
Advancing and Strengthening the OECD National Contact Point Peer Review Process

June 2018

accountability
counsel

ICAR 

 **OECD Watch**

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Overview

Accountability Counsel, the International Corporate Accountability Roundtable (“ICAR”), and OECD Watch have conducted research to evaluate the National Contact Point (“NCP”) peer review process and identify opportunities for improvement, with the ultimate aim of ensuring that NCPs are functionally equivalent and provide effective access to remedy. The findings and recommendations are based on a desk review as well as interviews¹ with 27 individuals from NCPs (both those under review and those that have acted as reviewers), the Organisation for Economic Co-operation and Development (“OECD”) Secretariat, the OECD Anti-Corruption Division, and stakeholders (civil society, labor, and business) who participated in the Belgian, Danish, Italian, Swiss, and Chilean NCP peer reviews.² NCPs, as well as their stakeholders, generally found the peer review process to be beneficial. However, this research has found that there were important variations across peer reviews and that implementation of peer review recommendations has been incomplete and often ad-hoc, focusing on relatively easy fixes like promotion-related activities, rather than changes to more impactful issues, such as those related to institutional structure and the specific instance process. Accountability Counsel, ICAR, and OECD Watch call on the OECD and NCPs to implement the recommendations contained in this report. We further call for the Core Template for Voluntary Peer Reviews of NCPs to be revised to address the deficiencies identified in this report. Doing so will ensure a robust peer review process moving forward and high-performing effective NCPs.

Background on the NCPs and Peer Review Process

As part of their adherence to the OECD Guidelines for Multinational Enterprises (the “Guidelines”),³ signatory States are required to establish NCPs. These entities are tasked with promoting the Guidelines and receiving complaints (known as specific instances) against companies that are operating in or from their respective countries and that have allegedly violated the standards set out in the Guidelines. As a non-judicial grievance mechanism, NCPs are recognized by many as a forum for accessing remedy as defined under Pillar III of the United Nations Guiding Principles on Business and Human Rights.⁴ While a few recent cases have shown the remedial potential of NCPs, overall, complaints filed with NCPs have failed to deliver remedy to victims of business-related human rights abuses.⁵

The functioning and structure of the complaints mechanism is governed by the Guidelines’ Procedural Guidance, but each NCP has some flexibility in its operations, leading to variation

in practice. Despite this flexibility, the Procedural Guidance requires NCPs to function in a manner that is “functionally equivalent” to all other NCPs.⁶

As a method for ensuring functional equivalence among NCPs, signatory States rely on a system of peer learning and voluntary peer reviews. The aim of the peer review process is to acknowledge the strengths and achievements of the NCP under review, identify areas for improvement, and provide recommendations for doing so. In June 2015, the G7 Leaders’ Summit called on the OECD to promote peer reviews and peer learning on the functioning and performance of NCPs.⁷ Similarly, the 2017 OECD Ministerial Council Statement committed all OECD members to undertake a peer learning, capacity building exercise, or a peer review by 2021, with the aim of having all countries peer reviewed by 2023.⁸

Until 2015, there was no standardization of the peer review process, and only a few NCP peer reviews had been carried out. Recognizing the need for a more structured approach, the OECD Working Party on Responsible Business Conduct produced a Core Template for Voluntary Peer Reviews of NCPs (the “Core Template”).⁹ Since the development of the Core Template, seven NCPs have completed a peer review, and three additional NCPs peer reviews are expected to be finalized before the end of 2018.¹⁰

With an increasing number of NCPs undertaking peer reviews,¹¹ it is an opportune time to examine those conducted to date, analyze the achieved outcomes, and develop recommendations to ensure robust and effective peer reviews moving forward.

