ANALYTICAL BRIEF
on the practice of the Norwegian NCP in responsible business conduct cases
NBIM | Telenor | Aker BP/Aker ASA | Statkraft

This brief examines four cases handled by the Norwegian National Contact Point for Responsible Business Conduct *(National Contact Point for Responsible Business Conduct Norway, hereinafter - the Norwegian NCP),* which applies the OECD Guidelines for Multinational Enterprises on Responsible Business Conduct *(hereinafter - the Guidelines).* The analysis covers initial assessment, good offices, mediation, further examination, final statements and follow-up. The status of the cases is updated as of 4 August 2026. The NBIM case concluded with an agreement and follow-up; final statements have been published in the Telenor and Aker BP/Aker ASA cases; the Statkraft case remains ongoing, so only confirmed procedural decisions are presented, without assessing the company's conduct on the merits.

The cases examined cover four fundamentally different models of corporate linkage to adverse impacts: the responsibility of an institutional investor to use leverage in an investee company; responsible disengagement from a country under military rule; human rights due diligence in mergers and acquisitions (M&A); and Indigenous Peoples' rights and environmental risks associated with a hydropower project. This diversity shows how the Norwegian practice applies the same OECD standards to investments, business divestment, corporate transactions and infrastructure projects.

A key feature of the Norwegian NCP is the combination of mediation and analytical functions. The NCP seeks voluntary agreement, but where mediation fails it can proceed to an independent examination and issue reasoned recommendations. In 2026, TUAC and OECD Watch identified the ability to complete an assessment after dialogue breaks down, publish agreements and recommendations, conduct structured follow-up and prevent reprisals as important elements of an effective NCP mechanism.

The Norwegian NCP's practice shows that due diligence should cover not only a company's operational activities, but also investment decisions, market exit, the structure of mergers and acquisitions (M&A), contractual safeguards for the buyer, leverage, engagement with rights holders and access to remediation. The strength of the NCP lies not in sanctions, but in its ability to translate soft-law standards into concrete expectations for corporate processes. At the same time, the Norwegian cases confirm the conclusion of TUAC and OECD Watch: even a strong NCP cannot replace binding regulation, state oversight and enforceable mechanisms for access to remedy.

1. The Norwegian NCP as a non-judicial mechanism: why its practice matters

The Guidelines are a “soft law” instrument: they do not replace national legislation and do not in themselves create judicially enforceable obligations. However, adhering governments establish National Contact Points (NCPs) that promote responsible business conduct (RBC), handle specific instances, offer good offices and publish the outcomes of proceedings. The Norwegian NCP is a state-supported non-judicial mechanism that combines voluntary dialogue, public accountability and interpretation of RBC standards.

The Norwegian model is based on independent expert members of the NCP supported by a professional secretariat. In complex cases, external mediators with sectoral and human rights expertise are engaged. External mediators were used in the NBIM, Telenor and Aker BP cases; in cross-border disputes, the NCP coordinated with NCPs in other countries. This structure strengthens confidence in the procedure and helps separate the function of facilitating agreement from subsequent substantive examination.

The standard procedure of the Norwegian NCP includes an initial assessment, an offer of good offices and, where the parties agree, dialogue or mediation. If the parties do not reach agreement, the NCP may proceed to further examination and then publish a final statement containing its assessment and recommendations. The procedural stage differs across the cases considered. At the initial assessment stage, the NCP does not determine non-observance of the Guidelines: it examines whether the issues are bona fide, material and sufficiently substantiated, whether there is a link to the enterprise’s activities, and whether the procedure could contribute to resolving the dispute. Acceptance of a submission therefore means only that the issues merit further consideration, not that the submitters’ position has been confirmed.

From a practical perspective, the Norwegian NCP’s willingness to continue its work after unsuccessful mediation is particularly important. In the Telenor and Aker BP cases, the parties did not reach a full agreement, yet the NCP proceeded to further examination, requested additional materials, analysed legal and factual issues and published reasoned findings. This turns the mechanism from a forum for negotiations into a source of concrete guidance for companies, investors, public authorities and civil society.

> The NCP is not a court, does not award compensation, does not determine criminal or civil liability and cannot compel parties to participate in mediation. Its findings should be read as an assessment of observance of the expectations under the OECD Guidelines, not as a judicial decision on legal liability.

