



Ministry of Foreign Affairs

# *Annual Report 2018*

## **Voluntary Principles on Security and Human Rights**

*Government of the Netherlands*





## Foreword

It is my pleasure to submit the Netherlands' 2018 Annual Report on the Voluntary Principles on Security and Human Rights (VPs). This report gives an overview of the efforts on outreach and implementation undertaken by the Netherlands in 2018 as member of the Voluntary Principles Initiative (VPI).

The year 2018 saw the 70-year anniversary of the Universal Declaration of Human Rights (UDHR) and I am sure the VPs will continue to play a positive role in protecting human rights in the extractive industries in the years to come.

**Sigrid A.M. Kaag**

Minister for Foreign Trade and Development Cooperation  
of the Kingdom of the Netherlands

### **About this report**

Compared to previous years, the Annual Report 2018 has a renewed structure to reflect the updated reporting guidelines for VPI member governments.

This report is divided into three sections:

- (A) Commitment to the Voluntary Principles; (B) Domestic Policies, Laws, and Regulations;
- (C) Promotion and Implementation of the Voluntary Principles. Some examples of lessons learned and challenges faced in the implementation of the VPs are also provided throughout.



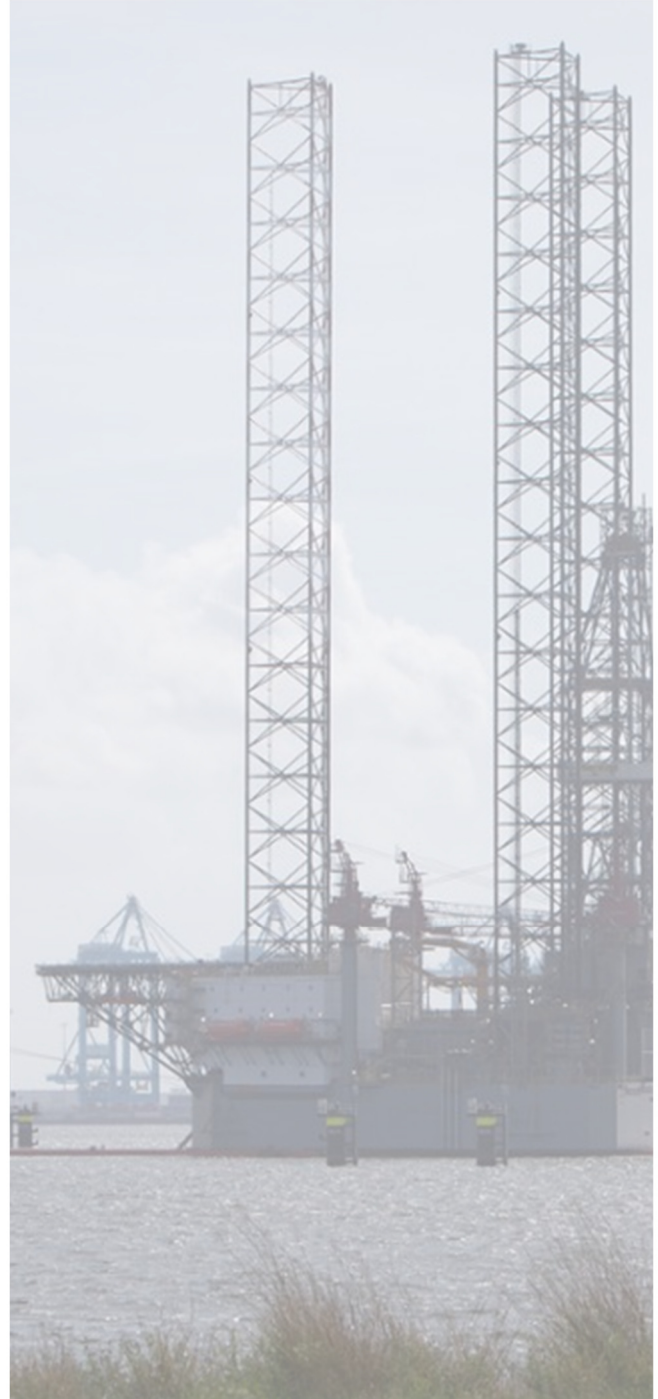
## A. Commitment to the Voluntary Principles

