

- Identify partnerships that could have an amplifier/multiplier effect on visibility with NCPs, such as business and stakeholder organisations that could signpost NCPs to their members;
- Research and analysis on NCP structures that lead to visibility and confidence with stakeholders, taking into account government flexibility in this regard, and tailored assistance to governments that seek to reflect on the structure of their NCP;
- Continued peer learning around impartiality and conflicts of interest;
- Providing NCPs with specific tools and trainings on communication.

Objective #3: Ensuring efficient and effective handling of specific instances

The Procedural Guidance tasks NCPs with ‘contribut[ing] to the resolution of issues that arise relating to implementation of the Guidelines in specific instances in a manner that is impartial, predictable, equitable and compatible with the principles and standards of the Guidelines’, and this in an ‘efficient and timely manner’ (para. I.C.).

Significant effort has already been devoted by the NCP network to strengthen this aspect of the NCP mandate, and data shows that good practices across the network are generalising, with acceptance rates for cases at initial assessment on the rise, more NCPs having Rules of Procedure (RoP), more statements including recommendations and follow up. Also, research has shown that, in a number of recent cases, NCPs were able to decisively contribute to remedy. As a result, the yearly average of cases received by NCPs have increased by 14% between 2016 and 2020.

However, the same data and research, including information collected in the context of the stocktaking of the Guidelines, also shows that there is room to further enhance the efficiency and effectiveness of the specific instance process, on four particular aspects. The first one is to continue ensuring that the specific instance process is as accessible, equitable, transparent and predictable as possible, and to recognise the challenges that particular groups or individuals may have in accessing NCPs. Related to this aspect is the fact that not all NCPs have published (RoP, and that existing RoP across the network can diverge significantly and create confusion, Second, timeliness remains an issue. A particular chokepoint in this regard is coordination among various NCPs. Likewise, enforcing timelines with the parties may prove challenging. Third, research indicates that many cases remain without a solution even despite the NCP’s intervention. This may be due to the complexities of many cases and to the nature of NCPs as voluntary and non-judicial mechanisms, but may also signal that there is room for NCPs to better leverage their mandate to foster access to remedy. Finally, the issue of retaliation and pressures against case submitters remains very pressing. For example, in March 2020, the WPRBC issued a statement expressing deep concern regarding alleged incidents of undue pressure on applicants submitting specific instances to NCPs.²

Actions to achieve this objective are:

- Creating a more precise playbook for NCP coordination, and further templates to streamline the NCP process, as appropriate;
- Providing support to NCPs in making the handling of specific instances more consistent across the NCP network through assistance in creating and/or reviewing RoP, notably by designing model provisions for RoP to harmonise the process and increase predictability where needed. Needs for model clauses and the list of issues to address through model clauses will be discussed with NCPs prior to development. Issues can include rules and supporting documents to commit parties to respecting confidentiality, processes to keep timelines in check or procedures for providing support for weaker parties while respecting the principle of equitability. Model clauses will be based on existing good practice in the network or, where relevant, at other grievance mechanisms. Better consistency in the handling of specific instances can also help avoid “forum shopping”;

3 Action plan

The table below is the Action Plan to Strengthen NCPs (2022-2024). It includes actions by order of priority as defined by NCPs at their June 2021 meeting. Each action is linked to an objective, and comprises one or several deliverables spread over a timeline. The timeline was defined based on the assumption that, as of 2022, in-person NCP network meetings would resume, allowing for longer meetings than the four-hour virtual meetings organised during the pandemic. The contribution of the each action to the objective it belongs to is measured by an indicator of progress or target. For each action, possible funding arrangements are listed (see below Section Table 3.1 for a description of funding arrangements), and governments are invited to pledge funding for the actions they wish to support.

Table 3.1. Action Plan 2022-2024 in detail

Objective	Actions	Deliverables and timelines	Indicator of progress/targets to be achieved by plan's end	Funding arrangements (to be filled with pledges by governments)
Peer reviews	Peer reviews	Individual peer review reports published on OECD website according to peer review schedule ¹	All NCPs peer reviewed by 2023	Funded by government under review
	Seek commitments and resources from governments to have NCP peer reviewed	Commitment and arrangements for resources are communicated officially (2023)	All governments have committed to a peer review of their NCP by 2023	
	Evaluation of the strength and weaknesses of the current peer review process by NCPs after the first cycle of reviews, focusing on procedure, timelines, and recurrence.	Discussion on strengths and weaknesses of NCP peer reviews at NCP meeting (2024)	This evaluation feeds into WPRBC discussions on whether a new cycle of peer reviews should be launched and how	
Visibility, stakeholder engagement and confidence	Peer learning about promotional plans	Workshop on promotional plans during June 2022 meeting of the NCP network	All NCPs report having a promotional plan in their annual report	
	Organising joint promotional events with the support of the Secretariat at the level of the Network or in regional networks, where these can add value alongside events at national level	Options note for organising joint promotional events (2022) Secretariat support for organisation of events (2023-2024)	At least one joint promotional event per year is organised at the level of the Network and of each Regional Network	
	Mapping high visibility RBC events at international and regional levels, and strategising NCP participation in those events	Mapping of high visibility events and strategy (2023)	At least two NCPs from different regions participate in each of the international events, and one NCP from the region	