2. Comparative overview of the cases

Case	Sector / geography	Key issues	Procedural outcome	Practical value
Trade unions vs. NBIM (2020)	Finance; international McDonald's portfolio.	Investor due diligence; gender-based violence and harassment; use of shareholder leverage.	Submission accepted. Following mediation, an agreement was reached on 9 March 2022; follow-up was conducted in October 2022.	Even a minority investor should identify portfolio risks and use available leverage rather than limiting itself to policies on paper.
SOMO and 474 organisations vs. Telenor (2021)	Telecommunications; Myanmar.	Responsible disengagement; protection of users and data; engagement with rights holders; disclosure.	Case accepted. Mediation, a memorandum and a joint study were conducted. No full agreement was reached; a final statement was published on 11 December 2025.	Responsible disengagement scenarios and measures to protect rights holders should be prepared in advance, especially in conflict-affected settings.
PAX and others vs. Aker BP/Aker ASA (2022)	Oil and gas; Norway / Sweden / South Sudan; M&A.	Human rights due diligence in the transaction; impact of the acquisition structure on victims' access to remediation.	Submission partially accepted. Mediation ended without agreement; a final statement was published on 18 June 2025 after further examination.	M&A due diligence should assess not only the assets and buyer-side risks, but also the consequences of the transaction for third parties and their access to remediation.
Mapuche-Williche communities vs. Statkraft (2023)	Hydropower; Chile.	Indigenous Peoples' rights; representation; environmental and cultural impacts; disclosure; risks of reprisals.	Submission partially accepted. The Norwegian NCP is lead and the Chilean NCP supporting. Both parties accepted good offices; as of August 2026, the case remains in progress.	A model for handling a complex dispute: NCP coordination, consideration of parallel proceedings, verification of representation and safe dialogue.

The comparison shows that the "strength" of a case does not depend solely on whether the parties reached an agreement. The NBIM case is valuable for the successful agreement on practical commitments; the Telenor and Aker BP cases for the NCP's detailed findings after unsuccessful mediation; and the Statkraft case for procedural decisions on safe participation, coordination between two NCPs and consideration of differing positions within affected communities.

3. Trade unions vs. Norges Bank Investment Management: responsibility of an institutional investor

3.1. Substance of the submission

On 18 May 2020, four trade union organisations - the International Union of Food, Agricultural, Hotel, Restaurant, Catering, Tobacco and Allied Workers' Associations (IUF), the European Federation of Food, Agriculture and Tourism Trade Unions (EFFAT-IUF), the Service Employees International Union (SEIU) and the União Geral dos Trabalhadores (UGT) - submitted a specific instance concerning alleged gender-based violence and harassment in McDonald's global operations. In addition to the corporation itself, the submitters raised the question of due diligence by two institutional investors: the Dutch APG Asset Management and Norway's Norges Bank Investment Management (NBIM), which manages the assets of the Government Pension Fund Global.

The submission was initially filed with the Dutch NCP, but because three enterprises and several jurisdictions were involved, the Dutch, US and Norwegian NCPs divided the matter into parallel parts. The US NCP handled the issues relating to McDonald's, the Dutch NCP those relating to APG, and the Norwegian NCP those relating to NBIM. This approach preserved the connection between the cases while allowing the conduct of each enterprise to be assessed within the competence of the relevant NCP.

With respect to NBIM, the submitters did not allege that the investor had directly committed the violations. Their position was that, as a McDonald's shareholder, NBIM could be directly linked to adverse impacts through a business relationship and therefore should have identified the risk, applied gender-sensitive due diligence and used leverage over the investee company. NBIM argued that holding a minority shareholding does not in itself establish causation and that an investor is entitled to choose the responsible investment tools it considers appropriate.

3.2. Initial assessment and mediation

On 21 June 2021, the Norwegian NCP determined that the issues relating to due diligence and leverage merited further consideration. The NCP stressed that in the financial sector, a link to an adverse impact need not be causal: share ownership may constitute a business relationship through which an investor is directly linked to a risk. Acceptance of the case did not, however, amount to a finding of non-observance by NBIM.

Following the initial assessment, the NCP offered its good offices. The parties approved external mediators, agreed on a framework for the process and held in-person mediation in Oslo on 8–9 March 2022. An agreement was reached on 9

March; its full text was published together with the NCP's final statement of 22 April 2022.

3.3. Substance of the outcome reached

The agreement established a common understanding that gender-based violence and harassment constitute a material risk for companies in the fast-food sector and must be addressed as part of creating a safe and respectful working environment. NBIM confirmed its intention to use its best efforts to implement the OECD Guidelines' due diligence recommendations.

The parties also recognised the particular role of institutional investors. An investor should consider human rights and labour rights risks throughout the investment process and, where it is directly linked to an impact through an investee company, use available leverage to prevent or mitigate that risk. This does not shift responsibility for the original impact from the investee company to the investor, but it creates an independent expectation regarding the quality of the investor's due diligence and responsible investment stewardship practices.

