



Consultation on Japan's National Action Plan on Business and Human Rights

6 June 2019

2:00 – 4:00pm

International Conference Hall, Ministry of Foreign Affairs of Japan

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Outline

1. NAPs as a tool for enabling policy coherence on Responsible Business Conduct
2. OECD instruments and tools on Responsible Business Conduct
3. Implementation of NAPs and the role of the National Contact Point
4. OECD work in the region: Promoting Responsible Supply Chains in Asia Programme



NAPs and enabling policy coherence on Responsible Business Conduct



Policy Coherence

- Key to ensuring effective design and implementation of policies and regulations to promote responsible business conduct.

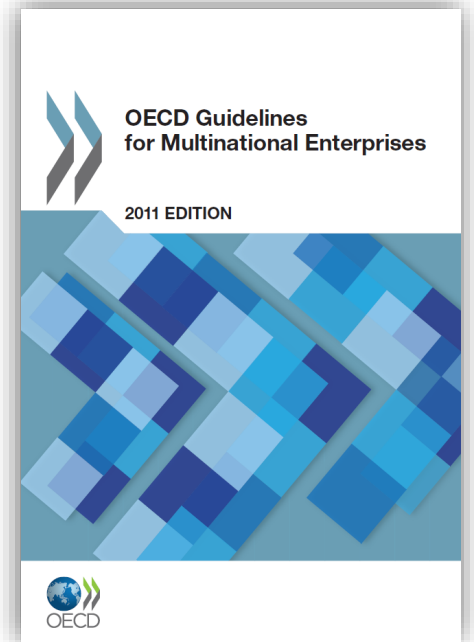
Defined as: the systematic promotion of mutually reinforcing policy actions across government departments and agencies - creating synergies towards achieving the agreed objectives

- Challenges: limited collaboration between government agencies; inconsistencies in law and policy frameworks.



NAPs as a tool for policy coherence on RBC

- NAPs are a key tool for governments to coordinate efforts on RBC
- Key elements of NAP development and implementation, which help governments frame national efforts on RBC:
 - ✓ using baseline assessments to develop an evidence-based NAP that responds to key challenges rather than to perceived challenges, and;
 - ✓ ensuring an action-oriented and not solely descriptive
 - ✓ ensure coordination and coherence within the government among all relevant policies relating to RBC (including investment, procurement, export credits, SOEs, etc.)





Country examples: Policy coherence

- **Germany:** Dedicated chapter on policy coherence
- **Italy:** NAP encompass the environment and refers to importance of policy coherence – dialogue and training
- **US:** NAP on RBC
- **Luxembourg and Slovenia:** NAPs rely on the OECD Guidelines as a core framework, and place emphasis on the NCPs as a key mechanism to promoting access to remedy (2018)
- **France:** NAPs also encompass the environment
- **Colombia and Lithuania:** currently updating their NAPs - more actively including the NCPs in this process.
- **Thailand:** circulated a [final draft](#) of the NAP for [public comment](#) in Feb 2019 - plans to publish the NAP at the end of 2019