Findings and Recommendations

Value of the Peer Review Process

From a process perspective, both the NCPs and their stakeholders generally found the peer reviews to be beneficial. Stakeholders interviewed were largely pleased with their respective NCP’s decision to undergo a peer review. For many, it was a positive indication of the NCP’s willingness to improve and strengthen its performance. In addition, they appreciated the opportunity to discuss their concerns and provide solutions. For NCPs, the process was valuable in that it provided a platform to strengthen and build relationships, including with peers, stakeholders, and the OECD Secretariat. Furthermore, the peer review process provided participating NCPs an important opportunity to learn from each other, particularly how specific instances have been handled and the lessons learned from the various types of issues NCPs have worked to resolve. Some NCP peer reviewers felt that

participating in the peer review process was a part of their duty to strengthen the NCP system as a whole. One of the NCPs interviewed also indicated that undergoing an external review through the peer review process provided an opportunity to push for more governmental support of the NCP's work.

While there was general consensus about the process adding value, given that a number of peer reviews have only taken place recently, there was uncertainty as to whether the reviews would actually lead to positive change. As such, the direct impact on improving the NCPs' effectiveness remains unclear, although some positive steps have been taken by the reviewed NCPs to implement the recommendations made from the peer review reports. The research findings and recommendations provided below address various aspects of the peer review process. By implementing these recommendations, the OECD and NCPs can maximize the value of the process for all stakeholders.

Increasing Transparency and Stakeholder Participation

Our research found that transparency around the peer review varied. Some interviewees felt that the existence of the peer review was adequately publicized. However, some interviewees who were members of their NCPs' advisory boards felt that it might have been difficult for stakeholders not on the advisory board to learn about the peer review. A number of stakeholders participating in the peer review process felt they were not adequately informed of the steps of the process. In particular, they had not been told how their questionnaire responses would be used or how decisions would be made. They had also not been advised of the roles and responsibilities of the NCP under review, the OECD Secretariat, or the peer review team.¹²

In addition, our research raised a number of issues related to how stakeholder input on individual specific instances is handled during the peer review process. While the OECD asks NCPs to contact all parties involved in specific instances and invite them to complete the questionnaire and participate in the on-site visit, there has been a general lack of participation of parties to specific instances in the peer review. In situations where parties have participated, feedback was sometimes collected from only one party. Our findings also identified concerns with a joint consultation of both parties to a specific instance. Interviewees expressed discomfort with this practice, explaining that it does not foster an environment where participants could speak freely and honestly. On a positive note, the OECD has amended this practice, and parties now meet with the peer review team individually. Furthermore, some stakeholders took issue with the lack of criteria for selecting which specific instances to highlight during the review process.

A common challenge for NCPs, their stakeholders, and the peer review team was the amount of resources, particularly time, required to participate in the process. For example, interviewees from a variety of stakeholder groups indicated that the questionnaire is currently too time consuming due to its long and repetitive nature.

Recommendations:

- The NCP under review and the OECD should publish information about the peer review, including the agenda for the on-site visit, the composition of the peer review team, and, where appropriate, the proposed list of participants at the various meetings foreseen in the agenda, as well as how to participate in the process. Such information should be easily accessible by all stakeholders, not merely those engaged in the NCP's advisory board.
- The peer review team should prioritize meeting separately with both parties to specific instances, including through video conferencing or similar means if it is not feasible for them to join in person. The OECD Secretariat should provide guidance on the types of measures that will enable better participation in on-site consultations of parties to specific instances, particularly of those that reside outside of the NCP country.
- The period of time set aside for stakeholder consultations during the on-site visit should be increased.
- The OECD Secretariat should revise the stakeholder questionnaire template to make it clearer, shorter, and less repetitive.

The Role of the NCP under Review

Some interviewees highlighted enthusiasm on the part of the NCP under review to participate in the peer review process. Although it is positive that NCPs are generally excited about the process, some interviewees expressed concern about the role of the NCP under review. A number of stakeholders expressed unease at providing their questionnaire responses directly to the NCP under review, particularly given that they were not informed how it would be shared with the peer review team. Nevertheless, interviewees were generally pleased that the final peer review reports contained lists of all stakeholders who submitted questionnaires and/or participated in the on-site visit, so that all participation was accounted for in the process.

