

Ten Steps to Promote the Voluntary Principles on Security and Human Rights: The Peruvian Working Group Model

In 2010, Socios Peru conducted an exploratory study to determine the extent to which the Voluntary Principles on Security and Human Rights (VPs) have been implemented in Peru, by VPs member companies, governments and civil society organizations. After the presentation of the study results, a group of stakeholders interested in security and human rights issues decided to create the Voluntary Principles Working Group (VPs-WG). The Working Group was established to enable joint reflection on challenges related to security and human rights among multiple stakeholders.¹

The Working Group aims to meet at least once a quarter and, additionally, as required or upon member's request. The Group now comprises 29 institutions, including 6 government institutions, 8 extractive companies, 5 civil society organizations, 8 embassies and 2 international organisations as observers.² This Group has organised training and dissemination activities (events, workshops, courses, seminars and panel discussions), aimed at raising awareness about human rights and the Voluntary Principles for both private and state actors. Here, it is important to highlight the role of the Peruvian government (see 10 – State commitment). Even though Peru is not an official member of the Voluntary Principles Initiative, numerous public offices and public institutions have proven essential to the establishment of this framework. For that reason, some ministries are VPs-WG members.

One of the main achievements of the Group has been the generation of a trusted space for dialogue between different actors. The open dynamic allows members to discuss a variety of issues of common interest, and to work towards more effective implementation of the Voluntary Principles.

The following are tips for the establishment of working groups in other contexts, based on the experience of the Peru Working Group (WG):

1. LEADERSHIP

The development of a WG requires a leader or champion who takes the initiative to promote and support the implementation of the VPs by convening representatives of the three pillars (companies, governments and civil society). At the beginning, it may be just one person or institution that takes the initiative, but eventually it is important to ensure collective leadership and ownership over the process.

The Peruvian experience has shown that other governments (and their embassies) can be key allies. In Peru, one VPs member government has assumed the responsibility of leading outreach efforts to promote the VPs, and has become a key ally in the process.

2. FIRST MEETING AND INITIAL ACTIVITIES

For the first constituent meeting of a WG, it is necessary to identify a few key actors from each pillar (companies, governments and civil society) with whom to build a core group to launch the WG (see 4 - Participation criteria). Even if some actors only participate as observers (for example, this may be the case for the government), they should nonetheless be formally invited to meetings. Following institutional presentations where actors explain their interest in the initiative the objectives of the WG need to be set. Objectives should be long-term, and some joint activities should be planned from the start. Initial activities should include a scoping study (see 3 - Scoping study), capacity building, and information sharing-- both internally within the Group and externally with a wider audience. An initial set of working rules should also be set for subsequent meetings (see 5 - Working rules).

3. SCOPING STUDY

One of the first activities of a VPs-WG should be to conduct a scoping study or situational analysis to understand the current state of VPs implementation in the country, especially considering efforts made at the national, regional and local levels. The study should also identify key challenges and gaps of implementation and provide recommendations to improve practices at the operational level.

In the Peruvian case, prior to the establishment of the Working Group, interviews were conducted with representatives of companies, embassies and international organisations that are VPs members, to assess the state of affairs and concerns in Peru related to security and human rights. Further interviews were conducted with civil servants and organisations working on security and human rights issues (but not participants in the VPs Initiative). The study provided important insights concerning progress made in the country as well as remaining concerns. The round of interviews also established initial contact with potential WG members.

The study included, among other areas of concern, an analysis of natural resource- related social conflicts, management and monitoring of royalties, the role of indigenous communities, social and environmental impacts, and companies' compliance with international standards. The study was published in April 2010, and was used to promote the VPs through workshops and round tables. Understanding the local context and issues was crucial to build a solid foundation for the establishment of the Voluntary Principles Working Group (VPs-WG) in Peru later that year.

4. PARTICIPATION CRITERIA

It is important to define membership criteria from the start. Based on the Peruvian experience, members should:

- a) Represent institutions that are already VPs members, or, if this is not the case, they should be proposed by their respective pillar;
- b) Provide representation in their institutional, not individual, capacity;
- c) Be working on issues related to security, human rights and extractives industries;
- d) Be highly regarded among their peers and within the sector.

Beyond the outlined participation criteria, several other aspects need to be considered when identifying suitable members for the Working Group. Firstly, it is important to consider any civil

society organisation that has been working on issues that the Working Group wants to address, even if the prospective member is not proposed by the civil society pillar. Secondly, while a good reputation in their own sector and in their compliance with human rights standards must be a key criterion, it is also important to consider the genuine efforts and progress of a company complying with the Voluntary Principles. Lastly, it is important to realize that communities may not always be adequately represented by NGOs, particularly in contexts of social conflict. If in doubt, community representatives should be invited to voice their views and interests directly to the VPs-WG.

