



LAW



Organised by the OECD in coordination with the International Bar Association and George Washington University

The OECD Guidelines for Multinational Enterprises and the Law: Key considerations for legal practitioners

Saturday, 17 September 2016

The Faculty Conference Center, George Washington University
Law School, 2000 H Street, NW, Washington, DC

9:30 **Registration**

9:50 **Welcome remarks**

- Nicola Bonucci, Director of Legal Affairs, OECD

10:00 **Introduction to the OECD Guidelines for Multinational Enterprises and National Contact Point system**

Nature, scope, brief history and unique characteristics of the OECD Guidelines for Multinational Enterprises and the National Contact Point system.

- Cristina Tébar Less, Head of the Responsible Business Conduct Unit, OECD

10:30 **Regulating supply chain due diligence**

The rise in legislation mandating supply chain responsibility and scope of liability (e.g. UK Modern Slavery Act, US Trade Facilitation and Trade Enforcement Act).

Using contracts to promote responsible business conduct throughout supply chains.

- Moderator: Hannah Koep-Andrieu, Senior Policy Adviser, Responsible Business Conduct, OECD
- Rae Lindsay, Partner, Clifford Chance
- Milana Chamberlain, Partner, Norton Rose Fulbright
- Ariel Meyerstein, VP, Labor Affairs, Corporate Responsibility and Governance, USCIB

11:45 Business, corruption and human rights: the role of the OECD Guidelines for Multinational Enterprises and implications for legal practitioners

The relationship between the *OECD Guidelines for Multinational Enterprises*, the *OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions* and legally binding human rights conventions.

Impact of international standards on the role of legal practitioners

- Moderator: Jane Ellis, Director, Legal Policy & Research, International Bar Association
- Heikki Cantell, General Counsel and Secretary General, Nordic Investment Bank
- Steven Crown, Vice President and Deputy General Counsel, Microsoft Corporation
- Motoko Aizawa, Managing Director, Institute for Human Rights and Business
- Tom Best, Partner, Steptoe and Johnston

13:00 Lunch break

14:00 OECD National Contact Points (NCPs) and legal remedies

Reach and procedural norms of the NCP mechanism compared to judicial mechanisms.

Mediation by NCPs and relationship to parallel legal proceedings.

Potential legal effects of NCP decisions.

- Moderator: Cristina Tébar Less, Head of the Responsible Business Conduct Unit, OECD
- Melike Yetken, US National Contact Point for the OECD Guidelines for Multinational Enterprises
- Kindra Mohr, Policy Director, Accountability Counsel
- Martijn, Scheltema, Partner and Dispute Resolution Expert, Pels Rijcken & Droogleever Fortuijn, Professor, Erasmus University
- Owen E. Herrnsstadt, Chief of Staff to the International President, Director, Trade and Globalization, International Association of Machinists and Aerospace Workers, AFL-CIO, Adjunct Professor of Law (tbc)

15:15 Keynote address: The IBA and Responsible Business Conduct

- David W Rivkin, President, International Bar Association and Co-Chair of the International Dispute Resolution Group, Debevoise and Plimpton

15:30 **Drawing from legal concepts in analysing expectations under the OECD Guidelines for Multinational Enterprises**

Comparing principles of tort law to understanding companies' relationship to impact (causing, contributing, and directly linked to) under the OECD Guidelines for Multinational Enterprises.

- Moderator: Susan L. Karamanian, Associate Dean, George Washington Law School
- John Sherman, General Counsel, Senior Advisor, Shift
- Sonia R. Farber. International Dispute Resolution Group, Debevoise & Plimpton LLP
- Ralph Steinhardt, Professor of Law and International Affairs; Arthur Selwyn Miller Research Professor of Law, George Washington University Law School

16:30 **Roundtable wrap-up discussion: The Future of the OECD Guidelines for Multinational Enterprises**

Approaches for improving the impact and effectiveness of the OECD Guidelines for Multinational Enterprises.

- Moderator: Nicola Bonucci, Director of Legal Affairs, OECD
- Gonzalo Castro de la Mata, Chairman of the Inspection Panel, World Bank
- Jane Ellis, Director, Legal Policy & Research, International Bar Association
- Susan L. Karamanian, Associate Dean, George Washington Law School
- Melike Yetken, US National Contact Point for the OECD Guidelines for Multinational Enterprises

17:15 **Event ends**

Background Papers

OECD (2016) *Implementing the OECD Guidelines for Multinational Enterprises: The National Contact Points from 2000 to 2015*, <http://mneguidelines.oecd.org/15-years-of-ncps.htm>.

OECD (2015) *Competition Law and Responsible Business Conduct*, <http://mneguidelines.oecd.org/global-forum/2015GFRBC-Competition-Law-RBC.pdf>

Kathryn Gordon, Joachim Pohl, Marie Bouchard, OECD (2014) *Investment Treaty Law, Sustainable Development and Responsible Business Conduct: A Fact Finding Survey*, www.oecd.org/investment/investment-policy/WP-2014_01.pdf

Rae Lindsay, Jo En Law, Anna Kirkpatrick, Clifford Chance (2016) *Responding to the OECD Guidelines for Multinational Enterprises in Contractual Relationships* (provisional title).