The government of the Netherlands is firmly committed to, and seeks to strengthen, the Voluntary Principles on Security and Human Rights (VPs). The Netherlands joined the multi-stakeholder Voluntary Principles Initiative (VPI) shortly after it was established in 2000 and endorses its mission, which is to provide guidance to extractive industries on maintaining the safety of their personnel and the security of their operations within an operating framework that ensures respect for human rights and fundamental freedoms. From March 2017 to March 2018, the Netherlands chaired the VPI. During its term as chair, the Netherlands focused on: (1) VPI implementation through the three in-country pilot working groups (ICPWGs), (2) tackling VPA governance issues and (3) information sharing.

The VPI is closely aligned with the Netherlands' National Action Plan on Business and Human Rights (NAP), which was adopted in 2013<sup>1</sup> and has since been implemented.

The NAP on Business and Human Rights sets out five main points: (1) An active role for the government; (2) Policy coherence; (3) Clarifying due diligence; (4) Transparency and reporting; and (5) Scope for remedy. The plan also provides several criteria the Dutch government has developed to facilitate the effective implementation of the OECD Guidelines for Multinational Enterprises (OECD Guidelines) and the UN Guiding Principles on Business and Human Rights (UNGPs). One of the main criteria is the need for a multi-stakeholder approach. As the VPI is a multi-stakeholder initiative, it is fully in line with Dutch policy in this area. The Netherlands will continue to support the VPI and the Voluntary Principles Association (VPA), and will remain actively committed to strengthening the VPs.

For a full overview of the steps taken in the field of business and human rights, please refer to the Dutch government's Human Rights Reports for 2017<sup>2</sup>.



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<sup>1</sup> <https://business-humanrights.org/sites/default/files/documents/netherlands-national-action-plan.pdf>

<sup>2</sup> <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2018/05/28/mensenrechtenrapportage-2017/Mensenrechtenrapportage+2017+-+EN.pdf>



## B. Domestic Policies, Laws and Regulations

Business & Human Rights is one of the priorities set out in the human rights policy of the Dutch Ministry of Foreign Affairs. The Netherlands are committed to implementing international standards such as the UNGPs and the OECD Guidelines, which provide businesses with the guidance they need to meet their responsibility. The Dutch government also follows a risk-based approach: in 2013, the Ministry commissioned a due diligence study<sup>3</sup> to identify industries whose supply chains contain heightened risks to international human rights, labour rights and environmental protection. This study identified 13 priority sectors, a diverse list that includes the construction, metals, electronics, oil and gas and other energy industries. The analysis took account of a broad range of risks, including issues related to mining. These include child labour, excessive working hours, health hazards and land grabbing.

The government is in dialogue with these sectors and their stakeholders in the Netherlands with the aim to agree on actions that will reduce the potential risks in their supply chains. Under these 'International Responsible Business Conduct (IRBC) Agreements' businesses are expected to take measures in accordance with their corporate responsibility, and in line with the OECD Guidelines and the UNGPs. Multistakeholder agreements including businesses, government, NGOs and labour unions are now in effect in nine sectors, including the gold and coal sectors. Agreements in sectors related to the extractive industries (metals, natural stone and sustainable energy) are currently under negotiation. More information on the IRBC Agreements can be found on a website that.<sup>4</sup>

The IRBC agreement on sustainable gold is a joint initiative of the trade associations for jewellers, goldsmiths and gold wholesalers (representing more than a thousand jewellers and goldsmiths), individual companies (including companies in the jewellery industry, the recycling sector, the electronics industry and the mining sector), NGOs, the Netherlands Trade Union Confederation FNV and the Dutch government. Given the relevance of the VPs and the Extractive Industries Transparency Initiative (EITI), both are mentioned in the agreement, and the parties agree that they will conduct outreach every year on both initiatives. Supported by the other parties, the government commits to encouraging gold-producing countries to accede to

the EITI and the VPI, and to take an active role in these initiatives. Through the agreement, companies have raised the quality of their due diligence and the parties have initiated a joint project aimed at combating child labour in Busia, Uganda.



