

Brussels, 15 June 2017

Report from the Belgian NCP regarding the implementation of the Peer Review recommendations

In June 2016, the Peer Review report of the Belgian NCP was made public¹. It includes a total of 20 recommendations formulated by the Peer Review team composed of the Netherlands (lead NCP), Morocco and Switzerland along with the OECD secretariat. As indicated in the report, Belgium had a timeframe of 12 months to implement the recommendations and report back to the OECD and its peers. During the one year implementation period, the Belgian NCP and its members monitored the progress of the implementation of the recommendations by issuing a quarterly dashboard adding explanation and timing columns to the canvas provided in the official report. These quarterly reports are made available upon request.

The present document explains the main actions taken by the Belgian NCP based on the structure of the Peer Review Report in its section “Summary and Key Findings”.

¹ Belgium National Contact Point Peer Review Report : <http://mneguidelines.oecd.org/Belgium-NCP-Peer-Review-2017.pdf>

Institutional Arrangements

Under this section five recommendations were formulated, the new by-law (ROI in French) of the NCP answers most of them. It has been adopted by the NCP in April 2017. Main changes are :

- It has three annexes, one clarifying the scope and role of the experts network, one dedicated to explain the full process followed during a specific instance and one to explain how to file a complaint;
- It introduces the designation of the president and the continuity of functions of the members ;
- Each member of the NCP must now have a substitute;
- It introduces a voting system (majority of the 2/3) in case there is no consensus reached between NCP's members;
- It includes a reporting mechanism to the Belgian federal parliament and the three regions;
- It introduces a structural approach with NGO's by organising at least one meeting per year to have an exchange of views on the functioning of the NCP and its work, this approach will be assessed by the NCP in 2019 in order to improve this relationship;

The new by-law and its annexes are available on the NCP website, the english version will be available by the end of 2017.

Financial and human resources remain difficult, but the NCP secretariat has been extended with one administrative civil servant part time and will have a trainee for the last quarter of 2017.

Regarding the budget, after considering several options, the NCP shares the views that it wouldn't be an added value to have a dedicated budget regarding special budgetary rules in Belgium. The current functioning is satisfactory.

Funding has been requested in order to organise a mediation training for the NCP's members in 2018.

Moreover in the National Action Plan for Business and Human Rights, a full chapter is dedicated to the NCP and its reinforcement. Several chapters are under the responsibility of the NCP. It will be adopted at the federal level and by the regions before august 2017.

Finally, concerning the reporting, the NCP sent in April 2017 its annual report 2016 to the Belgian parliament and to each parliament of the three regions.

N°	Findings	Recommendations	Implementation	Explanations	Timing
1.1	The functioning of the NCP at present is dependent upon a few key figures, notably the Chair and secretariat members and there are few written procedures	Belgium should establish written procedures regarding the practical functioning of the NCP, including the procedure for appointing a chair, to ensure clarity and continuity. Such	Realised	The NCP decided to modify and update the existing by law (ROI) ,more detailed and in English.	Done, English version by the end of 2017

	beyond the legal instrument establishing the NCP.	procedures should be made available online.			
1.2	There is sometimes confusion regarding the various roles of members of the NCP and the expert network.	Belgium should ensure the roles of members and the expert network are clearly explained and provide information regarding members based in different government departments.	Realised	Role and competencies of members will be detailed in the by law (ROI) the existing document about the role of experts will be integrated in the by law.	Done
1.3	There are limited human and financial resources available to the Belgian NCP and no dedicated budget for mediation/conciliation expertise.	Belgium should ensure that human and financial resources are made available to the NCP, including funds for mediation purposes.	Ongoing discussion	Optional funds for mediation will be included in the NCP 2018 budget. Ongoing discussion to obtain a dedicated budget also human resources remain an issue	2018
1.4	A National Action Plan on Business and Human Rights is in the process of being developed in Belgium and will include a section on the NCP.	Belgium should ensure the role of NCP and promotion of the Guidelines is integrated into the plan and take steps to align policy objectives by increasing the resources available to the NCP.	In progress	The National Action Plan include a specific chapter regarding the resources of the NCP.	will be validated mid 2017
1.5	There is no formal reporting requirement within the government on the activities of the NCP.	Belgium should create an internal reporting mechanism within the government or parliament for the NCP to demonstrate accountability. As part of this exercise, the Belgian NCP could request a regular budget.	Realised	The NCP send the annual report 2016 to the Government and the Parliament.	04/2017

