

# FROM COMMITMENT TO IMPACT



Experiences from Local Working Groups  
on Business, Security and Human Rights  
**FINAL REPORT - 2020**

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# ACRONYMS

<b>AFRICOM</b>	U.S. Africa Command
<b>ASGM</b>	Artisanal and Small-scale Gold Mining
<b>CME</b>	Comité Minero Energético de Seguridad y Derechos Humanos
<b>CSO</b>	Civil Society Organization
<b>CSR</b>	Corporate Social Responsibility
<b>DCAF</b>	DCAF - Geneva Centre for Security Sector Governance
<b>EITI</b>	Extractive Industry Transparency Initiative
<b>FFP</b>	Fund for Peace
<b>FGD</b>	Focus Group Discussion
<b>ICE</b>	Indonesia Centre for Ethics
<b>ICoCA</b>	International Code of Conduct Association
<b>ICRC</b>	International Committee of the Red Cross
<b>ICWG</b>	VPSHR In-Country Working Group
<b>IHRB</b>	Institute for Human Rights and Business
<b>KAIPTC</b>	Kofi Annan International Peacekeeping Training Centre
<b>KII</b>	Key Informant Interview
<b>LITE Africa</b>	Leadership Initiative for Transformation and Empowerment Africa
<b>M&amp;E</b>	Monitoring & Evaluation
<b>MCRB</b>	Myanmar Centre for Responsible Business
<b>MIGA</b>	Multilateral Investment Guarantee Agency, World Bank Group
<b>MONUSCO</b>	Mission de l'Organisation des Nations Unies pour la Stabilisation en République Démocratique du Congo
<b>MoU</b>	Memorandum of Understanding
<b>NAP</b>	National Action Plan
<b>NGO</b>	Non-Governmental Organization
<b>OECD</b>	Organization for Economic Cooperation and Development
<b>SHRIM</b>	DCAF Security and Human Rights Implementation Mechanism
<b>UNGP</b>	United Nations Guiding Principles
<b>VPA</b>	Voluntary Principles (on Security & Human Rights) Association
<b>VPI</b>	Voluntary Principles (on Security & Human Rights) Initiative
<b>VPSHR</b>	Voluntary Principles on Security & Human Rights
<b>WANEP-Ghana</b>	West Africa Network for Peacebuilding, Ghana
<b>WG</b>	Working Group

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# EXECUTIVE SUMMARY

This report provides good practices and insights to support the development and successful implementation of local and In-Country Working Groups (ICWGs). Innovative local-level mechanisms for fostering implementation of good practices in the field of business, security and human rights exist in many contexts and are linked to different policy frameworks. While this report focuses on ICWGs that support implementation of the Voluntary Principles on Security and Human Rights (VPSHR), its application is of relevance to numerous international initiatives in the field of security, development and human rights, predicated on effective implementation in often challenging environments.

**The VPSHR In-Country Working Groups (ICWGs) are diverse in their origin stories, implementation backgrounds, leadership, resourcing and objectives.** Common to all of the ICWGs is the desire to bring **together national and local stakeholders from governments, companies and civil society to effect collective change on security and human rights in the natural resource sector.** In practical terms, this means representatives from diverse backgrounds **building sufficient trust to allow for open exchange on operational level challenges, address collective issue areas for advocacy or intervention, and generate best practices for reducing conflict risks in different sites and community areas.**

Some in-country processes have been more successful than others at **building trust** between local civil society, extractives companies, government and the security sector. There can be a misconception that sending an invitation to a few key stakeholders, having a meeting space and putting together an agenda will lead to the desired outcome of a sustainable, action-oriented group. In fact, the **time, resources and leadership** it takes to establish and maintain a group – and convert that into measurable collective action on security and human rights – is significantly more than simply organizing periodic meetings. In Nigeria, the ICWG was driven by a civil society organization and Swiss embassy representative who worked tirelessly to hold meetings with Government, CSOs and companies initially to achieve buy-in and build momentum towards a possible accession of the Nigerian Government to the VPI, but more recently to further implementation of the VPSHR. Similar approaches were taken in Ghana and Peru, whose groups evolved after

years of personality-driven leadership and trust building through training and dialogue at the local and national levels. This has also been the case in Myanmar, where the role of the coordinating secretariat has been an incentive for key partners to come to the table despite a politically sensitive environment.

There are several key elements in laying a strong foundation for an effective working group dynamic: **stakeholder mapping** to identify the right people and generate their buy-in; the establishment of a credible and neutral convener who can bring everyone together; and taking the time to build mutual trust. In Indonesia, the lack of trust between members of the group undermined its credibility and ultimately contributed to its demise. In that case, local civil society did not perceive the group as neutral or credible, while issues such as the leaking of confidential information to the media sowed discord with government and corporate members. In more successful case studies, the drive for group progress and clear objectives has been linked to **local ownership at the national and sub-national levels.**

Leveraging the stakeholders in the group towards **collective impact and measurable success** has manifested in different ways. In contexts such as Colombia and D.R. Congo, the platforms were established around a common need to respond to specific flashpoints at the operational and policy levels. In D.R. Congo, reported abuses by public security and armed groups in a key mining area led to the creation of the group, followed by the undertaking of some concrete activities, such as increased multi-stakeholder collaboration and the development of **Memorandums of Understanding (MoUs) for use by companies with government security forces.** In Colombia, the ICWG rallied around a major policy issue regarding the recruitment of ex-combatants as private security contractors, bringing discussions on security and human rights to the forefront of national debate to **positively influence government action.** Other successes include supporting efforts by Peru's ICWG to **train and engage with the police** on security and human rights over an eight-year period, and the ICWG in Ghana advocating for the Ghana Government to develop and finalize the **VPs National Action Plan.**

Trust building and collective action relies on **constant engagement and follow-up** with key stakeholders to maintain interest in and accountability of group action items. This relies on strong coordinating figures to support the vision of the group, but this must be balanced with the need for **sustainability and institutionalization of knowledge.** Donor funding can provide an important seed to grow implementation activities and establish in-country platforms. This needs to be coupled with longer-term sustainability models, like in the context of Peru and Colombia that have established secretariats and are able to collect regular funding from in-country partners, companies and governments.



# KEY TAKEAWAYS

- Countries with a strong background of implementation by VPI companies provide an environment conducive to greater buy-in with host governments and other key local stakeholders.
- Open civic space that allows for strong local civil society voices to raise concerns on sensitive topics is critical for groups to evolve and address issues.
- Groups must be able to identify and address specific problem sets/issues in order to sustain momentum, with a focus on clear and measurable objectives.
- ICWG must achieve local level buy-in from the outset, with leadership from local stakeholders to drive the process.
- Groups with strong support from international VPI counterparts helped to improve attendance and buy-in from local group participants, such as companies and embassies.
- Significant resources and planning are needed to lay the groundwork for successful, sustainable ICWGs, including capacity building and awareness raising at the sub-national and national levels for all three pillars.

# COMMON TRENDS FOR SUCCESSFUL WORKING GROUP PROCESSES



## CONTEXT

- Companies championing implementation with support from other pillars
- Space for civic engagement
- Host and home government engagement and support



## SETUP

- Build capacity
- Gather research and share knowledge
- Develop trust through both local and national multi-stakeholder activities
- Establish a coordinator/secretariat with resources and convening power



## GROWTH

- Champions build momentum and ownership
- Common rallying issues / objectives
- Balanced pillar representation
- Analysis and reassessment of challenges, opportunities and priorities
- Added value with successes and quick wins; building to larger accomplishments
- Active chairs/secretariat with bilateral follow-ups and action items



## SUSTAINABILITY

- Local ownership and leadership
- Clear goals/objectives for the group
- Sustainable funding for administrative coordination and activity implementation linked to the group goals/objectives
- Permanent coordinating structure with convening responsibilities
- Transparent communication to maintain trust

# 1. INTRODUCTION

Implementation of the Voluntary Principles on Security and Human Rights (VPSHR) is currently being undertaken by oil, gas, and mining companies at the project-level in dozens of countries. Though site-level implementation is quite mature, frequently it is carried out in isolation from any broader, community- or national-level implementation that would involve governments, civil society, or affected communities and with limited knowledge-sharing across stakeholders. This national-level implementation has only been undertaken in a coordinated fashion in a select few countries, notably Colombia and Peru, which both have well-developed processes; D.R. Congo, which has a national Working Group in Kinshasa, a less active regional Working Group in the former province of Katanga, and a very recent one in the province of South Kivu; and Indonesia, where a process was attempted several years ago.

