2017 Annual Report
Voluntary Principles on Security and Human Rights

A-B. *Commitment*

PAX joined the Voluntary Principles in January 2003 and is fully committed to its purpose and process. We view the VPs as a promising road to promote collective security and durable peace, neither of which can exist without respect for human rights.

In 2017, in addition to irregular meetings and consultations with individual government, corporate, and NGO participants, we served in the
- ✓ Steering Committee of the VPI
- ✓ Board of Directors of the VPA
- ✓ Implementation Working Group,
- ✓ sub-Groups on Security at Sea, and Risk Assessments,
- ✓ technical sub-Group on banking, and took part in
- ✓ NGO Pillar meetings, and
- ✓ the two strategic retreats under the Dutch presidency.

We are strongly committed to the effectiveness and credibility of the VPI, and to advance the 2018 priorities of the NGO Pillar (see annex).

C. *Promotion*

The VPs were integrated in the programmes of multiple civil society organization in gold mining regions of North-East DRC. PAX assisted with CSO participation in a VPs workshop in Goma, organized by the Swiss Government

D. *Country Implementation*

DRC:
Following up on our analysis of the security risks associated with the operations of the Kibali gold mine in North-East DRC[1], a joint venture of Randgold (45%, operator), AngloGold Ashanti (45%) and Sokimo (10%), a dialogue was established between the company, local CSOs and other stakeholders, and PAX, with emphasis on the security issues surrounding the mine.

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[1] www.paxvoorvrede.nl/media/files/pax-geant-minier-kibali-online.pdf, published together with the Commission Épiscopale pour les Ressources Naturelles in 2014. Kibali Gold Mines is a joint venture between Randgold Resources (operator, 45%), AngloGold Ashanti (45%) and the Congolese parastatal SOKIMO (10%).

In 2017, multi-stakeholder conferences were organized in three localities affected by Kibali's operations about the persistent tensions between artisanal miners and the company and Kibali's security architecture. PAX had a series of discussions with Kibali's management about its security policies and practices.

Colombia:
The unresolved legacy of organized violence in the coal mining area of César continues to haunt the most vulnerable parts of the population. Threats and assassinations of people who express grievances against industrial mining continue to mark the region's security situation. PAX is committed to the right to effective remedy for victims of human rights violations. Happily, in several areas there has been progress. Some key actors, including Glencore's Prodeco, are developing policies that may prove conducive to the realization of the right to effective remedy of victims of past abuses.

E. *Lessons and Issues*

✓ PAX fully supports the decision to develop best practices and to give a push to the establishment of effective in-country working groups. Without such efforts, or if they fail, the VPI will have little added value and will have difficulty to justify the time and efforts spent by its members.

✓ Many company members of the VPI focus their implementation efforts on aspects of the VPs that allow them to make a difference by themselves, like conducting Risk Assessments or providing human rights education to security providers. The VPI offers little guidance on other important, but more complicated or sensitive aspects - for instance how to determine the implications of conflict analysis, how to ensure adequate community consultations in polarised environments, how to deal with government requests that go against the spirit of the VP, or which consequences the absence of the rule of law should have. Such questions may not always be well addressed by all members. It is paramount for the VPI to identify and address all outstanding implementation challenges and provide clear guidance on how to deal with them. In doing so, the VPI will have to determine if there are any red lines that members should not cross.

✓ The case of César illustrates the futility of a strictly forward looking approach to security and human rights challenges. It also illustrates that the scope of the VPs is too limited to deal effectively with all security related human rights issues, and that additional measures can be required. In some circumstances, effective engagement with the authorities should be an implementation requirement, just like public, decisive and unilateral action to protect vulnerable people.

✓ The VPs are explicit about the requirement to engage sincerely with Governments, *Companies have an interest in ensuring that actions taken by governments, particularly the actions of public security providers, are consistent with the protection and promotion of human rights.* Engagement can be mandatory, especially if public security does not deliver security equitably or does not respect human rights.

✓ Joint engagement by multiple companies, supported by their home governments, can make a difference, but is surprisingly unusual. Many corporate human rights policies are basically

about keeping clean hands. That doesn't work in abusive environments. The value of the VPI is that it offers a platform for companies, governments and NGOs to challenge human rights violators together. The in-country working groups will have to focus on this, but they did not yet. It was troubling to see that the Myanmar working group chose not to define any ambition in that direction in 2017.

✓ In an increasing number of countries the free space for citizens to defend their human rights is severely restricted. VPI outreach countries DRC and Iraq are among the least free countries in the world. Other VPI outreach countries show worrying or decreasing levels of political and civil liberties, for instance Indonesia, Kenya, and Nigeria. The VPs recognize the constructive role that business and civil society – including non-governmental organizations, labor/trade unions, and local communities – can play to promote respect for human rights. Adequate implementation requires an enabling environment for citizens to defend their rights and interests. Some outreach efforts seem to ignore that successful implementation requires government policy changes.

An enabling environment is an implementation issue and the VPI should develop guidance for its members how to create it. This is a priority issue for in-country working groups.

1.   The Model Clauses are a successful global best practice.
Rationale: Already broadly supported, we should leverage and streamline existing efforts and available resources.
Activity: - Design and adopt an external and internal promotion strategy;
- Include in reporting criteria the efforts, achievements, obstacles and impact of the Model Clauses;
- The Steering Committee presents to the Plenary an analysis of the impact of the Model Clauses on security and respect for human rights with recommendations to maximize its impact.

2.   Companies monitor the impacts of their implementation efforts.
Rationale: Company reporting is predominantly about processes not impacts. Impact monitoring is paramount to assure that implementation is meaningful, to truly account for one's actions, and to know which practices work best. It would allow for the assessment of the impact of VP implementation on security and human rights at large.
Activity: A monitoring protocol should be developed, and eventually become integrated in the reporting requirements.

3.   An enabling environment for civil society and local stakeholders to advance the goals of the Voluntary Principles.
Rationale: A shrinking free civil space is a global trend that jeopardizes tri-partite cooperation, VPs implementation, and the strengthening of the NGO Pillar. Its relevance for several priority countries makes joint action all the more urgent.
Activity: - Each in-country WG analyses and reports about obstacles for civil society contribution to VP implementation;
- Each in-country WG develops joint action plan(s) to ensure adequate civil liberties and free space for civil society organizations to play its role;
- The Steering Committee presents to the Plenary an analysis of global trends and impact of civil society organizations' contributions to VP implementation, including recommendations for joint action to ensure an enabling environment for civil society contribution.

4.   Effective engagement with government public security.
Rationale: The behaviour of public security providers arguably presents the greatest human rights risk challenge of securing operations. The VPI is well positioned to develop international best practices in this field.
Activity: -   Map existing Participants' engagement and activities with public security functions and forces, including detailed identification of government-to-government engagement where available;
-      Conduct pilot mapping of in-country public security related issues and engagement through working groups;
-      Develop a strategic plan per country focused on public-security engagement using, among other references, the Model Clauses.