Promotion of the Guidelines

Under this section, three recommendations were formulated. Over the last 12 months, the Belgian NCP realised most of them, remaining ones will be addressed during the implementation of its action plan 2017/2018 validated by the NCP's members and experts in February 2017 and available upon request.

N°	Findings	Recommendation	Implementation	Explanations	Timing
2.1	The promotional activities of the NCP to date have tended to focus on organisations already familiar with the work of the NCP.	The Belgian NCP should develop a promotional strategy that ensures greater outreach to companies (including small and medium-sized enterprises), trade unions, NGOs, other NCPs and Belgian embassies in countries where Belgian companies are present.	In progress, Action plan 2017-2018 validated by NCPs members and experts	In our Action Plan 2016/2017 certain actions already focused on promotion. Presenting the NCP at the annual meeting of Belgian diplomats in Brussels. Release of a newsletter. Letter to stakeholders and Belgian multinationals to explain the OECD Guidelines and the role of the NCP. The NCP will be also present at foreign trade regional events.	2017/2018
2.2	The multiplicity of standards on RBC is sometimes seen as a barrier to awareness-raising on the OECD Guidelines.	The Belgian NCP could work in partnerships with other organisations to ensure successful promotion of all RBC-related standards (e.g. ISO 26000, UNGP, UNGC, sector specific RBC/CSR standards).	In progress	The NCP is a full member of the Shift (also representing the UNGC in Belgium). Promotion of the new ISO37001 was part of an event in 2016 and will be again in 2017	2017/2018
2.3	There were sometimes misunderstandings regarding the role of the NCP and the scope of application of the Guidelines.	The Belgian NCP could improve information available on the NCP website to clarify the role of the NCP and help set expectations. It would be helpful to clarify that the Guidelines apply to all companies across value chains.	Realised	Conf 1.1 Et 1.2	2016/2017

Handling Specific Instances

A total of 10 recommendations were formulated under this section. Most of them were already addressed by the NCP but in an informal way, the main challenge was to formalise these processes. The NCP applied these new processes in the last two specific instances managed in 2016 and during the first semester of 2017. The only remaining recommendation to address is about training of the NCPs members regarding mediation, as this is really costly we are still in the process to find the best option to fulfil this demand.

N°	Findings	Recommendation	Implementation	Explanations	Timing
3.1	There are no procedures available on the NCP website explaining how the specific instance procedure functions or how to bring a specific instance to the NCP.	The Belgian NCP should make the NCP specific instance procedures available on its website, including guidance explaining the process for bringing a specific instance.	Realised	A new chapter will be introduced on the NCP website and in the ROI (by law)	Done
3.2	the lack of a written initial assessment can produce a lack of clarity in the proceedings	The Belgian NCP should make its initial assessment a written document to improve clarity between parties. The Belgian NCP may also consider making the initial assessment public.	Realised	From now on, for the new specific instances, the NCP will use the system of the written initial assessment, (Already twice)	Done
3.3	There is little recourse to external professional mediators and only the Chair has received mediation training in the past. The procedures do not ensure the creation of terms of reference setting out the scope of the mediation.	The Belgian NCP should involve more individuals trained in mediation in the composition of the NCP and/or ensure mediation practices are observed in the dialogue process such as creating an agreed set of terms of reference. In addition, the cooperation with external professional mediators could be evaluated.	In progress	Funds are foreseen in the 2018 budget for mediation training.	2018
3.4	The Belgian NCP is receiving a low number of specific instances per year and this number has been gradually decreasing.	The Belgian NCP could work with OECD Watch and others to develop NGO awareness of the Guidelines and the NCP process, highlighting developments in the 2011 version of the Guidelines.	Realized	Since the first semester of 2016, the Belgian NCP managed 3 new Specific Instances, The NCP organized a meeting with national NGOs to explain its role and answer questions	2017

