



OECD Guidelines for Multinational Enterprises
REPORT BY THE CHAIR OF THE 2011
MEETING OF THE NATIONAL CONTACT POINTS

Every year, the National Contact Points (NCPs) of the OECD Guidelines for Multinational Enterprises (“the Guidelines”) meet to review their experiences in performing and promoting the implementation of the Guidelines. They also engage in consultations with the Business Industry Advisory Committee (BIAC), the Trade Union Advisory Committee (TUAC), and with non-governmental organisations (NGOs), notably OECD Watch, to seek their input on how to further enhance the effectiveness of the Guidelines. This report reviews NCP activities as well as other implementation activities undertaken by adhering governments over the June 2010 - June 2011 period.

I. Overview

The National Contact Points (NCPs) of the 42 adhering governments to the OECD Guidelines for Multinational Enterprises (the Guidelines) have met every year since 2001 to share their experiences with the implementation of the Guidelines as they are under the obligation to report annually to the OECD Investment Committee on their performance. NCPs also engage in consultations with the Business & Industry Advisory Committee (BIAC), the Trade Union Advisory Committee (TUAC) and OECD Watch. In addition, a back-to-back conference is organised to help NCPs take into account emerging issues and relevant policy developments in the conduct of their activities.

The June 2010-June 2011 implementation period of the Guidelines, to which this report pertains, was dominated by the fifth update of the Guidelines.¹ Hence, in addition to highlighting how NCPs have conducted their tasks during this period, this report also singles out the issues that NCPs have identified concerning their contribution over the next review period for an effective implementation of the updated Guidelines.

The update of the Guidelines was formally launched on 4 May 2010 when the terms of reference² were agreed to by the 42 adhering countries to the Guidelines. The update process concluded on 25 May 2011, when U.S. Secretary of State, Hillary Clinton, joined the Ministers from the OECD and developing economies to celebrate the Organization's 50th anniversary and to adopt the results of this new update of the Guidelines. The intense one-year update process, in which a large number of NCPs participated, involved several stakeholders, partner organizations³ and interested non-OECD countries. Major economies⁴ were invited to become full participants in the update process. A separate recommendation designed to combat illicit trade in minerals was also adopted at the 2011 Ministerial Meeting.⁵

Work on the 2011 Update was carried out by the Working Party of the OECD Investment Committee, in which non-OECD adhering countries have full participant status. The Chair of the Working Party was assisted by an Advisory Group of interested adhering governments, representatives of BIAC, TUAC and OECD Watch. The Working Party met five times and the Advisory Group met four times over the October 2010-April 2011 period. The recommendations developed by the Working Party to amend the Guidelines and the related Decision of the Council were approved by the 42 adhering governments at an enlarged session of the Investment Committee held on 29 April 2011. They were transmitted in May 2011 to Council for final adoption.

There has been significant convergence of principles in the corporate responsibility field in this past year. In addition to the successful update of the Guidelines, both the unanimous endorsement by the United Nations Human Rights Council of a new set of Guiding Principles for Business and Human Rights developed by Professor John Ruggie and the update of the International Finance Corporation's Sustainability Framework, show a new global agenda for corporate responsibility based on the broadly shared view that corporate responsibility is no longer a matter of voluntary goodwill, but at the very least, a duty not to cause harm or actively contribute to economic, environmental and social progress of host economies. This duty exists independently of what governments and/or private stakeholders do. The Guidelines, as the most comprehensive voluntary code of conduct developed by governments in existence today, are uniquely positioned to further this global agenda. The 2011 Update of the Guidelines could not have been timelier.

The 11th NCP Meeting, held on 27-28 June 2011, and the Corporate Responsibility Roundtable, held on 29 June 2011, provided the first opportunity for NCPs and stakeholders to discuss and share their assessment of the results of the 2011 Update. There was general consensus that the 2011 Update

achieved its objective of ensuring the continuing role of the Guidelines as a leading corporate responsibility instrument in a global context, both through the substantive content and convergence with internationally recognised standards. It was also acknowledged that the real test will come with the implementation of the revised Guidelines. This will no doubt require sustained efforts by all adhering governments, NCPs, and concerned stakeholders and international partners. Special attention will also need to be given to enhancing cooperation with non-adhering countries, in particular emerging economies. NCPs re-iterated their determination to live up to the challenge.

I.a Main Achievements of the 2011 Update of the Guidelines

The main achievements of the 2011 Update include the incorporation of a new chapter on human rights, based on the Guiding Principles on Business and Human Rights developed by the UN Special Representative for Business and Human Rights, John Ruggie, and a general principle on the need to exercise due diligence to avoid or mitigate negative impacts, notably with respect to the management of supply chains and other business relationships. A new provision encourages enterprises to cooperate in promoting internet freedom. The Guidelines are the first inter-governmental agreement in these areas.

The 2011 Update has also resulted in renewed commitments for respect of labour and environmental standards, combating bribe solicitation and extortion, sustainable consumption and new provisions on tax governance and tax compliance. Implementation procedures have been reinforced with stronger and more predictable rules governing the handling of complaints, greater support for mediation and a proactive agenda to help enterprises and other stakeholders address emerging changes in the area of corporate responsibility.

The inclusion of the proactive agenda, which aims to assist multinational enterprises in better meeting their corporate responsibility challenges in particular situations or circumstances, represents a definitive change of focus in the implementation of the Guidelines. Translating this agenda into concrete actions can be expected to take various forms. Sessions were held both during the 11th NCP Meeting and the Roundtable to solicit views and concrete suggestions from NCPs, businesses, trade unions, OECD Watch and other NGOs, and partner organisations on the prioritisation and implementation of the proactive agenda.

I.b Highlights of the 2010-2011 Implementation Period

This report reviews activities undertaken by 42 adhering governments to the Guidelines to promote and implement the Guidelines over the June 2010-June 2011 period. It is based on individual NCP reports and other information received during the reporting period. It also incorporates the results of this year's NCP Meeting. The report is divided into four additional sections: Section II – Institutional Arrangements; Section III – Information and Promotion; Section IV – Specific Instances; and Section V – Weak Governance Zones and Conflict-Affected and High-Risk Areas.

Recovery from the financial and economic crisis has been characterised by continuous attention to corporate responsibility. The business community continued to share and promote responsibility for restoring growth and trust in markets. In this context, the 2011 Update of the Guidelines enjoyed high level and widespread expression of support. The NCP reports show that most of the NCP activities undertaken during the implementation period focused on the update process, improving institutional arrangements and increasing stakeholder inclusiveness.

On promotion, NCPs made a considerable effort to not only provide information to key business and community stakeholders, but to also solicit their feedback and incorporate it into the

recommendations for the 2011 Update. For this purpose, 40 percent of the reporting countries organized public meetings, while others attended various meetings, seminars, study groups, and symposia organized by businesses, labour unions and NGOs. In particular, *Japan's* NCP has presented information about the 2011 Update at more than 10 of these.

NCPs have also continued their efforts to improve institutional arrangements and increase stakeholder inclusiveness in their decision-making. *Canada* has added to its NCP Committee the Indian and Northern Affairs Canada (INAC), an organization with expertise on indigenous peoples issues. *Italy* has developed a new procedural guide for handling specific instances in order to make the process more accessible and transparent. It has also enlarged its NCP composition; among new members are the Association of Italian Banks, Confederation of Italian Chambers of Commerce, and the Italian National Committee of Consumers. *Netherlands* has enhanced stakeholder group engagement by allowing stakeholders a more active role in the meetings. *Norway* has finalized the reform of its NCP, which now consists of a four member panel of independent experts and a new secretariat of two persons recruited by the Ministry of Foreign Affairs. *United States* has also reported considerable effort to reform its NCP structure with the goal of ensuring its independence.

The third major development is the sharp rise in the number of specific instances raised. 39⁶ new specific instances were raised, more than double the number of specific instances raised in the 2009-2010 implementation period.⁷ A total of ten Final Statements, in addition to one revised Final Statement, were issued.⁸ With 39 new specific instances raised, the total number of instances raised since the 2000 Review exceeds the 250⁹ mark. Of these, 178 have been accepted for consideration and 156 have been concluded or closed. A majority of new specific instances for which location information was available were raised in non-adhering countries. Additionally, half of concluded specific instances for this reporting period concerned specific instances in non-adhering countries. Furthermore, a majority of the new specific instances continue to relate to employment and industrial relations under Chapter V of the Guidelines. A growing number involves human rights, as well as environmental issues covered by Chapter VI and bribery issues covered by Chapter VII.¹⁰

Finally, strengthened and more frequent cooperation between NCPs stands out as a significant development during the implementation period. NCPs are reporting that this increased cooperation serves as a great capacity-building opportunity while it fosters exchange of information and best practices in both specific instances and procedural matters. For example, *Italy* has commented that the strong cooperation with *UK* NCP on a specific instance helped them clarify the practical application of the leader NCP principle agreed on by NCPs in the 2007-2008 reporting period.¹¹

***I.c* Future Work**

The 27-28 June 2011 meeting provided NCPs the first occasion to discuss the results of the 2011 Update of the Guidelines and to assess their implications. NCPs expressed general satisfaction with the 2011 Update and considered that the several improvements made to the Guidelines should be conducive in further increasing the role and impact of the Guidelines. NCPs also expressed their readiness to actively participate in the successful implementation of these revisions to the Guidelines.

In particular, NCPs welcomed the incorporation of a new chapter on Human Rights, based on the UN "Protect, Respect and Remedy" Framework and the Guiding Principles unanimously endorsed by the UN Human Rights Council; the adoption of the general operational principle of due diligence, a process through which enterprises can identify, prevent, mitigate and account for how they address actual and potential adverse impacts as an integral part of their internal decision-making and risk management systems; and the confirmed application of the Guidelines to supply chains and other business relationships of multinational enterprises.

