



## FINAL STATEMENT OF THE NORWEGIAN OECD NATIONAL CONTACT POINT (NCP): MEDIATED OUTCOME BETWEEN THE ASSOCIATION FOR INTERNATIONAL WATER STUDIES (FIVAS) AND NORCONSULT AS

*23 June 2015*

Following the successful conclusion of the mediation process by the Norwegian NCP and the joint statement by the parties, the Norwegian NCP closes the complaint from the Association for International Water Studies (FIVAS) against Norconsult AS. As the parties have agreed on a mediated solution, the NCP will make no further examinations into the merits of the claim. The complaint dated 22 August 2014 is subsequently withdrawn. The issues addressed in the complaint are related to the involvement of Norconsult in hydro power projects in the Malaysian State of Sarawak.

The Norwegian NCP congratulates the parties on reaching a mutually acceptable outcome and for constructively engaging in discussions to reach this agreement.

The joint statement was agreed on 2 June 2015 following mediation by the head of the Norwegian NCP and law professor Ola Mestad, assisted by the Secretariat. The joint statement was officially signed under the auspices of the mediator, the Norwegian NCP and the Norwegian NCP secretariat in Oslo on 23 June 2015.

Both parties have agreed to publish the full text of the agreement. It is annexed to this statement as Annex 1. Since the OECD Guidelines for responsible business conduct are not legally binding, the agreement is not appropriate for litigation purposes.

The Norwegian NCP recommends that the parties continue the dialogue established during the mediation process, especially if issues arise related to implementation of the joint statement. The NCP will invite both parties to a follow-up meeting once a decision has been made with regards to one of the central issues of the case; the construction of the Baram-dam, to give an update on the implementation of the joint statement.

## THE NORWEGIAN NCP PROCESS IN THIS SPECIFIC INSTANCE

On 22 August 2014, the Norwegian NCP received a complaint against Norconsult AS from the Association of International Water Studies (FIVAS).

The secretariat of the NCP notified the company on 25 August 2014 and invited Norconsult AS to a meeting 4 September 2014. The NCP invited the company to hear their views on 19 September. The company disputed the allegations in a letter dated 10 October 2014. The NCP issued its Initial Assessment on 21 January 2015, where it decided that it would accept to consider the merits of the complaint. The secretariat of the NCP met with the parties on 13 February to offer good offices to facilitate dialogue and if possible mediate with the goal to achieve a joint statement. Both parties accepted the offer.

The NCP secretariat thus conducted stakeholder analysis (in accordance with the NCP Mediation Manual) during February and drafted the framework for mediation. Subsequent meetings with the parties and the NCP Secretariat to discuss the framework for mediation took place on 26 February and 11 March 2015. The parties agreed upon the framework and terms of reference for the mediation in the meeting of 11 March 2015.

The parties agreed on the Head of the Norwegian NCP, Ola Mestad as a possible mediator. Since Ola Mestad was available to conduct the mediation on the request of the parties and without any expenses accrued for any party involved, there was no need to conduct a tender in accordance with public procurement regulations. The parties was also offered the possibility of hiring a consultant to support the Secretariat in providing guidance to parties involved in the mediation process in line with the Norwegian Public Administration Act § 11 on the general duty of public offices to provide guidance to parties. The parties decided that there was no need to hire an external consultant. The parties had their first joint meeting with the appointed mediator Ola Mestad and the NCP Secretariat on 30 April 2015 for purposes of planning the mediation agenda.

Mediation took place in two meetings in May 2015 and June 2015. Both parties participated positively and constructively. The NCP particularly appreciates the involvement of EVP International Operations; Ola H. Norderhaug, Director of Energy Projects; Jørn Tyrdal, Compliance Officer for Norconsult; Guro Ruud Cedell, General Manager for FIVAS; Jonas Holmqvist and Communication officer for FIVAS; Tora Systad Tyssen. Agreement on a joint statement was successfully reached on 2 June 2015 and officially signed on 23 June in Oslo. For reference to details of the Norwegian NCP process in this specific instance please see Annex 2.

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### LIST OF ANNEXES:

1. Joint Statement between Norconsult AS and the Association for International Water Studies (FIVAS)
2. Summary of the specific instance from the Norwegian NCP
3. Procedures according to the OECD Guidelines