3.5	Concerns were raised by some stakeholders regarding delays in producing an initial assessment in four cases.	The Belgian NCP should endeavour to meet the timelines criteria set out in the procedural guidance and communicate with complainants and companies on progress.	No comment	We consider that we always tried to respect the procedural guidance and timelines.	Done, since July 2016, we do systematically written initial assessment
3.6	Concerns were raised by some stakeholders regarding how parallel proceedings impacted a particular specific instance.	The Belgian NCP should ensure that parallel proceedings do not represent the sole reason for deciding that issues do not merit further consideration.	Realised	This will be integrated in the new by law.	Done
3.7	There is a lack of expertise in handling specific instances related to human rights.	The Belgian NCP should focus on building capacity to handle specific instances covering all aspects of the guidelines, including through cooperating with embassies and international organisations.	Realised	We will try to put in place a structural approach. We already use our expert network and diplomatic network as needed.	Done
3.8	Some stakeholders raised a concern regarding information that had been shared by a company with the NCP but not subsequently with the NGO bringing the specific instance	The Belgian NCP should create written procedures to ensure clarity in such matters going forward which respects the principle of equitability whereby both parties are kept equally informed or if this is not possible, such evidence should not inform the final decision.	Realised	Conf Actions 1.1 & 1.2 It's also part of the new by law.	10/2016
3.9	Some stakeholders raised the importance of follow-up by the NCP to encourage implementation of the recommendations.	The Belgian NCP should include a standard practice on monitoring as part of the overall procedures to allow for follow-up within a set period of time.	Realised	Since 2014, all new specific instances include a monitoring process It's also part of the new by law.	Done
3.10	The NCP is made up of a large number of members, many from various government departments. It is not possible to distinguish between actual members of the NCP involved in specific instances and those that play an advisory role. Furthermore, there are no NGO representatives on the NCP.	Belgium should consider how to clarify the current composition of the NCP, including making the distinction between NCP members and members of the expert network clearer (functions, competences). In addition, Belgium should consider the possible inclusion of NGO representatives.	Realised	Conf Actions 1.1 & 1.2 this is explained in the new by law.	Done

Proactive Agenda

The following recommendation was addressed concerning the organisation of more promotional events and roundtables following the proactive agenda of the OECD.

N°	Findings	Recommendation	Implementation	Explanations	Timing
4.1	The Belgian NCP noted that a lack of resources and budget prevents more work being done to promote the guidance documents coming out of the proactive agenda projects.	The Belgian NCP could focus on outreach to one sector per year as part of a promotional strategy.	Realised	Conf Action plan, our promotion focus and follow-up the publications on due diligence from the OECD. For 2016 two events took place (agricultural supply chains and conflict minerals) two more are plan in 2017 (textile and finance sectors).	Done

Policy Coherence

The NCP was part of the working group drafting the 30 actions of the National Action Plan for Business and Human Rights adopted in 2017. Several actions involve directly the NCP and one is dedicated to the reinforcement of its role.

N°	Findings	Recommendation	Implementation	Explanations	Timing
5.1	The Belgian NCP is part of the internal working party on responsible business conduct which is responsible for the Belgian National Action Plan on Corporate Social Responsibility. It is not clear, how promotion of the guidelines is aligned with the promotion according to the Belgium RBC action plan.	In order to increase efficiency and impact, the Belgium NCP could align the promotion of the OECD guidelines with the general promotion according to the Belgium RBC action plan. In addition, this would contribute improving political support of the NCP.	Realised	After the final approval of the National Action Plan in 2017. Several activities are foreseen in this framework. (conf Action Plan of the NCP 2017-2018).	2017-2018