

APPENDIX 3.3 – FRAMEWORK FOR THE ADMISSION OF NEW NGOS

THE VOLUNTARY PRINCIPLES INITIATIVE AND THE VOLUNTARY PRINCIPLES ASSOCIATION FRAMEWORK FOR ADMISSION OF NEW NGOS

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 Voluntary Principles Initiative (“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 NGOs may apply to become Participants in the VPI. It also provides information as to the expectations for Applicant NGOs and NGO Participants in the VPI.

Admissions Process

Initial Application²¹

Any NGO (hereinafter referred to as “Applicant NGO”) may formally request admission to the VPI and the Voluntary Principles Association (“VPA”)²² as an Engaged NGO.

The request is made in writing at any time to the Secretariat and is to include a statement of the Applicant NGO’s commitment to the Voluntary Principles and describe the activities they undertake or plan to undertake relevant to the Voluntary Principles.²³

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.

²¹ Prior to submitting an application, or while an application is pending, any NGO 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

²² 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 NGOs are informally admitted to the VPA once they are admitted to the VPI as Participant NGOs 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.

²³ Materials may be electronically submitted to applications@voluntaryprinciples.org.

Consideration of Application

The Steering Committee, in consultation with the Plenary, will make every effort to review applications in an expeditious manner. Applicant NGOs should be aware that the review process typically takes several months to complete. At any point during the review period, the Applicant NGO may contact the Secretariat to check on the status of an application.

The Steering Committee's review of an application will include an assessment of the NGO's capacity to operate in a manner consistent with responsibilities described in the Entry Criteria set forth below. During its review of an application, the Steering Committee may direct the Secretariat to convey specific additional questions to an Applicant NGO 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.

An Applicant NGO shall, to the extent practicable, refrain from entering into new commercial relationships with a Participant immediately before submission or during the review of the Applicant NGO's application to join the Voluntary Principles Initiative; provided that if the Applicant NGO 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

The approval or rejection of the application is communicated to the Secretariat by the Steering Committee, and the Secretariat will advise the Applicant NGO of the decision.

Potential Reconsideration

If an application has been rejected, the Applicant NGO 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.

During its review of a request for reconsideration, the Steering Committee may choose to enter into dialogue with an Applicant NGO, taking into consideration arguments brought forward by the Applicant. The Secretariat will contact the Applicant Company to initiate such discussions at the Steering Committee's request.

An Applicant NGO that is not admitted under the terms set forth in Sections 1.8-1.9 may at any time submit a renewed request for admission.

Entry Criteria

An Applicant NGO 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 A.

An Applicant NGO should:

- Have an established record and reputation for the promotion of respect for human rights and/or promotion of human security/peace.
- Demonstrate formal commitment to sustained and public promotion of the Voluntary Principles.
- Be willing and capable to contribute to the international Voluntary Principles process; if based in a

host country, willing and capable to contribute to national in-country process.

- Be independent and should not be compromised in its ability to defend the rights and interests of victims of violence and human rights violations and to contribute to holding accountable Corporate and Government Participants because of financial or other relationships with VPI Participants or otherwise. The structure and governing rules of the organization should guarantee the not-for-profit nature of the NGO and its ability to act independently.

Engaged NGOs

Status

Applicant NGOs are first admitted to the VPI as Engaged NGOs.²⁴

An Engaged NGO is able to participate in proceedings of the VPI for a one-year term, with an option to extend at the discretion of the Plenary.

An Engaged NGO's term officially begins on the date that its request is approved. Terms that are due to expire, however, will be automatically extended until the next Annual Plenary Meeting.

Each year, if it has not yet applied to become a Participant NGO, an Engaged NGO must submit a letter to the Steering Committee requesting renewal of its status as an Engaged NGO within the VPI.

The letter should specifically request renewal of the organization's participation within the VPI with an explanation of efforts made during the previous year to promote and/or to assist in Voluntary Principles implementation. The letter should also provide information regarding the organization's intentions to promote and/or to assist in Voluntary Principles implementation during the following year.

