

APPENDIX 3.2 – FRAMEWORK FOR THE ADMISSION OF NEW GOVERNMENTS

Governments, companies in the industries of extracting, harvesting, or developing natural resources or energy, and non-government organizations (“NGOs”), all with an interest in human rights and corporate social responsibility, have engaged in a dialogue on security and human rights. Participants in the Initiative of the Voluntary Principles on Security and Human Rights (the “Voluntary Principles Initiative” or “VPI”) recognize the importance of the promotion and protection of human rights throughout the world and the constructive role business and civil society – NGOs, labor/trade unions and local communities – can play in advancing these goals.

This document sets forth the process by which Governments may apply to become Participants in the VPI. It also provides information as to the expectations for Applicant Governments and Government Participants in the VPI.

1. Admissions Process

Initial Application¹⁴

- 1.1 Any Government (hereinafter referred to as “Applicant Government”) may formally request admission to the VPI and the Voluntary Principles Association (“VPA”)¹⁵ as an Engaged Government.
- 1.2 This request is to be made through the submission of a Letter of Intent (as outlined in Annex A) to the Secretariat and should include a statement of the Applicant Government’s commitment to the Voluntary Principles.¹⁶
- 1.3 Upon receipt of an application, the Secretariat will transmit the application to the Steering Committee of the VPI for its review, in consultation with the Plenary.

¹⁴ Prior to submitting an application, or while an application is pending, any Government is welcome to request an invitation to attend the Voluntary Principles Annual Plenary Meeting as an Invited Guest of the Steering Committee. Requests should be submitted to info@voluntaryprinciples.org.

¹⁵ The VPA is an entity based in The Netherlands that addresses the administrative and financial needs of the VPI. The activities of and applications for membership in the VPA are governed by the Articles of Association of the VPA (available upon request). Formally, the General Meeting of the VPA decides on the admission to membership in the Association. The General Meeting is the same body as the Plenary of the VPI and Applicant Governments are informally admitted to the VPA once they are admitted to the VPI as Participant Governments in accordance with the procedures described in this document. Formal admission takes place at the next Annual General Meeting of the VPA, held at the same time as the Annual Plenary Meeting of the VPI.

¹⁶ Materials may be electronically submitted to applications@voluntaryprinciples.org.

Consideration of Application

- 1.4 The Steering Committee, in consultation with the Plenary, will make every effort to review applications in an expeditious manner. Applicant Governments should be aware that the review process typically takes several months to complete. At any point during the review period, the Applicant Government may contact the Secretariat to check on the status of an application.
- 1.5 The Steering Committee's review of an application will include an assessment of the Government's capacity to operate in a manner consistent with responsibilities described in the Entry Criteria set forth below.
- 1.6 During its review of an application, the Steering Committee may direct the Secretariat to convey specific additional questions to an Applicant Government and/or to set up a call or meeting to discuss particular aspects of the application. These questions and/or discussions will be limited to and focused on an evaluation of the considerations identified in the Entry Criteria. Members of the Steering Committee agree to complete the application review in as efficient a manner as practicable.
- 1.7 An Applicant Government shall, to the extent practicable, refrain entering into new commercial relationships with a Participant immediately before submission or during the review of the Applicant Government's application to join the Voluntary Principles Initiative; provided that if the Applicant Government enters into a commercial relationship described in the previous clause, it shall promptly submit an amended Letter of Intent clearly disclosing such commercial relationship.

Approval or Rejection of Application

- 1.8 The approval or rejection of the application is communicated to the Secretariat through the Steering Committee, and the Secretariat will advise the Applicant Government of the decision.

Potential Reconsideration

- 1.9 If an application has been rejected, the Applicant Government may request reconsideration. This request should be submitted in writing to the Secretariat which will transmit the request to the Steering Committee for its review, in consultation with the Plenary.
- 1.10 During its review of a request for reconsideration, the Steering Committee may choose to enter into dialogue with an Applicant Government, taking into consideration arguments brought forward by the Applicant. The Secretariat will contact the Applicant Government to initiate such discussions at the Steering Committee's request.
- 1.11 An Applicant Government that is not admitted under the terms set forth in Sections 1.9-1.10 may at any time submit a renewed request for admission.