In 2016, the Voluntary Principles Initiative (VPI), the multi-stakeholder membership organization that supports the VPSHR, made national-level implementation a key priority of the Initiative’s strategic plan. In doing so, the VPI identified three countries that would be the focus of “In-Country Pilot Working Groups,” namely Ghana, Nigeria, and Myanmar. Each of these country processes are at markedly different stages of development:



- The Ghana In-Country Working Group has been meeting regularly since February 2017, however underlying in-country engagement with local communities, civil society, companies, government ministries, security forces, and foreign embassies has taken place since 2014, culminating in a series of Regional and National Dialogues. Those Dialogues have transitioned into the remit of the In-Country Working Group, ensuring strong momentum and building upon clear collective priorities.
- The Nigeria In-Country Working Group has also met on a regular basis since 2017. However, different to Ghana, in-country engagement efforts in Nigeria have been more diffuse, though numerous local actors are active on the issue. Nigeria serves as an example for how multiple locally led initiatives can be leveraged into a more unified approach through the In-Country Working Group model.
- The Myanmar In-Country Working Group is at the early stages of development, with preliminary discussions having taken place in the form of a Steering Committee with a focus on VPI members with a presence in Myanmar.

The VPI Steering Committee elected to take a flexible, ‘hands-off’ approach to the Pilot countries, by refraining from prescribing the path that each country group should take. This allowed each group to develop organically, and to avoid a top-down, one-size-fits-all approach. However, there was limited support or guidance from the VPI, and no established mechanism to collect lessons learned and good practices from existing groups or from the development of the new Pilot groups.

This research study seeks to fill this gap by collecting good practices and lessons learned from national-level In-Country Working Group experiences in Colombia, D.R. Congo, Indonesia, and Peru, to understand what approaches worked (or did not work) in the past. This study also starts to collect initial lessons from Ghana, Nigeria and Myanmar. This research is intended to provide guidance to existing groups as they continue to grow, to encourage effective implementation of new in-country processes, and more broadly establish a rubric for how security and human rights multi-stakeholder processes can be implemented at the national and sub-national level worldwide.

This research study is the companion to the practical guidance tool: **From Commitment to Impact: A Guide for Local Working Groups on Business, Security and Human Rights**. The guide offers two practical checklists of lessons learned and specific recommendations (also found at the end of this study).

Methodology: Research was conducted from April 2018 to March 2019, during which time the research team conducted a desktop review of existing literature, followed by a series of Key Informant Interviews (KIIs) and Focus Group Discussions (FGDs) with individuals identified as having extensive current or historical knowledge of VPSHR in-country processes. DCAF led in-person KIIs in Bukavu, D.R. Congo, and in Lima and Cusco,

Peru; meanwhile, FFP conducted in-person KIIs and FGDs in Accra, Ghana, Abuja and Port Harcourt, Nigeria, and Yangon, Myanmar. The interviews sought to gain feedback and data on aspects of implementation, such as sequencing, resources, local buy-in, successes, and failures. Key questions focused on elements such as:

- how did the process develop for that country?
- what were the key issues examined?
- what types of activities were undertaken in conjunction with the country's process?
- were activities confined to the capital or were they regionally focused?
- who the key stakeholders were, and how they were identified?
- did training or socialization of the VPs form part of the process?
- what have been the elements of success, and what have been key challenges?
- how was the sustainability of that country's process ensured?

See *Appendix* for a sample of the KII/FGD survey instrument used for data collection.

The research team were fortunate to also participate in meetings of the various In-Country Working Groups (ICWGs) in Abuja, Accra, Cusco, and Yangon.

## **STAGES OF THE IN-COUNTRY PROCESS**

This report is divided into four sections, reflecting the evolution of the in-country processes:

- 1.** The Implementation Environment — the situation in a country prior to formal engagement by the VPI or the development of an ICWG.
- 2.** Setting-Up ICWGs — the phase during which the idea of establishing an ICWG is pursued and a group begins to take form.
- 3.** Growing ICWGs — the phase after the establishment of an ICWG at which point the group begins to grow and expand, and focuses on substantive goals and objectives.
- 4.** Sustainability of ICWGs — the phase during which the group begins to develop a certain permanence.

## 2. IMPLEMENTATION ENVIRONMENT

Traditionally, VPSHR In-Country Working Groups (ICWGs) have been established in contexts where there has been a history of conflict in or around extractive sector operations. Though each ICWG may be established under relatively similar conditions, the contexts themselves may vary widely.

The rationale for the development of an ICWG will vary from country-to-country. Indonesia was, in many respects, the birthplace of the VPSHR — well-publicized allegations of human rights abuses by security forces around extractive sector operations catalyzed a push from the activist community to take action. To that extent, Indonesia became a natural venue for national-level VPSHR implementation. It also met one of three criteria that usually led to the catalyzation of ICWGs —

- A long history of allegations of abuse by security forces in and around extractive sector operations;
- Recent crises regarding conflict or security force activities in and around extractive sector operations; and/or
- Prioritization of activities in certain countries driven by a wider human rights or responsible business agenda.

Among the countries examined, D.R. Congo, Indonesia and Nigeria ICWGs came about largely due to the existence of a long history of human rights-related issues in the extractive sectors; Colombia and Peru began more organically largely due to contemporaneous crises; and Ghana and Myanmar came about largely due to international level engagement.

In Colombia, the VPSHR came to the fore as security became a primary concern for oil and mining companies due to a rapid increase in attacks and kidnappings by insurgent groups. This caused some companies to shut down operations for months (one company was attacked 100 times in seven months) or to significantly increase their security arrangements. Negative press coverage and mounting pressure on companies led to a greater focus on the VPSHR. Similarly, in Peru, there were frequent clashes between the police and civil society in and around mining concessions, and the issue of security became a common area of concern for both the private sector and civil society actors. In D.R. Congo,

allegations regarding a multinational mining company's complicity in abuses by security forces directly led to the development of one of the first VPSHR implementation guidance documents, funded by the Multilateral Investment Guarantee Agency (MIGA) of the World Bank.<sup>1</sup>

## **CIVIC SPACE**

Where an ICWG is established in a country with an open civic space and strong local civil society capacity— even if there are still significant security and human rights challenges — it will be easier to achieve candid, practical, and action-oriented conversations will be more easily achievable on relevant issues. In the example of Ghana, the country's strong culture of open civic space enabled the ICWG to discuss human rights issues openly and robustly from an

early stage in the ICWG's development. By contrast, in countries like Indonesia, even the term "human rights" was considered a sensitive concept. As a result, the development of the Indonesia ICWG was slowed by the need to indirectly 'build up' to addressing issues of human rights only after the group had built trust by addressing other less sensitive topics such as health. This can create a challenge for the effectiveness of ICWGs, as there may be an aversion to focusing on core issues, or alternatively it can lead to an incessant focus on administrative or organizational issues. This also demonstrates the necessity of understanding the local context well in advance of any attempts to begin an in-country process, and to tailor the approach and framing of issues in a manner that is sensitive to that context.

## **ROLE OF GOVERNMENT**

In all but one case, ICWGs have been established in countries whose governments are not members of the VPI. Even now, with seven in-country processes, only two of those countries are members of the VPI. In Colombia, the host government subsequently became

## **LAYING THE GROUNDWORK WITH COMPANY AND INDUSTRY ASSOCIATIONS**

The Chamber of Mines took a lead role on the VPSHR in Ghana from an early stage. In a context of a critical need for engagement with the Ghana Army vis-à-vis their presence on mine sites, the Chamber used the VPSHR as a platform to engage with the Army and agree on a Memorandum of Understanding. Newmont Mining, a member of the VPI, played a leading role within the Chamber, pushing for the VPSHR to form a basis for the MoU at a time when there was scant knowledge about the VPSHR in Ghana. Building on this, Newmont was able to facilitate VPSHR training both for the Chamber and for the Army. The training became so successful that it became compulsory for Army detachments when deployed to mine sites. When in-country implementation of the VPSHR began in earnest in Ghana, it did so against the backdrop of significant efforts by the Chamber, Newmont specifically, and the Ghana Army.

1. MIGA. 2008. The Voluntary Principles on Security and Human Rights: An Implementation Toolkit for Major Project Sites [https://www.miga.org/sites/default/files/archive/Documents/VPSHR\\_Toolkit\\_v3.pdf](https://www.miga.org/sites/default/files/archive/Documents/VPSHR_Toolkit_v3.pdf)

a VPI member after the development of an ICWG, following public pressure on security and human rights issues --

*“By the time [...] in-country process was underway, the [Colombian] government was getting criticized for heavy handed security. [The VPSHR received] high level buy-in for what it represented, and the oil/gas companies ... supported it.”* — Colombian respondent.

For most observed case studies, host government membership of the VPI was largely irrelevant to the establishment, or even the success, of an ICWG. The main exception to this is the ICWG in Ghana, which was established after the host government had joined the VPI. The group enjoyed strong support and leadership from host government ministries from the outset, and Ghana’s membership of the VPI before significant in-country implementation was identified as a cause for the ICWG’s success. As one respondent commented --

*“Ghana being part of the VPI made it easy for FFP and WANEP-Ghana [ICWG co-chairs] to come in. We have open society and active Civil Society Organizations (CSOs). Companies have been challenged [on misconduct] over time. That context has created opportunity to implement the VPSHR.”* — CSO representative.