The final statement provided for a follow-up meeting after six months. In October 2022, the NCP conducted follow-up: the submitters reported further work on disclosure concerning gender-based violence and harassment, while NBIM provided updates on its expectation documents on human rights, human capital management and children's rights. The parties agreed to continue dialogue outside the NCP specific instance process.

3.4. Practical value of the case

> The case shows that an NCP can achieve a concrete outcome without a formal finding of non-observance of the Guidelines. The agreement created a working channel between global trade unions and a major sovereign investor and translated the general due diligence standard into questions of sectoral risk, portfolio monitoring and use of shareholder leverage.

The case is important for responsible business conduct practice for three reasons. First, it confirms that the financial sector falls within the scope of the Guidelines. Second, it distinguishes the investor's responsibility from that of the investee company: the investor does not automatically become responsible for the original violation, but it must identify risks and use available leverage. Third, the case demonstrates the value of international NCP coordination where one original submission concerns several companies in different jurisdictions.

A limitation of the case is that the agreement does not contain a detailed public analysis of whether NBIM's actual practices before the submission were consistent with the Guidelines. Its principal value therefore lies not in a precedent-setting finding of non-observance, but in an agreed standard for future conduct and an example of constructive mediation.

4. SOMO and 474 civil society organisations vs. Telenor: responsible disengagement from a high-risk country

4.1. Substance of the case and context

On 27 July 2021, the Centre for Research on Multinational Corporations (SOMO), on behalf of 474 Myanmar civil society organisations, submitted a specific instance to the Norwegian NCP concerning the sale of 100% of Telenor Myanmar to M1 Group following the military coup. The submitters alleged that Telenor had not carried out adequate risk-based due diligence, had not meaningfully engaged with rights holders and had insufficiently disclosed information about the risks and reasons for disengagement.

The dispute arose in exceptional circumstances. Telenor referred to the impossibility of continuing operations in accordance with its own human rights standards and international principles under pressure from the military regime, as well as the need to protect employees and maintain connectivity for millions of users. The submitters, by contrast, pointed to risks related to the transfer of sensitive user data, surveillance, persecution of civil society and the selection of a buyer associated with business activities in authoritarian states.

On 27 September 2021, the NCP accepted the case for further consideration. In its initial assessment, the NCP referred to OECD guidance stating that when deciding to terminate a business relationship, an enterprise should consider and address the potential adverse impacts of disengagement. At that stage, the NCP did not determine whether Telenor's conduct met that standard.

4.2. Mediation, memorandum and incomplete agreement

Both parties accepted the NCP's good offices. Formal mediation was postponed at Telenor's request due to concerns about staff safety and took place in Stockholm on 13–15 June 2022. The parties signed a Memorandum of Understanding recognising the applicability of due diligence to the sale of a business, the severity of risks to users and employees, and the need for further work on digital security. Under the Memorandum, a study of Myanmar's information and communications technology (ICT) ecosystem was prepared and the idea of an independent mechanism for digital support and remediation was discussed.

The final mediation session planned for spring 2024 did not take place. The principal disagreement concerned the process for establishing and the nature of the digital security mechanism. In September 2024, the case was returned to the NCP for further examination. The NCP focused on two questions: whether Telenor's due diligence in disengaging from Myanmar was consistent with the Guidelines and whether the company should participate in remediation.

4.3. The NCP's final findings in 2025

In its final statement of 11 December 2025, the NCP recognised that Telenor had identified and mitigated some serious risks and that protecting the lives and safety of employees is an important element of corporate responsibility. However, the overall human rights due diligence was not commensurate with the severity and likelihood of all the impacts to which the company was linked. The NCP found that systematically prioritising one group of rights holders - the company's own employees - while giving less attention to users and other persons exposed to risk was not consistent with the Guidelines.

The NCP also found that the due diligence was insufficiently dynamic and risk-based. Before the coup, the company had not included in its assessments a realistic scenario involving the return of full military rule and a forced exit. As a result, its ability to mitigate risks to users after the coup was more limited than it might have been had a responsible disengagement strategy been developed in advance. When it became known that the buyer would require a local partner with a controlling interest, Telenor should have carried out a renewed, heightened risk assessment and reconsidered its priorities.

A separate finding concerned the terms of the transaction. The NCP concluded that the agreement with M1 Group should have gone beyond a simple confirmation of the buyer's intention to respect human rights. At a minimum, Telenor should have required the buyer to implement concrete human rights policies and procedures, to the extent possible in the conflict context. The NCP did not investigate causal consequences in individual cases or determine legal liability for specific harm, but it identified shortcomings in the due diligence process.

With regard to remediation, the NCP expected Telenor to play an active role proportionate to any contribution the company may have made to adverse impacts. It recommended continuing to develop and finance a digital security mechanism for the people of Myanmar together with other participants in the ICT ecosystem, and participating in a broader system of remediation and support.