*Project to combat child labour in gold mining, Busia, Uganda.*

*Picture By Solidaridad/Joshua Rukundo*

Another agreement that is relevant to the VPs is the Dutch Coal Covenant. The Dutch government and utilities (Vattenfall/Nuon, RWE/Essent, Uniper and ENGIE) are working together to improve conditions the coal supply chain. The partners' common goal is to identify room for improvement in social and environmental areas, and to address these jointly and with other stakeholders. The global initiative Bettercoal plays a key role in this agreement. A group of major European utilities established Bettercoal to promote continuous improvement of corporate social responsibility practices in the coal supply chain. Bettercoal's vision is a supply chain that respects human rights and the

<sup>3</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2014/09/01/mvo-sector-risico-analyse>

<sup>4</sup> [https://www.imvoconvenanten.nl/?sc\\_lang=en](https://www.imvoconvenanten.nl/?sc_lang=en)



environment and contributes positively to the lives and livelihoods of workers, producers and communities. Both the Dutch Coal Covenant and the Bettercoal Code refer to the VPs.

Other notable developments include the launch of the Responsible Mining Index (RMI). The Netherlands is one of the governments behind this initiative, which was launched in April of 2018 in Geneva<sup>5</sup>. Jaime de Bourbon, former Special Envoy of Natural Resources, talked about the Dutch efforts to make small-scale and large-scale mining more responsible. The RMI 2018 assesses 30 major mining companies, which jointly operate in more than 700 mines in more than 40 countries. The index measures the behaviour of companies on the basis of six subject areas such as economic development, working conditions, community wellbeing, and environmental responsibility. The instrument serves to support companies to demonstrate and improve on systematic approaches to address risks and impacts, including through human rights due diligence.

Lastly, the EU Conflict Minerals Regulation entered into force in the spring of 2017. It obliges EU importers to perform due diligence checks in line with the OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas, with the aim of curbing the use of trade in conflict minerals to finance armed groups, conflicts and human rights abuses. As a supplementary measure, the Dutch government proposed the European Partnership for Responsible Minerals<sup>6</sup>. The EPRM serves as a knowledge platform where organizations can share knowledge on due diligence. For instance, it provides support for the implementation of the OECD Due Diligence Guidance in Europe. EPRM also supports activities to improve the conditions in mining areas in conflict-affected and high-risk areas.



Gold mine in Busia, Uganda. Picture By Solidaridad/Joshua Rukundo

<sup>5</sup> For more information on the Responsible Mining Index, please access: <https://responsibleminingindex.org/en>

## C. Promotion and Implementation of the VPI

### The Netherlands and international forums

The Netherlands regularly communicates about the VPs with partner governments, the private sector, civil society and the general public through reports, public statements, public forums and bilateral discussions.

In 2018 the Government of the Netherlands has reached out bilaterally to several NGOs and governments. Some examples of this include the Dutch special envoy on natural resources, Dirk-Jan Koch, who encouraged adherence to the VPs during a visit to China and the Philippines.

Similarly, the Director for International Trade Policy and Economic Governance moderated a panel discussion at the Annual General Meeting of the Intergovernmental Forum on Mining, Minerals, Metals and Sustainable Development in Geneva. The objective of this panel discussion was to strengthen understanding among stakeholders on the VPs, their applicability in the context of ASM related issues and the specific tools members use to implement the VPs. Examples included the work of the in-country pilot working groups, the Model Clauses, the Implementation Guidance Tool, the Key Performance Indicators and the DCAF/IGF toolkit. Additionally, the discussion aimed to identify whether governments need additional guidance in implementing the VPs and what kind of role the IGF and its members can play in this regard.