NCPs also welcomed the reinforcement of implementation procedures of the Guidelines through clearer and more predictable rules for the handling of complaints, a strong preference for mediated solutions to problems and a more prominent role given to peer learning for furthering the effectiveness of the Guidelines and fostering the functional equivalence of NCPs. Furthermore, they considered the adoption of a proactive agenda aimed at helping enterprises and other stakeholders identify and respond to risks of adverse impacts associated with particular products, regions, sectors or industries a welcome change in focus in the application of the Guidelines.

There was broad consensus that these results will have direct consequences for NCPs, which will need to be clarified over the coming months. NCPs welcomed the fact the Working Party of the Investment Committee had already scheduled a discussion on this subject in October 2011. In addition, the OECD Corporate Responsibility Roundtable of 29 June 2011 provided a good opportunity to test ideas with interested stakeholders, international partners, experts and academia.

Prof. Dr. Roel Nieuwenkamp, the Chair of the Working Party responsible for the conduct of the update, provided initial views on the work ahead. With respect to unfinished business from the update process, it has already been agreed that a resource document compiling the descriptions and links to instruments and initiatives of potential relevance to the updated Guidelines will need to be developed. Additionally, further work on the application of the Guidelines to multinational financial institutions would need to be conducted in close cooperation with the relevant parties while taking into account relevant developments and principles.¹² Beyond this, the revision to the Council Decision on the Guidelines [[C\(2000\)96/FINAL](#)] has created an ambitious implementation agenda. Increased efforts would need to be made in promotion and information activities on the Guidelines. Peer learning, either around thematic or voluntary country reviews, would need to be more actively pursued. The proactive agenda, which should remain demand driven and broadly supported by stakeholders, would no doubt require new creative work to assist enterprises and stakeholders better assess the implications of the Guidelines recommendations, particularly on due diligence and supply chains. It would also appear highly desirable to intensify and expand the cooperation with major emerging economies and partner organisations to ensure a level playing field between countries and companies. Last, but not least, new resources would need to be provided to give effect to the updated Guidelines.

NCPs took note of these initial views and re-iterated their willingness to make a meaningful contribution to their realisations. They also made a number of observations. First, that the increased emphasis on peer learning and capacity building activities will involve sharing concrete experiences between various functions of NCPs (such as in the peer learning session at the 11th NCP Meeting). While such peer learning could be achieved by various means (such as bilateral or regional meetings or voluntary peer reviews such as that the one conducted on the Dutch NCP), this may also require changes to NCP working methods and more frequent meetings at the OECD (for example, twice a year). Second, since NCPs would be expected to actively contribute to the implementation of the proactive agenda, ways of concretising this input need to be found. Third, the intensification of cooperation with emerging economies and international partners would have to not only call for greater coordination and cooperation between national actors but also for greater NCP involvement in OECD outreach activities.

Finally, NCPs agreed with the relative urgency of discussing the financial resource implications of the 2011 Update as soon as possible. NCPs noted the commitment made by adhering governments during the update to make available the necessary resources for the implementation of the Guidelines in accordance with their budget priorities and processes. They also recognized the supporting role that could be provided by the OECD.

II. Innovations in NCP structure and procedures

Taking into account the information provided, current NCP structures consist of:¹³

- 20 NCP single government departments;¹⁴
- 8 NCP multiple government departments;¹⁵
- 2 bipartite NCP;¹⁶
- 9 tripartite NCPs (involving governments, business and trade unions);¹⁷
- 1 quadripartite NCP (involving governments, business, trade unions and NGOs);¹⁸
- 1 mixed structure of independent experts and government representatives;¹⁹
- 1 structure of independent experts.²⁰

The following institutional changes are reported to have been adopted or to be under active consideration:

- *Canada* has recently developed a communication protocol with the newly established Office of the Extractive Sector CSR Counsellor to address any potential overlap of activities. In addition, the Indian and Northern Affairs Canada (INAC), an organization with expertise on indigenous peoples issues, has been added to the NCP Committee. Furthermore, Canadian NCP has undertaken capacity-building activities, such as inviting a speaker to present a workshop to the NCP on prevention and conflict resolution in CSR-related disputes. Similarly, Canada attended a meeting with UK, Norway, and Netherlands NCPs to discuss specific instances and best practices.
- *Hungary* has moved its NCP operation to the Ministry for National Economy, the International and EU Affairs Department of Deputy State Secretariat for International and EU Affairs. Further reform is planned in the upcoming implementation year with the goal of creating a more effective NCP for better promotion and implementation of the updated Guidelines.
- *Italy* has enlarged its NCP composition to broaden stakeholder involvement. Among new NCP members are the Association of Italian Banks, Confederation of Italian Chambers of Commerce, various local authorities, some SME Associations, and the Italian National Committee of Consumers. Furthermore, the NCP has developed and implemented a new procedural guide for handling specific instances to make the process more accessible and transparent.
- *Netherlands* is following up on the recommendations which were a result of the recently completed voluntary peer review. For example, as part of enhanced stakeholder engagement, the NCP recently welcomed four large accountancy firms as a new and important stakeholder group in its NCP structure. Another new stakeholder group that was added was company staff councils. See section III.b for further details.

- *New Zealand* has added the Ministry of Consumer Affairs to its Liaison Group. In light of the 2011 Update of the Guidelines, a thorough review of all of the procedural procedures is planned for the next implementation year.
- *Norway* has finalized its NCP reform. The new institutional arrangement was based on national public consultations as well as inspiration from the Dutch and UK NCPs. The new NCP consists of a four member panel of independent experts, appointed in their personal capacity and based on their experience. A new Secretariat of two persons was recruited by the Ministry of Foreign Affairs. The new NCP is in substance independent from the Government.
- *Peru* is planning to create a consultative board to ensure that the NCP functions properly and most effectively.
- *Poland* has updated its specific instance complaint procedures. It is also closely collaborating with the National Centre of Mediators and NGOs to implement a promotional campaign titled “I implement OECD Guidelines. Responsible Business.”
- *Portugal’s* NCP has strengthened the relationship between its two agencies, AICEP and DGAE, deepening the specialization of each. This has resulted in better resource allocation, better promotional strategy and a quality-driven relationship with public and private stakeholders.
- *Slovenia’s* NCP has added a representative from the Ministry of Justice to its inter-governmental working group. The NCP has also proposed the adoption of new internal procedural rules regarding specific instances and the procedures for the recommendations of the inter-governmental working group.
- *Spain* has reported that the Ministry of Foreign Trade has initiated reform of the Spanish NCP in order to adapt it to the updated Guidelines.
- *Sweden’s* NCP collaborates with the Swedish Partnership for Global Responsibility, which aims to promote the Guidelines and the UN Global Compact principles. Of note within this initiative is the work of the Swedish Development Cooperation Agency (Sida). Sida is currently finalizing new directive for its activities related to CSR and development and is basing it on the Guidelines. Sida’s new directive, together with the program of Business for Development, will be the base for its direct collaboration with the business sector. Sida will require alignment with the Guidelines in all engagements with business.
- *United States* conducted a rigorous review of its NCP function, which resulted in institutional changes, an expanded outreach, promotional and pro-active agenda and revised procedures for handling specific instances, consistent with the 2011 Update of the Guidelines. See Box 1.1 for further information.

Box 1.1. United States NCP Reform

In July 2010, the Assistant Secretary for the U.S. Department of State's Bureau of Economic, Energy and Business Affairs (EEB) launched an initiative to review the U.S. NCP function, in conjunction with the 2011 Update of the Guidelines. The overall purpose of the initiative was to improve the U.S. NCP's effectiveness, visibility, accessibility, transparency and accountability to ensure the U.S. NCP is operating consistently with the Guidelines.

The initiative included publishing a notice in the U.S. Federal Register requesting public comments and announcing a public meeting, which was held on 2 November 2010. The EEB Assistant Secretary asked the U.S. Federal Advisory Committee on International Economic Policy (ACIEP) to undertake a thorough review of the U.S. NCP and to provide recommendations on how to improve its functioning. The ACIEP presented its recommendations formally on 16 February 2011. The EEB Assistant Secretary also recruited a senior officer to be the first full-time dedicated U.S. NCP.

The U.S. NCP function was moved from EEB's Office of Investment Affairs, which is responsible for the formulation of U.S. investment policy, including policies related to the Guidelines update, to the Office of the Assistant Secretary, further ensuring the U.S. NCP undertakes its responsibilities in a more wholistic manner and independently of the State Department's investment-related policy operations.

At the 20 June 2011 meeting of the ACIEP, the EEB Assistant Secretary announced improvements to the U.S. NCP function as a result of the year-long review and reform initiative. The improvements incorporate the updates in the Guidelines and most of the consensus recommendations in the ACIEP's report. They include structural modifications to the U.S. NCP, as well as expanded procedures for handling specific instances, consistent with the guiding principles of impartiality, predictability, equitability, and compatibility with the Guidelines. Going forward, the U.S. NCP will also focus on a more "positive, pro-active" approach to promoting the Guidelines that will seek to identify, analyze and resolve potential problems in order to avert adverse impacts, and will endeavour to increase general outreach activities. All of these improvements are designed to increase the U.S. NCP's visibility, accessibility, transparency and accountability.

The U.S. NCP will continue to be headed by a senior career officer housed within the EEB Bureau at the State Department. In addition, the U.S. NCP staff will be supplemented by an experienced policy analyst on corporate social responsibility matters assigned by the State Department's Bureau of Democracy, Human Rights and Labor. The U.S. NCP is currently being integrated into a newly created corporate social responsibility (CSR) team within EEB's Office of Economic Policy Analysis and Public Diplomacy, which will enable the U.S. NCP to draw upon the existing expertise of officers who already work on CSR issues and to maximize the use of existing resources and contacts for outreach and promotion.

