

Minutes of the Steering Board meeting for the UK NCP held on 7 February 2018

Date: 7 February 2018 at 10:30am

Venue: Department for International Trade (DIT),
3 Whitehall Place, London, SW1A 2AW.

Attendees:

Name	Organisation
Lola Fadina (Chair)	Department for International Trade (DIT, Trade Policy)
Allen Anie (Head of NCP)	National Contact Point (NCP)
David Tang (Minutes)	National Contact Point (NCP)
John Evans	Trade Union Advisory Committee (TUAC)
Halina Ward	Unaffiliated member
Timothy Otty, QC	Non- Governmental Organisations (NGOs)
Edward Bickham	International Chamber of Commerce (ICC)
John Cox	Department for International Development (DFID)
Graeme Cummings	Department for Work and Pensions (DWP)
Sanu de Lima	Department for Business, Energy and Industrial Strategy (BEIS)

Item 1: Welcome and apologies.

- 1.1 The Chair welcomed the members to the new Steering Board.
- 1.2 An apology was received from Sarah Boardman (FCO).

Item 2: Introductions

- 2.1 Each member of the new Steering Board gave a brief description of their background and the interests of their constituencies.
- 2.2 The Steering Board also placed on record its thanks to the former Head of the UK NCP, Steven Murdoch for his contribution over recent years.

Item 3: Minutes of previous meeting

- 3.1 The UK NCP confirmed that the minutes of the previous Steering Board, held on 12 July 2018, had been published on the DIT website

Item 4: Overview of the NCP

- 4.1 The Head of the NCP provided an overview of the OECD Guidelines and the work of the UK NCP within DIT, explaining the dual mandate of the NCP to promote the Guidelines and handle complaints (Specific Instances) where the Guidelines have not been complied with. The UK NCP has handled the largest number of specific instances to date, globally and has been responsible for handling some landmark complaints including those involving Verdanta Mining and Formula One. The Head of the NCP explained how it operates impartially of Ministers and Officials..
- 4.2 The Steering Board enquired about trends in the proportion of complaints that had proceeded beyond the Initial Assessment stage of the complaints process. The UK NCP stated that it did not have this figure to hand. It would however find out the exact number and relay it to members.

Action: NCP to establish this figure and update the Steering Board.

- 4.3 The Steering Board also discussed a letter the Chair of the UK NCP had received from OECD Watch, which raised a number of issues, including a perceived decline in the number of cases submitted to the UK NCP over recent years. The Chair said she would share her response with the Steering Board. OECD Watch.

Action: Chair to share response to OECD Watch with Steering Board.

Item 5: Role of the Steering Board

- 5.1 The Chair outlined the three core functions of the Steering Board. These are to provide guidance and advice to the UK NCP, to conduct procedural reviews of cases when necessary, and to help promote the OECD Guidelines for Multinational Enterprises.
- 5.2 Previously, there had been some delays with procedural reviews, with board members recusing themselves because of potential conflicts of interest. The Chair advised that when such situations arose, a board member should carefully consider whether there is indeed a conflict of interest and approach the Chair for guidance.
- 5.3 The Chair also provided clarification on the use of alternates. Full members are expected to attend all Steering Board meetings, with alternates being used as a last resort.

Item 6: Report on current caseload

- 6.1 The UK NCP provided an update on the current cases it was handling.
- 6.2 The Steering Board queried one particular case where the names of the parties had not been included in the Board papers. The UK NCP stated that this was because the case was still being considered at the Initial Assessment stage. As the findings had not yet been published, the names had been deliberately left out of the briefing document. The Steering Board asked the UK NCP to confirm that this was indeed the standard practice, at the next meeting.

Action: UK NCP to provide clarification on the process used to identify the parties in a complaint.

Item 7: Report on outreach and promotion activities

- 7.1 The UK NCP provided an account of the outreach activities it had undertaken in the previous 6 month period. This included bi-lateral meetings it had held with stakeholders and its work with the OECD. The UK NCP informed the Steering Board that it was currently developing an outreach strategy to increase stakeholders' understanding of the OECD Guidelines for Multinational Enterprises (the Guidelines) and a greater general awareness of the NCP system. The Steering Board was invited to contribute to development of the process.
- 7.2 The Steering Board noted that raising awareness of the NCP process and the Guidelines is a key function of the UK NCP. It discussed how the NCPs of other countries had set specific targets for their outreach exercises. The Steering Board also considered the possibility of approaching Ministers for their support in raising the profile of the NCP. To better understand the potential effectiveness of any outreach proposals, the Steering Board requested that the UK NCP provide a draft stakeholder engagement strategy for the members to study before the next Board meeting. The Steering Board suggested that any strategy should take into account the specific goals the UK NCP is trying to achieve with each stakeholder group.

Action: UK NCP to provide a draft stakeholder engagement strategy to the Steering Board members before the next meeting.

Item 8: Any other business

- 8.1 The UK NCP informed the Steering Board that it would be participating in a peer review of the Canadian NCP. This had been scheduled for the 14 – 16 February in Ottawa.
- 8.2 The Steering Board was also informed that the UK NCP was scheduled for its own peer review in November 2018. This fulfils a G7 commitment the UK government made in 2015.. The UK NCP provided a brief overview of the activities which would have to be completed prior to the review.
- 8.3 The Steering Board requested that the UK NCP provide it with regular updates on the preparation for the peer review in November. The Steering Board also asked the UK NCP to provide it with a short account of the Canadian peer review process once this had been completed.

Action: UK NCP to provide the Steering Board with an account of the Canadian peer review and to keep it updated on the preparation work for its own peer review in November.

- 8.4 In 2017 an independent review of the Steering Board was conducted. Findings were discussed at the Board meeting of 12 July 2017. While the review found that the Steering Board was operating to the standards and criteria set out in its Terms of Reference, it had also made suggestions in several areas where the operation of the Steering Board could be improved. Steering Board members asked whether the full report would be made available to them. The Chair confirmed that a draft report detailing the recommendations and responses generated by the review would be shared with the Steering Board prior to its publication on the NCP website.

Action: The Steering Board to be provided with a draft of the review findings prior to publication.

- 8.5 The appropriateness of the UK NCP acting as the secretariat for the Steering Board was also discussed. The specific concern was whether there was a potential conflict of interest with the UK NCP managing cases in addition to reporting on them to the Steering Board. It was accepted that this would not pose an issue.
- 8.6 The date of the next Steering Board meetings was agreed for 16 May 2018 and the meeting concluded.