Based on the current seven country experiences, an ICWG’s success will not necessarily translate into the host government seeking VPI membership. In fact, over-emphasis on membership as a ‘goal’ of an ICWG has the potential to be damaging, as was the case in Indonesia. In Peru, some interviewees observed that setting up the VPI membership of the Peruvian Government as an overarching goal for the group had a negative impact on the functioning of the group, as the Peruvian government ultimately decided not to sign onto the VPI. Often the ICWG is contrasted with the EITI working group which has arguably been more successful due to the Peruvian government being a signatory to EITI and thus perceived to be more active and engaged.

## **ROLE OF COMPANIES**

A primary driver of ICWG success is the role of companies and the strength of company implementation of the VPSHR. Companies, most of whom tend to be VPI members, are frequently the main champions for VPSHR practices in specific countries and play an important role in introducing the VPSHR framework to in-country stakeholders such as host governments, civil society groups and other companies. There are numerous entry points— for example, companies can push for the VPSHR to be a central tenet of agreements or to form part of training programs for armed forces. See **Case Study 1: Ghana**. However,

champions may come from any pillar. In Ghana, a major driver of implementation has been high-ranking membership of the Ghana Armed Forces.

*“[the Ghana Armed Forces] took on the VPSHR as a personal project. [They] managed to avoid normal interagency red tape, which otherwise would have ground-down the process.”* — Host government representative.

The unique nature of the VPSHR allows the framework itself to be implemented successfully by companies in their operations regardless of membership or participation in either the VPI or any other formal processes such as the ICWGs. However, the experience of Nigeria has demonstrated that participation in an ICWG can strengthen coordinated implementation at the country level.

*“Prior to the formation of the Nigeria ICWG, there were bilateral efforts by companies and NGOs to implement the VPSHR but there were silos in VPSHR implementation. CSOs were doing trainings in isolation and there was no common place to see what they were doing. There was also a lack of military or police participation. The strength of the VPSHR was therefore creating space for dialogue and coordination.”*  
— Nigerian CSO representative.

## **LESSONS LEARNED IN INITIATING AN ICWG:**

- 1.** The rationale for ICWGs will vary from country to country but almost always includes: long history of allegation of abuse by security forces around extractive sites; recent crises or conflicts around extractive operations; prioritization of a wider human rights programme or responsible business agenda.
- 2.** A strong tradition of civil society engagement will help facilitate constructive action in ICWGs.
- 3.** Not all stakeholders in all states will have the same understanding of human rights/responsible business. Discussions on the vision and underlining principles of the ICWG should be culturally and contextually sensitive; broader discussions may be necessary to identify common ground.
- 4.** Formal Host Government membership in the VPI is not required for the establishment/success of the ICWG, and nor should the focus of the ICWG necessarily be promoting membership. The ICWG can certainly incentivize membership but it should not over-focus on it.
- 5.** As companies are the primary drivers of VPSHR implementation, constructive and engaged participation and buy-in by companies in the ICWG will broaden and improve the implementation of VPSHR.

## 3. SETTING UP IN-COUNTRY WORKING GROUPS

### SCOPING

During the set-up stage of the various in-country processes, most countries saw scoping studies as the entry point to wider activities. In Peru, the Norwegian government provided seed funding for Socios Peru to conduct an initial scoping of opportunities for VPSHR implementation in-country. Similarly, the Norwegian government provided the seed funding for FFP and the Indonesian Centre for Ethics (ICE) to develop the Health and Business Roundtable in Indonesia. In Ghana, the ICWG was able to leverage the extensive work undertaken by FFP and the West Africa Network for Peacebuilding – Ghana (WANEP-Ghana) indirectly with U.S. government funding. In Myanmar, there was an initial scoping report funded by a foundation, PeaceNexus, that was able to demonstrate that there was some interest in the VPSHR at a broader level (though not necessarily in establishing an ICWG). In this case, the scoping study was driven by the ICWG members, with the group already in operation.

### FUNDING SOURCES

The set-up of ICWGs relies on two primary components — ‘political will’ of the initial participants or drivers, and resourcing. As much as it is critical for there to be interest from companies, government, and civil society, that interest must be balanced by an availability of resources, primarily financial, that can be used to underwrite the activities and outreach necessary in forming an ICWG.

### IMPORTANCE OF EMBASSY EVENTS FOR GOVERNMENT ICWG ENGAGEMENT IN GHANA



The Canadian government staged an event focused on Corporate Social Responsibility (CSR) themes — including the VPSHR — in early 2017. Following the presidential election in late 2016, the point-person for the VPSHR within the Ministry was promoted to another post, leaving a gap of knowledge, experience and engagement. One of the new key figures in the Ministry of Lands and Natural Resources was invited to speak at the Canadian CSR event, and this engagement is believed to have directly helped create a new awareness — and a new champion — for the VPSHR within the lead Ministry.

Although such resourcing is indispensable, careful consideration must be given to the source of such funding. One stand-out example, largely due to its formalization, is the Colombia ICWG (*Comité Minero Energético de Seguridad y Derechos Humanos - CME*), which was from the outset funded by a one percent contribution by companies as a condition of the MoU the companies held with the Colombian Army. Although this funding stream provided the CME with some financial certainty, the sourcing of the funding potentially created a concern for civil society actors. In the Indonesian example, the companies had proposed financially supporting the ICWG through membership dues, however the CSOs opposed this as they believed the group would be 'biased' if it were corporate-funded. In that particular case, members had hoped a presidential decree supporting the VPSHR would enable the Indonesian government to fund the group instead, though this never came to fruition.

Even if the funding model for an ICWG changes over time, the nature of the initial seed funding can be of critical importance. For example, even though an ICWG may later be resourced by contributions from multiple companies, augmented perhaps by the host government or embassies, the initial seed funding may need to be sourced from a sole funder, such as a foreign government or development partner. The funding sources will be very context-specific – for example, where elements within a host government are sensitive to what is perceived as foreign interference (including international initiatives such as the VPI), seed funding from this source may further undermine perceived credibility and local buy-in.

## **DISTRIBUTION OF RESOURCES**

What exactly can or should be funded as part of ICWGs? What has been the experience of ICWGs in distributing budgets? ICWG activities tend to fall into two main categories:

**1) Administrative/coordination activities** - Facilitating the group meetings, establishing buy-in from key stakeholders, providing an organizational back-stop;

**2) Implementation activities** – Programming can include broadening awareness-raising and capacity-building for in-country stakeholders as a precursor to forming the group. As the group matures, it can also be used towards activities to fulfil agreed-upon ICWG goals.

These two lines of activity are both crucial and not mutually exclusive. However, the manner in which they may attract funding can differ significantly. For example, some funders are reticent to pay for “admin,” preferring to spend their money on activities that are perceived to be more noteworthy or justifiable, without realizing that administrative and coordination activities provide the indispensable foundation for implementation activities to occur. Nevertheless, conflating the two funding buckets can also have a negative impact by risking concentration of resources and knowledge in one or a select

few organizations/representatives. Where specific organizations benefit from access to funding for implementation-focused programming, they can quickly find themselves in potential conflicts of interest if they are also responsible for administration of the group and potentially able to influence participation as well as the group's strategic focus. This can lead to resource competition rather than furthering collective group activities.

As ICWGs grow and develop, the most significant expense relates to human resources. Whatever organization fulfills the administrative/coordination activities — either as a *de facto* or actual 'Secretariat' — will be called upon to spend a significant amount of time organizing logistics, issuing invitations, reaching out to stakeholders, confirming attendance, etc. One respondent estimated that for every hour of ICWG meeting, roughly 20 hours of preparation work was required, not to mention the time necessary for follow-up and maintaining relationships. That also ignores any costs from the initial implementation and outreach activities, such as scoping, training and dialogue. Certainly, some costs can be defrayed where a company, government ministry, foreign embassy, or CSO is willing and able to host meetings. Although in-kind support is helpful (such as providing a meeting space), the real cost lies in the hours of coordination and stakeholder engagement that supports the meetings.

Beyond the organizational and coordinating costs, multiple ICWGs reported the need to fund the attendance of civil society and sometimes host country government representatives in order to ensure their participation. Generally, this funding amounts to a small sum to cover transportation. However, there may also be an expectation to compensate them for their time. Some respondents in Ghana noted that foreigners tend to assume that local CSOs possess discretionary resources for attending meetings, when they often need to bill their time against specific projects that rarely have much to do with the VPSHR.

Even for local offices of international NGOs, frustration was expressed that they are 'expected' to participate in an ICWG by virtue of their umbrella organization being a member of the VPI, when the local office may not actually focus on the VPSHR at all, and may instead focus on education or health, for example. Some international VPI members have tended to overestimate support or resources on the ground, particularly with the NGO Pillar, but even the Government Pillar where they may be represented by relatively small diplomatic missions. In Myanmar, despite interest from home governments and international NGOs, there was a perception that small embassies or organizations with limited resources and bandwidth were being pressured by their international counterparts to attend meetings, despite having higher priority issues to focus on. For NGOs, though their international office may be involved in VPSHR, their county office may prioritize completely different projects and subject matter expertise.