In order to provide for the periodic review of the work of the U.S. NCP by stakeholders, the EEB Assistant Secretary will ask the ACIEP to establish a U.S. NCP Stakeholder Council under its Subcommittee on Investment to provide advice and assistance through the ACIEP to the U.S. NCP on strategies, policies and procedures related to the U.S. NCP's responsibilities, as well as to work closely with the U.S. NCP on a "positive, pro-active" approach to promoting the Guidelines. The EEB Assistant Secretary will consult with the ACIEP on the duties, composition and other issues related to the establishment of the U.S. NCP Stakeholder Council.

The U.S. NCP has also published an updated procedural guide for handling specific instances.²¹ This modified guide is consistent with the updated Guidelines and with the guiding principles of impartiality, predictability, equitability, and compatibility. It also takes into account most of the consensus recommendations of stakeholders in the ACIEP's report of 16 February 2011.

III. Information and Promotion

Procedural guidance²² calls for NCPs to undertake promotional activities. During the reporting period, NCPs continued to engage in various activities designed to enhance the value of the Guidelines. This section summarizes the main activities described in the individual NCP reports.

III.a Selected promotional activities

Majority of promotional activities undertaken during the reporting period have closely related to the 2011 Update of the Guidelines. Continuing last year's theme, majority of NCPs not only provided information to the business and community stakeholders, but also consulted with them to solicit their feedback to be incorporated into the 2011 Update itself.

- *Argentina's* NCP organized an event (Encuentro del PNC Argentino con ONGs: Revisión de las Líneas Directrices de la OCDE para Empresas Multinacionales) in September 2010, hosted by the Ministry of Foreign Affairs, International Trade and Worship, to consult with many well-known Argentinean NGOs and government officials from several Ministries regarding the 2011 Update.
- *Australia's* NCP held two meetings, one in Sydney and one in Melbourne, to consult major businesses and NGO stakeholders on the 2011 Update. In addition, information was provided in all foreign investment approvals for business proposals.
- *Canada* formally consulted 21 organizations representing various groups of interest leading up to the issuance of the Terms of Reference in 2010. Following that, the Canadian NCP continued to undertake a number of activities to ensure that Canada's position benefited from a broad range of perspectives. Most notably, in September 2010, the Canadian NCP hosted a one-day meeting in Ottawa with a number of representatives from industry, labour and civil society organizations and several Federal government departments. This session helped develop Canada's position on key issues and led to the recommendation proposal put forth by Canada regarding stakeholder engagement. Throughout the entire process, individual stakeholder groups were contacted as specific issues arose, and debriefing sessions were held following update sessions.
- *Chile* organized 10 multi-stakeholder informal meetings on the 2011 Update with 22 delegations from business, trade unions, NGOs and academia..
- *France* used the 2011 Update process as an opportunity to engage in in-depth consultations with its members and businesses about the nature, organization and functioning of the NCP as well as the content of the Guidelines. The updated Guidelines could eventually lead to an update of the NCPs procedural rules.
- *Germany's* NCP regularly meets with the Ministerial Group on the OECD Guidelines as well as the Working Party on the OECD Guidelines, composed of representatives of Federal Ministries, business organisations, trade unions and civil society NGOs. These meetings are generally held annually, but due to the work on the 2011 Update, additional meetings were held.
- *Greece* cooperated closely with several governmental departments for the 2011 Update, such as the General Secretary of Trade and the General Directory of Private Investments of YPOIAN, the Ministry of Finance, the Ministry of Environment, Energy and Climate Change.
- *Ireland's* NCP established a dedicated multi-stakeholder mechanism comprising of representatives of Divisions within the Department of Jobs, Enterprise, and Innovation, State Agencies, the Irish Business and Employer's Confederation, Irish Congress of Trade Unions and Professional and Trade Organisations, and the NGO community, as well as

representatives of the range of relevant Government Departments, for the purpose of ensuring a comprehensive and coherent national position in the 2011 Update of the Guidelines.

- *Japan's* NCP has presented information about the Guidelines at more than 10 meetings, seminars, study groups, and symposia organized by various businesses, labour unions and NGOs.
- *Mexico's* NCP has worked closely with other government agencies such the Ministry of Foreign Affairs and the Ministry of Labor and Social Welfare in order to foster dialogue intra-governmentally regarding the promotion and implementation of the Guidelines.
- *New Zealand's* NCP has published news of the 2011 Update on its website. A mid-review update was also sent to organisations known to have an interest, including businesses, unions, and some New Zealand headquartered MNEs. A publicity campaign is planned with the NCP Liaison Group members for the next reporting period.
- *Sweden* consults a multi-stakeholder group before and after each Annual NCP Meeting. Two meetings were held during 2010, during which this reference group was briefed on the 2011 Update. In addition, the Swedish Confederation of Professional Associations (Saco) in March 2011 arranged a study tour to the OECD for 25 national officers; the program included a review of the process of updating the Guidelines.
- *Switzerland* increased contact with all stakeholders. NCP's consultative group, which includes representatives of social partners, employer organizations, multinational enterprises, NGOs as well as of several government agencies, met three times. The NCP also engaged in several other meetings with the aforementioned stakeholders to further discuss issues related to the 2011 Update of the OECD Guidelines one-on-one.
- *Turkey's* Advisory Committee to the NCP held a public meeting about the 2011 Update. Business, labour unions, civil society and universities all participated.

In addition to the activities reported above, other promotional developments worth underlining include:

- *Canada's* government officials continue to make reference to the Guidelines in a variety of fora. Examples include the Prospectors and Developers Association of Canada International Convention, the United Nations, the Intergovernmental Forum on Mining, and the Inter-American Development Bank Annual Meeting and Business Forum.
- *Chile* is planning on increasing its cooperation with regional NCPs in order to promote a regional conversation. Furthermore, the NCP organized special discussions and workshops with the Chamber of Production and Trade, Ernst & Young, Diego Portales University, Andres Bello University, Catholic University and Pedro de Valdivia University. NCP's editorials and interviews on the 2011 Update were published at the Universidad de Chile School of Business Bulletin and on the website of the General Directorate for International Economic Relations.
- *Egypt* has reached out to the major MNEs operating in Egypt and Egyptian MNEs operating abroad to introduce itself and its mission. This communication included passing along a copy

of the Guidelines and asking all enterprises to adhere. Foreign commercial chambers operating in Egypt and the Egyptian Industrial Federation have been asked to do the same.

- *Finland* has published on its website an English version of the compilation of guidelines of various international organizations, best practices and a CSR toolbox for SMEs. In addition, the Ministry of Employment and Economy sponsored a seminar and a fair on CSR hosted by the Finnish Business and Society.
- *Germany* has included an informative section on the Guidelines in the 2010 Annual Report on Foreign Investment Guarantees published by PriceWaterhouseCoopers AG, a leading partner of the federal government in managing these guarantees. The Guidelines are also highlighted in the German Governmental Reports on Human Rights, and, with specific reference to the Risk Awareness Tool, in the Governmental Report on Crisis Prevention. Furthermore, the national CSR Forum, Working Group 4, developed recommendations of strengthening CSR in an international and developmental context, calling on the Government to proactively promote the Guidelines. More specifically, work has begun on a handbook for German SME companies which will be finalized and published in the next reporting period.
- *Greece* participated in many seminars and conferences, such as the annual CSR conference organized by the American-Hellenic Chamber of Commerce. The NCP also completed an information dissemination campaign aimed at the businesses that participated in the Arab-Greek Economic Forum organized by the Arab-Hellenic Chamber of Commerce & Development.
- *Ireland's* NCP used the opportunity provided by the 2011 Update to reinvigorate contact with corporate governance experts in the national employers' federation, Irish Business and Employers Confederation (IBEC), in the Irish Congress of Trade Unions (ICTU), and in the NGO community.
- *Israel's* NCP is now cooperating directly with the Investment Promotion Agency to promote the Guidelines through dissemination of promotional materials. A website, designated specifically to the Guidelines and the NCP, is in its final stages. The NCP also promoted the Guidelines through an information booth, oral presentations or participation in panels at various conferences, most notably, Maala Conference 2010, the 4th "Beyond Business" Conference for Social and Environmental Responsibility of Enterprises, the 18th International Conference of the Israeli Society for Quality and The Israchem Exhibition.
- *Italy's* NCP has organized and/or participated in 18 events in outreach to business community, trade unions, and the interested public, significantly improving its visibility. This evident in a 3 percent increase in the number of website users, a 9 percent increase of its webpage views, and a 5 percent increase in email subscriptions to its quarterly online newsletter. Additionally, in partnership with Istituto Tagliacarne, a second part of the project "Stakeholders information and awareness: the OECD Guidelines and CSR principles" has been launched.
- *Korea's* NCP published a shortened version of the Guidelines in Korean. This publication has been distributed to 3000 MNEs through the Korea Trade-Investment Promotion Agency's domestic and overseas networks.
- *Lithuania* has decided that the state owned enterprises have to ensure the implementation of the Guidelines in order to increase their operational transparency.