In April 2018, the Netherlands also contributed to the Oil and Fuel Theft Conference in Geneva. This is a conference on oil and fuel theft (overarching theme: preventing government revenue loss and curbing the funding of terrorism & transnational organized crime) that brings together stakeholders from government and industry from both upstream and downstream. The objective of the contribution was to introduce the VPs to participants from the international oil industry and to link the VPs to preventing oil theft. A number of high-level government officials from governments such as the Philippines, Iraq and Uganda were present.

When it comes to implementing the VPs our global network of missions plays a key role. The Dutch Ministry of Foreign Affairs has worked on a number of occasions with Dutch diplomatic

<sup>6</sup> <https://english.eu2016.nl/binaries/eu2016-en/documents/press-releases/2016/05/13/innovative-european-partnership-to-stimulate-responsible-mineral-trade/innovative-european-partnership-to-stimulate-responsible-mineral-trade.pdf>.



missions in priority countries to identify the best ways to promote the VPs. Where appropriate, missions engage with local VP participants, host country governments and other stakeholders on outreach and on-the-ground coordination. Since the selection of the pilot countries, the Ministry has engaged actively with the Dutch missions in these countries. The Netherlands undertook additional efforts in the VP priority countries where it is actively involved in government-to-government outreach, most notably in Peru. The focus for the Government of the Netherlands during its chairmanship was to facilitate the in-country working groups in Ghana, Myanmar and Nigeria. These working groups have been established in the beginning of 2017 and seek to facilitate activities that promote in-country implementation of the VPs, and to address local security and human rights challenges.

### Nigeria

In 2018, Nigeria continued to struggle with its financial obligations and foreign debt. The country is experiencing serious financial hardship as a result of inflation. While the inflation rates decreased slightly in comparison to 2017, they remain to be high. A lack of affordable currency makes it very difficult for extractive industries (oil, gas and solid minerals) to purchase abroad the materials needed to keep their operations running. Civil unrest within the Niger Delta has reduced slightly in the past year, but it has witnessed a continued upsurge in pipeline vandalism. As a result, the business environment for extractive companies is seriously harmed. Companies are downsizing or selling off their assets and shifting their focus to offshore operations. In addition, the drop in the price of oil fluctuating between \$48-\$60 per barrel in the past 2-3 years has made business in the Niger Delta non-profitable.

The Dutch mission in Nigeria has been supporting COMPPART (also a participant in the VPI) through a two-year funding program. COMPPART has been implementing a series of programs through workshops and trainings in which they have been: a) engaging with local and national security agencies (military, police and navy) and oil and gas companies within the Niger Delta region and b) conducting advocacy work with the federal and State governments advocating for the VPs to be implemented in Nigeria.

The Government of the Netherlands aims to improve transparency and the exchange of information and best practices amongst participants. In this light, the Government of the Netherlands took the lead in organizing a multi-stakeholder visit for a large delegation of VPI members to Nigeria. Purposes of the visit were: conducting outreach, experience sharing and providing support to the in-country working groups.

During the week, the delegation met with several ministers, senior government officials, security organizations (the Nigeria Police Force and the DG Nigeria Security and Civil Defence) and the Nigerian Human Rights Commission. Especially the Minister of Mines and Steel Development, who also chairs the Extractive Industries Transparency Initiative in Nigeria, declared himself supporter of the VPI and Nigerian participation. The Ministries of Foreign Affairs and Justice both participated in the in-country visit and were visited by the delegation. The Ministry of Trade and Investment showed interest as well and shared the view that security and prevention of human rights violations are essential for attracting foreign investment. Both the Police Force and the DG Nigeria Security and Civil Defence promised to engage in the in-country working group in the future. A delegation of flag officers of the Ministry of Defence asked for additional information and accepted an offer to be trained on the VPs in order to be known with its practical implications.



*Ronald Roosdorp (L), Director for International Trade Policy and Economic Governance of The Netherlands, and Dr Kayode Fayemi (R), Minister of Mines and Steel Development for Nigeria.*

A key element of the visit was a session with security managers in Eket, Niger delta, organized by local gas company and VPI member Seven Energy. In this session, the challenges of implementing the VPs were discussed. Another highlight was an outreach event organized by NGOs (Lite Africa, COMPPART, New Nigeria Foundation, PIND, and the Fund for Peace), engaging with local civil society organizations. This session managed to interest about fifty persons, of which a substantial number had not heard about the VPs before.