The extent to which ICWG representation is coming from outside the capital— such as from the Niger Delta in Nigeria or from Cusco in Peru — adds travel and accommodation

costs. Failure to invite participants representative of areas outside the capital can skew the stakeholder group. Respondents in Nigeria lamented the lack of funding for regional participants, and although some were able to leverage resources from other projects, participation was then somewhat self-selecting based on which stakeholders could afford to be there. One caveat, however, is the need to gauge the sustainability of such practice in the long run, as well as the acceptability of such payments within specific contexts. For example, in Indonesia the “transport stipend” was an expected contribution of the ICWG to government civil servants, however civil society members saw it as bribery, thus creating distrust within the group.

## **PREPARATION: LAYING THE GROUNDWORK**

The introduction of the VPSHR into a country is often through site-level implementation by companies themselves. This is to be expected given that the VPSHR framework is fundamentally designed to be a framework for companies. According to an analysis of the Annual Reports of all VPI participants, the VPSHR is implemented in over 80 countries worldwide.<sup>2</sup> This means that there are many countries where there is no formal national level process, but yet there is already some level of implementation. This is also the case in other countries where VPSHR implementation is occurring due to the efforts of non-VPI-member companies.

At the beginning of an in-country process, it is necessary to lay the groundwork for engagement. For an ICWG to be successful, beyond building rapport and trust between stakeholders, capacity-building to enable meaningful dialogue is crucial — i.e., it is necessary to inform stakeholders on the VPSHR, and their roles. This is particularly important for local stakeholders, who may not have had the same level exposure to the VPSHR guidelines or be as familiar with the various expectations, and ‘rules’ within a multi-stakeholder format which focuses

### **CASE STUDY IV: PERU**



Newmont, a VPI mining company, began working on the VPSHR in Peru in 2009 during a time that the reputation of mining companies was being questioned, with clashes between communities and security forces in and around mining operations. Companies were worried about security issues and were interested in human rights, but their main interest was in conflict management. Additionally, after the advent of the Global Compact and the UN Guiding Principles, companies were looking to incorporate human rights in their operations. These factors provided the impetus for VPSHR implementation, and thus the creation of an ICWG. Newmont had begun conducting workshops in the north of Peru; while Socios Peru, a national CSO, was seeking to build more business and human rights awareness. After meeting with Newmont, they were able to build upon their common goals to start the Peru ICWG in 2010, beginning with stakeholder mapping to identify key actors to bring to the table.

2. Voluntary Principles Initiative: Summary of Implementation Efforts During 2017  
[https://docs.wixstatic.com/ugd/f623ce\\_cabfd86d38a748c483ed48e081b407da.pdf](https://docs.wixstatic.com/ugd/f623ce_cabfd86d38a748c483ed48e081b407da.pdf)

on constructive government and company engagement (i.e., the Chatham House rule covering confidentiality and non-disclosure).

In Peru, the initial participants of the ICWG conducted a stakeholder mapping exercise, wherein they identified the specific organizations that should be included in a broader dialogue. See **Case Study IV: Peru**. Each stakeholder pillar was then given the responsibility to reach out to those organizations to promote participation. Similarly, in Indonesia, the ICWG conducted an early stakeholder mapping exercise that was funded by the Norwegian government and leveraged personal networks within Indonesia.

Existing relationships, and/or engagement with local partners that themselves have extensive local networks should be leveraged. In this way, it is possible to avoid ‘reinventing the wheel’ and needlessly duplicating resources. In Indonesia, for example, the ICWG leveraged the partnership with Bimasena, the Indonesian association of extractive companies. The Ghana Chamber of Mines, an influential mining association and strong supporter of the VPSHR, was brought in as a key representative to the group from the outset. The group was able to leverage their knowledge of key sector issues, policy challenges and operational lessons learned.

## PRIVATE SECTOR DRIVES COLOMBIA ICWG



The impetus for the formation of the Colombia ICWG (CME) came from the private sector. Security had become a major issue for companies due to attacks by insurgent groups, and the role of the VPSHR in managing security risks had become a central focus. With support from foreign governments, a group of companies formed the CME to help coordinate implementation efforts. Support also came from the host government, particularly the Office of the Vice-President. However, though the early establishment of the CME was cross-pillar, a significant challenge was the exclusion of CSOs in the process from the beginning (although NGOs such as International Alert joined later). The CME was successful in gaining government support through the accession of the government to the VPI five years after the group was formed.

## COORDINATION, CHAMPIONSHIP AND LEADERSHIP

Much of the engagement within the framework of an ICWG tends to be behind-the-scenes and not immediately evident, even to the participants. To maintain interest and to ensure continued participation there must be a constant ‘feeding and watering’ of the group by virtue of ongoing bilateral engagement between the actual or *de facto* secretariat of the ICWG and the members of the group. After all, the ICWG is for many participants an additional obligation above and beyond their regular work. This requirement for constant one-on-one engagement was emphasized clearly by respondents in D.R. Congo, Ghana, and Nigeria.

Perhaps one of the most critical needs for an emerging ICWG is a champion with the will, energy, and capacity to push the group forward. Of course, such champions are rare to come by. Nevertheless, champions need to possess critical characteristics beyond simply will, energy and capacity. Just as important is the need to be seen as credible and neutral, ‘an honest broker’ with the ability to reach across pillars — including companies, local civil society, and host government — in facilitating dialogue and building trust. In Ghana, Myanmar, Nigeria, and Peru, the personality-driven leadership of the secretariat chairs was a key pull factor for bringing diverse stakeholders to the table.

## **HOST GOVERNMENT**

Host governments are among the most important stakeholders in ICWG processes.

Even where host government engagement does exist, a larger question becomes: who in the government is engaging? In Colombia, the VPSHR engagement was heavily influenced by the Oil Ministry and as such the ICWG struggled to include the mining sector. Conversely, in the Ghanaian experience, the responsibility for the VPSHR sits with the Ministry of Lands and Natural Resources, for whom the major focus tends to be the mining sector. Similarly, in Peru much of the focus has been on mining, and the ICWG has struggled to attract the interest or participation of the oil sector. In Nigeria, some interviewees noted the lack of participation of key governmental institutions, such as the National Human Rights Commission, Petroleum Ministry, and the Ministry for the Niger Delta.

Elections can also present a challenge for maintaining buy-in for the VPSHR. Changes of government can have significant effects on implementation depending on whether it is a priority of a new administration, and whether the VPSHR was closely associated with its predecessor. In Colombia, government engagement suffered due to changing administration priorities. As much as it was a boost for the VPSHR at the outset to have the support of the Office of the Vice President, this support waned when the new president assumed office. In Indonesia, there had been rumored strong support from the President and the decree supporting the country’s accession to the VPI was “on his desk awaiting his signature” for a significant time. However, with the installation of a new administration following elections, the VPSHR disappeared from the new government’s list of priorities. In D.R. Congo, the ICWG had some governmental support at one point, particularly from the Ministry of Mines, however the Prime Minister opposed the accession to the VPI. Election cycles added a degree of uncertainty within government and a reticence to commit to anything during a sensitive political period. However, changes of government can also bring new opportunities for engagement, as noted in the case of Ghana --

*“The previous administration was not too interested in the project, and the [lead ministry] was initially not taking responsibility. This also led to the Ministry not coordinating with other ministries or with the Army. However, once the administration changed hands and a new Director came on board, there was much improvement.”*  
— Local stakeholder representative.

These examples demonstrate that changes of government can be either a blessing or a curse for an ICWG. The key is ensuring responsiveness to changes of government and that momentum is not lost during transitions.

Such concerns are not isolated to changes of government. As civil servants frequently rotate, ministry champions of the VPSHR can be lost, along with their institutional knowledge. In Nigeria, the VPSHR had been gaining traction within the government due to the input of two key civil servants at the Ministry of Justice, however when they were re-assigned to other responsibilities, VPSHR outreach was required to begin again. Just as with changes of government, it is equally as important to attempt to bridge gaps that may occur as a result of organizational reshuffles within ministries.

When it comes to engaging with host governments, there can also be the assumption that the lead ministry in the host government is itself working to include or coordinate with other relevant ministries. Research from this study has shown that this is rarely the case, and that an ICWG working group can dramatically improve coordination of activities within the government itself. For example, in Ghana, the Ministry of Lands and Natural Resources had largely been working on the VPSHR in isolation, with limited awareness or buy-in from other ministries. A key turning point in broader ministry engagement was in 2017, when the U.S. Africa Command (AFRICOM), in partnership with the Kofi Annan International Peacekeeping Training Centre (KAIPTC), FFP, and WANEP, held a week-long training program on the VPSHR that included representatives from all key Ghana ministries, and socialized the original VPs National Action Plan (NAP). This program led to greater ownership and engagement from a range of ministries and laid the groundwork for strong Ghana Government leadership in the ICWG.

## **ROLE OF HOME GOVERNMENTS**

Home governments play a crucial role in promoting the VPSHR in host countries. However, as several case studies have shown, diplomatic engagements on the VPSHR must be approached carefully with host state counterparts. Home governments of companies should ensure coordination with embassies on approaching host government stakeholders and should ensure local stakeholders can realize the benefits of the VPSHR on their own

terms. Home governments also play a role in managing expectations about VPI membership requirements, to avoid putting undue pressure on host governments to join the VPI.