- *Mexico's* NCP has utilized the cooperation agreement between the Ministry of Economy and the European Union called PROTLCUEM (Facilitation Project on the Free Trade Agreement between The European Union and Mexico) to develop a paper on CSR for European companies operating in Mexico, which is available on the Ministry's website.
- *Morocco* is currently developing a booklet on the revised Guidelines. This booklet will be used for promotional activities and will also be distributed at events organized by the Moroccan Investment and Development Agency (MIDA). MNEs that sign investment agreements will also receive a copy. Furthermore, the NCP had a chance to promote the Guidelines at 44 events organized by MIDA.
- *Netherlands* has delivered over 10 presentations and workshops on international CSR, the Guidelines and the NCP. Of note are the Seminar on International CSR, responsible chain management and human rights with 10 sector associations, VNO-NCW; Meeting Dutch NGO's on CSR (CSR Platform), attended by 20 NGOs; and a New Year event CSR Netherlands/Sustainable Trade Initiative, attended by 500 Entrepreneurs (mainly SMEs) and CSR experts. The NCP has also assisted Dutch embassies inform local companies and organizations about the Guidelines and the NCP. In collaboration with CSR Netherlands and the Dutch government, CSR passport, a booklet with basic information on international CSR, has been developed. The next step is a shared internet portal on CSR for Dutch embassies. See also section III.b.
- *Peru* published a two-fold brochure titled *Peru in the OECD*, which highlights Peru's signatory obligations of the Declaration on International Investment and Multinational Enterprises, the Guidelines and NCP tasks. Peru has also organized eight national and international events for promotion of the Guidelines in which over 450 people participated. Furthermore, through contact with seven international missions and delegations visiting Peru, the NCP has had a chance to present information to over 115 companies.
- *Poland's* NCP has allotted substantial resources to the promotion of the Guidelines through media materials. During the reporting period, the NCP has distributed 5000 Guideline booklets, 10000 CDs and 5000 brochures covering NCP activities.
- *Romania's* NCP engaged with the *Business Journal*, a weekly business information magazine. A brief summary of the mission and responsibilities of the Romanian Centre for Trade and Foreign Investment Promotion, where the technical Secretariat of the NCP is located, was published in several editions of the journal. In addition, in *Romania Info Business* (2011 edition), published by Romanian Centre for Trade and Foreign Investment Promotion, a special chapter is dedicated to the NCP and its functions. Furthermore, the NCP has liaised with the academic community through presentations to the students of the Romania-American Academy and Advancia-Negocia.
- *Slovak Republic* has chosen a proactive approach for the reporting period, starting with a broader stakeholder involvement. It is currently experimenting with their increasing engagement to see how NCP performance will be impacted. This approach also contributes to increased transparency and accountability of the NCP.
- *Slovenia* is now requesting that all foreign investors which apply for public tender declare that the recipient of the co-financing will abide by the Guidelines and the principles laid down in the Declaration on International Investments and Multinational Enterprises.

- *Spain's* NCP has participated in the Working Party on Transparency of the State Council for Corporate Social Responsibility (CERS) and the Working Party for the Fight against Corruption and Transparency in the Spanish Global Compact Network. NCP also had a chance to present at two conferences at the Spanish Confederation of Business Organizations (CEOE) and Transparency International Spain.
- *Sweden's* NCP member, the Swedish Trade Federation, launched its new CSR tool called "Responsible Business Management." The Federation has also visited Turkey to learn more about Turkish market opportunities and to establish contact with its counterparts, Turkish export and employers organizations. In addition, Sweden has continued to encourage Swedish companies and their business partners abroad to do business without resorting to corruption. Various seminars were arranged in China and in Russia based on the anti-corruption web portal, www.business-anti-corruption.com, parts of which have been translated to Russian and Chinese. As a result of the seminars last year, an e-learning programme in Russia is being developed.
- *Switzerland's* NCP is distributing a flyer intended for MNEs and other stakeholders summarising the Guidelines as well as the function of the Swiss NCP. This flyer has been disseminated through different channels after its publication in April 2010 and is now distributed at conferences, meetings and other occasions involving the NCP. The flyer is available in the three official Swiss languages and in English.
- *Turkey* organized four seminars, namely for assistant experts of the Undersecretariat of Treasury, experts and auditors of the Treasury, Turkish Economic Counsellors and Trade attaches, and for students of Ankara University's Trade and Banking Law Certificate Program.
- *United Kingdom's* NCP delivered a presentation on the Guidelines at a meeting for UK businesses organised by the International Chamber of Commerce. It also participated in an event on conflict minerals, organised by the UK Foreign and Commonwealth Office, which provided a useful opportunity to raise awareness of the Guidelines and the Risk Awareness Tool among UK MNEs and SMEs in the mining sector. Furthermore, the NCP held a stakeholder event with businesses, trade unions and NGOs to take stock of the progress made in updating the Guidelines.
- *United States* is expanding and updating the NCP website and informational materials and is planning on undertaking outreach and promotional activities as recommended by the U.S. Federal Advisory Committee on International Economic Policy. In doing so, the NCP will rely on the suggestions and support of stakeholders, particularly the NCP Stakeholder Council, in order to target key emerging issues identified by stakeholders and to amplify the impact of NCP activities. The U.S. Department of State's Bureau of Economic, Energy and Business Affairs is also reviewing and updating training materials for economic and commercial officers overseas, including training them for outreach on the updated Guidelines to local business, labour and civil society stakeholders.
- *European Commission* is currently preparing for the adoption of a new Communication on corporate social responsibility intended for publication later in 2011.

III.b Follow up to the Dutch Peer Review

The NCPs of Canada, Chile, France, Japan and the UK participated in the voluntary Dutch NCP Peer Review, which was carried out in 2009. A final report was issued in March 2010,²³ containing 28 recommendations relating to: (I) the structure of the NCP; (II) the NCP's promotional activities; and (III) the NCP's handling of specific instances. The Dutch NCP has welcomed these recommendations.

In regard to the structure of the NCP, new considerations for appointing NCP members have been taken into account. NCP stakeholders agreed that independence, impartiality and communication skills of its members are more important than all inclusive stakeholder representation. At the same time, the NCP has sought to enhance engagement with stakeholders. One of the steps taken was allowing separate stakeholder groups to participate in the preparation of the semi-annual stakeholder meetings by giving them an active role, for example by bringing in discussion items, by giving a presentation, or by moderating a workshop.

In regard to the promotional activities, the Dutch NCP is increasing cooperation with other NCPs in order to share experiences and communication tools. First steps have been taken by exchanging information on institutional arrangements, mediation experiences, communication plans and tools of the Dutch NCP with the Norwegian NCP, the Danish CSR centre (in relation to the Danish NCP reform), and the UK NCP. Other recommendations that the Dutch NCP has acted on regard availability of multi-lingual information, tools and cooperation with embassies. A CSR policy tool that helps companies gain insight into their current CSR activities, assess their value, and determine what other CSR activities they would like to implement was developed and translated into English. Cooperation with Dutch embassies has strengthened and has resulted in joint outreach efforts in China, Colombia, Panama, Vietnam, India, Turkey, Egypt, Gulf region and Eastern Europe.

In regard to dealing with specific instances, the NCP is experimenting with a new pre-emptive, more informal approach in which the NCP seeks to bring parties together at an early stage without the requirement of a formal notification. The NCP in this case acts as an independent mediator which creates more room for parties to talk about common interests.

III.c OECD Investment Committee work

The last implementation period was characterized by the discussion on the 2011 Update of the Guidelines. The update was formally launched on 4 May 2010 when the terms of reference²⁴ were agreed to by the 42 adhering countries to the Guidelines. The process was concluded on 25 May 2011, when U.S. Secretary of State Hillary Clinton joined Ministers from OECD and developing economies to celebrate the Organization's 50th anniversary and adopt the results of this new update of the Guidelines.

Work on the update was carried out by the Working Party of the OECD Investment Committee, in which non-OECD adhering countries have full participant status. Prof. Dr. Roel Nieuwenkamp, the Chair of the Working Party, was assisted by an Advisory Group of interested adhering governments, representatives of BIAC, TUAC and OECD Watch. The Working Party held five sessions on 6-7 October 2010, 15-17 December 2010, 16-17 February 2011, 23-25 March 2011 and 27-29 April 2011. The Advisory Group held preparatory meetings on 13-14 September 2010, 17-18 November (hosted by the Netherlands in Amsterdam), 26-27 January 2011 (hosted by France at the Quai d'Orsay), 17-18 March 2011. The recommendations developed by the Working Party to amend the Guidelines and the related Decision of the Council were approved by the 42 adhering governments at an enlarged session of the Investment Committee presided by the Chair of the Investment Committee on 29 April 2011. They were transmitted shortly thereafter to Council for final adoption.

The intense one-year update process, in which a large number of NCPs participated, involved several stakeholders, partner organizations²⁵ and interested non-OECD countries. Major economies²⁶ were invited to become full participants in the update process. Two enlarged consultations with stakeholders were held on the occasion of the 2010 Annual Corporate Responsibility Roundtable on 30 June-1 July 2010 and 13 December 2010. In January 2011, the Danish Institute for Human Rights and the Global Report Initiative (GRI) sponsored at the OECD two expert meetings on human rights and disclosure issues. The update process also greatly benefitted from substantive contributions from the UN Special Representative John Ruggie and his team to ensure consistency with the *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*.

Special efforts to strengthen cooperation with other leading corporate responsibility instruments were made. A Memorandum of Understanding (MoU) signed on 13 December 2010 by the OECD Secretary-General Richard Boucher and GRI Chairman Mervyn King established a three year program to encourage companies to use both the Guidelines and the GRI Sustainability Reporting Framework and to strengthen cooperation in common areas of mutual interest.

In addition, officers of the Investment Committee continued to actively relate with influential governmental and non-governmental players in support of the update. On 4 October 2010, the Chair of the Investment Committee convened a "Friends of the OECD Guidelines for Multinational Enterprises" meeting to discuss the challenges and opportunities of the update process, the benefits of mediation as a dispute solving mechanism, and stakeholder inputs. Professor John Ruggie addressed the Investment Committee on that occasion to give an update on his UN mandate. The Chair of the Working Party held consultations with Indian and South African officials in July 2010.