2. Entry Criteria

- 2.1 An Applicant Government commits to proactively implement and/or assist in the implementation of the Voluntary Principles and to operating consistently with the documents and requirements listed in Annex C.

3. Engaged Governments

Status

- 3.1 Applicant Governments are initially admitted to the VPI as Engaged Governments.¹⁷

- 3.2 Engaged Governments may inter alia:

- a) Participate in meetings of the Government Pillar, unless such meetings, or any portions thereof, are specifically restricted to Participant Governments;¹⁸
- b) Attend and contribute to events organized by the VPI, including appropriate sessions at the Voluntary Principles Annual Plenary Meeting,¹⁹
- c) Seek advice and support from the Secretariat for Voluntary Principles- recognized activities,
- d) Contribute to discussions regarding implementation of the Voluntary Principles, including sharing of experiences and best practices.

- 3.3 Engaged Governments are expected to:

- d) pay a percentage equal to one half of the costs attributed to a Participant during their first year of Engaged Government status. The Government is expected to share in the costs as a Participant thereafter. A Government's inability to share in any of the costs would be addressed on a case by case basis.
- e) produce an Annual Report consistent with the Voluntary Principles Initiative Reporting Guidelines. For the avoidance of doubt, an Engaged Government must submit Full Reports for each year it is an Engaged Government and is not permitted to submit an Update Report.
- f) engage openly, in good faith, and comprehensively with other Participants including, in particular, honoring to the extent practicable requests from

¹⁷ The status of "Engaged Government" applies irrespective of whether the Government is home or host to companies in the industries of extracting, harvesting, or developing natural resources or energy, a combination of such or is a Government without such affiliations.

¹⁸ Where attendance at a meeting or a portion thereof is restricted, the Secretariat or a member designed by the Government Pillar shall provide advance writing noticed to the Engaged Governments.

¹⁹ When votes are taken at such VPI meetings, the meeting/event Chair shall be obligated to remind attendees that votes may only be cast by Participants.

Participants for additional information, as well as direct and good faith engagement on issues pertinent to the implementation of the Voluntary Principles.

- 3.4 An Engaged Government's status may be reviewed on a case-by-case basis and the application process terminated by the Steering Committee, in consultation with the Plenary, if the Engaged Government is not abiding by the commitments it made upon joining the Voluntary Principles Initiative.
- a) An Engaged Government excluded under the terms set forth in Section 3.4 may at any time submit a renewed request for admission.
- 3.5 Engaged Governments are not Members of the VPA, but are allowed to participate in VPA meetings and events, unless participation is specifically restricted to VPA Members.

4. Requesting Status as a Participant Government

Development of a National Plan

- 4.1 Engaged Governments may at any time request the Steering Committee to initiate a process enabling them to gain status as Participant Governments within the VPI and the VPA.
- 4.2 Such a process would require that the Engaged Government develops and implements a National Plan (hereinafter: "the Plan") consistent with the framework set out in Annex B. The Plan is to focus on steps to promote security and human rights in the industries of extracting, harvesting, or developing natural resources or energy in the Engaged Government's country and should incorporate consideration of the roles and responsibilities outlined in the Roles and Responsibilities of Governments document.
- 4.3 Engaged Governments shall, on a quarterly basis, update the Steering Committee on progress of their drafting of the Plan.
- 4.4 Engaged Governments should make every effort to submit the Plan within 18 months of becoming an Engaged Government. However, some flexibility may be required in this transition period as governments will be required to provide a large amount of information in the Plan. If a Plan is not submitted within 18 months, the Steering Committee and Secretariat should work with the Engaged Government to ensure that a Plan is submitted within 6 months after the end of the 18-month period.

