



Long live the Voluntary Principles

Origin and Purpose

In 2000, the Voluntary Principles On Security and Human Rights were a timely response to a global governance gap. The removal of market regulations in the late 20th century made international decision no longer an exclusive prerogative of states. The policies of the immense global enterprises that emerged could substantially influence issues that were crucial to global policy, like the protection of the environment and human rights. Free markets do not generate strong incentives to act in the public interest and new instruments were needed to make global market parties conform to global values. Today, the international human rights system itself is under attack and instruments like the Voluntary Principles are potentially more relevant than ever.

Twenty years ago, not only governments and NGOs were concerned with the public interest, also companies looked for ways to navigate the moral and reputational hazards of a free-for-all market. NGOs exposed their misconduct, staff were unhappy with immoral consequences of their efforts and shareholders started asking about working conditions and sustainability. International human rights law offered globally recognized rules that seemed suitable to steer companies clear of the Pandora box of non-economic risks, whilst energy and mining companies found that security-related human rights risks were especially serious and difficult to manage.

Governments and NGOs were keen to mobilise the power of the business community to support the public interest and the Voluntary Principles were agreed in 2000 under US and UK leadership (remember those days?). They acknowledged that human rights risks cannot be dealt with in isolation from the political and social issues that drive them. Their common goal therefore is promoting respect for human rights, not just respecting them. They recognize that companies can have a role to play in mitigating potential for conflict, in security sector reform, and in the strengthening of the rule of law. As such, the Voluntary Principles belong to the global governance agenda of advancing a coherent set of values, without which a free global market place can all too easily lead to international public disorder. The narrow goal of the Voluntary Principles - “maintaining safety and security within an operating framework that ensures respect for human rights and fundamental freedoms” - is embedded in a higher mission of contributing to the fundamental global public goods of justice and peace and democratic values. This makes them potentially highly relevant for today’s major global challenges. A multi-stakeholder organisation was established to promote them, the Voluntary Principles Initiative (VPI) and is well placed to ensure that major business enterprises do their bit to promote human rights and its underlying values.

Achievements and Challenges

How relevant have the Voluntary Principles been? Did they deliver on their narrow goal of preventing security-related human rights violations in operational contexts? In all probability, yes, albeit that hard evidence is lacking. The VPI reporting requirements are essentially about processes and procedures. They reflect the managerial world of corporate headquarters, not of people whose human rights are at risk. The impacts of the reported policies and procedures on respect for human rights are not measured and proposals to



assess them have been rejected. Still, even though many VPI company members have their issues, there are few if any reports suggesting that members are directly implicated in gross or systematic security-related human rights abuses. This constitutes major progress compared with 2000 when dozens of oil and mining companies were deeply involved in the horrors of the civil wars in Colombia, DR Congo and Sudan. It is quite likely that the Voluntary Principles have been a factor in this.

Do the Voluntary Principles also deliver on the underlying ambition of upholding the global public interest? Does their implementation mitigate the potential for conflict and have a “positive impact on local governance, peace and stability”¹? Do implementing companies indeed “strengthen state institutions to ensure accountability”², contribute to security sector reform³, or strengthen of the rule of law? The annual reports of VPI members do not mention any of these goals.⁴ The many reported trainings and engagements may have positive impacts in terms of norm diffusion and policy reform, but even if so, we have no idea how systemic and durable that would be. The annual reports suggest that companies primarily utilise the Principles to prevent that their security providers abuse human rights and that they have no strategies in place to achieve its wider goals.

The value of the VPI lies in achieving collectively what individual companies cannot achieve on their own, but very few collective efforts to engage with host governments are reported. The impression arises that the VPI is more focussed on operational challenges of its members than on the underlying issues or people at risk. This is underlined by the fact that affected populations are absent and that most NGO members are based in Europe and the USA and more familiar with advising companies about implementation challenges than with human rights advocacy. If the VPI is stay relevant, this will have to change. Happily, its members seems to realise this.

The way forward

The 2019-2022 Strategy of the VPI is a robust and promising answer to today’s global challenges. It lays down an ambitious and timely agenda by connecting the human rights risks of its members with major global trends of increased levels of violence, shrinking of free civic space, inequality, and erosion of democratic values and the rule of law. Among its key priorities are conflict prevention and joint engagement with host governments. The paragraph about conflict prevention is particularly worthwhile reading:

“In some cases, operating environments are becoming more conflict-ridden and the broader respect for human rights is deteriorating. Violent conflict is a major driver of security-related human rights violations. Members are aware that underlying conflict drivers such as political, social and economic exclusion and lack of opportunity, the absence of the rule of law, insufficient civic space and ability to dialogue, repression, persecution of human right defenders, and poor human security, all create conditions where the risk of violent conflict increases. By helping to address such underlying issues, members are creating an enabling environment for the realisation of human rights. Members are committed to having a positive impact on local

¹ Voluntary Principles Initiative, “Guidance on Roles and Responsibilities of Companies”.

² Voluntary Principles.

³ Idem.

⁴ See <https://www.voluntaryprinciples.org/2019-annual-reports/> for publicly available annual reports.



governance, peace and stability, and playing a proactive role in preventing conflict rather than reacting to it is essential for effective implementation.”

On its 20th birthday, the VPI has excellent agenda that rejuvenates its mission. The way it approaches conflict is fully in line with the recent UN/World Bank conflict prevention policy Pathways for Peace and the policies of its government members. By affirming the intimate connection between repression, inequality, human security, and the rule of law with their ability to respect human rights at the operational level, the members of the VPI show an acute awareness that effective corporate human rights policies include the creation of an enabling environments for human rights.

The litmus test for the VPI will be to deliver on its new strategy. Commitment from its government and NGO members will be essential. The aim of initiatives like the Voluntary Principles is to supplement, and not supplant, the role of governments and the Principles recognise that governments have a special responsibility to promote and protect crucial global public interests.

The VPI Strategy has not attracted the attention that it deserves. Twenty years after the Voluntary Principles were created, the international human rights system is openly challenged by major international actors. Never before did such a large group of leading business enterprises speak out so forcefully that their interest lies with peace, justice and democratic values. It is up to all members of the VPI to walk the talk.

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December 2020