4.4. Strength and significance of the case

> Responsible disengagement does not begin when the decision to sell is made. For operations in conflict-affected and high-risk areas, a company should integrate exit scenarios in advance into risk assessment, crisis management, contractual mechanisms, data protection, engagement with rights holders and remediation planning.

This is one of the most substantive international cases on responsible disengagement. It demonstrates that the legality of a sale or the objective difficulty of continuing operations does not exhaust the question of corporate responsibility. A company should compare the consequences of available options, reassess risks when the transaction structure changes, take account of the most vulnerable rights holders and avoid reducing engagement to general consultations after a key decision has already been taken.

The practical relevance of the case extends beyond telecommunications. Its findings are applicable to banks, digital service providers, logistics companies, extractive enterprises and other organisations operating in countries affected by conflict, sanctions or a sharp deterioration in the political environment. At the same time, the duration of the procedure - more than four years - also illustrates a limitation of the NCP mechanism: complex mediation and parallel judicial proceedings can significantly delay certainty for the parties.

5. PAX and others vs. Aker BP/Aker ASA: human rights and access to remediation in M&A transactions

5.1. Substance of the submissions

On 31 May 2022, eight organisations from South Sudan and Europe filed complaints against Aker BP ASA and Aker ASA in connection with Aker BP's merger with Lundin Energy's Norwegian oil and gas business. According to the submitters, the complaints were filed on behalf of approximately 200,000 South Sudanese people whom they described as victims of serious and systematic human rights violations in the area of oil Block 5A between 1997 and 2003.

The submitters did not allege that Aker had participated in the historical violations. Their central argument was that the transaction structure could substantially reduce Lundin Energy's assets, potentially leaving insufficient resources to provide compensation or other remediation if liability were established. In the submitters' view, Aker BP and Aker ASA should therefore have assessed the transaction's impact on victims' right to an effective remedy, engaged with affected communities and used leverage to preserve Lundin/Orrön Energy's financial capacity to participate in remediation.

The companies argued that the Norwegian assets being acquired had no connection to the activities in Sudan, that liabilities related to the Sudan case remained with Lundin Energy, and that the parallel criminal proceedings in Sweden made an assessment of responsibility premature. They also pointed to the commercial, financial and legal due diligence carried out for the transaction.

5.2. Partial acceptance and unsuccessful mediation

On 27 February 2023, the NCP partially accepted the complaints, limiting its examination to the companies' human rights due diligence in connection with the transaction. The NCP did not examine Lundin Energy's responsibility for historical events and did not seek to substitute for the Swedish criminal proceedings. A separate question concerned the quality of the buyer's and investor's due diligence at the time of the transaction.

Both parties accepted the NCP's good offices. On 23–25 August 2023, external mediators conducted a three-day meeting in Oslo, but no agreement was reached. The NCP then proceeded to further examination. The procedure included the exchange of extensive written submissions and expert opinions on the right to an effective remedy, the application of due diligence to mergers and acquisitions, and the possible link between the transaction structure and victims' access to remediation.

5.3. Findings of the 2025 final statement

On 18 June 2025, the NCP concluded that Aker BP's human rights due diligence did not meet the expectations of the Guidelines. The commercial, financial and legal review covered certain human rights aspects, but it did not provide a sufficient and independent assessment of the risk that the transaction could adversely affect victims' right to an effective remedy.

The NCP identified three main shortcomings. First, although Aker BP treated the indictment by the Swedish prosecution authority as a significant “red flag” and proceeded on the basis that there was a risk that Lundin Energy was involved in adverse impacts, the company did not carry out the necessary in-depth and independent analysis of that risk and its consequences. Second, Lundin Energy/Orrön Energy’s financial capacity to provide remediation if liability were established was not adequately assessed. Third, Aker BP did not use the opportunities created by the transaction and its negotiating leverage to prevent or mitigate the risk to victims’ right to an effective remedy.

The NCP emphasised that due diligence in M&A cannot be limited to the question of whether the seller’s legal liabilities pass to the buyer. It must also consider the consequences of the transaction for people. If a buyer is aware of a serious human rights risk and participates in a structure that may affect another party’s ability to provide remediation, it should assess that risk, engage with rights holders, use independent expertise and consider contractual or other mitigation measures.

The NCP did not conduct a separate in-depth examination of Aker ASA. It nevertheless noted that the investor’s and owner’s due diligence largely shared the shortcomings of Aker BP’s process. Because Aker ASA’s first line of business relationship was with Aker BP, the holding company was expected to use leverage over the investee company to prevent and mitigate the risk; in the NCP’s assessment, it had not done so.

