITEM 4: Update on promotion and awareness raising of the Guidelines - SBNCP report 34 (12)

4.1 The NCP presented the latest report.

4.3 The NCP were asked if they would consider complaints about companies registered in Overseas Territories (OTs).

[Action: NCP confirmed that it would potentially consider complaints against OT companies and agreed to flag the Guidelines in BIS' overall strategy towards the OTs]

4.4 The external Board members encouraged promotion of the MNE guidelines at the upcoming Commonwealth Conference and that a programme of awareness raising at UK business schools be undertaken.

[Action: NCP to consider offering training events on the Guidelines to business schools; NCP to share with the Board its communication strategy to engage UK businesses for 2012-13]

[Action: UKTI to explore feasibility of raising awareness of the Guidelines through international special advisers overseas]

ITEM 5: Update on NCP cases – SBNCP report 35 (12)

5.1 UK NCP presented the latest report.

5.2 The external members considered one US case of interest to the UK NCP that had been unsatisfactorily dealt with following closure of the complaint after the company had decided not to engage in mediation.

[Action: FCO to flag at OECD level the different approach of the US to the Guidelines and to anti-bribery measures]

5.3 The NCP raised the issue of recent and potential complaints about small UK companies trading in niche markets and how these complaints should be handled going forward.

5.4 The external members discouraged the NCP from taking an overly narrow interpretation of the application of the Guidelines and encouraged a focus on the nature and extent of the harm allegedly caused by the company. TUC took the view that the OECD definition of a multinational is deliberately vague so the Guidelines do apply in this case. Support for SMEs and the NCP, if required, should be a separate consideration.

ITEM 6: AOB

6.1 The NCP explained that it has a new minister -Norman Lamb- following Edward Davey's move to the Department of Energy. The new minister may want to meet the Steering Board in future by either briefly attending a meeting (not in May when he will be in Brussels) or inviting external board members for a separate meeting.

6.2 Sergio Moreno is leaving the UK NCP team. The Steering Board were grateful for the work Sergio has done over the last three years and praised his contribution to the NCP.

SUMMARY OF ACTION POINTS: 20TH NCP SB MEETING – 28 February 2012

<u>Para No.</u>	<u>Action Point</u>	<u>Timing / Comments</u>
2.1	NCP to publish the finalised minutes of the 19 th SB meeting on the NCP website.	By March 2012
3.1	DFID to further update on CDC progress in establishing a grievance mechanism and on including reference to the OECD Guidelines in the toolkit for fund managers.	At May SB
3.2	UK NCP to explore: whether more than one country could be reviewed in the same reporting year by the OECD; whether the OECD Secretariat could take a leading role in reviewing NCPs, using a light touch approach; whether the German NCP has also volunteered for peer review	By May SB
3.3	UKTI to confirm that the Guidelines (and anti-bribery mechanisms) do feature in training events dedicated to UKTI staff going abroad	At May SB
3.6	TUC to share with the UK NCP a summary note on the trades unions briefing on Colombia.	At May SB
4.3	UK NCP to flag the Guidelines in BIS' overall strategy towards the British Overseas Territories	By May 2012
4.4	UK NCP to consider offering training events on the Guidelines to business schools; UK NCP to share with the Board its communication strategy to engage UK businesses for 2012-13	By May 2012
4.4	UKTI to explore feasibility of raising awareness of the Guidelines through international special advisers overseas	By May 2012
5.2	FCO to flag at OECD level the different approach of the US to the Guidelines and to anti-bribery measures	By May 2012