Any push to take a more prominent role in the VPSHR must be locally led. In Nigeria, it was argued that the VPSHR implementation effort initially faltered because of too much lobbying from foreign governments —

*“The [foreign government] rubbed Nigeria the wrong way – they pushed them too far to join, and with more and more demarches it seemed like they had an agenda.”* —  
Local Nigerian respondent

In the case of one non-member host government, following discussion on their recruitment at a VPI Plenary, the government’s delegation walked out of the event. Similarly, foreign governments were criticized for over-reaching on their engagements in Indonesia, where interviewees described one government’s “obsession” with gaining a presidential decree in support of the VPSHR. It was argued that this intensive focus on Indonesia’s VPI membership prospects distracted the ICWG from its overarching purpose, and proved counterproductive in attaining the Indonesian government’s buy-in. Interviewees described a lavish embassy event thrown in Jakarta which was perceived negatively by local stakeholders involved in the process. As one respondent framed it, “the embassies were throwing parties and trying to take all the credit” --

*“The Indonesians felt deterred, feeling that they were doing all the tireless, unglamorous work while the Embassies threw some parties. It was important for the Indonesians to receive recognition for their hard work, recognition that was never forthcoming.”* —  
Indonesian respondent.

To realize the buy-in of a host government, expectations must be carefully managed in terms of the government’s roles and responsibilities within the VPI. This includes being careful that foreign delegations avoid making promises to host governments --

*“Overcoming grievances and misconceptions within Ministry of Lands and Natural Resources about the VPSHR was a challenge, due to promises that were perceived to have been made about the abundance of funding that would be made available by certain donors to the Government of Ghana once they signed on to the VPI.”* — Ghana local respondent.

On the other hand, embassies can play a very helpful convening role in building awareness among local stakeholders at an early stage and creating buy-in from host government officials. In Colombia, the CME was established as a direct request from the American and British embassies in Bogota. In Peru, it has been foreign embassies — specifically those of the Netherlands, Switzerland, the United Kingdom — that have hosted the Peru ICWG

meetings. The Nigerian ICWG has been supported by the Swiss Embassy to host and coordinate its meetings in Abuja, as part of its co-chair role.

There must be strong coordination and information sharing between capital and embassy. In Indonesia for example, one interviewee described a “wide gap between the two in terms of goals and information-sharing.” Such expectations upon diplomatic missions can be a challenge, however particularly for small embassies where the VPSHR may be a lower priority and thus struggle for bandwidth and attention from embassy staff. In this sense, robust information-sharing with embassies needs to be paired with appropriate signaling from the home capital on the need for prioritization of the issue.

## **REPRESENTATION OF STAKEHOLDER GROUPS**

For ICWGs to be successful, the group must be broadly reflective of different stakeholder groups and should usually follow the three-pillar structure of the VPI. In the interests of trust-building, the involvement of certain stakeholder groups can be sequenced. For example, in Indonesia, the group was initially established as a bilateral company and NGO initiative, with government added later as it was deemed appropriate. In Colombia, NGOs were initially excluded from the ICWG process because of the adversarial relationship between the government, companies, and civil society at the time — only later was the door opened to one NGO, International Alert. In hindsight however, this sequencing may have undermined the perception that the group was a true multi-stakeholder platform, since CME was frequently criticized for a lack of civil society involvement, and International Alert quit the group in 2018, leaving it with very limited NGO representation.

Beyond ensuring that there is sufficient representation from all pillars, there is also the need to look at representation within each of the pillars. For instance, within the NGO pillar, there is a need to have both so-called “advocacy NGOs” who will voice concerns, balanced with “development NGOs” who bring a different perspective and may be more pragmatic and collaborative. Similarly, within the government pillar, there is a need to ensure the presence of the various actors within government who play a role in the implementation of the VPSHR. Further, even where ICWGs have been driven by companies, there has been a concern that participation has been led by multinationals rather than local entities. In Indonesia, there was a concern that the ICWG was being developed through a foreign lens led by multinational companies, and that the few indigenous Indonesian companies that participated were less active. This was especially challenging in the Indonesian context, where local companies wield significant influence within the Indonesian government. Of course, in having local company representation at all, the Indonesia ICWG was actually ahead of a number of other ICWGs, whose participation involved solely foreign multinationals. By

contrast, in Nigeria there has been a push by members of the ICWG to engage indigenous companies, with key representation from firms such as Seven Energy.

There is also a need to ensure that the ICWGs be broadly representative of society. For example, the Peru ICWG identified early on that there was a gender imbalance, and so tried to be more inclusive of women. In Colombia, a similar gender imbalance — coupled with the 'closed' perception of the CME — has contributed to the group being described by interviewees as a “gentleman’s club” in its early days. ICWGs have also focused on specific groups such as youth, as in the case of Ghana with representation from several youth focused CSOs.

## **REPRESENTATION OF AFFECTED COMMUNITIES**

The Ghana ICWG benefited significantly from the design of the preceding FFP and WANEP program, wherein communities across six oil- and mining-affected locations were included at the outset and the ICWG was able to connect directly with those affected communities. Indeed, the ICWG meetings have included from the beginning (and continue to include) a specific agenda item for updates from each of the regions. By contrast, the Nigeria ICWG has struggled with this issue: the ICWG meets in Abuja while the majority of the challenges involving the VPSHR emanate from the Niger Delta region. This poses a conundrum — either continue to hold meetings in Abuja and risk a lack of CSO or affected community participation, or hold meetings in Port Harcourt and risk a lack of host government participation. This situation was also seen in Indonesia (where meetings took place in Jakarta while incidents affected communities in outer provinces as far away as West Papua) and Colombia (where meetings took place in Bogota while affected communities were located in other parts of the country). As much as the Ghana ICWG can be considered to have crucially involved local communities, that involvement could not be sustained at the conclusion of the U.S. Government-funded program, at which point resources existed only for continued activities in Accra.

Meanwhile, Peru has seen attempts to break out of a model that is capital-focused, with sub-groups developed outside of the capital Lima. This has included activities in Macro Sur region, which led to the creation of a WG in Cusco in 2017. In D.R. Congo there are, perhaps remarkably, two ICWGs that work without any formal link – one in Kinshasa and one in Lubumbashi. Moreover, a third WG was established in Bukavu, province of South Kivu, at the end of 2018. These regional developments have been critical in building the credibility of the D.R. Congo ICWG. Respondents to the study emphasized that the WG in

Kinshasa would lose relevance unless it is connected to the mining regions, hence the push to create WG at a more local level.

## ROLE OF THE INTERNATIONAL INITIATIVE

Much is made of the relationship between the VPI and the ICWGs, the level of support and guidance that the VPI should give to the ICWGs, and the level of input that should be expected from the VPI. Indeed, the Colombian ICWG process grew *in spite of* the VPI. At the time of the establishment of the CME, there was significant opposition within the VPI, particularly among the NGO Pillar, to engagement with Colombia, as the government's hardline defense policies were generally opposed by activists and made others uneasy. In hindsight, this initial unease between the VPI and the CME is remarkable given the degree to which the VPI has since lauded the success of the Colombian process.

When the VPI made in-country implementation a strategic priority in 2016, model of 'pilot' ICWGs was pursued in three identified countries — Ghana, Myanmar, and Nigeria. Though the Ghana and Nigeria ICWGs largely continued operating unchanged, there was a perception that the Myanmar ICWG concept was 'forced upon' local stakeholders without consultation. Certainly, there was a view in Myanmar that the VPSHR could be useful, but that did not necessarily translate into a demand for a formal ICWG. Despite nominating Myanmar as the pilot, the VPI was perceived to have provided no support or guidance to the ICWG. This highlights the need for robust consultation with local stakeholders — backed up by scoping activities in advance of any move to establish an ICWG to determine whether a demand, let alone support from local stakeholders, exists.

The oversight role of the VPI over the ICWGs can be viewed from multiple perspectives. One approach is to take a *laissez-faire* approach to the ICWGs, providing broad guidance and limited coordination, but ultimately letting the ICWGs grow and exist based on local priorities and leadership. However, others have made the case for greater VPI input for specific ICWGs. For example, respondents who were critical of the lack of civil society representation in the Colombia CME expressed regret that the VPI had not taken any serious interest in pushing accountability of the CME and challenging the shrinking presence of NGOs.

One way in which the international initiative can prove enormously effective is through facilitating engagement and information-sharing between ICWGs. Of course, this may be possible without the input of the VPI, however it can certainly be easier with such support. For example, in January 2018, representatives from the Ghana and Peru ICWGs were able to share lessons learned with local CSOs and ICWG in Myanmar, including on topics such as private security licensing and small-scale mining security and human rights challenges.