While some interviewees did not believe that the NCP's participation in the on-site consultations posed any challenges, others expressed concern that, in cases of conflict or disagreement between a stakeholder and the NCP, the stakeholder may fear that its

feedback would not be kept confidential and that it might face reprisals or damage its working relationship with the NCP.

Peer review participants generally found the peer review team to be well prepared and found that the team asked targeted and informed questions during the on-site visit.

Recommendations:

- The OECD Secretariat should be responsible for the collection of responses to the stakeholder questionnaire, and these responses should not be shared with the NCP under review unless anonymized. This will encourage frank feedback by stakeholders and help prevent any potential retaliation for negative feedback.
- The NCP under review should not be permitted to sit in on stakeholder and specific instance consultations. This will encourage frank feedback by stakeholders and help prevent any potential retaliation for negative feedback.

Content and Timing of the Final Report

The final reports provide comprehensive information regarding the NCP's structure and operations, along with an overview of some of the NCP's strengths and weaknesses, particularly in terms of its institutional arrangements.

However, while a key goal of the specific instance process is the facilitation of remedy for those harmed by breaches of the Guidelines, the peer reviews do not sufficiently address this issue. In the final reports to date, NCPs typically have received the most recommendations about their handling of specific instances. While the focus on the grievance resolution process is positive, given that many of the recommendations do not address well-documented barriers to bringing cases, it is unlikely to comprehensively address insufficiencies around resolving disputes and facilitating remedy.

Thus far, the final reports have also often failed to comprehensively include the feedback of civil society stakeholders or of certain OECD institutional stakeholders. In fact, in some instances, recommendations have actually run counter to the feedback provided by civil society with no explanation as to why. For example, in the Swiss peer review, the report cites a lack of awareness of the NCP on the part of civil society as a primary challenge for the NCP, but from civil society's point of view this is not the problem at all – it is rather the lack of independence and effectiveness of the NCP. Some stakeholders, particularly those involved in the NCPs' respective advisory boards, were confused about whether they would be given the opportunity to review and comment on the final report. Moreover, reviewers have not provided any explanation or reasoning for the prioritization of recommendations.

For some peer reviewers, there was frustration around the editing process as the review team members worked to arrive at language they all found acceptable. Furthermore, review teams have taken a consistency rather than needs-based approach to the number of recommendations given, meaning that they have attempted to keep the number of recommendations consistent across the later peer reviews (typically six – although some of the earlier reviews have more), despite the fact that some NCPs logically need more recommendations than others. Additionally, one NCP peer reviewer felt that the Core Template hindered the substance of the final report, restricting the process and the recommendations that could be made.

Some NCPs expressed concern that the final report does not discuss the issue of functional equivalence with respect to other NCPs. There is thus no information available on how NCPs compare to or contrast with others. This means that better performing NCPs are not necessarily being recognized. Comparison among NCP practices and structures would also better enable NCPs, the OECD Secretariat, and stakeholders to identify correlations between certain practices and positive outcomes in facilitating remedy and promoting companies' adherence to the Guidelines.

The recommendations contained in the final reports are commonly presented in a weak or passive format, simply suggesting, for example, that the NCP “may wish to consider” or “should consider” a particular recommendation, rather than providing clear, firm advice. For example, in response to a finding that the role of the Swiss NCP’s advisory board was unclear, the Swiss NCP’s peer review report suggested that the NCP “could” clarify the role of this body.¹³ Use of such qualifiers generates a lack of clarity and enables the NCP to consider the issue without actually acting upon it or explaining its considered decision not to act. For example, the Belgian NCP was recommended “to consider the possible inclusion of [non-governmental organization] (NGO) representatives” on the NCP. In correspondence, the Belgian NCP affirmed that the NCP had considered that recommendation but decided to begin by engaging in an annual meeting with NGOs and to make an assessment of this evolving relationship in 2019 to consider further steps. Where peer reviewers believe an action should be taken by an NCP to strengthen its functioning, reviewers should frame the recommendation clearly and firmly.