In order to join the VPs-WG, an organisation needs to submit an application. In the case of Peru, a group can directly submit an application letter to the coordination group. Furthermore, one of the VPs-WG members can suggest the inclusion of a new member in the group.

As the VPs-WG is a deliberative body and all members work on a voluntary basis, there are currently no sanction mechanisms or penalties that apply to members of the Peruvian WG that do not follow the working rules, or that no longer fulfil the participation criteria. Working Groups, however, may want to establish compliance requirements, such as attendance to meetings or reporting on security and human rights efforts, with measures to expel non-compliant members.

5. WORKING RULES

The success of the Group depends on clear rules. If rules are set from the start, they facilitate the effective work of the Group in providing the assurance and trust that the process requires.

In the Peruvian case it was decided that WG meetings would be quarterly, with a fixed duration of two hours, and that topics, guests, and the venue for the following meeting would be agreed at each meeting. After each meeting, a report is written to summarize the main contributions and topics discussed. The Secretariat prepares this report and submits it to the Coordination Group (see 6. Management levels) before circulating it amongst members of the Group. Confidentiality is essential for dealing with security and human rights issues, so that members feel comfortable participating in an honest and open way about the challenges they face. To facilitate such an environment, the Peruvian VPs-WG chose to apply the Chatham House Rule to their meetings, which has proved to be a success.³ Accordingly, the minutes are only circulated inside the VPs-WG, but participants have the right to disseminate the information that was debated without disclosing the identity or affiliation of the speaker or of any other participant.

6. MANAGEMENT LEVELS

From the experience of the Peruvian VPs-WG, three management levels are essential for the functioning of the Group:

- a) The plenary involves all member institutions and meets regularly, as agreed by consensus, to address predetermined issues.
- b) The coordination level consists of a small group including representatives of the three pillars. This level meets on a needs-based frequency, to coordinate and to prepare for plenary meetings.
- c) The Secretariat convenes members, contacts speakers, leads meetings, and takes minutes, among other tasks. In the Peruvian case, the functioning of the WG is very dependent on the Secretariat, a role which has been assumed by an NGO which is a VPs member at the global level (Partners for Democratic Change International - Socios Peru). It is important that the

the Secretariat is, as far as possible, a neutral and respected party. The Secretariat is key to ensuring the sustainability of the Group. In the case of Peru, Socios Peru has undertaken the Secretariat role with its own resources. While this has facilitated the coordination of the Group, the VPs-WG would have greater autonomy and sustainability if a self-funding mechanism could be established. Ideally, the Secretariat should rotate between Group participants to provide some financial contribution for the sustainable operation of the Group.

7. WORK PLAN

In addition to goals, working rules, and management levels, the Group needs a work plan to implement its objectives. A plan may include internal and external activities, such as:

- Capacity building (courses, workshops about the VPs and good practices on security and human rights),
- Promotion (seminars, website, newsletters),
- Studies (analysis, surveys),
- Lobbying (with public and private entities),
- Security and human rights assessments (with companies or other institutions),
- Visits (to project sites),
- Monitoring and evaluation, among others.

It is recommended that the work plan has a duration of at least one year, and that the Group assigns tasks to its members, which ensures that all pillars are committed to the Group's functioning.

During the period 2010-2015, the VPs-WG in Peru and its members conducted 28 training and dissemination activities. All of these activities were related to implementation of the Voluntary Principles and issues such as social conflicts, human rights, use of force, investment, development and security, among others.

Through these activities, the Group aimed to raise awareness about security and human rights issues and the VPs. The Group also trained VPs implementers (national police, security companies and mining companies) to improve their practices. The total number of participants in these activities was 2213 from a variety of sectors: civil servants, policemen, businessmen, security companies, unions, NGOs, international agencies, and community leaders, among others. These activities can also have wider impact if they lead to academic institutions and other stakeholders conducting research and developing policy recommendations, protocols, and practical guidance.

Key activities in Peru included:

- Breakfast for executives: "Business and Human Rights, Introduction to the United Nations Guiding Principles on Business and Human Rights and the Voluntary Principles", organised with the support of United Nations Development Program, the embassies of Canada and Switzerland, and Socios Peru.
- International forum: "Best Practices for Dialogue on Governance in Latin America: the UN Guiding Principles and the Voluntary Principles on Security and Human Rights", organised by the project Weaving Bridges and funded by the Bureau of Democracy, Human Rights and Labor (DRL) of the US State Department.
- International seminar: "Voluntary Principles on Security and Human Rights: Current Perspectives", organised by Socios Peru, along with the embassies of Canada and Switzerland. This international seminar provided insights into the progress made by the three VPs pillars to improve VPs implementation in the country.