Review of the Plan

- 4.5 For a period of one (1) month following submission of the Plan, the Steering Committee should review the Plan and work to clarify issues related to the Plan with the Engaged Government. If ongoing collaborative work (between the Steering Committee and the Engaged Government) is needed, the Steering Committee should inform the Engaged Government, set a new timeline and work with the Government to address outstanding issues in a timely fashion.

Approval of National Action Plan

- 4.6 If an Engaged Government's National Action Plan is approved by the Steering Committee, in consultation with the Plenary, the Secretariat will inform the Engaged Government that it has gained status as a Participant Government.²⁰
- 4.7 If an Engaged Government's National Action Plan is not approved by the Steering Committee, the Steering Committee will give recommendations to the Engaged Government on how best to improve its National Action Plan. Every effort will be made to work with the Engaged Government in order to enhance its National Action Plan with goal that it will ultimately be approved.
- 4.8 The Steering Committee is to indicate a time-frame for the Government's reporting to the Steering Committee on progress in implementing the Plan. As necessary, the Steering Committee may recommend assessments in order to determine the level of progress by the Government. This may include organizing an in-country review mission consisting of a group of Voluntary Principles Participants.

5. Participant Governments

- 5.1 Participant Governments are inter alia:
- (a) Eligible to participate fully in all aspects of the Voluntary Principles Initiative and the Voluntary Principles Association, including governance and other decision-making forums; and
 - (b) Expected to operate consistently with Governance Rules for the Voluntary Principles Initiative, including, but not limited to the Participation and Accountability Criteria and the Roles and Responsibilities of Governments document.

²⁰ The status of "Participant Government" applies irrespective of whether the Government is home or host to companies in the industries of extracting, harvesting, or developing natural resources or energy, a combination of such or is a Government without such affiliations.

VOLUNTARY PRINCIPLES INITIATIVE: Becoming an Engaged Government

Annex A – The Letter of Intent

The Letter of Intent may include (but is not limited to) incorporating the following elements:

Express interest in joining the Voluntary Principles Initiative:

- Describe your commitment to adhering to the Voluntary Principles.
- Identify what ministry will manage the Voluntary Principles, as well as any other ministries and/or bureaus which may contribute and/or have a stake in implementing the Voluntary Principles.
- Discuss the Government's decision to apply to the join the VPI. What factors lead to the decision to apply? What does the Government hope to gain from participation in the Initiative?

Describe and identify experience with companies in the industries of extracting, harvesting, or developing natural resources or energy:

- Include information outlining the number of transnational and/or national companies in the industries of extracting, harvesting, or developing natural resources or energy operating in your country.
- Identify the size of related components in terms of numbers of companies (both home and transnational for which your country is host), size(s) of companies, and estimated fiduciary investments.
- Cite national and/or transnational companies with operations in the country that work efficiently and effectively as well as those who have faced or are facing challenges.
- Identify experience(s) with transnational and/or national companies operating in areas of armed conflict and/or areas where significant security operations pose risks of human rights abuse.
- Identify what Government entities (at the federal, state/department, and local/municipal levels) have responsibilities for providing security for the operations of companies in the industries of extracting, harvesting, or developing natural resources or energy.
- Explain how the Government regulates private security companies (if at all).

Describe how the Voluntary Principles may be of Assistance to Your Country's Efforts:

- Distinguish ways in which your country could both contribute to and learn from the Voluntary Principles and participate in the multi-stakeholder approach of the VPI.
- Explain how the VPI multi-stakeholder forum could help identify practical guidelines and build upon best practices for your Government.
- Explain how the Government can contribute to the knowledge-base on issues related to the intersection of security and human rights and provide its own unique perspective. Cite examples when possible.