International
Labour
Organization



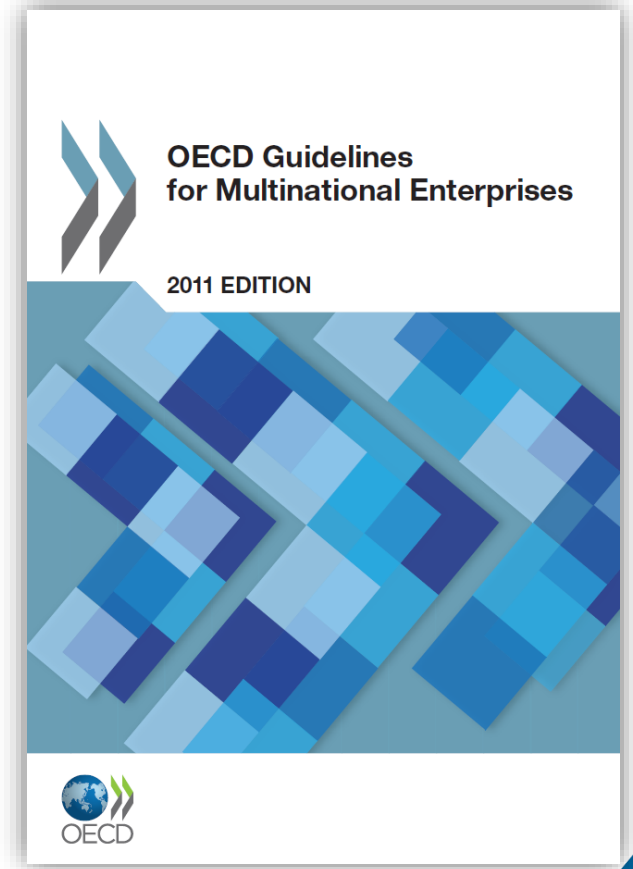


OECD instruments and tools on Responsible Business Conduct



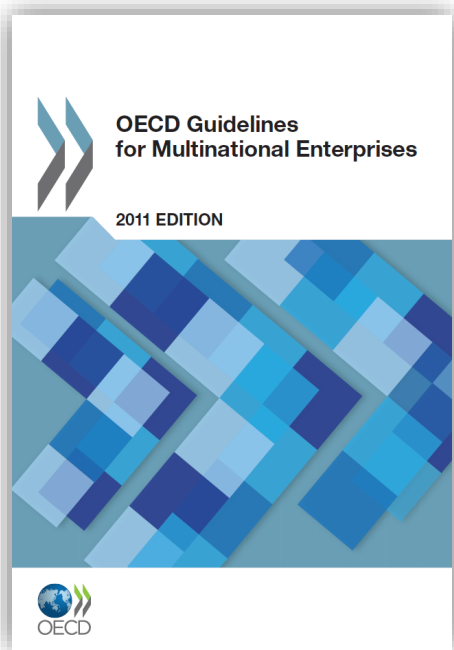
OECD Guidelines for Multinational Enterprises on RBC

- Most **comprehensive** International standard on responsible business conduct
- Recommendations from governments **to businesses**
- Endorsed by business, trade unions and civil society
- Open to non-OECD members
- Can be applied to **all businesses** – not just MNEs
- Includes a government commitment - implementation / grievance mechanism : National Contact Points
- Incorporates **expectation of supply chain due diligence**