III.d Other promotion by the OECD

The OECD Deputy Secretary-General (DSG) Richard Boucher participated in the Ministerial Session of the UN Global Compact Leaders Summit 2010, on 23 June 2010 in New York. The DSG delivered remarks regarding the OECD and UN Global Compact partnership emphasising ways in which governments can support and incentivize businesses to incorporate poverty reduction into their business models. He also called for an active participation of the UN Global Compact in the update of the Guidelines.²⁷

Officers of the Investment Committee and its Secretariat accepted invitations to promote the Guidelines at several international meetings over the reporting period. Selected promotional events attended and activities undertaken include:

- OECD presented on the 2011 Update at the 2010 Amsterdam Global Conference on Sustainability and Transparency on 26-28 May 2010.
- OECD attended the EIB Business View on Human Rights Seminar on 4 June 2010 to represent OECD during the discussions on the NCP mechanism and to provide information on the latest developments on the 2011 Update of the Guidelines.
- On 13 October 2010, at the invitation of the Danish Council for CSR, OECD presented on OECD NCP performance and possible improvements to the Procedural Guidance envisaged for the 2011 Update of the Guidelines.

- On 27 October 2010, OECD presented on the Guidelines at the UNIDO Workshop titled "Social & Environmental responsibility of business: the role of small and medium scale enterprises in advancing the global sustainable development agenda."
- OECD presented at the European CSR Multi-Stakeholder Forum Plenary Meeting at the invitation of the European Commission on 30 November 2010. The topic was the Global Dimension of CSR, including Trade and Development Policies.
- The Investment Secretariat made regular progress reports on the update process to the Committee on Corporate Governance, the Employment and Social Affairs Committee, the Environment Policy Committee, the Working Group on Bribery in International Business Transactions, the Consumer Policy Committee, the Committee on Fiscal Affairs and the Working Party on Export Credits and Credit Guarantees and Participants to the Arrangement on Officially Supported Export Credits.

Since March 2006, the OECD Investment Newsletter, published three times a year, has kept the larger investment policy community and other stakeholders informed about ongoing Investment Committee work on the Guidelines. A special focus on the newly updated Guidelines was featured in the May 2011 issue. In addition, the Secretariat answered numerous queries about the Guidelines from the media, universities and other interested parties, and continued to improve the OECD website dedicated to the Guidelines.

III.e Investment promotion, export credit and investment guarantee agencies

Adhering governments have continued to explore ways of ensuring that their support for the Guidelines finds appropriate expression in credit and investment promotion or guarantee programmes. Table 1.1 summarises the links that have been established between the Guidelines and such programmes. In particular, *Egypt* is reporting that in March 2011 the General Authority for Investment and Free Zones was moved to be under direct Cabinet supervision from its previous position under the Ministry of Investment. *Italy* is establishing a closer cooperation with INVITALIA, ICE, SACE and SIMEST. These agencies were invited to a special session held by the NCP Committee and encouraged to take an active role in supporting the dissemination of the Guidelines. They will be providing a promotion strategy to the NCP soon. *Slovenia* has reported that all foreign investors that apply for public tender have to declare that the recipient of the co-financing will abide by the Guidelines.

Table 1.1. The OECD Guidelines and Export Credit, Overseas Investment Guarantee and Inward Investment Promotion Programmes

Australia	Export credit and investment promotion	Australia's Export Finance and Insurance Corporation (EFIC) promotes corporate social responsibility principles on its website, including the OECD Guidelines. The Guidelines are hosted on the Australian NCP's website. Links to the Australian NCP's website are provided on the Foreign Investment Review Board and the Austrade websites.
Austria	Export credits	Oesterreichische Kontrollbank AG, acting as the Austrian export credit agency on behalf of the Austrian Federal Ministry of Finance, is actively promoting corporate responsibility principles and standards. On its website, extensive information on CSR issues, including the current text of the Guidelines, is available.
Belgium	Export credit and investment guarantees	The Belgian Export Credit Agency mentions the OECD Guidelines in its investment guarantees and all export credit guarantees.
Canada	Export Credits	The Export Development Canada (EDC) promotes corporate responsibility principles and standards, including the recommendations of the Guidelines. EDC has linked its website with that of Canada's NCP. Guidelines brochures are distributed. Dialogue on CSR with key stakeholders is maintained.
Chile	Investment promotion	The Foreign Investment Committee is the agency which promotes Chile as an attractive destination for foreign investment and international business.
Czech Republic	Investment promotion	There is a special agency called "Czech Invest" operating in the Czech Republic which provides information on the Czech business environment to foreign investors. It has prepared an information package (which includes the Guidelines) that is passed to all foreign investors considering investing within the territory of the Czech Republic. The Czech NCP cooperates closely with Czech Invest.
Denmark	Export credits	When applying for export credits, the Danish Eksport Kredit Fonden informs exporters about the OECD Guidelines and encourages exporters to act in accordance with the OECD Guidelines.
Egypt	Investment promotion	The General Authority for Investment and Free Zones (GAFI) is the Egyptian investment promotion agency. GAFI was under the Ministry of Investment but in March 2011 it became under the supervision of the Cabinet directly. ENCP maintains a close ties with GAFI. Through GAFI ENCP and the Guidelines brochures are distributed.
Estonia	Investment promotion	The Estonian Investment Agency has published a description of the Guidelines and added a link to the Estonian NCP website.
Finland	Export credit guarantees and investment insurance	Finland's Export Credit Agency, Finnvera, calls the attention of guarantee applicants to the Guidelines through its web pages and CSR report.
France	Export credits and investment guarantees	Companies applying for export credits or for investment guarantees are systematically informed about the Guidelines. This information takes the form of a letter from the organisation in charge of managing such programmes (COFACE) as well as a letter for companies to sign acknowledging that they are aware of the Guidelines (" <i>avoir pris connaissance des Principes directeurs</i> ").
Germany	Investment guarantees	Companies applying for investment guarantees are referred to the Guidelines directly by the application form. In the application process, they have to confirm awareness of this reference by signature. The reference also provides a link to further information on the Guidelines.

Greece	Investment promotion	The <i>Guidelines</i> are available on the portal www.mnec.gr as well as on the websites of the Ministry of Foreign Affairs (www.agora.gr), the Invest in Greece Agency (www.investingreece.gov.gr), the General Secretariat of Consumers Affairs (http://www.efpolis.gr), the and the Export Credit Insurance Organization (ECIO) (www.oaep.gr).
Hungary	Investment promotion	The site of Investment and Trade Development Agency has links to the Ministry for National Economy, EXIMBANK, MEHIB, and other ministries where important OECD documents on bribery, anti-corruption, and export credits are available. Cross links support the quick search for relevant OECD documents.
Israel	"Invest in Israel" - Investment Promotion Center	The site of Israel's Investment Promotion Centre has a direct link to the Israeli NCP web site where the OECD Guidelines are available electronically. The NCP works in close cooperation with the Investment Promotion Center
Italy	Export credits	The Italian NCP works closely with SACE (the Italian Agency in charge of insuring export credit) and contributes to its activities. SACE published the Guidelines on its website and introduced the acknowledgment declaration of companies on the Guidelines in its procedures. The Italian NCP also involved in its activities ICE (National Institute for the promotion of export. SIMEST (Financial Company for export support), and Invitalia (Inward Investment Agency). These organisations are disseminating the Guidelines among enterprises and publishing them on their websites. Together with the Guidelines they are promoting the risk-awareness tool in conflict areas.
Japan	Trade-investment promotion	The Guidelines (basic texts and Japanese translation) are available on the websites of the Ministry of Foreign Affairs (MOFA); Ministry of Health, Labour and Welfare (MHLW); and the Ministry of Economy, Trade and Industry (METI). The Japan External Trade Organization (JETRO) website, the ASEAN-Japan Centre website and the Nippon Export and Investment Insurance (NEXI) website are also linked to the summary, full texts of the Guidelines, introduction of the Japanese NCP activity including its procedures and promotion.
Korea	Trade-investment promotion	OECD Guidelines can be found at the MKE (Ministry of Knowledge Economy) website (www.mke.go.kr). MKE promotes trade and investment.
Lithuania	Investment promotion	"Invest Lithuania" Agency (http://www.businesslithuania.com) operates in the Republic of Lithuania and provides information on the Lithuanian business environment to foreign investors. It has prepared an information package that is passed to all foreign investors considering investing within the territory of Lithuania. The Lithuanian NCP (at the Ministry of Economy) cooperates closely with the "Invest Lithuania" Agency. Investment Promotion Programme for the period of 2008-2013 was adopted by the Government on 19 th of December 2007. The goal of the programme is to improve investment environment in Lithuania in general and to establish an efficient system for the promotion of direct investment, focusing on long term development of economy and the prosperity of the society. Whole text of the Investment promotion Programme can be found at the web page of the Ministry of Economy: http://www.ukmin.lt/en/investment/invest-promotion/index.php
Mexico	Investment Promotion	The Mexican NCP is located within the Directorate General for Foreign Investment in the Ministry of Economy, which is responsible for Mexico's participation in the Investment Committee as well as in different international organisations, among other activities. The guidelines can be found on the website. Mexico's investment promotion agency - PROMEXICO - works in close cooperation with this Department.