5.4. Recommendations and practical significance

The NCP recommended that Aker BP repeat its human rights due diligence for the transaction: review the steps already taken, use internal and external sources, engage with stakeholders, assess its own role in actual or potential impacts, identify possible mitigation or remediation measures, and communicate transparently about the process and progress. If the assessment indicates that Aker BP should participate in remediation, the company should consider an appropriate role.

The NCP welcomed the fact that Aker BP and Aker ASA subsequently introduced a new M&A review procedure that includes responsible business conduct and human rights due diligence considerations. At the same time, the existence of a policy is only a first step: the NCP recommended ensuring its effective implementation, meaningful stakeholder engagement and availability of information on how adverse impacts are identified and addressed.

> The case establishes a rare and important standard for M&A: human rights due diligence should examine not only risks to the acquired business and the buyer, but also how the transaction structure affects third parties, including a potential deterioration in access to remediation. The legality of the transaction under national law and the absence of a transfer of formal liability do not exclude an independent assessment under the Guidelines.

The case is useful for state-owned enterprises, investment holding companies, banks, and legal and financial advisers. It shows that the RBC standard complements ordinary commercial, financial and legal transaction due diligence: companies must identify rights holders, assess the severity and likelihood of impacts, draw on independent sources where conflicts of interest exist, and use negotiating leverage before closing, when the ability to influence outcomes is greatest.

6. Mapuche-Williche communities vs. Statkraft: Indigenous Peoples, environmental risks and safe mediation

6.1. Substance of the submission

On 14 September 2023, representatives of Mapuche-Williche Indigenous communities from the Pilmayken territory, spiritual and traditional leaders, supported by human rights organisations, filed a complaint against Statkraft AS (a Norwegian state-owned renewable energy company) and its Chilean entities. The dispute concerns hydropower projects on the Pilmaiquén River in southern Chile and involves land and sites of cultural and religious significance, environmental impacts, biodiversity and the nature of the company's engagement with Indigenous communities.

The submitters alleged that the company had failed to ensure meaningful engagement, had not disclosed sufficient information about the projects, had not carried out adequate risk-based due diligence or environmental impact assessment, and had failed to prevent adverse impacts and reprisals (threats, persecution, intimidation or other retaliatory measures connected with the defence of rights or participation in the dispute). Statkraft stated that it had engaged with numerous communities, complied with national procedures, cancelled the Osorno hydropower project - one of the projects on the Pilmaiquén River - because of risks that, in the company's assessment, could not be adequately mitigated, and faced difficulties in determining the legitimate representatives of different groups.

6.2. Partial acceptance and scope of examination

On 19 September 2024, the Norwegian NCP partially accepted the submission. The issues admitted for further consideration concerned due diligence and meaningful engagement, environmental impact assessment and disclosure. The question of full legal recognition of the submitters under ILO Convention No. 169 was considered outside the NCP's mandate, while some claims were already being considered by Chilean public authorities and courts.

The NCP recognised the submitters' legitimate interest, while also taking into account that other Mapuche-Williche communities did not share their position and disputed their representativeness. The NCP therefore expressly stated the need to hear all interested participants and reduce tensions between groups. This is an important procedural point: meaningful stakeholder engagement does not mean automatically recognising a single representative where the affected community is heterogeneous.

The Norwegian NCP is the lead NCP and the Chilean NCP the supporting NCP. Both parties accepted the offer of good offices. Involving the NCP of the country where the project is located makes it possible to take account of the national context and the views of local communities while maintaining the responsibility of the parent company in its home state.

6.3. Risks of reprisals and the joint NCP statement

In 2025, the submitters asked the NCPs to take action in response to what they described as the criminalisation and persecution of participants in the conflict. Statkraft denied filing complaints against specific community representatives and stated that it had not taken retaliatory measures. Following dialogue with both parties, the Norwegian and Chilean NCPs signed a joint statement on 22 October 2025.

The NCPs recalled that the Guidelines require enterprises to refrain from reprisals and take steps to prevent them, and require all parties to participate in the procedure in good faith. Good faith includes refraining from threats and retaliatory action, presenting the dispute accurately in public, and being willing to discuss disagreements in a safe mediation environment. The NCPs also called on both parties to avoid public communications that impede constructive dialogue.

6.4. Current status and analytical value

As of August 2026, the case remains in progress and no substantive final statement has been published. It therefore cannot be stated that the NCP has found non-observance of the Guidelines by Statkraft. At this stage, the case is significant primarily for its procedural practice and for identifying the issues that merit mediation and further analysis.

> The case provides a model for handling a dispute involving multiple Indigenous groups, competing views of legitimate representation, parallel administrative and judicial proceedings, cultural heritage issues and risks of reprisals. The NCP does not reduce meaningful engagement to consultation with a single organisation, but requires a safe, inclusive and good-faith process.