Another shortcoming of the phrasing of the recommendations is that many of the recommended courses of action are quite general, and do not clearly address the specific problem found by reviewers. For example, reviewers of the Belgian NCP found “a lack of expertise in handling specific instances related to human rights.”¹⁴ The reviewers then recommended that the Belgian NCP resolve this by “building capacity to handle specific instances covering all aspects of the guidelines, including through cooperating with

embassies and international organizations,” without making clear how increased engagement with embassies will increase expertise in human rights.¹⁵

A third challenge with the framing of recommendations is that they are often written in “compound” form: one recommendation actually comprises several suggestions. This makes it difficult for NCPs to understand the recommendation(s) and also allows them to implement only some parts of the recommendation(s). For example, in a recommendation to the Italian NCP, peer reviewers recommended that the “NCP should consider developing a more flexible and reactive mechanism to provide technical advice to the NCP Secretariat and ensure that specific instances are handled in an efficient manner, for example by setting up ad hoc subcommittee(s).”¹⁶

In addition to the content of the final report, this research also identified problems with the length of time it took to produce the report. A number of interviewees indicated that there is often opacity around timelines for when the report will be released, particularly any requisite translated version. Some indicated that they never received the final report. In general, it has taken at least six to eight months for the final report to be released. As the peer review process builds momentum and focus on the NCP, it is important to get the report out as timely as possible. Not doing so is detrimental to the NCP and all stakeholders, many of which have invested a significant amount of time and resources into the peer review process.

Recommendations:

- The final report should include an analysis of the NCP’s actual performance in resolving disputes between parties to specific instances and in facilitating or recommending the provision of remedy for victims of corporate misconduct.
- The final report should include all recommendations given by stakeholders or explain why certain recommendations were either prioritized or excluded. Feedback from the institutional stakeholders –TUAC, BIAC, and OECD Watch – should be published as annexes to the report.
- The institutional stakeholders should be given an opportunity to review and comment on the final report before it is published.
- Peer review teams should not systematically give all NCPs the same number of recommendations but should provide each NCP with the recommendations needed to address that NCP’s situation. If necessary, recommendations may be ranked or prioritized, based on stakeholder input, to indicate which should be addressed with greatest urgency.

- Each recommendation should directly relate to one single problem. Neither compound, nor overly general, nor unduly soft language should be used. This will help ensure that the reviewed NCP clearly understands the recommendations and that implementation of each recommendation is easily measured.
- Given that a component of the peer review process is to share and facilitate best practices, as determined by the OECD Secretariat in consultation with the institutional stakeholders, final reports should measure the NCP's performance against such practices.
- The review team should explicitly state if an NCP is in non-compliance with the Procedural Guidance, offering recommendations as to how it can improve its performance to ensure that it meets the standards set out therein.
- The peer review team should work to ensure that the report is released in a timely manner.

Follow-Up and Implementation of Recommendations

Interviewees were generally pleased that NCPs are being asked to follow up one year after the report to the OECD. There is concern, however, that NCPs are not currently required to make their one-year follow-up reports to the OECD Secretariat publicly available, though three NCPs have published their follow-up reports.¹⁷ There is also a lack of clarity about the expectations the OECD has of NCPs with regard to implementing and following up on recommendations made in the peer review reports. For example, the Danish NCP peer review follow-up report frequently indicates the intention to implement a recommendation, but does not highlight specific actions that have been taken or will be taken to do so. Implementation is described in only vague or general terms and lacks specific details about how it will be achieved and under what timeline.

While the NCPs that have issued follow-up reports appear to have in some way acted upon the majority of the recommendations they received, many of the recommendations were not implemented or were implemented only partially.¹⁸ This incomplete implementation may partially be the result of unclear or weak language in some of the recommendations themselves (see previous section on content of the final report). In addition, delay may be attributable to the deliberations of the advisory boards of some NCPs over decisions on implementation actions or the creation of ad-hoc working groups to address some of the recommendations. The inclusion of these groups in the implementation of recommendations is positive. However, NCPs should still ensure that recommendations are implemented in a timely fashion.