Netherlands	Export credits and investment guarantees	Applicants for these programmes or facilities receive copies of the Guidelines. In order to qualify, companies must state that they are aware of the Guidelines and that they will endeavour to comply with them to the best of their ability. Applicants for the PSI programme have to prepare a CSR policy plan based on the OECD Guidelines (http://www.oesorichtlijnen.nl/aan-de-slag/maak-mvo-beleid/).
New Zealand	Export Credit promotion	New Zealand's Export Credit Office (ECO) mentions the OECD MNE Guidelines on its website. The ECO also provides a link to both the OECD Guidelines and the New Zealand NCP's website.
Norway	Guarantee Institute for Export Credits (GIEK)	GIEK has developed its own social responsibility policy which is posted on its website. For more information please see: http://www.giek.no/giek_en/default.asp?menu=610&page=277&cells=0
Peru	Investment Promotion	The Peruvian NCP is located in the Investment Promotion Agency-PROINVERSION, which provides information and guidance services to foreign investors on the Peruvian business environment including information of the OECD Guidelines and the NCP tasks.
Poland	Investment promotion	The Polish NCP is located in the investment promotion agency (PAIILZ). The Polish Information and Foreign Investment Agency helps investors to enter the Polish market and find the best ways to utilise the possibilities available to them. It guides investors through all the essential administrative and legal procedures that involve a project; it also supports firms that are already active in Poland. PAIILZ provides rapid access to the complex information relating to legal and business matters regarding investments, helps in finding the appropriate partners and suppliers, together with new locations.
Portugal	Exports and Investment Promotion	AICEP – Portugal Global is a Business Development Agency responsible for the promotion of exports, the internationalisation of Portuguese companies, especially SMEs and for inbound foreign investment. The Guidelines are part of the information given to all companies.
Romania	Romanian Agency for Foreign Investments (ARIS)	The Romanian NCP is located within the Romanian Agency for Foreign Investments (ARIS). The RNCP's webpage was developed starting from the Romanian Agency for Foreign Investment central site. The Guidelines (basic texts) are available electronically on the sites of the MFA (www.mae.ro) and the Romanian Agency for Foreign Investments (ARIS) (www.arisinvest.ro). The Guidelines and the relevant decisions of the OECD Council have been translated in the Romanian language. Other useful documents posted on the RNCP's web page include: <ul style="list-style-type: none"> • Policy framework for Investment; • OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Romanian Agency for Foreign Investment edited, among other specific promotional materials, the brochure entitled "Frequently Asked Questions - An Overview", including a separate chapter on Romanian National Contact Point and OECD Guidelines for Multinational Enterprises.
Slovenia	Promotion and awareness of OECD Guidelines	The Slovenian NCP is established within the Ministry of Economy of the Republic of Slovenia. The promotion and use of the OECD Guidelines for Multinational Enterprises is already a part of Slovenian policies. Slovenian NCP promoted the OECD Guidelines through preparation of speeches. Foreign investors which apply for public tender declare that the recipient of the co-financing will abide by the OECD Guidelines for Multinational Enterprises and the principles laid down in the Declaration on International Investments and Multinational Enterprises.

Slovak Republic	Investment promotion	NCP is established at the Ministry of Economy of the Slovak Republic. The Guidelines are promoted in Slovak language at Ministry's webpage. The Ministry of Economy is funding and supervising an agency for investment and trade development (SARIO) that promotes both business environment and investment opportunities. The investors entering the Slovak republic who had been awarded with governmental incentives are to commit themselves to keep the Guidelines (part of the awarding decision).
Spain	Investment guarantees	CESCE (Export Credit Agency) that manages investment guarantees, COFIDES (Corporation for Development Finance) provide Guidelines brochures to applicants for support and investment guarantees.
Sweden	Export credits	The Swedish Export Credits Guarantee Board provides all its customers with information on the rules on environment, the rules on bribery, the OECD Guidelines for MNE's and the Swedish Partnership for Global Responsibility.
Switzerland	Export credits insurance	The Swiss Export Risk Insurance (SERV) promotes corporate responsibility principles. On its website, it provides information regarding the Guidelines and their implementation mechanism (www.serv-ch.com).
Turkey	FDI	The Turkish NCP is located within the General Directorate of Foreign Investment (Treasury) which is the authorised body for investment policy making. The Treasury's website provides information on the Guidelines.
United Kingdom	Export credits and investment insurance	The Export Credits Guarantee Department's (ECGD) website contains links to the website of the UK National Contact Point.
United States	Export and import credits and investment guarantees	The Export-Import Bank of the United States provides information on the Guidelines to applicants for their programmes in support of U.S. business activities abroad.

IV. Specific Instances

IV.a. Recent Trends and Developments

262²⁸ requests to consider specific instances have been raised with NCPs since the June 2000 review. Individual NCP reports indicate that the following numbers of specific instances have been raised: Argentina (7), Australia (4), Austria (5), Belgium (13), Brazil (22), Canada (11), Chile (6), Czech Republic (5), Denmark (3), Finland (4), France (18),²⁹ Germany (13), Hungary (1), Ireland (2), Israel (2), Italy (6), Japan (4), Korea (7), Luxembourg (3),³⁰ Mexico (3), Netherlands (21), New Zealand (2), Norway (6), Peru (3), Poland (3), Portugal (1), Romania (1), Spain (2), Sweden (3), Switzerland (16), Turkey (3), United Kingdom (24), and United States (32). 39 new specific instances were raised, more than double the number of specific instances raised in the 2009-2010 implementation period. A total of ten Final Statements, in addition to one revised Final Statement, were issued.

Annex 3 shows that 178 specific instances have been actively taken up and considered to date by NCPs.³¹ 156 of these have been concluded or closed. Most specific instances dealt with Chapter V (Employment and Industrial Relations). A rising number of specific instances also involved violation of human rights. Complaints relating to Chapter VI (Environment) have also increased over the past few years. The only Guidelines chapter that has not been referenced in any specific instance is Chapter IX (Science and Technology).

In accordance with the trends of previous years, 65 percent of new specific instances raised for which location information was available were raised in non-adhering countries. Additionally, half of

concluded specific instances for this reporting period concerned specific instances in non-adhering countries. For new specific instances raised for which details of the complaint were available, the most cited chapters were Chapter II (General Policies) and Chapter V (Employment and Industrial Relations). Cited sectors ranged across a diverse spectrum: extractive, textiles, food services, automotive, forestry, starch/derivatives, energy, and telecommunications. Furthermore, the majority of new specific instances raised were brought forward by non-governmental organizations.

In addition to the rise of the submitted specific instances, strengthened and more frequent cooperation between NCPs stands out as a significant development during the reporting period. For example, *Germany* is cooperating with *Switzerland*, *France* and *UK* NCPs. *Switzerland* is reporting close contact with several other NCPs (e.g. *Germany*, *France*, *Canada*, *Netherlands*, *UK*) in order to coordinate activities regarding specific instances raised and to exchange information as well as experiences on the functioning of the NCP. *Italy* has commented that the strong cooperation with *UK* NCP on a specific instance helped them clarify the practical application of the leader NCP principle. *Norway's* NCP has met and consulted with the Dutch and British NCPs in connection with the establishment of the new structure for the Norwegian NCP. In addition, they maintain contact with Chilean and Canadian NCPs in regard to specific instances. *Peru* is also reporting that it is coordinating with the *U.S.* NCP on a specific instance where the Peruvian NCP leads the proceeding and the *U.S.* NCP plays a supporting and collaborative role. The *UK* NCP hosted an event in December 2010 between NCPs aimed at sharing best practice on the implementation of the Guidelines. Since 1 July 2010, the *UK* NCP has also transferred four complaints to other NCPs.

At the 11th NCP Meeting, a number of issues for clarification were brought up. *Norway*, in particular, brought up the expected timeframe for the implementation of the revised Guidelines, retroactive application of the revised Guidelines, and handling of specific instances brought against NGOs. The Chair of the Update Process clarified that during the update process, it was informally agreed that the implementation of the revised Guidelines would be expected to take place within six months of the update, according to international custom, with no retroactive application. The NCPs agreed on the principle that the revised Guidelines could be implemented within six months and could be applied retroactively only if both parties agreed to do so. The NCPs all agreed that these points of clarification merited further discussion and that they should be brought to the attention of the Investment Committee Working Party delegates at their next meeting in October 2011.

Regarding handling specific instances brought against NGOs, some NCPs expressed the opinion that if the organization is a non-commercial actor or not an enterprise, the complaints against it were not in the scope of the Guidelines. This view supported that if the proceedings allowed complaints against various actors it would be hard to preclude complaints against entities that are definitely outside of the scope of the Guidelines, for example, foreign governments. Furthermore, a point was made that non-governmental organizations did not participate in the update process of the Guidelines with the view that this tool would be used against them. Other NCPs thought the type of activities that actors are engaged in are more important than their governance structure. For example, it is possible for a non-governmental organization to be involved in business activities that could be covered by the scope of the Guidelines. An example was given of a large NGO headquartered in one of the adhering countries that wants to have its print work done by a company in a non-adhering country. Some NCPs thought that the Guidelines should apply in such cases. While all NCPs recognized that further discussion on this topic is needed, *Norway* did receive support for the view that the specific instance that prompted this discussion did not fall within the scope of the Guidelines.

IV.b. Peer Learning

The implementation procedures of the updated Guidelines reinforce the important role of peer learning for furthering the effectiveness of the Guidelines and fostering the functional equivalence of NCPs. In addition, at their June 2010 meetings, NCPs agreed to devote more time to the lessons to be learned from concrete cases and in particular, why certain specific instances have produced satisfactory outcomes and why others have not.

A “peer learning session” was accordingly held during the 11th NCP Meeting. Caroline Rees, who advised Professor John Ruggie, the UN Special Representative of the United Nations Secretary-General for Business and Human Rights, on his mandate and who has led the research on the Access to Remedy pillar of the “UN Framework,” including the creation of the BASESwiki online resource on non-judicial mechanisms,³² moderated this session. The discussion drew on the revised Procedural Guidance for considering specific instances of the updated Guidelines.