For project companies, the case shows that a formal environmental permit and compliance with national law do not replace a risk-based assessment of impacts on human rights, culture, religion and biodiversity. For NCPs, it demonstrates the need for a dedicated protocol to prevent reprisals, careful verification of representation and close coordination with the NCP in the country where the project is implemented.

7. Cross-cutting findings from the Norwegian NCP’s practice

7.1. Due diligence applies across the full cycle of business decisions

The four cases cover different points in the business life cycle. In NBIM, due diligence applies to investment portfolio management; in Telenor, to market exit and the sale of a business; in Aker BP, to an acquisition and transaction structure; and in Statkraft, to the design and implementation of an infrastructure project. The common conclusion is that due diligence is not a one-off review or report. It is an ongoing management process that must be updated when risks, counterparties, transaction structures, the political environment or the composition of rights holders change.

7.2. Legal due diligence and compliance with national law are not sufficient

In the Telenor, Aker BP and Statkraft cases, the NCP clearly distinguishes legality from responsible business conduct. Even where a transaction complies with company law, a sale is approved by a regulator or a project has an environmental permit, the company must assess broader consequences for people and the environment. The Guidelines often require action beyond minimum national requirements: independent risk assessment, meaningful dialogue, transparency and the use of leverage.

7.3. Meaningful engagement is a source of information, not a formality

In the Norwegian practice, stakeholder engagement is part of due diligence itself. In the Aker BP case, the absence of early engagement with affected people and organisations holding relevant risk information weakened the quality of the assessment. In the Telenor case, contacts with a broad range of actors did not compensate for insufficient attention to the most vulnerable users. In the Statkraft case, the NCP emphasises that engagement must take account of the diversity within communities and must not exacerbate internal conflicts.

7.4. Enterprise leverage should be used before the window of opportunity closes

Leverage plays a central role in the NBIM and Aker BP cases. An investor should use shareholder leverage over an investee company; a buyer should use negotiating leverage when structuring a transaction. Once a transaction is closed or a company has exited a market, opportunities to prevent harm may decline sharply. The NCP therefore considers not only actual control, but also what reasonable leverage was available at the critical moment and whether the company used it.

7.5. Remediation is understood more broadly than direct compensation

The NCP cannot award compensation, but it treats remediation as an important part of responsible conduct. In the Telenor case, remediation is linked to financing digital security and participating in a collective support ecosystem. In Aker BP, the question was whether the transaction had impaired victims' potential ability to obtain an effective remedy. Remediation may include financing, technical support, changes to processes, cooperation with other actors and preservation of resources for future claims.

7.6. Parallel judicial proceedings do not automatically block the NCP process

Judicial proceedings existed or arose in the Aker BP and Telenor cases. The NCP did not decline to consider the matters solely for that reason. It distinguished the questions involved: courts determine legal liability and compensation claims, while the NCP assesses the corporate due diligence process, engagement and future measures. This approach avoids interference with the administration of justice while ensuring that RBC issues are not left without analysis.

7.7. Procedural flexibility strengthens the mechanism, but can also lengthen it

The Norwegian NCP uses external mediators, memoranda, expert opinions, joint studies, coordination with other NCPs and follow-up meetings. These tools improve the quality of outcomes, but can also result in lengthy procedures. The Telenor case took more than four years and Aker BP around three years. Effectiveness therefore requires interim timelines, clear definition of the issues in dispute and an early decision on when mediation has exhausted its potential and further examination should begin.

8. The Norwegian NCP's practice in the context of the 2026 TUAC and OECD Watch recommendations

The materials published by TUAC and OECD Watch in June 2026 express the views of the trade union community and civil society and are not official OECD decisions. Nevertheless, they provide a useful external framework for assessing NCP effectiveness: accessibility of the procedure, the ability to complete an examination after unsuccessful mediation, transparency of outcomes, protection against reprisals, concrete recommendations, follow-up and a genuine contribution to access to remediation.

8.1. Elements of the Norwegian practice that meet contemporary expectations

First, the Norwegian NCP does not turn the initial assessment into a requirement to prove the case on the merits. In the NBIM case, it found the issues sufficiently substantiated to be the subject of useful dialogue without making a finding of non-observance. This approach is consistent with TUAC's recommendation to maintain a sufficiently accessible threshold for accepting cases so that the initial assessment stage does not block access to good offices through an excessively high evidentiary standard.

Second, after unsuccessful mediation the NCP does not automatically terminate the procedure. In the Telenor and Aker BP/Aker ASA cases, it proceeded to further substantive examination and published reasoned findings and recommendations. TUAC expressly identifies this capacity as a basic condition for NCP effectiveness, since otherwise refusal of mediation would enable an enterprise to avoid public assessment.