At least two NCPs chose not to implement one of their recommendations. In Denmark, the NCP argued that it could not implement a recommendation that called for the removal of a five-year statute of limitations to bring forward a specific instance. According to the Danish NCP, this time limitation is established in Danish law and, as such, the NCP does not have the power to remove it. The Belgian NCP, after consultations with the Belgian cabinet, decided not to follow a recommendation to adopt a dedicated annual budget, but rather to work with an ad hoc budget to maintain flexibility.¹⁹ The Belgian NCP also observed that “financial and human resources remain difficult,”²⁰ and while an ad hoc budget may meet the NCP’s desire for flexibility, it provides less help in ensuring the NCP is consistently funded sufficiently. It is not clear whether there will be consequences for NCPs that decline to implement some recommendations. Although, consequences seem unlikely, for once the peer review has been completed, there is no further formal interaction or follow-up regarding the recommendations apart from the one-year follow-up meeting.

Looking specifically at the three main categories of recommendations – promotion of the Guidelines, institutional arrangements, and handling of specific instances – our research into the implementation of the recommendations contained in four NCP peer review reports²¹ – Belgian, Swiss, Italian, and Danish – has found the following:

- **Promotion of the Guidelines**

Information collected to date indicates that follow-up to the peer reviews has focused on relatively easy fixes like promotion-related activities. Many of the reviewed NCPs have become more active in promoting the Guidelines and the NCP in events, meetings, and conferences. Denmark, for example, has developed a program of work to promote the Guidelines and responsible business conduct in the context of the financial and textile sectors. The Belgian NCP has launched an annual meeting with civil society stakeholders.

In some instances, recommendations regarding promotion of the Guidelines appear only partially realized. For example, a recommendation to the Belgian NCP suggested that it develop a promotional strategy to ensure greater outreach to stakeholder groups that are less familiar with the work of the NCP. While the Belgian NCP did develop an action plan for promotional activities to a range of groups, it is not clear that the NCP is proactively targeting especially those groups that are less familiar with the work of the NCP. In addition, the Italian NCP, is in the process of developing its new website which is scheduled to be launched in June 2018.²²

- **Institutional Arrangements**

Implementation of recommendations concerning institutional arrangements has included providing public clarifications on these arrangements. For example, in response to a

recommendation to clarify the role of Swiss NCP's ad hoc working groups in the specific instance process, the Swiss NCP published a document online that outlines the role and mandate of the ad hoc working groups in each stage of the process.²³ The Danish NCP has not made changes to its institutional arrangements but has undertaken efforts to confirm its promotion mandate with stakeholders and raise the profile of the OECD Guidelines as part of this mandate. Similarly, the Belgian NCP re-formulated its by-law to clarify aspects of its procedures and structure, and to establish an annual consultation with NGOs.

- **Handling of Specific Instances**

In relation to the implementation of recommendations related to the handling of specific instances there is a very wide range of progress made on the various recommendations. Italy, for example, has not yet revised its procedures as recommended, but it has created an ad hoc working group within the NCP Committee to advise the NCP on the revision of its procedures. The new procedures are expected to be approved in June 2018.²⁴ The Swiss NCP has taken steps to implement the recommendations it received concerning specific instances, including by encouraging parties to specific instances to agree to disclose as much of the contents of the agreements reached as possible in final statements.

Denmark has yet to address the recommendation to “clarify with stakeholders the NCP’s expectations around confidentiality and anonymity of parties named in specific instance complaints.”²⁵ Furthermore, expectations around the documentation needed to initiate a specific instance to the Danish NCP have not been clarified or at least not communicated properly. Interviewees still felt that the evidentiary threshold is too high.