The composition of the group – including both local and international representatives of all three pillars – invigorated our message of the importance of dialogue and collaboration within the VPI. The fact that the delegation included representatives from producing countries, provided new openings for discussion with the Nigerian government and contributed to the credibility



of our message. A promotional video was made during this visit. However, issues surrounding the EU General Data Protection Regulation have unfortunately prevented us from sharing the video with a wider audience. The video will be used for internal communication purposes.



*Ronald Roosdorp (L) and Admiral M.M. Salami (R) in Nigeria.*

### **South Africa**

In September 2018, after a two year long process that included a court case, the South African government and industry approved the Mining Charter titled “Broad-Based Socio-Economic Empowerment Charter for the Mining and Minerals Industry”. The Mining Charter is based on the vision to facilitate sustainable transformation, growth and development of the industry. On November 26, 2018, South African President Cyril Ramaphosa signed into law the National Minimum Wage Bill. This raises the income of an estimated six million South Africans, more than half of the labor force, who earn below this level at present.

The VP’s are relevant for the South African economy since it has historically been built on the mining industry. It is an important source of employment, in a country where the unemployment level is about 30 percent. The sector, due to its geographic characteristics leads to migrant labor (both domestic and regionally) which leads to socio-economic challenges e.g. living conditions, education, fractures in family structures and substance abuse. Furthermore, women in particular are negatively affected and rights violations are rife in relation to women and mining including sexual favors for jobs and an increase in violence after mining developments in an area. Lastly, legislation is in place for companies to develop Social Labor Plans that involves community development, however, it is not enforced and communities have limited knowledge about their rights.

In order to support the implementation of the VP’s, the Dutch Ministry of Foreign Affairs/Netherlands Court of Audit signed an MoU with AFROSAI (African Organization of Supreme Audit Institutions) to support Auditor Generals in Kenya, Tanzania and Mozambique to audit contracts in the oil and gas industry, thereby increasing transparency in the sector. AFROSAI is based in South Africa. The Dutch regional Energy Advisor was in the lead for this initiative and we supported him last year with this proposal.

The embassy in Pretoria raised the VPs in its participation in a roundtable discussion hosted by the World Coal Association in Johannesburg in July 2018 titled “Coal and the Sustainable Development Goals Roundtable”. This was a multi stakeholder high-level discussion on coal and the Sustainable Development Goals. The roundtable discussion points will contribute to the WCAs 2019 strategic plan for its mapping exercise. Another meeting was held at the embassy with Action Aid South Africa in 2018, and information relevant to the VPs was discussed.

In November 2018, the Ministry of Foreign Affairs together with the Netherlands Enterprise Agency (RVO) facilitated the return visit of a South African delegation to the Netherlands and Germany in November 2018. The mission, headed by Dirk-Jan Koch, Special Envoy for Natural Resources, included a visit to dry bulk terminal EMO, a civil society roundtable on human rights and the coal supply chain, communities and living environment, and on labour unions, and also included various sessions on the linkages between the water and mining sectors. In Germany, the South African delegation participated in a panel discussion on the relation between the mining industry and local communities and visited RWE’s Garzweiler mine.

### **Ghana**

The latest developments concerning the extractive sector in Ghana include the following. AngloGold Ashanti received permits to reopen the Obuasi gold mine and start operations. Since 2014 the mine has been in limited operations due to financial losses. In 2016 a group of informal miners overran the mine site, during which one employee was killed. In July, the government of Ghana and the Chinese company Sinohydro Group Ltd. closed a deal which will provide US\$2 billion in infrastructure in exchange for the rights to exploit refined Ghanaian bauxite. Most importantly, in December, the ban on small-scale mining was lifted. This ban was imposed as a result of the presence of informal miners and resulting tensions and impacts. The ban was also applied to check whether miners obtained the right equipment and permits.