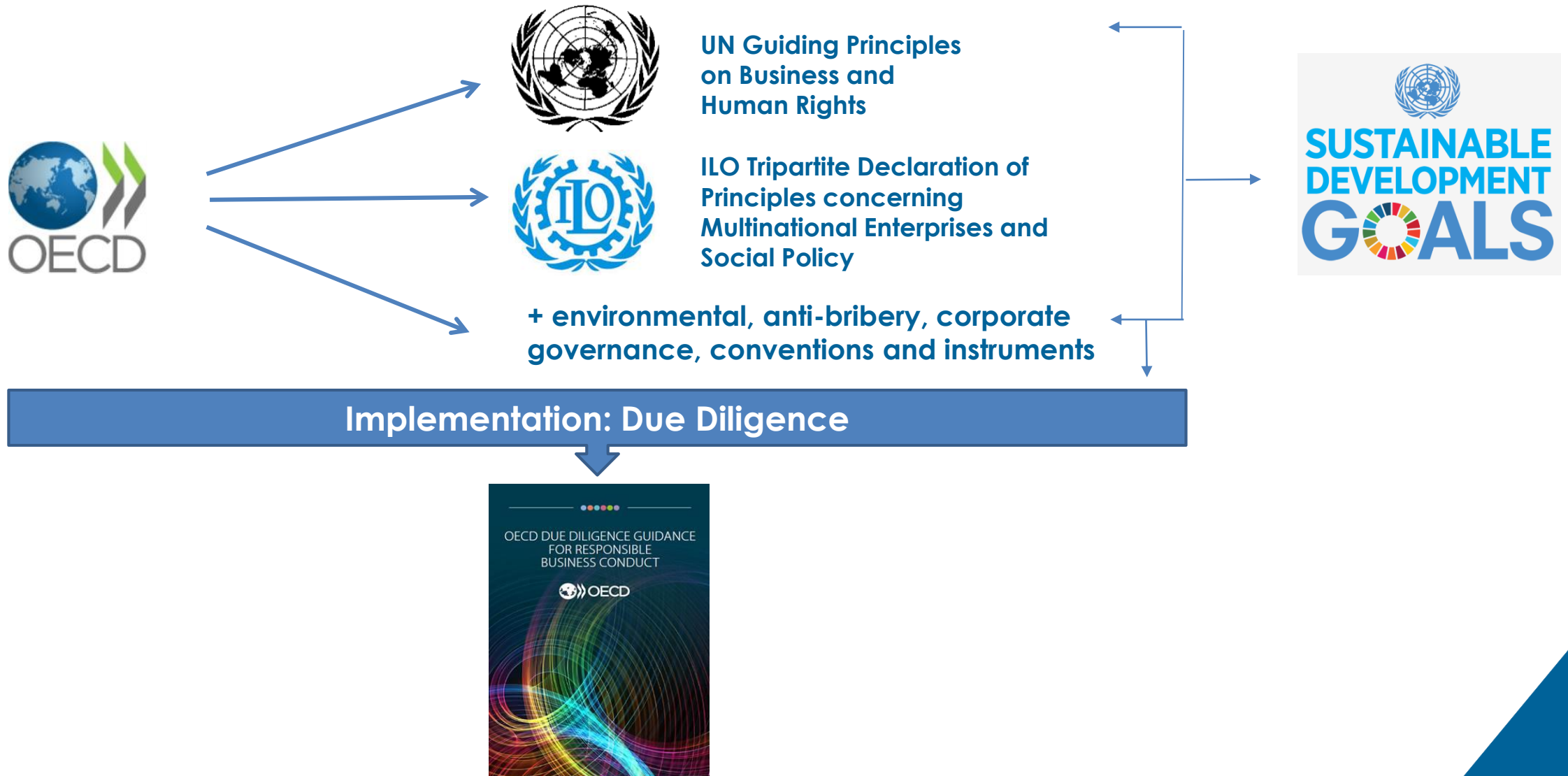
OECD Guidelines: Substantive Chapters



Disclosure	Human Rights	Employment & Industrial Relations
Environment	Consumer interests	Science & Technology
Combating Bribery, Bribe Solicitation and Extortion	Taxation	Competition