The discussion was based on specific instances presented by the Canadian, Peruvian and UK NCPs to illustrate typical challenges encountered by established and new NCPs in handling specific instances. The specific instances discussed were diverse across regions, sectors, final outcomes, and parties involved. The Canadian NCP presented two specific instances involving the mining sector in non-adhering countries in Latin America and Asia, one regarding environmental and community issues and other regarding environmental issues. The UK NCP presented two specific instances, one involving the tobacco sector in Asia regarding labour issues and one involving the consumer sector in Asia regarding labour issues, both in non-adhering countries. The Peruvian NCP presented two specific instances, one involving the telecommunications sector regarding labour issues in Latin America in an adhering country and other involving the mining sector regarding environmental issues in Latin America in an adhering country. Final outcomes for all of these specific instances are as diverse as their sectors and regions; some are still pending, while others have been resolved either with or without an agreement.

The discussion proved to be very useful for both peer learning and capacity-building needs of recently established NCPs and seven prospective adherents to the Declaration.³³ The points that were touched upon spanned a range of issues and proved to be a great way to delve deep into problems faced at all stages³⁴ of the specific instance procedure. Among problems discussed were fact-finding, ensuring transparency and impartiality, substantive complaints as a part of collective action problems, field visits, parent/subsidiary relationships, use of external experts, final statements as tools, resource allocation, institutional arrangements and parallel proceedings. The descriptions below are collective lessons learned and recommendations from the session.

On the broad issue of fact-finding in both initial and later stages of the specific instance procedure, it was recognized that fact-finding could impose a considerable burden on NCP resources and should be handled carefully to ensure impartiality and transparency. One way to manage both issues could be to use an inter-departmental approach as a way of pooling resources and increasing credibility, for example by creating a working party with members from different government departments with different expertise. Another way to help with resource allocation could be to engage in fact-finding missions only in the later stages of the specific instance, for example, only if good offices fail. Introducing external experts might also be one way to increase the favourable perception of the NCP impartiality. Issues when the substance of a complaint is part of a bigger set of challenges (for example, water resources) were also discussed, especially when the business activities take place in non-adhering countries. Ways to address this could include engaging diplomatically with those governments and potentially enlisting large aid agencies for technical assistance.

A group of issues around field visits was also discussed. Many NCPs thought that benefits of field visits were that NCPs could get a broader view of the situation while directly engaging with the affected communities. It was also recognized that the opportunity to speak with local management could be more constructive than engaging solely with the corporate parent as the local management might have immediate motivations to resolve the alleged issues. However, it was recognized that engaging with the corporate parent has many benefits (and may be fruitful in light of their particular reputational exposure) and should be explored accordingly.

It was suggested that the basis for a field visit should be a readiness for dialogue by both parties and/or agreed terms of reference. On the one hand, these pre-set conditions might have to be in place because undertaking a field visit without them might be dangerous in certain circumstances. For example, safety of persons performing the field visit might be compromised, particularly in non-adhering states where the NCPs might be viewed to have a different role than they actually do. On the other hand, a point was raised that if there is forewarning of the visit, it might alter the information that is presented to the NCP and increase the possibility that the field visit is used for political purposes.

The question of who would perform a field visit was also discussed. In addition to the NCPs, others identified included independent experts, UN experts, and embassy officials with the caveat that both perceived and actual impartiality are extremely important factors. Overall, the conclusion was that decisions on conducting field visits should be taken on a case-by-case basis and that assessing the benefits and risks for each specific instance would be more beneficial than either making field visits mandatory or excluding the possibility altogether.

It was also recognized that many times the push against dialogue and good offices by either party was rooted in the fear of engaging in an unknown process. A set of NCP experiences showed that there was real benefit in building capacity of the “weaker” side in order to build their confidence in the proceedings. This does not at all imply a disadvantage for the other party and sufficient measures should be taken to ensure impartiality. Building confidence could be as simple as providing more information to the “weaker” party about the form of good offices or could extend to ensuring they have advice, training or other support necessary to participate on an equal basis.

A significant part of the discussion focused on handling parallel proceedings and the use of NCP good offices. Some NCPs require substantiated explanation as to why the specific instance should be suspended in light of parallel proceedings, while others look for a withdrawal from the parallel case in order to proceed. In any case, there was consensus that there should be a clear added value to continuing the specific instance. Issues to weigh when making the decision to suspend the specific instance were discussed. NCPs mentioned that such a decision could be based on the effectiveness and credibility of the parallel proceeding. For example, if parallel proceedings were characterized by unknown timelines and uncertain judicial processes the NCP might choose to proceed. Other NCPs mentioned that hiring lawyers to advise on how to avoid encroaching on the parallel proceeding might be a useful practice. Breaking down complaints into parts and tackling those parts that are not covered by the parallel proceedings could also be a way to handle parallel proceedings. Furthermore, the legal versus ethical grounding of the court case and specific instance might be enough to allow for continuation of the specific instance. Explaining the non-adjudicative nature of the specific instance to both parties was also said to have benefits. Timeframes were identified as a big challenge, especially given that some court cases take years to resolve, while the revised Guidelines call for NCPs to try to conclude the proceeding within 12 months of when it was received. Overall, there was a sense that the NCP’s good offices role could be used to help resolve the issue despite parallel proceedings and that, despite difficulties presented by parallel proceedings, there could be value to engaging with the parties.

The NCPs noted that the clarification in the revised Guidelines on the necessity of a final statement even when no agreement is reached is a very useful contribution of the 2011 Update. NCPs discussed using final statements as a tool to incentivize cooperation. For example, willingness to state in the final statement whether the Guidelines were breached was recognized as one factor that might weigh in the cost/benefit analysis of the parties' decision to engage in the NCP procedure. In addition, actively using a statement to reflect whether there was cooperation could be a way to incentivize the parties to dialogue as there are clear benefits to dialogue even if agreement is not reached in the end. An example was given of a company that ended up adopting the principles outlined in the Guidelines after the specific instance was concluded, as a way to manage risks.

It was, however, also recognized that adhering governments to the Guidelines have differing views about the appropriateness of making determinations of whether the Guidelines have been observed or not in NCP final statements. The United States recalled that during the update process a decision was made by governments not to explicitly encourage or authorize the NCPs to make such determinations in their final statements. The United States expressed the view that the practice was difficult to reconcile with a procedure based upon "good offices" and that the objectives of those that advocate it would be equally well served by making recommendations on how to better fulfill the objectives of the Guidelines. The United States noted that the procedural guidance allows flexibility for NCPs. The NCPs, therefore, have considerable latitude in developing their own procedures within the framework of the Guidelines to best suit their own legal, political and cultural circumstances. The United States noted the relevance of these differences and the outcome of the Update to discussions of functional equivalence and peer learning. Germany and the United Kingdom expressed the view that the updated Guidelines do not prohibit assessments on a company's compliance with the Guidelines, and they explained that, in some instances (such as when conciliation/mediation fails or is declined), this may be necessary in order to make meaningful recommendations to a company. In their view, it would not be logical to make recommendations to a company on how to bring its practices into line with the Guidelines without first indicating if the company has departed from those Guidelines.

Recently established NCPs and prospective adherents were also given an opportunity to highlight issues and challenges encountered in defining their institutional arrangements. The importance of perceptions of impartiality and actual impartiality and the allocation of resources were once again underlined. In addition to the institutional arrangements mentioned above, the importance of the location of the NCP was mentioned as important. For example, the NCP should be located so as to have the power and weight to convene different actors (if necessary) and move the proceedings along. The prospective adherents found this discussion useful and they reaffirmed their interest in the Guidelines.

At the conclusion of the session, the NCPs agreed that this form of peer learning, including thematic peer reviews and voluntary country reviews, is a useful way to move forward for exchanging experiences and they called for more concrete action to actually realize the peer learning opportunities. It was recognized that more often meetings were needed. The frequency of the meetings could be, at the very least, twice a year either in Paris or at a regional location. This issue will be brought forward to the October 2011 Investment Committee Working Party meeting.

V. Weak Governance Zones and Conflict-Affected and High-Risk Areas

V.a OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas

The OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas (the "Guidance") was approved by the Investment Committee and the

Development Assistance Committee in December 2010.³⁵ The Guidance has been turned into a formal OECD Council Recommendation adopted at Ministerial Level on 25 May 2011. The Recommendation on the Due Diligence Guidance is addressed to OECD Members and non-Member adherents to the OECD Declaration on International Investment and Multinational Enterprises. Argentina, Brazil, Latvia, Lithuania, Morocco, Peru and Romania have adhered to the Recommendation. While not legally-binding, this Recommendation reflects the common position and political commitment of adhering countries to actively promote the observance of the Guidance by companies operating in and from their territories and support its effective integration into corporate management systems.

The Guidance aims to help companies respect human rights and avoid contributing to conflict through their mineral sourcing practices and to cultivate transparent mineral supply chains and sustainable corporate engagement in the mineral sector. The Guidance is the first example of a collaborative government-backed multi-stakeholder initiative on responsible supply chain management of minerals from conflict-affected areas.

The Guidance was developed with the in-depth engagement from OECD and African countries, industry, civil society, as well as the United Nations. On 29-30 September, OECD countries and members of the ICGLR held a joint meeting on responsible supply chains of minerals from conflict areas.³⁶ High-level officials from OECD and ICGLR countries, as well as Brazil, Malaysia and South Africa attended the meeting along with key industry players and civil society. At that meeting, ICGLR ministers of the minerals sector recommended the adoption of the Guidance by ICGLR Heads of State at the ICGLR Special Summit against the Illegal Exploitation of Natural Resources while industry participants pledged to integrate the Guidance into their own management systems.