The VPs are relevant for Ghana for different reasons. Firstly, the presence of informal miners leads to tensions with major mining



companies and local communities. Informal mining can lead to disastrous effects such as land degradation. Secondly, the VPs foster dialogue between the different stakeholders that are involved in mining in Ghana, this results in a better understanding between the different parties.

In 2018 Ghana organized a national roundtable on the VPs. The Dutch mission participated in that roundtable as well as the meetings the in-country working group on the VPs, which is chaired by the Fund for Peace.

### Democratic Republic of Congo

The DRC adopted a new mining code in March 2018, which enhanced taxation levels for companies operating in the country across the board. Interest in the mining sector has nonetheless not decreased, and DRC remains a key country for mining. This is especially true for minerals such as cobalt and coltan, which are heavily used in the technology and automotive industries.

The VPs are highly relevant in a context like the DRC. First of all, the DRC is one of the richest countries in the world in terms of natural resources. Minerals considered strategic (including cobalt, coltan, gold and cassiterite) are produced in the DRC. For instance, 2/3 of the global production of cobalt comes from the DRC. However, despite the importance of natural resources in the DRC, production and trade of minerals have only contributed to limited development of the country. On the contrary, the control of mineral resources has been recognized as one of the main causes of the conflict that has plagued the country for more than two decades and is therefore directly linked to insecurity and human rights abuses. Hence, field implementation of the VPs is key for the DRC, and would help ensure the extraction and trade of minerals foster peace, security and development.

In November 2017, with the support of the Embassies of Switzerland, the Netherlands and of Canada, two workshops were organized in Lubumbashi and in Goma, with members of the three pillars to promote the VPs in both industrial and artisanal mining contexts. Following the workshops, a recommendation was adopted calling for transparent dialogue between actors on a more regular basis to ensure that all pillars work together in a formal way for the prevention and response to risks in relation to security and human rights. During the workshop, challenges concerning the management of public and private security were also mentioned.

In October 2018 the mission launched a two-year bilateral project to reinforce the local implementation of the VPs in the mining sites in South Kivu (SK): the South Kivu Technical Working Group on the VPs. This project is implemented by the Geneva Centre for

the Democratic Control of Armed Forces (DCAF) with its partner the Observatoire pour la Gouvernance et la Paix (OGP). The mandate of this working group is to foster regular dialogues, enabling implementation of concrete recommendations to improve the management of security and human rights by actors in the mining sector in the province of South Kivu, in line with the VPs. The working group includes members of the three VPI pillars: government, companies and civil society organizations.

### Lessons learned and challenges in the DRC

“The South Kivu Technical Working Group on the VPs undertook an analysis of ongoing initiatives, in order to identify commonalities, and potential for complementarity. Thanks to this analysis, the working group is linked to, and reinforces, on-going initiatives in relation to responsible sourcing of minerals, by providing a technical expertise specifically in relation to security and human rights, so that members of the working group are able to identify and respond to security and human rights challenges. This demonstrates the importance of pursuing synergies and avoiding duplication in order to promote sustainability and coherence.

The DRC army (FARDC) has secured several mining sites. However within the FARDC there are many units and different military commands. There is a need for this kind of exchange to be extended to other FARDC units for more impact.”

In December 2018, DCAF and OGP organized a three-day capacity building workshop in Bukavu for the members of the working group, the workshop focused on risk analysis, prevention and response. The working group will be meeting on a monthly basis in 2019 to analyse the security situation and provide recommendations to improve security around mine sites (both artisanal and industrial), while respecting human rights of miners and local communities. Secondly, in 2019, this project will focus on the reinforcement of the capacities of the SK mining police, through the organization of a human rights based training. Oversight of the performance of the mining police will be performed by the working group.

Finally, for increased sustainability and impact, communication and outreach will be essential to this project. The experience in South Kivu can serve as a catalyser to promote exchanges and lessons learning with the VPs National Working Group in Kinshasa, as well as the VPs Working Group that was established in Lubumbashi. In addition, the experience of the South Kivu Technical Working Group will inform case studies and lessons learned to be shared with VPI stakeholders at the international level.





