



University of
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The role of national NCPs for implementing the corporate responsibility to respect human rights

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Overview

- Overview of methods for holding MNEs responsible under national law
 - Implementing international standards with national instruments and remedies
 - Transformation of international standards into national law
- Focus on role of NCPs



OECD's mandate for NCPs: OECD Guidelines for MNEs, para. 11

*“Governments adhering to the **Guidelines** will implement them and encourage their use. They will establish National Contact Points that promote the **Guidelines** and act as a forum for discussion of all matters relating to the **Guidelines**. The adhering Governments will also participate in appropriate review and consultation procedures to address issues concerning interpretation of the **Guidelines** in a changing world.”*



OECD's mandate for NCPs: OECD Guidelines for MNEs, para. 46

*“When enterprises identify through their human rights due diligence process or other means that they have caused or contributed to an adverse impact, the **Guidelines** recommend that enterprises have processes in place to enable remediation. Some situations require cooperation with judicial or State-based non-judicial mechanisms. In others, operational-level grievance mechanisms for those potentially impacted by enterprises’ activities can be an effective means of providing for such processes when they meet the core criteria of: legitimacy, accessibility, predictability, equitability, compatibility with the **Guidelines** and transparency, and are based on dialogue and engagement with a view to seeking agreed solutions. Such mechanisms can be administered by an enterprise alone or in collaboration with other stakeholders and can be a source of continuous learning. Operational level grievance mechanisms should not be used to undermine the role of trade unions in addressing labour-related disputes, nor should such mechanisms preclude access to judicial or non-judicial grievance mechanisms, including the National Contact Points under the **Guidelines**.”*



OECD's mandate for NCPs: Implementation procedures for the OECD Guidelines

I. National Contact Points

1. Adhering countries shall set up National Contact Points to further the effectiveness of the *Guidelines* by undertaking promotional activities, handling enquiries and contributing to the resolution of issues that arise relating to the implementation of the *Guidelines* in specific instances, taking account of the attached procedural guidance. The business community, worker organisations, other non-governmental organisations and other interested parties shall be informed of the availability of such facilities.
2. National Contact Points in different countries shall co-operate if such need arises, on any matter related to the *Guidelines* relevant to their activities. As a general procedure, discussions at the national level should be initiated before contacts with other National Contact Points are undertaken.
3. National Contact Points shall meet regularly to share experiences and report to the Investment Committee.
4. Adhering countries shall make available human and financial resources to their National Contact Points so that they can effectively fulfil their responsibilities, taking into account internal budget priorities and practices.



Options for establishing NCPs in national law: Examples

- Institutional structure
 - Independent body: Netherlands, Norway
 - Body within a ministry: Most member states, eg. Switzerland
- Composition
 - Single department: usually, the ministry of economic affairs: eg. Switzerland, Italy
 - Interministerial: eg France, Japan, Korea
 - Multipartite
 - Tripartite: eg Belgium, Latvia, Lithuania, Luxembourg
 - Quadripartite (Government, Business, Labour and Civil Society): Finland, Netherlands, Norway
- Monitoring power
 - Non-enforceable recommendations: most member states
 - Possibility to appeal findings in court: an issue during the revision 2010



Assignments for group work

- Work in four groups
- Answer the following questions:
 - What are the key differences between the Norwegian and the Swiss NCP?
 - If you were to design an „ideal“ NCP what would be your key **three** priorities?
 - Prepare a short presentation explaining your key priorities to be discussed in class, 7 min. max.