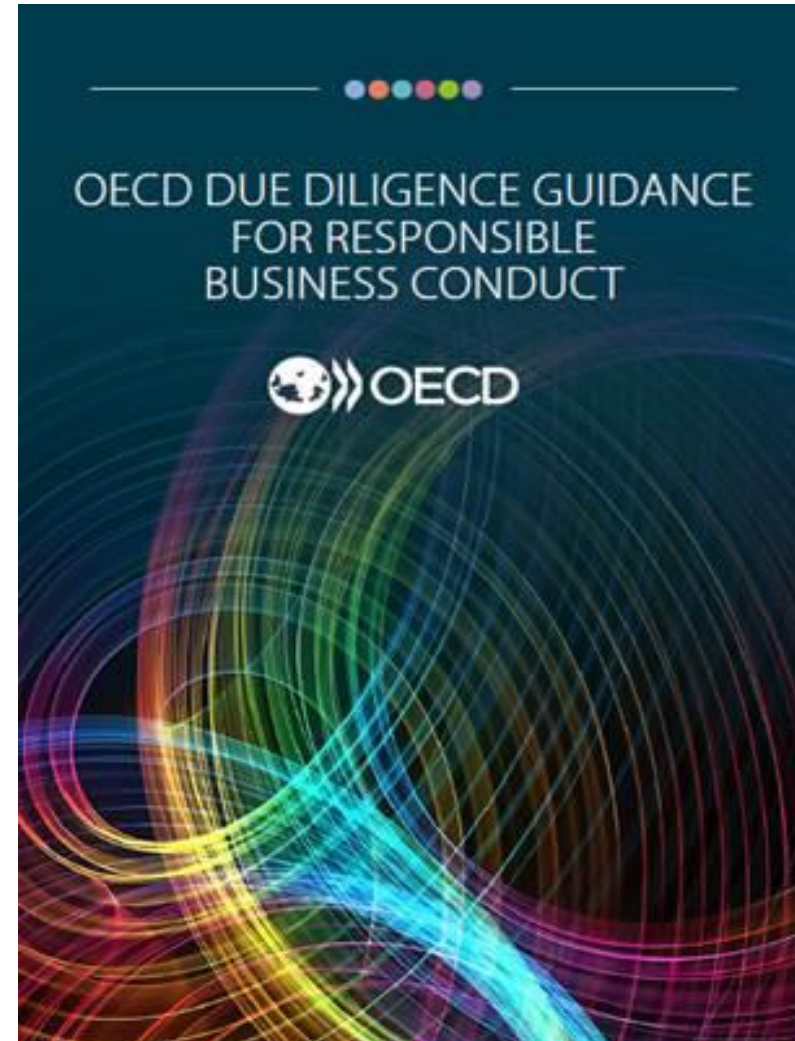
Alignment with other standards





Due Diligence for RBC

- OECD has developed a practical guidance to help companies implement due diligence
- Explains the 6 key areas of due diligence
- Provides plain language recommendations on how to implement each step
- Developed with stakeholders, backed by governments who have committed to promote this guidance



Launch!

OECD Due Diligence Guidance for Responsible Business Conduct

#OECDrbc





Implementing NAPs and the role of the National Contact Point (NCP)



Implementation: inter-ministerial coordination

NAP should identify lead, support and inter-ministerial agencies:

- **Chile:** to support implementation of the NAP, the civil society committee of the NCP was merged with the NAP multi-stakeholder advisory body: sending a strong signal on policy coherence within the Government (2018)
- **Switzerland:** NAP includes proposed activities to be undertaken and matches them with implementing departments or agencies
- **Italy:** inter-ministerial coordination and policy coherence supported by the Inter-ministerial Committee for Human Rights (CIDU) composed of representatives of several ministries and institutions



Implementation: Stakeholders and NCPs

NAP should enable monitoring of implementation and measuring its impact:

- Germany: NAP establishes a permanent inter-ministerial committee that will review the implementation of the measures specified in the NAP - has dedicated staff and budget

Building trust and confidence with stakeholders should be on-going:

- The UK: NAP provides for regular stakeholder consultations to monitor implementation of the NAP and has established a dedicated email address to facilitate ongoing input from interested parties.
- Germany: NAP specifies that inter-ministerial coordination and consultation with businesses, trade unions and non-governmental organisations is to be part of the decision-making process of **NCP**.
- France: NAP is to be monitored by an independent entity



The role of National Contact Points (NCPs)

- Non-judicial grievance mechanisms; significant contribution to improving access to remedy globally
- Dual Mandate:
 - **Promoting** RBC within government and with business, investors, civil society etc.
 - **Handling specific instances** – resolve cases raised by trade unions, NGOs, or individuals through dialogue, conciliation and meditation



Country examples: Highlighting the role of NCPs

- **Luxembourg and Slovenia:** rely on the OECD Guidelines as a core framework, and place emphasis on the NCPs as a key mechanism to promoting access to remedy.
 - **US:** NAP requires NCP to also conduct outreach with stakeholders outside of the US and aims at improving access to remedy to non-English speaking stakeholders
 - **Italy:** NCP participated in the mid-term review of the Italian NAP
- Recent OECD Investment Policy Reviews are also increasingly recommending to Governments under review to adopt NAPs – i.e ***Promoting Responsible Supply Chains in Asia Programme***



Promoting Responsible Supply Chains in Asia Programme



Promoting Responsible Supply Chains in Asia

- 3 years 6 countries
- Work directly with governments and the private sector to promote responsible supply chains through implementing due diligence standards and expectations for RBC
- Target sectors for Japan: Electronics, vehicle parts.
- Additional key work streams: financial sector, quality infrastructure and work with Lawyers,
- Funded by the EU





Activities in Japan

- **Research:** Policy mapping to support the development of an enabling policy environment for RBC implementation, gathering of indicators on supply chain characteristics
- **Government:** Cooperation with the government (including through other work streams such as on quality infrastructure), working closely with the National Contact Point
- **Business:**
 - Promote OECD materials for companies - Master class training and capacity building
 - Translation of key materials, training and tool development
 - Facilitate exchange of experience and best practice and supporting collaboration on RBC implementation by European and Japanese businesses: [Responsible Business and Human Rights Forum](#)



Key takeaways

- NAPs offer a key tool for generating **policy coherence** on Responsible Business Conduct and supporting business
- On-going **stakeholder consultation and establishing mechanisms for inter-agency coordination** is critical for the practical implementation of the NAP
- **The NCP can play a key role** in facilitating NAP implementation, including action by business, and monitoring impact