The working group benefits from buy-in from the three different pillars. Thanks to the workshop on the VPs carried out by DCAF and OGP, members of the working group clearly understand their role. Even though the project only started recently, the working group is already operational and contributed to the resolution of a local conflict linked to the extraction of minerals in the mining town of Nyabibwe, South Kivu.

The Dutch mission in the DRC maintains contact with the Swiss and Canadian embassies, the DRC government and private sector and other mining actors. Also the mission will follow up and ensure that initiatives are linked together and reinforce each other for more impact. An example of this is the coordination with the International Peace Information Service (IPIS). Under the umbrella of the VPs, the mission will continue dialogue with relevant government authorities, the private sector, the European Partnership for Responsible Minerals (EPRM), all donors investing in EITI standard and conflict free minerals, and civil society to establish and scale up additional conflict-free supply chains for gold and the 3Ts in the DRC.

### **Colombia**

The Dutch Embassy in Bogota has been a board member of the Mining and Energy Committee on Security and Human Rights (CME) throughout 2018. This platform unites the private sector, the Colombian government and several NGOs in the mining and energy sector for the purpose of promoting and upholding international standards and guidelines on corporate social responsibility. CME focuses particularly on companies' role on human rights and security. The VPs and their implementation are a major theme of CME's outreach program.

Other efforts related to extractive industries in Colombia include a follow-up project of the Sector-Wide Impact Assessment (SWIA), published in autumn 2016 by the Regional Centro de Empresas y Emprendimientos Responsables (CREER), an affiliate of the Institute of Human Rights and Business (IHRB), which received financial support from the embassy. The SWIA identifies the impacts caused by mining on the territories where it is being developed and, based on this, defining the challenges faced by the State, businesses and communities to mitigate these impacts. The embassy finances a project carried out by CREER on conflict resolution and mediation in the region Cesar. A joint follow-up visit by the German and Netherlands Ambassador to the mines of Drummond and Prodeco took place in January 2018. This visit was organized by the Dutch embassy and was part of the follow-up to the visit by Colombian Ministers Holguín and Arce to the

Netherlands in Autumn 2017. The Ambassadors had meetings with the management of the mining companies and with trade unions. In addition, meetings were organized by UNHCHR and PAX with representatives of nearby communities.

In 2018 the embassy invited CNR to take part in the working group consisting of the Colombian government, mining companies, CREER and Ideas for Peace Foundation. As a first initiative of this group, the Colombian government, CREER, Ideas for the Peace Foundation and the four mining companies Cerrejon, Prodeco, Drummond and CNR signed in 2018 a joint declaration to commit to collaborate in the protection of the life and physical integrity of people.

During a working visit to Colombia in April 2018, the Dutch Minister of Foreign Affairs Stef Blok emphasized the importance of transparency and openness with respect to the social and environmental conditions in the coal mining sector. He also advocated the active participation of Colombian mining companies in the transitional justice system, especially in the Truth Commission. Minister Blok also expressed the Dutch support for the Colombian government to realize improvements in the coal supply chain. Also in April 2018, the Dutch embassy hosted a meeting between the Bettercoal delegation, the German Ambassador and representatives from the Swedish embassy.

As part of the political and trade mission to Colombia in November 2018, the Prime Minister participated in a roundtable discussion with local leaders and human rights defenders on the implementation of the peace agreement with FARC and the human rights situation<sup>7</sup>. The Dutch Government supports the efforts of the Colombian Government by supporting the transitional justice mechanism with a contribution of 2.5 million euros from the Stability Fund.

### **Peru**

The mining sector remains of great importance for the Peruvian economy. The country's mining tradition has been around since pre-inca times, and still is one of the main drivers development in the country. Over the years, mining exports have contributed approximately half of the country's revenues. From 2007 to 2017, mining exports have increased by 55.7%. In 2017 mining exports amounted to US\$27.1 billion. The Peruvian Ministry of Energy and Mines (MEM) is expecting US\$58.5 billion worth of further investments in the mining sector from 2018-2021. Of these investments, 68.6% are expected to be aimed at copper mining, with the remaining investments mainly focusing on gold and iron

<sup>7</sup> <https://www.rijksverheid.nl/actueel/nieuws/2018/11/20/minister-president-op-politieke--en-handelsmissie-naar-colombia-en-naar-g20-in-argentinie>



projects. In Peru, the main barriers for mining development and operations have historically been social and environmental complaints from local (native) communities. In the past, these confrontations have often resulted in violent conflict. The excessive use of force exerted by public and private security forces have at times led to high numbers of casualties.