## **ESTABLISHING COMMON GROUND**

For many participants, knowledge of the VPSHR may be basic or non-existent, and so numerous ICWGs placed an emphasis on VPSHR sensitization, including how the VPSHR fits within broader discussions around conflict and the extractive sector, or even how concepts around human rights can be discussed within the rubric of the local culture or political sensitivities. One ICWG even started with an existential discussion on “human rights as a Western construction.” At the other end of the spectrum, the Indonesia ICWG initially avoided confronting sensitive topics such as security (let alone human rights, a politically charged term in Indonesia at the time) and instead focused on building trust between stakeholders on less controversial topics, such as community health. These different examples highlight that is important to build knowledge but also trust before jumping in to potentially sensitive, overly political, or highly charged topics.

## **ICWG RAISON D'ÊTRE**

A key question for the ICWG is what its precise role or value may be. Without a clear value proposition to members, political will naturally suffers. In D.R. Congo, for example, there was a perception that some participants lacked commitment and felt obligated – rather than inspired – to attend. Without the personal buy-in of individuals within the group to rally around specific objectives, it is more challenging to enact collective action.

## **LOCAL CAPACITY BUILDING ENABLES GHANA ICWG**

The Ghana ICWG was established in 2017, after almost three years of training, dialogue and engagement activities. Through funding from the U.S. Department of State, FFP and local partner WANEP-Ghana established local dialogue platforms in six hotspots areas for mining and oil/gas, including training on VPSHR and conflict early warning for communities, local CSOs, local government, security sector, company representatives and the media. This awareness-raising and capacity building at the local level helped to identify specific security and human rights issues in the communities, and sources of tension between stakeholders that could be addressed through further engagement;

*“We didn’t just start a working group out of the blue. We started with awareness of communities. Big companies were already part of the international level; so that made it easy.... We consciously leveraged that when we did our activities in communities. Communities and companies were then able to see the value and discuss; air grievances. Right from the beginning we wanted [the local engagements] to be sustainable” – Ghana WG participant*

These local dialogue platforms fed into a series of roundtables, where national level policy makers, company representatives and CSOs were able to discuss local level challenges and begin to build trust and identify core priorities. As part of the third national dialogue, participants identified four key thematic areas, which became the basis for the ICWG objectives, as well as informing the Ghana government VPs National Action Plan. These included private security licensing reform, application of the VPs in ASGM, public security training curriculum development, and increased oil/gas sector coordination. By having clear focus areas, and already established rapport between stakeholders, buy-in from government and management of companies, the ICWG was able to quickly gain momentum.

Though some ICWGs have demonstrated a value in being action-oriented and pursuing policy reform (such as the Ghana ICWG) and some have demonstrated a value in developing guidance for participants on difficult issues (such as the Colombia CME), there can be a perception that the ICWGs are a little more than a forum for meetings. That may be so, but it is equally important to acknowledge the importance of that forum. In Ghana, the ICWG provided an opportunity for relevant ministries to coordinate in a manner that had not occurred before, also creating new opportunities for information sharing between the mining and oil/gas sectors. In Peru, the ICWG provided a platform:

*“for dialogue between everyone involved in a country where we don’t talk much [and an opportunity] to raise discussion on issues such as the use of force and social conflict, where before it was almost impossible to talk about these topics.”* — Peru respondent.

There needs to be the recognition that although there can be many deliverables and achievements that can be expected of ICWGs, an ICWG may simply be a platform for meetings and multi-stakeholder engagement. If this is the case, the objective of the ICWG needs to be clearly agreed on by the members of the ICWG, and it should be understood that while participation in the ICWG is a positive step towards implementation of the VPSHR, participation is not an end in itself, and does not necessarily mean that members of the ICWG share the same views, or condone practices of other members of the group.

In Myanmar, it has been recognized that the ICWG will not drastically change the behavior of the security forces. However, it has created a potential entry point for engagement, and that is a major step forward. In D.R. Congo, changing attitudes by key local stakeholders has been a point of success —

*“Civil society used to react only on the basis of past incidents. They were not proactive and reacted solely with press statements. The objective was to approach civil society to encourage them to take on a more participatory and not only denunciatory role. It was important to make them see that they also had a role to play in the prevention and implementation of the VPSHR. As they conceived their role for human rights differently, namely as denounciators, it was difficult to make them preventive actors. But it worked, the group came closer together and civil society actively participated.”*  
— D.R. Congo CSO representative.

As the scope of ICWGs can be narrow in their focus, they can also be a vessel for broader discussions on related topics. In Ghana, for example, the pre-ICWG outreach to affected communities included a significant focus on conflict early warning and mitigation techniques. This experience has been echoed in Nigeria --

*“It is widely agreed the VPSHR has been good for Nigeria. Given the challenges in the Niger Delta, alternate dispute resolution mechanisms are an important way of solving problems in a peaceful manner and can extend beyond [oil/gas] to other sectors such as agriculture ... and even to apply more broadly in regards to use of force in the herder-farmer conflicts.” — Nigerian government representative.*



## FOUNDING MEMBERS AND PARTICIPANTS

	Companies	Governments*	NGOs	Others
<b>Colombia</b>	<ul style="list-style-type: none"> <li>• BP</li> <li>• Chevron</li> <li>• Occidental</li> </ul>	<ul style="list-style-type: none"> <li>• Colombia (<i>Vice-President's Office; Human Rights Office, Ministries of Defense; Foreign Affairs</i>)</li> <li>• Netherlands (<i>Embassy</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United Kingdom (<i>Embassy</i>)</li> <li>• United States (<i>Embassy</i>)</li> </ul>		<ul style="list-style-type: none"> <li>• Asociación Colombiana del Petróleo</li> <li>• Cerrejon</li> </ul>
<b>D.R. Congo Kinshasa</b>	<ul style="list-style-type: none"> <li>• Alphamin</li> <li>• AngloGold Ashanti</li> </ul>	<ul style="list-style-type: none"> <li>• D.R. Congo (<i>Ministry of Mines</i>)</li> <li>• Canada (<i>Embassy</i>)</li> <li>• Netherlands (<i>Embassy</i>)</li> <li>• Norway (<i>Government</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United Kingdom (<i>Embassy</i>)</li> <li>• United States (<i>Embassy, USAID</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• International Alert</li> <li>• Search for Common Ground</li> <li>• Pact</li> </ul>	<ul style="list-style-type: none"> <li>• DCAF</li> <li>• ICRC</li> </ul>
<b>Provincial working group (Lubumbashi)</b>	<ul style="list-style-type: none"> <li>• Anvil Mining</li> <li>• Bazano</li> <li>• CMSK Forestry</li> <li>• Freeport-McMoRan</li> <li>• Gecamines</li> <li>• Huashi Mining</li> <li>• Katanga Copper Cobalt</li> <li>• MUMI</li> <li>• Sicomines</li> <li>• UTE Elecnor</li> <li>• Vale</li> </ul>	<ul style="list-style-type: none"> <li>• D.R. Congo (<i>Ministry of Mining and technical divisions, National Police, Mining Police, Public Prosecutor</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Pact</li> </ul>	<ul style="list-style-type: none"> <li>• MONUSCO</li> </ul>
<b>Ghana</b>	<ul style="list-style-type: none"> <li>• AngloGold Ashanti</li> <li>• Newmont Mining</li> <li>• Tullow Oil</li> <li>• Golden Star Resources</li> </ul>	<ul style="list-style-type: none"> <li>• Ghana (<i>Ministries of Lands &amp; Natural Resources; Interior, Office of Attorney-General; Petroleum Commission; Environmental Protection Agency; Armed Force; Commission on Human Rights &amp; Administrative Justice</i>)</li> <li>• Canada (<i>High Comm.</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United States (<i>AFRICOM, Embassy</i>)</li> <li>• Dutch (<i>Embassy</i>)</li> <li>• Australia (<i>High Comm.</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Fund for Peace</li> <li>• WANEP-Ghana</li> <li>• WACAM</li> <li>• Youth Bridge</li> <li>• Youth on Board</li> </ul>	<ul style="list-style-type: none"> <li>• Chamber of Mines</li> <li>• Ghana News Agency</li> </ul>
<b>Indonesia</b>	<ul style="list-style-type: none"> <li>• Anglo-American</li> <li>• BHP Billiton</li> <li>• BP</li> <li>• Chevron</li> <li>• ExxonMobil</li> <li>• Freeport-McMoRan</li> <li>• Marathon Oil</li> <li>• Newmont</li> <li>• Pertamina</li> <li>• Sampoerna (Philip Morris Indonesia)</li> </ul>	<ul style="list-style-type: none"> <li>• Indonesia (<i>Ministry of Politics, Legal and Security Affairs, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Defence</i>)</li> <li>• Norway (<i>Embassy</i>)</li> <li>• United Kingdom (<i>Embassy</i>)</li> <li>• United States (<i>Embassy</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• CCPHI-Indonesia</li> <li>• Fund for Peace</li> <li>• Human Rights Resource Center ASEAN</li> <li>• Indonesia Center for Ethics</li> <li>• Publish What You Pay</li> <li>• Revenue Watch</li> </ul>	<ul style="list-style-type: none"> <li>• Bimasena (Indonesia Mining Association)</li> <li>• American Chamber of Commerce in Indonesia</li> <li>• Indonesian Mining Association</li> </ul>