The Belgian NCP undertook several extensive efforts to respond to the recommendations it received on its procedures for handling specific instances. Of particular note, it wrote and posted on its website a new by-law explaining its procedures for processing specific instances and outlining the roles of the NCP and expert advisors.²⁶ To meet other recommendations, the by-law and related annexes clarified, for example, that parallel proceedings are not an automatic ground for rejection of a case, and authorized follow-up monitoring for specific instances. A recommendation to strengthen the NCP’s access to professional mediators and use of professional mediation techniques has still not been met due to funding constraints. This has raised concerns among stakeholders that mediations will not be conducted in an effective, informed, and balanced manner.

- **Other Recommendations**

In addition to the recommendations noted above, some peer review reports have made recommendations on other issues. The Danish and Belgian NCPs received recommendations related to the proactive agenda, both of which have been implemented.²⁷ The Belgian NCP

received a recommendation regarding aligning its work to promote the OECD Guidelines with its engagement in the Belgian National Action Plan on Business and Human Rights. The Belgian NCP implemented this recommendation.

Recommendations:

- Reviewed NCPs should publicize the final report, including by submitting it to relevant government departments, their respective legislative body, and publishing it on their own website. The final report should be translated into all relevant languages.
- Reviewed NCPs should be required to respond to the recommendations that come out of their peer reviews, indicating in detail what, if any, progress has been made and the expected timeframe for responding to any outstanding recommendations.
- In addition to the one-year follow-up reporting, the OECD Secretariat should conduct ongoing monitoring and evaluation of the implementation of the recommendations set out in the final report, and NCPs should be required to publicly report on progress on a yearly basis.
- NCPs' follow-up in implementing recommendations should be broadly publicized. Stakeholders, many of whom invested significant time and resources participating in the peer review, should be kept informed of how the recommendations are or are not being implemented and should be consulted with respect to their implementation. All follow-up reports provided to the OECD Secretariat should be published on the NCP's website and distributed to stakeholders and respective legislative bodies.

Lessons from other OECD Peer Review Processes

The NCP Peer Review process is not the only OECD peer review process. In order to identify lessons learned and recommendations for strengthening NCP peer reviews, the Project examined the OECD Development Assistance Committee ("DAC") peer review process and the OECD Anti-Bribery Convention peer review monitoring system.²⁸ Although the subject matter and scope of these peer review processes differ from NCP peer reviews, and there are some areas where NCP peer reviews actually have stronger practices, NCP peer reviews could benefit by adopting some of the features of the DAC and anti-bribery peer reviews. For example, DAC peer reviews focus on accountability for commitments made by the country and not just peer learning.²⁹ Similarly, an NCP could commit to an action plan to improve its functioning, and a peer review could evaluate the NCP's progress against this action plan.

Anti-bribery peer reviews have several positive features. For example, undergoing the process is mandatory. Although, as mentioned above, the 2017 OECD Ministerial Council statement included a commitment for all NCPs to undergo a peer review or other capacity building exercise by 2023, the NCP peer review process is still voluntary. Additional positive characteristics of the anti-bribery process include the diversity of the peer evaluators and the robustness of the recommendations. Incorporating these characteristics would strengthen NCP peer reviews.

Conclusion

The peer review process provides an important opportunity for NCPs to take stock of their achievements, acknowledge weaknesses and areas of non-compliance with the Guidelines' Procedural Guidance, and implement strategies to strengthen their effectiveness and performance. Furthermore, the process provides a platform for NCPs to learn lessons and gain examples of positive practice from peers, and enables stakeholders to reflect on the efficacy of the NCP system. While it is encouraging that many NCPs have committed to peer reviews, to date, the quality and outcomes of the review process has varied, and this report has identified several challenges with current practice. Although some NCPs have taken measures to implement certain recommendations, there are also many recommendations that NCPs have only partially implemented or have chosen not to act upon at all. Implementation and follow-up on the peer review recommendations remains ad hoc and is, in some cases, not transparent.

The OECD and NCPs must therefore take measures to ensure the effectiveness and integrity of the process. The creation of the Core Template in 2015 was a welcome development; however, the template has left far too many gaps in relation to access to remedy, the structure of the peer review process and report, and follow-up to and implementation of the recommendations, which ultimately undermines the effectiveness of the peer review process for delivering needed improvements to the NCP system.