Highlight what your government is currently doing that relates to the Voluntary Principles:

- Cite specific interest in, or current experience your country has undertaken that involves the Voluntary Principles.
- Identify past and existing efforts to train, vet, and oversee public and/or private security forces domestically.
- Identify and cite examples of what your Government is doing on its own, with businesses, and with members of civil society to collaborate and work on multi-stakeholder initiatives to discuss issues of human rights. (Examples are holding monthly multi-stakeholder roundtables, administering training, developing national legislation etc...)
- Explain how current or future initiatives may be forming the beginning of an in-country action plan for addressing security and human rights in the context of the operations of companies in the industries of extracting, harvesting, or developing natural resources or energy.
- Describe how participating in, or being members of, other initiatives (such as the Extractive Industry Transparency Initiative, the Association for the International Code of Conduct for Private Security Service Providers, etc.) may work in tandem with your Government's participation in the VPI.

Commitment to business & human rights initiatives:

- Share how your Government will raise international awareness and standards for the Voluntary Principles and contribute to improving human rights.
- Describe your commitment to the Voluntary Principles to help reduce the risk of human rights abuses in connection with the operations of companies in the industries of extracting, harvesting, or developing natural resources or energy, specifically in volatile zones.
- Explain why the Voluntary Principles are beneficial to the interests of your Government and the national and transnational companies within your country.
- Share ideas for future initiatives to implement the Voluntary Principles in your country.
- Indicate your initial thoughts and/or examples on what may be included in your national action plan.
- Identify companies in your country that are already Voluntary Principles members, and describe how you can work with them to promote the Voluntary Principles.
- Share regional dynamics and issues around security and human rights and identify ways in which joining the Voluntary Principles can help alleviate or proactively address these issues.
- Share how your Government seeks to implement the UN Guiding Principles on Business and Human Rights in the context of the operations of companies in the industries of extracting, harvesting, or developing natural resources or energy.
- Share how the Voluntary Principles relates to your Government's National Action Plan on Business and Human Rights, as applicable.

Please identify the department where the Voluntary Principles will be managed and the points of contact.

VOLUNTARY PRINCIPLES INITIATIVE: Becoming a Participant Government

Annex B – National Plan

Elements of the Plan

The Plan should outline the steps the government plans to take to promote and implement the Voluntary Principles. The Plan should include a road map that sets out clear objectives, a plan of activities and a timetable for promotion and implementation. The Plan should be developed by the Engaged Government in consultation with, and drawing on input, from relevant government agencies (e.g. commerce, defense, justice, energy, and economic issues). The Government should also consult with local companies, civil society, and embassies and missions of VPI Participant Governments. Consultations should continue on promoting and implementing the Voluntary Principles even when a country achieves Participant Government status.

The Plan should include details of how the Engaged Government intends to:

- a. demonstrate commitment to and implement the Voluntary Principles on Security and Human Rights both domestically and overseas;
- b. promote the Voluntary Principles and encourage companies, NGOs and other governments to join the Voluntary Principles Initiative and implement the Voluntary Principles;

Examples of potential activities designed to promote and implement the Voluntary Principles include regular multi-stakeholder roundtables; establishing interdepartmental Voluntary Principles promotion strategies; demarches; administering training; developing national legislation; joint Government-Corporate-NGO outreach; presentations at international fora.

The Plan might also include:

details of appropriate laws, regulations, policies, and/or procedures which are designed to ensure that actions of public or private security providers are consistent with applicable international law and humanitarian law, or provide details of what steps will be taken to enact such laws, regulations and policies. This could include human rights training and education for security providers;

details on how the Government intends to promote the observance of applicable international law enforcement principles, particularly with regard to the use of force;

an explanation of the Government's efforts to ensure accountability and respect for human rights and to mitigate human rights abuses. The Government could also detail how it holds perpetrators accountable by taking actions including investigating, prosecuting, and/or other measures that effectively address human rights abuses or prevent them.

Annex C – Key Document List

The Initiative of the Voluntary Principles on Security and Human Rights Governance Rules
The Roles and Responsibilities of Governments
Participation and Accountability Criteria

These documents can all be found in the Membership Documents section of The Initiative webpage
(<https://www.voluntaryprinciples.org/the-initiative/>)