	<b>Companies</b>	<b>Governments*</b>	<b>NGOs</b>	<b>Others</b>
<b>Myanmar</b>	<ul style="list-style-type: none"> <li>• Chevron</li> <li>• PanAust</li> <li>• Premier Oil</li> <li>• Shell</li> <li>• Total</li> <li>• Woodside</li> </ul>	<ul style="list-style-type: none"> <li>• Australia (<i>High Commission</i>)</li> <li>• Canada (<i>High Commission</i>)</li> <li>• Netherlands (<i>Embassy</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United Kingdom (<i>High Commission</i>)</li> <li>• United States (<i>Embassy</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• International Alert</li> <li>• Pact</li> <li>• Search for Common Ground</li> </ul>	<ul style="list-style-type: none"> <li>• MCRB</li> </ul>
<b>Nigeria</b>	<ul style="list-style-type: none"> <li>• Chevron</li> <li>• Clifton Commodities Ltd.</li> <li>• Seven Energy</li> <li>• Total E&amp;P</li> </ul>	<ul style="list-style-type: none"> <li>• Nigeria (<i>Ministries of Justice, National Human Rights Commission</i>)</li> <li>• Canada (<i>High Commission</i>)</li> <li>• Netherlands (<i>Embassy</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United Kingdom (<i>High Commission</i>)</li> <li>• United States (<i>Embassy</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• COMPPART</li> <li>• Fund for Peace</li> <li>• LITE-Africa</li> <li>• Pact Nigeria</li> <li>• Partnership Initiatives in the Niger Delta</li> <li>• Search for Common Ground</li> </ul>	
<b>Peru National working group</b>	<ul style="list-style-type: none"> <li>• Anglo-American</li> <li>• Freeport-McMoRan</li> <li>• Maverick</li> <li>• Newmont Mining</li> </ul>	<ul style="list-style-type: none"> <li>• Peru (<i>Ministries of Foreign Affairs; Interior</i>)</li> <li>• Norway (<i>Government</i>)</li> <li>• Switzerland (<i>Embassy</i>)</li> <li>• United States (<i>Embassy</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• Association Pro DDHH</li> <li>• International Alert</li> <li>• Socios Peru</li> </ul>	<ul style="list-style-type: none"> <li>• ICRC</li> </ul>



# LESSONS LEARNED IN INITIATING AN ICWG:

## **1. Determine needs and challenges:**

- Fact-based scoping studies are crucial in determining needs and challenges of stakeholders as well as setting up expectations of the ICWG. These studies should also map potential partners and suggest priorities for activities.

## **2. Secure resources:**

- Seed funding is indispensable and can come from a variety of public or private sources. Resources from companies must be carefully considered and structured to preserve neutrality and credibility of the Working Group.
- Resources should cover both administrative arrangements (meetings, participation, travel) and implementation (the actual work of the ICWG).
- The ICWG should connect with existing networks in the business and human rights realm to build on synergies, avoid duplication of efforts, and coordinate with partners.

## **3. Articulate a vision for the ICWG:**

- The ICWG should develop a clear vision and mission based on pressing security and human rights challenges identified by the stakeholders. This will ensure real buy-in from members. In the past, each ICWG has adopted a different lens: for example, some ICWGs prioritize training, others focus on prevention of gender-based violence, etc.
- The ICWG should not just be a ‘talk shop’ but adopt concrete objectives and workplans.

## **4. Build trust within the ICWG and build faith in the ICWG:**

- The ICWG’s first priority should be to build rapport and trust by focusing on dialogue and sharing of experiences.
- The ICWG should ensure balanced participation across and within pillars. Participation should also be reflective of society, ensuring a gender balance as well as being representative of groups such as indigenous peoples, youths, elderly, other affected minorities.
- ICWG should engage closely with impacted communities and balance engagement between the capital and regional areas.
- Host governments are important participants. The ICWG should ensure buy-in from the appropriate representatives/key decision makers from relevant ministries/offices when it comes to the ICWG in order to maintain participation.

## **5. Build resilience and agility:**

- To withstand changes in host government representation, the ICWG should engage on an institutional or whole-of-department level. The ICWG can also engage with different levels in the government.
- Home governments and other foreign partners can support through providing resources, venues for meetings etc. and create linkages to related processes. Priority must be given to local ownership of the ICWG.
- The VPI and other international partners can provide guidance, share lessons learned and knowledge resources.

## 4. DEVELOPING IN-COUNTRY WORKING GROUPS

Regardless of how well an ICWG is developed at the outset, leadership, shared goals, and financial resources are required to sustain the group — ICWGs rarely maintain their own momentum without showing that they can bring added value to the implementation of better security and human rights practices.

### TALK VERSUS ACTION

At the beginning of the ICWG process, the objectives, goals, and achievements of the group do not need be particularly complex or grand. However, once the ICWG has become established, stakeholders will expect it to generate meaningful achievements and to have a practical agenda. If the ICWG is simply seen as a 'club' or 'talk shop', it will rapidly suffer from lack of interest and an attrition in participation.

*“There needs to be a clearly stated goal for each meeting, with clear roles, opportunity to talk (to make each participant feel relevant) and aim for deliverables. Agendas need to be tailored with specific interests of participants; agendas need to resonate and represent identified challenges experienced by participants (for which participants need to be committed to share).”* — Ghana civil society representative

The ICWG must find substantive issues to focus on for which it can make collective progress, leveraging the convening power of the group and its membership. A key example of this task-oriented approach is the Ghana Working Group's focus on multiple policy and regulatory issues — such as drafting the Government's VPSHR National Action Plan, policy interventions on a state of emergency in the mining sector, and improving regulation for private security providers. Similarly, in Peru, the ICWG played a direct role in establishing more effective

### PERU ICWG EXECUTIVE COMMITTEE

The Peru ICWG is somewhat unique among the ICWGs for having an 'executive committee,' known as the *Gruppo Impulsor*, comprised of several participants that meets more regularly than the ICWG itself and is focused solely on functions such as logistics, organization, and general strategy — particularly in terms of agendas and workplans — in support of Socios Peru in its role as the previous *de facto* Secretariat. This reduces the organizational burden on Socios Peru and at the same time allows the wider ICWG to focus on issues of substance more than procedural or administrative issues.

new regulation for public and private security on the use of force (including a use of force manual and legislative decree regulating the use of force by the Peruvian National Police). The Peru ICWG also created an environment for a training center for the national police, with expertise provided by the French government to provide training and expertise to the Peruvian police. But without such focal points, the ICWGs risk losing relevance. Indeed, in Colombia, the CME was described as:

*“ground down by too many meetings, which began to detract from the overall objectives; its mission was to grow, and to attract more companies, but from the outset it suffered from a lack of vision [beyond growing membership] and therefore a lack of traction.”* — Colombian respondent.

This experience was also observed in Nigeria, where some respondents suggested that the ICWG would be limited in its impact until VPs specific activities were funded and implemented.

## **ACTION-ORIENTED STRATEGIES**

Even the way the agenda is framed can do a lot for ensuring actionable outcomes. Consulting key group members on the agenda ahead of time is important, as is ensuring they know in advance if they will be called on to give updates so they can come prepared. Structuring the agenda to prioritize issues in line with the group’s collective goals and objectives will have more chance of achieving progress and buy-in. Too often, groups can become sidetracked on smaller administrative or bureaucratic discussions that are internal to the group membership or structure. These are best left to the end of the agenda, once all substantive inputs have been made. To ensure discussions remain practical and there is collective ownership, action items should be summarized at the end of the meeting with specific individuals/institutions tasked with next steps. The follow-up by the secretariat/co-chairs after the meeting, and review of those action

### **SUCCESSFUL VPSHR AWARENESS RAISING MISSION IN NIGERIA**

In 2018, the Government of the Netherlands, which held the Chair of the VPI, led a delegation to Nigeria to increase awareness of the VPSHR among key stakeholders. Even though the VPSHR had been active in Nigeria for many years, the Dutch-led delegation was credited as having grown awareness of the VPSHR, particularly within the Nigerian Government wherein it helped relevant ministries to better understand and conceptualize what could be gained by participating in the process. The program for the delegation was curated by members of the ICWG, which was important for ensuring the events supported the goals of the group and were inclusive of local stakeholders outside the capital. The Dutch-led delegation also helped grow rapport between the ICWG members —

*“During the visit we had to move together, and we did collective advocacy – NGOs, corporate and government all spoke together”* — Nigerian CSO representative.

items at the next meeting is important for accountability and achieving progress towards the group's objectives. A detailed meeting summary outlining key issues discussed and next steps circulated to all participants and their management also ensures more sustained interest in group proceedings, as was noted in the Ghana ICWG. *See Appendix for sample ICWG agenda and meeting notes.*

Nevertheless, there is a tension between a desire for action, goals, and objectives and defining to them in practice. This is inextricably linked with the thematic scope of the ICWGs. To some extent, the focus is largely open to the discretion of individual ICWGs. In Ghana, for example, the ICWG has maintained a significant focus on Artisanal and Small-Scale Gold Mining (ASGM) which, although linked to the VPSHR, is not necessarily a direct component. However, in Myanmar, there has been a push to use the group as a vehicle to engage with the police and military on human rights concerns in Rakhine state despite there being no direct link to the extractive sector. This has created controversies for some on the scope and mandate of the group.