The Steering Committee makes a recommendation to the Plenary regarding the extension of each Engaged NGO's term for an additional year.

At the Annual Plenary Meeting, the Plenary reviews and votes on the proposed renewals.

Expectations

Engaged NGOs may inter alia:

- Participate in meetings of the NGO Pillar, unless such meetings, or any portions thereof, are specifically restricted to Participant NGOs;²⁵
- Attend and contribute to events organized by the VPI, including Annual and Extraordinary Plenary Meetings, except in instances when such meetings are specifically restricted to Participants;²⁶
- Participate in Working Groups of the VPI;
- Seek advice and support from the Secretariat for activities recognized by the VPI; and
- Contribute to discussions regarding implementation of the Voluntary Principles, including sharing of experiences and best practices.

²⁴ The status of "Engaged NGO" applies irrespective of whether the NGO is an international- or national-level NGO.

²⁵ Where attendance at a meeting or a portion thereof is restricted, the Secretariat or a member designed by the NGO Pillar shall provide advance writing noticed to the Engaged NGOs.

²⁶ 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.

Engaged NGOs may not:

- Exercise voting rights within the VPI; and
- Participate in meetings of the NGO Pillar, where such meetings are specifically restricted to full NGO Participants.
- Engaged NGOs are required to engage openly, in good faith, and comprehensively with other Participants including, in particular, honoring to the extent practicable requests from Participants for additional information, as well as direct and good faith engagement on issues pertinent to the implementation of the Voluntary Principles.

Engaged NGOs are not expected to submit Annual Reports to the Plenary.

Engaged NGOs are not Members of the VPA but are allowed to participate in VPA meetings and events, unless participation is specifically restricted to VPA Members.

Requesting Status as a NGO Participant

After a period of one year, an Engaged NGO may request status as a NGO Participant within the VPI and VPA. The status of “NGO Participant” applies irrespective of whether the NGO is an international- or national-level NGO.

In exceptional circumstances, an Engaged NGO may make a special request to the Steering Committee to become an NGO Participant prior to end of the one-year term. Such a request must be made in writing to the Steering Committee and should provide justification for why the Engaged NGO wishes to convert its current status before the end of the one-year requirement.

If an Engaged NGO has not requested full NGO Participant status after three years of participation in the VPI, its membership in the VPI will not be renewed except by special request and at the discretion of the Steering Committee.

An Engaged NGO may make a special request to the Steering Committee to retain its Engaged NGO status for a period that exceeds the three year limit. Such a request must be made in writing to the Steering Committee and should provide justification for why the Engaged NGO wishes to retain its status and not seek to become a NGO Participant.

To request status as an NGO Participant, an Engaged NGO must submit a letter to the Steering Committee setting forth:

The NGO’s reasons for requesting a change in status;

- An explanation of why a change in status would allow the organization to better contribute to the VPI;
- An outline of how the NGO would contribute to the VPI, including its commitments to participate in the committees and Working Groups of the VPI, and/or to assisting with outreach and implementation programs related to the Voluntary Principles;
- A demonstration of the NGO’s recent history of commitment to promote and/or assist in the implementation of the Voluntary Principles and/or disseminate the Voluntary Principles among relevant stakeholder groups.

An Engaged NGO's request to become a NGO Participant within the VPI will be reviewed by the Steering Committee in accordance with the procedure set forth in Sections 1.4-1.9.²⁷

NGO Participants

NGO Participants are inter alia:

- 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
- 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 NGOs document.
- Required to recuse themselves from any voting in regard to a fellow Participant that they have a financial or material relationship with that is relevant to the Voluntary Principles; and
- Required to disclose all sources and amounts of income, with details on the purpose of funds for those from other Participants in the VPI.

²⁷ 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 NGOs are informally admitted to the VPA once they are admitted to the VPI as NGO Participants. 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.

Annex A – Key Document List

The Initiative of the Voluntary Principles on Security and Human Rights Governance Rules
The Roles and Responsibilities of NGOs
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/>)