

I. Working with Host Governments



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1.1. Engagement and coordination

A. The identification of key interlocutors within the host government may be challenging, particularly when there is a change of government or when responsibility for security is devolved to regional or local levels. Furthermore, more than one government agency may work on the same issues.

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GOOD PRACTICES*

Initiate stakeholder mapping exercise of key actors working on security and human rights issues in the host state

- ▶ Collect information across different corporate functions (e.g. security, community relations, governmental or external affairs, environment, etc.) to develop a global picture of relevant points of contact.
- ▶ Consult existing contacts within the host government (e.g. ministry of trade and investment, ministry of interior, ministry of security if any). (IGTs: 21)
- ▶ Consult with home state embassy and other companies to identify key stakeholders and their respective roles and responsibilities, in particular to identify 'champions' (i.e. supporters of the VPs) or potential 'spoilors' within host governments. (IGTs: 21)
- ▶ Consult with local experts (NGOs, academia, media, etc.)
- ▶ Conduct a review of different print and online sources to identify key issues and actors.
- ▶ Support and participate in focus groups, roundtables and town hall meetings to discuss security and human rights issues. Attending these events will allow the company to meet relevant actors.
- ▶ Repeat the stakeholder mapping exercise regularly to ensure that your network does not become outdated or overly biased in favour of particular groups.

Stakeholder mapping should seek to answer the following questions:

- Who are the national stakeholders with a clear role and/or interest in security and human rights issues?
- What are the economic and social agendas and interests of key actors?
- Who has the necessary influence to foster change?
- Which stakeholders can be "champions of change" in support of good security and human rights practices?
- Which stakeholders represent the interests of particularly vulnerable groups?
- What is the legal/policy framework for security and human rights issues? Which actors have a formal role/responsibility in this area?

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Complete stakeholder mapping of key interlocutors within host government and identify the relevant host government actors with whom to establish the first contact.

Engage widely within government. There will always be differing attitudes within the host government; it is likely that there will be some government actors willing to engage with companies to address challenges.

- ▶ Consult a wide range of individuals and agencies. Engaging only with a small group makes it difficult to establish lasting relationships. Furthermore, it can mean that other groups feel left out and do not respect agreements. This can have the unintended consequence of reinforcing existing power imbalances. (CSBP, Flashpoint Issue 1: 3)
- ▶ Work at the local level. Coordination around safety and security issues as well as a willingness to problem-solve to produce results, can be easier to realise at the local level. Furthermore, working at the local level may help to minimize impacts of changes in the government at the national level. Build a sense of ownership for safety and security at the local level.
- ▶ Develop different strategies for different government stakeholders. Consultations can be social (through informal discussions), or more formal and structured (workshops, public hearings, negotiations), or a combination of the two. (CSBP, Flashpoint Issue 1: 5)

Strengthen interpersonal relationships

- ▶ Make relationship building a priority. Meet regularly with a range of government actors and agencies, and establish informal links with company representatives. In many contexts, it is important to develop a personal rapport before entering into negotiations or difficult discussions. "Listening with a view to developing mutual confidence and understanding is vital". (ITGNs: 18) Be aware, however, of any negative impacts your relationships may have on an individual with regard to how s/he is seen within the institution/community and take mitigating actions where necessary.
- ▶ If possible, hire personnel with local language skills. This is an important part of building trust, confidence and understanding of the local context. (ITGNs: 18)
- ▶ Build partnerships with honesty, openness, mutual respect, trust and empathy. "Patience and an awareness that relationships develop over time are essential" (ITGNs: 18) Networks of personal relationships will often serve to provide access to key host government representatives.

Establish a broad-based security working group at the local level

- ▶ Establish a security working group to promote coordinated, bottom up approaches to addressing security and human rights challenges. It can also offset the impact of changes in the government at the national level on progress made at the local level.
- ▶ Invite the police chief, the military commander, the local head of government, one or two local leaders and other companies operating in the area to participate in a working group.

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- ▶ If appropriate, invite representatives of civil society organisations, including representatives of vulnerable groups, such as women, children and indigenous people.
- ▶ The first objective in establishing such a working group is to build trust and to promote exchanges among relevant actors. These structures may take time to become action-oriented, but the time taken to build up mutual confidence and a common understanding of the issues is invaluable.
- ▶ Ensure that the working group meets regularly and that there is a clear focal point responsible for logistics, agenda and recording of key issues from meetings.
- ▶ Consider co-chairing of meetings (e.g. one company and one civil society representative) to highlight the legitimacy of the group.

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B. The host government may not see any added value in engaging in a VPs in-country process.