Accountability Counsel, ICAR, and OECD Watch call on the OECD and NCPs to implement the recommendations contained in this report. We further call for the Core Template to be revised to address the deficiencies identified in this report and to ensure a robust peer review process moving forward.

Endnotes

¹ The report authors would like to express gratitude to all of the interviewees for this project.

² The Danish NCP peer review was ongoing to the Core Template's development and finalization, while the other NCPs completed their peer reviews after the finalization of the Core Template.

³ ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT [OECD], *OECD Guidelines for Multinational Enterprises* (2011), <http://www.oecd.org/daf/inv/mne/48004323.pdf>.

⁴ UNITED NATIONS OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework* (2011), http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf.

⁵ CAITLIN DANIEL, JOSEPH WILDE-RAMSING, KRISTEN GENOVESE & VIRGINIA SANDJOJO, *Remedy Remains Rare* (June 2015), http://oecdwatch.org/publications-en/Publication_4201.

⁶ The core criteria for functional equivalence between NCPs are visibility, accessibility, transparency, and accountability. Furthermore, NCPs must follow the guiding principles for dealing with specific instances, which includes impartiality, predictability, equitability, and being compatible with the Guidelines. ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT [OECD], *Implementing the OECD Guidelines for Multinational Enterprises: The National Contact Points from 2000 to 2015*, 9, 31 (2016), <https://mneguidelines.oecd.org/oecd-report-15-years-national-contact-points.pdf>.

⁷ *Leaders' Declaration G7 Summit* (June 7–8, 2015), https://sustainabledevelopment.un.org/content/documents/7320LEADERS STATEMENT_FINAL_CLEAN.pdf.

⁸ ORGANISATION FOR ECONOMIC CO-OPERATION AND DEVELOPMENT [OECD], *Making Globalisation Work: Better Lives For All* (June 8, 2017), <http://www.oecd.org/mcm/documents/2017-ministerial-council-statement.htm>.

⁹ OECD Working Party on Responsible Business Conduct, *Core Template for Voluntary Peer Reviews of National Contact Points*, DAF/INV/RBC(2014)12/FINAL (April 2015).

¹⁰ The Danish, Belgian, Swiss, Italian, Chilean, German, and French NCPs have completed peer reviews using the core template. The U.S., Austrian, and Canadian NCPs have completed on-site visits. The final report of the U.S., Austrian, and Canadian peer reviews are expected to be completed before the end of 2018.

¹¹ Several NCPs are scheduled to undergo peer reviews in the near future. Argentina, and the United Kingdom are scheduled for 2018. Sweden, Korea, Australia, and Brazil are scheduled for 2019. OECD, *National Contact Point peer reviews*, <https://mneguidelines.oecd.org/ncppeerreviews.htm> (last visited May 30, 2018).

¹² The peer review team consists of the OECD Secretariat and representatives of two or three different NCPs, either as reviewers or as observers.

¹³ OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, *National Contact Point Peer Reviews: Switzerland 5* (2017), <https://mneguidelines.oecd.org/Switzerland-NCP-Peer-Review-2017.pdf>.

¹⁴ OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, *National Contact Point Peer Reviews: Belgium 7* (2017), <http://mneguidelines.oecd.org/Belgium-NCP-Peer-Review-2017.pdf>.

¹⁵ *Id.*

¹⁶ OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, *National Contact Point Peer Reviews: Italy 7* (2017), <https://mneguidelines.oecd.org/Italy-NCP-Peer-Review-2017.pdf>.