Third, the NBIM case combines publication of the full agreement, a roadmap for cooperation and follow-up. TUAC regards publication of agreements and structured monitoring of their implementation as a means of preserving accountability after the confidential mediation stage has ended.

Fourth, the joint statement by the Norwegian and Chilean NCPs in the Statkraft case demonstrates practical application of the principle of non-reprisal. The NCPs articulated requirements for good-faith participation, the absence of threats and accurate public communication before a final decision was issued. This is consistent with TUAC's recommendation to include protection against reprisals in procedural rules and reinforces the particular importance of the safety of Indigenous Peoples and human rights defenders, which is also emphasised by OECD Watch.

8.2. Where the mechanism's systemic limitations become apparent

The Norwegian cases also confirm the limits of a voluntary model. The NCP cannot compel an enterprise to participate in mediation, award compensation or enforce implementation of its recommendations. Even a detailed final statement primarily creates public, managerial and reputational consequences, while the actual provision of remediation depends on action by the enterprise and other state or judicial mechanisms. OECD Watch describes this as a persistent gap between a strong normative standard and limited enforceability of outcomes.

The duration of cases also matters. Complex mediation, external expertise and international coordination improve the quality of analysis but may delay a public outcome for several years. TUAC's proposals on compliance with indicative timelines, timely decisions to move to further examination and mandatory follow-up are therefore particularly relevant.

8.3. Significance for the broader responsible business conduct architecture

TUAC and OECD Watch agree that the NCP should be viewed not as a substitute for binding law, but as part of a broader system that includes due diligence legislation, labour and environmental inspection, access to justice, conditions attached to public support, procurement and export finance. Within that system, the NCP performs a distinct function: it creates a safe space for dialogue, identifies gaps in corporate processes, articulates standards of conduct and transmits practical lessons to other authorities while preserving its impartiality.

> The Norwegian practice demonstrates a strong NCP model precisely because it is not limited to a single function. Successful mediation, reasoned examination after mediation fails, international coordination, protection against reprisals and follow-up are mutually reinforcing elements. Their effectiveness increases, however, only when NCP findings are supported by broader public policy and accessible legal mechanisms (TUAC 2026; OECD Watch 2026).

9. Final conclusions

9.1. NBIM: agreement and use of investor leverage

The NBIM case demonstrates the NCP's mediation function: following a positive initial assessment, the parties accepted good offices, reached an agreement and continued exchanging information through follow-up. The practical conclusion is that due diligence expectations also apply to institutional investors: an investor should identify risks in its portfolio and, where it is directly linked to an adverse impact through an investee company, use available leverage to prevent or mitigate that impact.

9.2. Telenor: responsible disengagement from a high-risk country

The Telenor case shows that responsible disengagement should be prepared before the point at which a business is sold. The NCP linked the quality of due diligence to pre-developed exit scenarios, renewed risk assessment when the transaction structure changes, protection of users and data, meaningful engagement with rights holders and participation in remediation. The failure of mediation did not end the procedure: further examination made it possible to formulate concrete expectations for the corporate process.

9.3. Aker BP/Aker ASA: due diligence in M&A transactions

The Aker BP/Aker ASA case shows that human rights due diligence in mergers and acquisitions is not limited to legal, financial and commercial review of assets. A company should assess the consequences of the transaction structure for third parties, including the potential effect on their access to remediation, engage with rights holders and use available negotiating leverage before closing, when opportunities to prevent or mitigate risk are greatest.

9.4. Statkraft: Indigenous Peoples, representation and safe dialogue

The Statkraft case remains ongoing, so no conclusion can be drawn as to whether the Guidelines have or have not been observed. At the current stage, its significance is primarily procedural: the Norwegian and Chilean NCPs are coordinating consideration of issues concerning Indigenous Peoples' rights, environmental and cultural impacts, differing positions within affected communities and risks of reprisals. The practice demonstrates the need to verify representativeness, ensure safe participation by the parties and take account of parallel national proceedings without automatically terminating dialogue.

9.5. Cross-cutting conclusions

The four cases show that the strength of the Norwegian NCP lies in combining mediation and analytical functions. The NCP uses the initial assessment to define the subject of the dispute precisely, offers professional mediation, continues examination where necessary if no agreement is reached, coordinates with other NCPs, publishes outcomes and conducts follow-up. At the same time, the practice highlights the importance of safe participation by rights holders, preventing reprisals and using leverage before opportunities to influence outcomes are lost.

Comparison with the TUAC and OECD Watch materials also reveals the limits of this model: a voluntary non-judicial mechanism cannot by itself guarantee remediation or the enforcement of recommendations. Its effectiveness increases when the NCP's work is supported by broader public policy, binding regulation, labour and environmental inspection, and access to justice.