The eleven Heads of State and Government of the ICGLR did endorse the Guidance in the Lusaka Declaration,³⁷ which was adopted on 15 December 2010 at the ICGLR Special Summit. In the Declaration, the ICGLR Heads of State and Government called on companies sourcing minerals from the Great Lakes Region to comply with the Guidance and further directed the ICGLR Secretariat and the Regional Committee on Natural Resources to integrate the OECD Due Diligence Guidance into the six tools of the Regional Initiative against the Illegal Exploitation of Natural Resources. Within the framework of the formal cooperation established between the OECD and the ICGLR as a result of a formal Memorandum of Understanding signed between the two Organisations, the standards and processes of the Guidance have already been integrated into the ICGLR Regional Certification Mechanism, thus creating a level-playing field for all economic actors operating in and sourcing minerals from the Region.

The United Nations Security Council supported taking forward the due diligence recommendations contained in the final report of the United Nations Group of Experts on the Democratic Republic of the Congo, which endorses and relies on the Guidance.³⁸

While the finalisation of Guidance is only just complete, considerable work has already begun to disseminate, promote and ensure its effective implementation by companies. The United Kingdom's Foreign and Commonwealth Office has prominently featured the Guidance on a specialised website for conflict minerals.³⁹ The U.S. Securities and Exchange Commission is due to adopt the implementing regulations of reporting requirements under Dodd-Frank Sec.1502⁴⁰ on conflict minerals towards the end of 2011. In that regard, the U.S. Securities and Exchange Commission has already referenced the Guidance in its draft rules issued in December 2010, and in a wide show of report, stakeholders have called on them to continue to rely on and reference the Guidance in its final rules.⁴¹ The OECD and the ICGLR co-hosted a regional workshop in Goma, eastern Democratic Republic of the Congo ("DRC") on 15 March 2011 to start disseminating and implementing the due diligence

recommendations on the ground. The workshop was attended by many stakeholders, including central and local Government agencies of the DRC, the UN, local industry operating on the ground and local civil society organisations.

On 5-6 May 2011, the ICGLR, OECD and the UN Group of Experts on the DRC held a joint meeting in Paris on the implementation of the Guidance in Africa's Great Lakes region.⁴² Participants in the ICGLR-OECD-UN GoE joint meeting included OECD, ICGLR and other partner countries, international organisations, industry at every level of the mineral supply chain, international and local civil society organisations, expert consultancy groups and other independent experts. At that meeting, participants recognised the significant progress made through the OECD-hosted working group on due diligence for conflict-free mineral supply chains, and agreed on a concrete actions plan to effectively implement the Guidance, which participants agreed would cultivate constructive corporate engagement in Africa's Great Lakes Region.

The OECD will also coordinate a multi-stakeholder process for the development of the new Supplement on Gold to be submitted to the OECD Investment Committee and Development Assistance Committee by the end of 2011.

V.b OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones

Adhering countries have continued to disseminate and promote the OECD Risk Awareness Tool for Multinational Enterprises in Weak Governance Zones. Australia, Canada, Finland, Hungary, Ireland, Japan, New Zealand, Norway, Portugal, and Sweden all promote the Tool through their websites. France refers to the Tool in its missions to the United Nations. Germany references the Tool on the web and also refers to it vis-à-vis enterprises, stakeholders and academia. Italy uses the Tool as a reference document for the NCP activities related to bilateral industrial cooperation. Switzerland's NCP also promotes the Tool through its webpage. The Swiss NCP took different opportunities during discussions with Swiss MNEs to refer to it. On 29 March 2011, the UK NCP participated in an event on conflict minerals, organised by the UK Foreign and Commonwealth Office, which proved to be a good opportunity to raise awareness of the Tool among UK MNEs and SMEs in the mining sector.

NOTES

¹ The Guidelines are a part of the 1976 OECD Declaration on International Investment and Multinational Enterprises. They have previously been revised in 1979, 1984, 1991 and 2000.

² The terms of reference of the update can be found at <http://www.oecd.org/dataoecd/61/41/45124171.pdf>.

³ Notably the International Labour Organization, the International Finance Corporation, the Office of the Special Representative the UN Secretary-General on Human Rights and Transnational Corporation and other Business Enterprises, the UN Global Compact, the International Organization for Standardization and the Global Reporting Initiative.

⁴ China, India, Indonesia, the Russian Federation, Saudi Arabia and South Africa.

⁵ Reproduced at www.oecd.org/daf/investment/mining. See also section V.a.

⁶ Specific instance counts are based on the information provided in the Annual NCP Reports by 41 of the OECD Guidelines adhering countries.

⁷ In the 2009-2010 implementation period, the number of specific instances raised was 17.

⁸ Ten Final Statements were issued in the 2009-2010 implementation period.

⁹ The number of specific instances raised reflects those numbers reported in Annual NCP Reports. Not all NCPs report specific instances which have not been formally accepted.

¹⁰ Prior to the 2011 Update of the Guidelines, Employment and Industrial Relation chapter was numbered IV, Environment chapter was numbered V, and Combating Bribery, Bribe Solicitation and Extortion chapter was numbered VI. These are referred to as such in previous versions of this report.

¹¹ NCPs agreed that a “leader NCP” should be designated to manage the process when a specific instance involves multiple NCPs. The NCP receiving the first instance takes on the responsibility of obtaining an agreement on an appropriate leader NCP and the process for handling the instance.

¹² The International Finance Corporation, UN Human Rights Council, UN Principles for Responsible Investment, UN Environment Programme Finance Initiative, and Equator Principles. The recent developments that should be taken into account could be, for example, the May 2011 revision of the IFC Performance and Environmental Standards and the forthcoming revision of the OECD Recommendation on Common Approaches on Environment and Officially Supported Export Credits.

¹³ Iceland’s Annual NCP Reports is outstanding. The information used is based on last year’s report.

¹⁴ Argentina, Australia, Austria, Chile, Czech Republic, Egypt, Germany, Greece, Hungary, Ireland, Israel, Italy, Mexico, New Zealand, Peru, Poland, Slovak Republic, Spain, Switzerland and United States.

¹⁵ Brazil, Canada, Iceland, Japan, Korea, Portugal, Turkey and United Kingdom.

16 Romania and Morocco's NCP is comprised of government and business representatives.

17 Belgium, Denmark, Estonia, France, Latvia, Lithuania, Luxembourg, Slovenia and Sweden.

18 Finland.

19 Norway. Norway recently changed its structure to multi-stakeholder, with a 4 member independent panel of experts and a secretariat belonging administratively to the Ministry of Foreign Affairs.

20 Netherlands. In 2007, the Dutch NCP was changed from an interdepartmental office to a structure consisting of four independent experts, which are advised by four advisors from four ministries.

21 The updated procedural guide can be found at <http://www.state.gov/documents/organization/167188.pdf>.

22 So far, all NCPs have followed procedural guidance of the Guidelines prior to the 2011 Update. New procedures have been introduced in the 2011 Update. For example, the expanded guidance includes the proactive agenda.

23 The peer review report is available on the Dutch National Contact Point website under "Peer-Review." <http://www.oecdguidelines.nl/get-started/peer-review/>

24 The terms of reference of the update can be found at <http://www.oecd.org/dataoecd/61/41/45124171.pdf>.

25 Notably the International Labour Organization, the International Finance Corporation, the Office of the Special Representative the UN Secretary-General on Human Rights and Transnational Corporation and other Business Enterprises, the UN Global Compact, the International Organization for Standardization and the Global Reporting Initiative.

26 China, India, Indonesia, the Russian Federation, Saudi Arabia and South Africa.

27 DSG Boucher's speech is available online at www.oecd.org/daf/investment/guidelines.

28 Specific instance counts are based on the information provided in the Annual NCP Reports by 41 of the OECD Guideline adhering countries. Annual NCP Report is outstanding from Iceland. Not all NCPs report specific instances which have not been formally accepted.

29 France has had a significant increase in the number of specific instances it received in this implementation period. Six new specific instances have been raised in the past year as opposed to none in the previous five years.

30 Prior to this implementation period, Luxembourg had never received requests to consider specific instances.

31 The number of specific instances actively taken up by NCPs is the number of specific instances listed in Annex 3, adjusted for specific instances that are listed more than once because more than one NCP was involved and more than one NCP reported on the specific instance in the list. Annual NCP Reports is outstanding from Iceland.

32 Available at http://baseswiki.org/en/Main_Page.

33 Columbia, Costa Rica, Russia, Jordan, Serbia, Tunisia and Ukraine were invited to attend the 11th Meeting of the National Contact Points.

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- 34 Three stages of the specific instance procedure are initial assessment, good offices, and conclusion of proceedings.
- 35 The Recommendation of the Council on Due Diligence Guidance for responsible supply chains of minerals from conflict-affected and high-risk areas and the full text of the OECD Due Diligence Guidance can be downloaded at www.oecd.org/daf/investment/mining.
- 36 See the **web** page for the joint meeting, available at: http://www.oecd.org/document/41/0,3746,en_2649_34889_45793897_1_1_1_1,00.html.
- 37 Leaders signing the Lusaka Declaration are from Angola, Burundi, Central African Republic, Republic of Congo, Democratic Republic of Congo, Kenya, Rwanda, Sudan, Tanzania, Uganda and Zambia. For a full text of the Lusaka Declaration, see <http://www.oecd.org/dataoecd/33/18/47143500.pdf>.
- 38 See United Nations Security Council resolution S/RES/1952(2010) adopted on 29 November 2010.
- 39 See www.fco.gov.uk/conflictminerals.
- 40 See link to the ‘‘Dodd-Frank Wall Street Reform and Consumer Protection Act’ which contains Title XV, Sec. 1502: <http://www.sec.gov/about/laws/wallstreetreform-cpa.pdf>. Accessed June 2011.
- 41 See comments on the SEC website, available at <http://www.sec.gov/comments/s7-40-10/s74010.shtml>.
- 42 See the web page for the joint meeting, available at: http://www.oecd.org/document/11/0,3746,en_2649_34889_47684171_1_1_1_1,00.html.