- ¹⁷ The Belgian, Italian, and Swiss NCPs have published follow-up reports to their peer review reports.
- BELGIAN NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, *Report from the Belgian NCP regarding the implementation of the Peer Review recommendations* (June 15, 2017), <https://economie.fgov.be/sites/default/files/Files/Entreprises/Belgium-NCP-Report-implementation-Peer-Review-recommandations-2017.pdf> [hereinafter Belgian NCP Implementation Report];
 - ITALIAN NATIONAL CONTACT POINT FOR THE OECD GUIDELINES FOR MULTINATIONAL ENTERPRISES, *OECD Peer Review of the Italian National Contact Point for the OECD Guidelines on Multinational Enterprises: Update on the Implementation of the Recommendations* (March 6–7, 2018), http://pcnitalia.sviluppoeconomico.gov.it/it/chi-siamo/la-valutazione-tra-pari-del-pcn-italiano/item/download/204_0cb9562bbb8284f4f78da42f0bc1cc83 [hereinafter Italian NCP Implementation Report];
 - NATIONAL CONTACT POINT OF SWITZERLAND, *Swiss NCP follow-up to OECD Peer Review Recommendations* (March 1, 2018), https://www.seco.admin.ch/dam/seco/en/dokumente/Aussenwirtschaft/Wirtschaftsbeziehungen/NKP/Peer-Review/Beilage_11.Sitzung_NKP_Reporting_Peer_Review_2017.pdf.download.pdf/Beilage_11._Sitzung_NKP-Beirat_Reporting_Peer_Review_Swiss_NCP.pdf [hereinafter Swiss NCP Implementation Report].
- ¹⁸ This report examines the implementation of recommendations from the examined peer reviews for which at least six months have passed from the publication of the final report – the Belgian, Danish, Italian, and Swiss peer reviews.
- ¹⁹ Email correspondence between authors and the Belgian National Contact Point; *Belgian NCP Implementation Report*, *supra* note 17, at 6.
- ²⁰ *Belgian NCP Implementation Report*, *supra* note 17, at 2.
- ²¹ The report authors acknowledge that the strength of the recommendations varies across the NCPs, depending on the starting performance of the NCP at the time of the peer review. No matter the starting place of the NCP under review, peer review teams should issue strong, substantive recommendations, and the NCP under review should fully implement these recommendations.
- ²² See *Italian NCP Implementation Report*, *supra* note 17, at 6.
- ²³ NATIONAL CONTACT POINT OF SWITZERLAND, *Treatment of specific instances: role and mandate of the ad hoc working groups*, https://www.seco.admin.ch/dam/seco/en/dokumente/Aussenwirtschaft/Wirtschaftsbeziehungen/NKP/Treatment_of_specific_instances_Role_and_mandate_of_the_ad_hoc_working_groups.pdf.download.pdf/Treatment_of_specific_instances_Role_and_mandate_of_the_ad_hoc_working_groups.pdf.
- ²⁴ Email correspondence between authors and the Italian National Contact Point.
- ²⁵ *Denmark National Contact Point Peer Review Report 3* (June 2015), <https://mneguidelines.oecd.org/Denmark-NCP-Peer-Review-2015.pdf>.
- ²⁶ *Belgian NCP Implementation Report*, *supra* note 17, at 2.
- ²⁷ More information about the proactive agenda can be found here: OECD, *Proactive agenda*, <http://mneguidelines.oecd.org/proactiveagenda.htm> (last visited June 14, 2018).
- ²⁸ OECD, *Information Note on the Development Assistance Committee (DAC) Peer Review Process*, <https://www.oecd.org/site/peerreview/information-note-on-dac-peer-review-process.htm> (last visited June 3, 2018); OECD, *Country Monitoring Principles for the OECD Anti-Bribery Convention*, <http://www.oecd.org/daf/anti-bribery/anti-briberyconvention/countrymonitoringprinciplesfortheoecdanti-briberyconvention.htm> (last visited June 3, 2018).
- ²⁹ DEVELOPMENT CO-OPERATION DIRECTORATE – DEVELOPMENT ASSISTANCE COMMITTEE, *DAC Peer Review Reference Guide*, DCD/DAC(2017)10 (March 17, 2017), <http://www.oecd.org/dac/peer-reviews/DAC-peer-review-reference-guide.pdf>.