For Kazakhstan, the most useful lesson is the integrated institutional model itself: clear distinction between procedural stages, safe and equitable participation by the parties, use of external expertise, the possibility of a reasoned final statement where no agreement is reached, follow-up, and linkage of the NCP mechanism to broader responsible business conduct policy. At the same time, the NCP should retain its role as an independent non-judicial mechanism and should not substitute for courts, inspectorates or binding regulation.

10. Sources used

Norwegian National Contact Point, Initial Assessment: IUF, EFFAT-IUF, SEIU and UGT vs. Norges Bank Investment Management (NBIM), 21 June 2021. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2026/06/Initial-assessment-for-publication-21-June-2021.pdf

Norwegian National Contact Point, Final Statement: Trade Unions IUF, EFFAT-IUF, SEIU and UGT vs. Norges Bank Investment Management (NBIM), 22 April 2022. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/12/FinalStatement_4tradeunions-vs.-NBIM_ENG-22-April-2022.pdf

Norwegian National Contact Point, Annual Report 2022, pp. 48-49; official case page: IUF, EFFAT-IUF, SEIU and UGT vs. NBIM, accessed 4 August 2026. https://responsiblebusiness.no/en/unique-grievance-mechanism/specific-instances-handled-in-norway/iuf-effat-iuf-seiu-and-ugt-vs-nbim/

Norwegian National Contact Point, Initial Assessment: SOMO on behalf of 474 Myanmar-based Civil Society Organisations vs. Telenor ASA, 27 September 2021. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/09/Initial-Assessment_SOMO-and-474-CSOs-vs.-Telenor_FNL.pdf

Norwegian National Contact Point, Final Statement: SOMO on behalf of 474 Myanmar-based Civil Society Organisations vs. Telenor ASA, 11 December 2025. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/12/Final-Statement_SOMO-on-behalf-of-474-CSOs-vs.-Telenor-ASA-1.pdf

Threefold Sustainability, Myanmar ICT Ecosystem Study – a Summary, February 2024. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/12/Attachment-2.-Public-summary-Myanmar-ICT-Ecosystem-study_English.pdf

Telenor ASA and SOMO, Memorandum of Understanding concerning the complaint related to Telenor Myanmar Ltd., July 2022. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/09/OECDNCP_Telenor_SOMO_MoU_12July2022_FINAL_Signed.pdf

Norwegian National Contact Point, Initial Assessment: Civil Society Coalition on Natural Resources and others vs. Aker ASA and Aker BP ASA, 27 February 2023. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/12/InitialAssessment_PAXothers_AkerBP_AkerASA_EN_-23-feb-2023.pdf

Norwegian National Contact Point, Final Statement: PAX and others vs. Aker BP ASA and Aker ASA, 18 June 2025. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/09/Final-statement_for-publication-18-June-2025-PAX-m.-fl.-vs.-Aker-BP-ASA-og-Aker-ASA.pdf

Norwegian National Contact Point, Initial Assessment: Mapuche-Williche Communities of the Pilmayken Territory et al. vs. Statkraft AS, 19 September 2024. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/08/NCP-Initial-Assessment-Mapuche-Williche-vs-Statkraft-AS.pdf

National Contact Points of Norway and Chile, Joint Statement in Mapuche-Williche Communities et al. vs. Statkraft AS, 22 October 2025. https://files.nettsteder.regjeringen.no/wpuploads01/sites/597/2025/12/Joint-statement-NCP-Chile-and-NCP-Norway.pdf

Norwegian National Contact Point, official case page: Mapuche-Williche Communities et al. vs. Statkraft AS, status "In progress", accessed 4 August 2026. https://responsiblebusiness.no/en/unique-grievance-mechanism/specific-instances-handled-in-norway/mapuche-williche-vs-statkraft-as/

Trade Union Advisory Committee to the OECD (TUAC), The Way Forward for the OECD Guidelines for MNEs on Responsible Business Conduct: TUAC's Recommendations for Strengthening the Implementation and Effectiveness of the Guidelines, 23 June 2026. https://tuac.org/wp-content/uploads/2026/06/TUAC-_Recommendations_The-way-forward-for-the-Guidelines_23-June.pdf

OECD Watch, 50 Years of the OECD Guidelines: Contributions, Limitations, and What Is Needed Next, 25 June 2026. https://www.oecdwatch.org/50-years-of-the-oecd-guidelines-contributions-limitations-and-what-is-needed-next/

Norwegian National Contact Point, Case Handling and Specific Instances Handled in Norway, procedural information, accessed 4 August 2026. https://responsiblebusiness.no/en/unique-grievance-mechanism/case-handling/