GOOD PRACTICES*

Promote the VPs

- ▶ Raise the VPs at regular meetings and consultations with government officials. (IGTs: 14)
- ▶ Incorporate the VPs into investment agreements, where possible. (IGTs: 15)
- ▶ Make the case for the VPs using arguments tailored to the local context. Demonstrate the benefits in terms of security, social and economic development payoffs that support for the VPs can bring.

Foster commitment to the VPs within different levels of government

- ▶ Foster top level commitment to the VPs within the host government, since this has a trickle-down effect on behaviour and responsiveness. (MIGA: VI-4)
- ▶ Seek support at national, regional and local levels of government. Even if the national government does not want to participate officially in an in-country process, regional or local authorities may be ready to engage in initiatives to improve VPs implementation.
- ▶ Identify who needs to be kept informed of the different processes, even if they are not directly involved, and agree on the best means to do so. This should flow from the stakeholder mapping exercise. (see Challenge 1.1.a.).

Be informed on national laws and establish links with the VPs

- ▶ Engage with parliamentarians, human rights lawyers, national human rights institutions, civil society organisations or prominent local academic institutions to provide summaries of the relevant legal codes. Develop a short report detailing the relevant legal codes that concern human rights, labour rights, international humanitarian law and protection of the individual (MIGA: II-14). Build a case to show how the VPs enhance respect for national laws.

Promote national ownership of VPs implementation

- ▶ Ensure VPs implementation is an inclusive and consultative process, based on the perspectives, priorities and visions of different national stakeholders (i.e., not only government institutions, but also civil society, media, and informal and traditional justice and security actors), (ITGNs: 13-16). Even if host government actors do not want to engage, progress can still be made by engaging with other national actors.
- ▶ Develop close working relations with community leaders. Obtaining community support can provide a solid base to promote a VPs in-country process. In conflict-affected areas, local civil society and community leaders may be reluctant to speak publicly about topics such as human rights or the VPs. Companies need to be very aware of this and find ways to engage that do not put communities or individuals at risk.

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Work with other stakeholders

- ▶ Work with other companies, industry associations, and local partners to raise awareness of the VPs or to jointly engage in dialogue with the host government on the VPs. (IGTs: 21)
- ▶ Work with the home government to obtain high-level government support.
- ▶ Engage with the embassies of members of the VPs government pillar.
- ▶ Strengthen the knowledge and engagement of civil society organisations and the media on security and human rights issues.
- ▶ Sponsor 'observatories' that provide a repository for knowledge of national level security and human rights as a means to reach out to concerned stakeholders, ensuring the participation of representatives of vulnerable groups, such as women, children and indigenous people.

Be creative and go beyond VPs text and language

- ▶ Develop creative ways of building host government support. Although a VPs in-country process may be the most effective way of promoting VPs implementation, other activities (such as collaboration on human rights programmes or capacity building within the security sector) can also provide alternative opportunities to improve impact on the ground.

Get the right person for the right job

- ▶ Ensure that the staff responsible for government engagement are willing to listen, show good understanding of the local context and have a long-term commitment to the role. (CSBP, Flashpoint Issue 1: 6)

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CASE STUDY: COLOMBIA MINING AND ENERGY COMMITTEE (CME)¹

In 2003, an in-country multi-stakeholder process was initiated in Colombia by four companies and one industry association interested in promoting respect for human rights in the context of extractive sector operations. Collectively, they approached three embassies to help facilitate a dialogue with the Office of the Vice-President, the Ministry of Foreign Affairs, and the Ministry of Defence to advocate for the importance of the Voluntary Principles Initiative for Colombia. This dialogue eventually led to the creation, in September 2003, of the “National Committee for the Implementation of the Voluntary Principles”, which in 2008 was renamed the Mining and Energy Committee (CME).

The CME is a Colombia-based multi-stakeholder forum that studies, debates, and makes recommendations on best practices concerning security-related human rights issues.² It also provides a forum for dialogue between companies, the Colombian Government, embassies and civil society organisations (CSOs) regarding human rights and International Humanitarian Law (IHL)-related issues in the extractive and non-extractive industry. In 2015, participants in the CME include eight Colombian Government agencies,³ national and international oil companies, four VPs member governments with embassies in Colombia and one civil society organisation. The CME obtains funding through annual fee payments made by company members and grants provided by a few VPs governments.