Accordingly, since 2011, the VPI working group in Peru has set as goal the regulation of the use of force and the internalization of human rights risks assessments in private and public projects. In Peru, the Netherlands aims to put the VPs on the agenda of key stakeholders within the government of Peru (ministries, congress commissions, political leaders), in order to support decision making towards the adhesion of Peru to the VPs.

In collaboration with the missions of Switzerland and the UK, the Dutch embassy has been promoting the incorporation of the Ministry of Energy and Mines and Ministry of Justice as new members of the VP driving group of Peru in order to provide allies to the Ministry of Internal Affairs (current VP champion). This was achieved in November 2018. In line with the ongoing VPI debate to apply the VPs and VPI tools to other economic sectors, the Peruvian working group is experimenting with broadening its scope to serve as a platform for not only the VPs, but also the OECD Guidelines and UNGPs. This way the working group will be linked and aligned to the revision process of the National Action Plan of Businesses and Human Rights of Peru, that is being led by the Ministry of Justice. The main goal for 2019 is to position the working group as the main platform for Business and Human Rights in Peru.

Furthermore, in the context of the interest of Peru to become a member of the OECD, the embassy coordinated the visit to Peru of Prof. Roel Nieuwenkamp, chair of the OECD Working Party on Responsible Business Conduct. In doing so, the embassy helped to position the VPs and tools as vehicle to prevent conflict and ensure guarantee of human rights in the extractive sector; as recommended by the OECD Guidelines. The embassy also facilitated the participation of Prof. Nieuwenkamp as speaker in PERUMIN 33, the most relevant mining convention. As a consequence, this year, the National Society of Mine, oil and gas accepted to organize together with Newmont mining a seminar on Business and Human Rights in which the VPI was one of the main topics.

The embassy has achieved the incorporation as observer of the National Confederation of Private Enterprises of Peru (CONFIEP), composed of several industry associations, the National Society of Mining, Oil and Gas, among them. The embassy has promoted the incorporation of Ministry of Energy and Mines and Ministry of

Justice as new members of the VP driving group of Peru in order to provide allies to Ministry of Internal Affairs (current VP champion). The Dutch embassy in Peru has supported the inclusion of two new members to the civil society pillar: Prodiálogo and Instituto de Defensa Legal (IDL). Currently, the embassy is starting communication with other NGOs that have reserves about the adhesion of Peru to the VPI: Broederlijk Delen, CooperAcción, Derechos sin Fronteras and Amnesty International.

#### **Lessons learned and challenges in Peru**

The embassy has collaborated with the Ministry of Internal Affairs (MININTER) to: a) support the ongoing introduction of VPs in the regulatory instruments of the use of force of national police and private security. Several working sessions with the Vice Ministry of Internal Security team were held to provide support in the process of revision of regulations and policy instruments; and b) educating high level officers and decision makers of several Ministries about the VPs and how they can be implemented through workshops.

This way, even though Peru is not an official member state to the VPI; the Dutch embassy in cooperation with its partners in the VP working group are working to support key government institutions to take concrete measures towards implementation of the VPI principles and tools.

The Ministry of Internal Affairs of Peru has increasingly introduced the VP principles and tools in the regulations and policy instruments related to the use of force by public security (National Police) and private security forces. Peru is one of the few countries that has established the regulation of the use of force with the status of law. After these legal reforms and the training of police officers on the regulation, we have witnessed a decrease in deaths and injuries in social conflicts: between 2006 and 2016, over 4000 people were injured and more than 500 people were killed as a result of social conflict; in 2018 there have been 3 fatal casualties.