- Training course for the National Police of Peru, organised by the Ministry of the Interior and the International Committee of the Red Cross, with the support of the Swiss Embassy and companies in the region of Cusco.

8. DISCUSSION TOPICS

In order to maintain the interest in the Group and to attract new members, it is essential to carefully choose the topics, speakers, and format of discussions (e.g. workshop, presentation, dialogues, etc.). It is important to focus on topics that are of interest to members and that are useful to their daily activities.

In the Peruvian case, the WG has dealt with the following topics: the human rights situation in the country and in specific regions; private security companies; national legislation on the use of force and other security related issues; agreements between the national police and extractive companies; contracts between extractive companies and private security companies; social conflicts; indigenous peoples and free, prior and informed consent; and ongoing initiatives and activities by WG members. International initiatives such as the UN Guiding Principles on Business and Human Rights and the International Code of Conduct for Private Security Service Providers (ICoC) are also part of the discussions, since they are closely linked to the VPs.

The treatment of these issues has varied across contexts. In relation to the human rights situation, the Group has conducted studies to understand the outlook within the country or a particular region. In relation to private security companies (PSCs), the VPs-WG has discussed the draft law on PSCs and has invited experts to meetings in order to discuss those new laws and projects. The Group has also analysed the agreements between companies and the police, and invited public sector leaders to present their positions. The aim of the VPs-WG has always been to address issues of interest in a multi-stakeholder setting with all relevant actors involved.

Engaging all perspectives and actors has also allowed the VPs-WG to provide a forum to discuss how to address security issues and social conflicts. Importantly, the WG does not intervene directly in situations where a security incident has occurred, but merely provides a space for dialogue. For example, a key case in recent months involved a disagreement between an agricultural family and a transnational mining company in the Andean Region. The VPs-WG listened to both sides to understand the tensions from different points of view and focused the dialogue on possible solutions. Since other WG participants have had similar experiences, an open discussion of challenges and solutions is useful for all members of the Group.

9. RELATIONS AND ALLIANCES

As outlined throughout the previous steps, a multi-stakeholder approach has been a major key to the success of the VPs-WG in Peru. Collective leadership and varied stakeholder relations are important to obtain sustainable solutions and to reach actors that have not yet joined the VPs, particularly states. Members of the Working Group are therefore encouraged to, jointly or independently, conduct outreach activities with relevant stakeholders (companies, embassies, NGOs), as well as other public and private institutions. Organisations that do not join the WG can still help to disseminate information about the Voluntary Principles and, as guests of the WG, can share their expertise as speakers on selected topics.

In the case of Peru, the WG has approached state institutions directly, including the National Police, the Ministry of Interior, and other agencies working on security issues or in charge of regulating

private security companies. The WG has also established relationships with institutions working on the UN Guiding Principles on Business and Human Rights (in partnership with the Ministry of Justice and Human Rights and the United Nations Development Program) and the ICoC. Efforts made in the framework of these initiatives have contributed to the discussion on the VPs and strengthened the discussion on the relationship between businesses and human rights.

10. STATE COMMITMENT

It is important that state officials or authorities participate in the group, in order to lend credibility and to formalise the process, as well as to support the Group in the execution of the work plan. Over the period of the VPs-WG existence, almost all Group members have called for more conscientious and active participation from the Peruvian government. Even when Peru state officials joined meetings, they did not necessarily actively participate. One of the future goals of the Group is to ensure that the state is more involved in the WG, and also to achieve concrete commitment from the government to promote the VPs in Peru. Constant participation from the State could improve future negotiations between the state and companies, which would, hopefully, ultimately reduce the risk of human rights abuses and conflict on the ground.

¹The WG is composed of 3 pillars: Companies, government and civil society.

² As of August 2016, the members are: Ministry of Interior, Ministry of Energy and Mines, Ministry of Foreign Affairs, Ministry of Justice and Human Rights, Dialogue and Sustainability Office-PCM, SUCAMEC, Anglo American, Antamina, Barrick, Glencore, Las Bambas-MMG, Repsol, Rio Tinto, Yanacocha-Newmont, APRODEH, IDEH-PUCP, IDL, SER, Socios Perú, Embassy of Australia, British Embassy, Embassy of Canada, Embassy of Colombia, Embassy of the Netherlands, Embassy of Switzerland, Embassy of the United States, European Union, ICRC, UNLIREC.

³ <https://www.chathamhouse.org/>