The CME has established several working groups charged with producing recommendations based on the needs of its members. For example, the CME has a Working Group on Companies and Public Security Forces, which is currently working with the defence sector to institutionalise risk assessment practices. In 2012, this Working Group developed a recommendation on how CME members could contribute to the Ministry of Defence’s Human Rights and International Humanitarian Law Public Policy which includes training public security forces on human rights and IHL, operational discipline, defence, attention to vulnerable groups and cooperation, and makes a commitment to the VPs. Similarly, the Contractors Working Group has developed practical tools for companies in managing private security, through the translation of the VPs into concrete on-the-ground actions that are specific to Colombia. This Group is also working to promote understanding of the connections between VPs implementation and related initiatives such as the International Code of Conduct for Private Security Service Providers.

Key factors that have made the CME successful:

1. The willingness of the Colombian Government to acknowledge serious concerns regarding human rights and violations of IHL in the country;
2. No bureaucracy or high budgets, only political will and a focus on joint work;
3. Commitment from companies and the Colombian Government to work together to protect and respect human rights by:
 - a. raising awareness of the VPs;
 - b. implementing the CME’s recommendations; and
 - c. identifying best practices on security-related human rights issues;
4. A reasonable level of trust between members;
5. A commitment to continuous improvement (as opposed to perfection); and
6. The presence of a “champion” for the VPs within the Colombian Government.

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C. The lack of coordination between national and local authorities may undermine agreements reached by companies at the national level when implemented at the local level.

GOOD PRACTICES*

Conduct in-depth situation analysis in order to understand how the host government is organised and the way authority and responsibilities are devolved from the national to the regional and/or local authorities. This in-depth situation analysis can be led in-house and/or can be built through consultations with other knowledgeable stakeholders. It should include an analysis of the host state institutions, legal framework, political structure, formal and informal systems. The PESTLES framework is one useful method for classifying the information gathered.

PESTLES (Political, Economic, Social, Technological, Legal, Environmental and Security) Analysis

A PESTLES analysis is a macro-level assessment tool designed to give a broad contextual understanding of the state or region where security sector reform activities are planned, through the analysis of a multiplicity of specific but interrelated indicators. For further details see: <http://issat.dcaf.ch/>⁴.

Conduct and review a risk assessment to make sure coordination challenges are acknowledged as a risk and their implications are analysed.

Complete company stakeholder mapping within the host government

- ▶ Collect information from different corporate departments (e.g. security, community relations, governmental or external affairs, environment, etc.) to develop a global picture of relevant points of contact.
- ▶ Consult existing contacts within the host government (e.g. ministry of trade and investment, ministry of interior, ministry of security if any). (IGTs: 21)
- ▶ Consult with home state embassy and other companies to identify key stakeholders and their respective roles and responsibilities, in particular to identify 'champions' (i.e. supporters of the VPs) or potential 'spoilors' within host governments. (IGTs: 21)
- ▶ Consult with local experts (NGOs, academia, media, etc.)
- ▶ Conduct a review of different print and online sources to identify key issues and actors.

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Work with the host government both at the national and at the local level, including security officials

- ▶ Meet regularly with government representatives.
- ▶ Nuance the message at each level. The company should draw on its own expertise and consult others with experience in the host country culture, laws and social practices to share concerns and develop acceptance for the VPs at local levels.
- ▶ Promote coordinated approaches across ministries (defence, interior, mining, etc.) and other host government agencies through organising joint meetings.
- ▶ Ensure consistency of agreements with different levels of government. In coordination with government representatives, address challenges surrounding implementation of the decisions from the central level down to the local level.
- ▶ Support exchanges between national, regional and local security bodies, and contribute to coordination mechanisms that foster communication and cooperation between different levels of government.
- ▶ Promote targeted dialogues on human rights and international humanitarian law concerns surrounding the provision of security to facilitate greater understanding and trust between security forces and local communities. Invite representatives of vulnerable groups (e.g. women, children or indigenous peoples) to participate in these dialogues.

Work with other stakeholders to increase coordination between security actors

- ▶ Work with home governments, other companies, NGOs and multilateral organisations in order to promote effective government coordination.
- ▶ Engage with actors supporting security sector reform to promote coordination within host government structures.
- ▶ Support initiatives to create or reinforce a national coordinating agency for business and human rights issues. This agency would seek to increase cooperation between different stakeholders, increasing their responsiveness and accessibility.

Support the establishment of a VPs in-country process

Such a process should include actors at different government levels. It should promote coordination among relevant national and local stakeholders; follow up on agreements and monitor progress. (see [Challenge 1.1.b.](#)).

- ▶ Sensitise stakeholders to the importance of greater coordination and promotion of good practices. In-country VPs workshops may be a useful vehicle for these issues.