## **REPRESENTATION OF BROADER CONSTITUENCIES**

As an ICWG grows, part of its growth strategy can include engaging with new actors. At the outset, the natural tendency is for only companies in the oil, gas, and mining sectors to be engaged — or even to be the ones leading the process. This of course makes sense, as traditionally, and until only recently, the VPSHR has been focused on those sectors. However, security and human rights issues rarely confine themselves to individual sectors, and many security-related policy issues can be cross-cutting. Thus, it can be helpful for the ICWG to engage with companies in other sectors insofar as their interests align with those of the ICWG. For example, an early participant in the Indonesia ICWG was Sampoerna, a tobacco producer. In Nigeria, it was argued by some respondents that the ICWG should expand its focus to the agriculture sector given that it faces similar security and human rights challenges to the oil sector. It is also important for ICWGs to broaden their engagement with civil society organizations to ensure inclusiveness.

Another way of looking at stakeholder representation is considering where the VPSHR ICWGs sit within the broader rubric of related initiatives such as the EITI, the UN Guiding Principles (UNGPs) or the Organisation for Economic Cooperation and Development (OECD) responsible business conduct workstream. In Peru, the Ministry of Foreign Affairs has expressed limited interest towards the VPSHR, as they have a preference for supporting the UNGPs. The Nigerian government also initially eschewed the VPSHR, perceiving the VPSHR and UNGPs as having 'competing standards' and so decided to "choose one." In Myanmar, the government has come under intense international pressure to sign on to such a broad array of international initiatives that the VPSHR has suffered from 'initiative fatigue.'

To that extent, longer-term sustainability of the VPSHR in-country may require its alignment with other initiatives, not only for political reasons, but also from the practical point of view that local stakeholders with limited bandwidth may find it easier to engage with a multi-headed group on related themes. There are also good reasons for coordination — in Myanmar, one of the most significant challenges identified is the sizeable, and largely unregulated, private security sector, an issue on which DCAF, the Montreux Document Forum, and the International Code of Conduct Association (ICoCA) could be natural partners.<sup>3</sup>

## **MAINTAINING STAKEHOLDER PARTICIPATION**

It is important to ensure consistent participation by individuals who have the right operational expertise and ability to affect change; equally, it is important to ensure the continued buy-in of individuals with seniority and decision-making authority. For example, at the outset, for host governments, it is critical to have ministerial-level support (and even the occasional visit to ICWG meetings or events by the responsible Minister or Deputy Minister). However, more regularly, the key interlocutor would likely be a Director-level individual. On a day-to-day level, engagement will tend to be with a civil servant tasked specifically with ICWG participation. Each level is important.

## **BEHIND THE SCENES ICWG LOGISTICS: THE EXAMPLE OF GHANA**

The importance of logistics and administration for ICWGs is frequently underestimated. Below is an ‘anatomy’ of what goes in to ensuring host government representation and organizing an ICWG meeting with a Ministry —

What is involved in ensuring that a representative of the host government attends an ICWG meeting?

1. *“Before every meeting, the ministry must draft a letter for the Chief Director; upon approval, the letter gets put on Ministry letterhead.*
2. *The letter is sent to the Chief Director for signature.*
3. *The letter is circulated to the relevant ministry — we then physically circulate to Ministries via dispatch drivers.*
4. *We make follow-up calls to the ministries to confirm receipt.*
5. *The Ministry must then follow up with each recipient to confirm participation. We call, text and WhatsApp. For example, for a Monday meeting, the previous Friday was a public holiday but we called them. Then we contacted them over the weekend, plus some on the morning of the meeting, to make sure they turn up.” — Local ministry representative.*

What is involved in hosting ICWG meetings at the Ministry?

1. *“The Ministry only has one conference space. We must first reserve the space, and there is a process for that.*
2. *We write a formal Memo to request water and snacks to the Chief Director, who then sends a formal request to the Financial Controller to release the funds.*
3. *We send an internal memo to Ministry officials to let them know about the meeting.*
4. *There is a protocol that the Chief Director opens the meeting, so we have to confirm his availability first, even if he does not attend the meeting for long.” — Local ministry representative.*

3. The purpose of the International Code of Conduct Association is to promote, govern and oversee implementation of the International Code of Conduct and to promote the responsible provision of security services and respect for human rights and national and international law in accordance with the Code.

Their participation and interest need to be maintained consistently, albeit at different levels of input based on seniority. In this sense, ‘participation’ and ‘buy-in’ are quite different concepts. The same applies for companies.

A key challenge is to strike a balance between buy-in at the organization level and consistency of representation. Consistency of representation is important as trust is such a key tenet of ICWG effectiveness. Trust is built between individuals more easily than between institutions, and without a consistency of representation at successive ICWG meetings, that trust is difficult to accomplish. Further, lack of consistency of representation can also slow the work of an ICWG, as the group is less able to ‘pick up where they last left off’ in previous meetings. Finally, it is also worth considering that a lack of consistency can, over time, suggest a lack of commitment by an organization or signal that the ICWG and its work is a lower priority for the organization, which can have a deleterious effect over time. This being said, there is also a need to ensure that when the ICWG focal point leaves the organization, institutional memory remains, and the organization will continue involvement in the ICWG with the same level of commitment.

Not only is it important to retain consistency among specific participants, it is particularly important to retain the participation of all stakeholder groups. The CME in Colombia, which was established without NGOs and struggled to attract NGO involvement, was undermined in 2018 when International Alert quit the group, leaving CREER, the local affiliate of IHRB, to be the only non-governmental or non-corporate member. This has not only undermined the credibility of the CME, but also compounded a perception of the CME as being more of a corporate association than an effective multi-stakeholder platform.

There needs to be clearly understood added value to the ICWG and its activities. Despite any success that an ICWG may have had in assembling broad participation, that may evaporate without a clear value proposition – along with collective goals and objectives. In Indonesia, the initial meetings saw attendance of over 100 people, however within the space of only a few meetings, that number fell to 20-25 participants. Of course, that may

## SETTING MEETING FORMATS UP FOR SUCCESS

Beyond guaranteeing the venue space and handling invitations, there are a number of other key aspects that go into holding successful ICWG meetings –

What are the necessary ingredients to a successful ICWG meeting?

1. “There is good notice for meetings – i.e., calendar invites several weeks in advance.
2. Reports from meetings should be concise and practical, and provide a basis to give a comprehensive brief to one’s manager.
3. Meetings should ensure a sense of trust through confidentiality. Contents of meetings should not be shared outside of the ICWG.
4. Meetings have participatory, collaborative agendas.
5. Meeting reports-out should include clear follow-up action items with assigned responsibility.”— Local respondent.

not necessarily be bad — after all, it is difficult for a “working” group to operate with 100 participants. Nevertheless, there needs to be a focus on participant retention over the long-term.

## **COMPETITION FOR RESOURCES**

As groups grow and define their plans, objectives and goals, the potential for resource competition can come into play. In particular, local CSOs who may be operating in a space with scarce collective resources may not be incentivized to expand engagement to other CSOs in their sector if this may limit their chances of pursuing project funds. Thus, a select number of CSOs may be very active in an ICWG, but other CSOs may be less active – or even excluded - as a result of sector competition.

In several countries, respondents highlighted concerns about the distribution of resources for local implementation activities. Beyond simply funds for underwriting coordination costs of meetings, specific activity implementation coming directly from membership or collectively from group planning should be done in a transparent and fair way. As one respondent described:

*“This is a rewards system, as [some ICWG] participants are working to ensure that when the money comes, it will go to them.”* — Nigerian respondent

In Indonesia, the ICWG eventually became perceived more as a consultancy providing advice and training services, rather than a forum for constructive and robust dialogue. What was initially framed as a need to financially sustain itself ended up undermining the ICWG in the long run, particularly as some companies saw an implied obligation to engage the services of the ICWG ‘consultancy arm’ in order to retain positive relations with certain civil society stakeholders.

There can additionally be a tension between international NGOs and local NGOs. Often the international NGOs will be better placed to marshal resources and link with the international initiative. In highly politicized environments, international NGOs may also act as an ‘honest broker’ that is above the local political fray. However, reliance on international NGOs comes at a risk, as the process can easily be perceived as a foreign initiative and risk losing local buy-in. Often the most helpful approach can be to encourage partnerships between international and national NGOs or actors (such as FFP and WANEP in Ghana, DCAF and OGP in D.R. Congo (South Kivu), DCAF and Justicia ASBL (Haut Katanga), DCAF and IDEHPCUP in Peru (Lima) and DCAF and Socios Peru and Guaman Poma in Peru (Cusco). A transition strategy should be implemented to gradually reduce the international actor’s role, ensure sustainability, and steadily build up the leadership role of the local actor(s). In the case of Indonesia, the leadership quickly moved to local partners, creating a rapid politicization of the process that had a detrimental effect —

*“at the outset, there were five or six local organizations who were heavily engaged, but when it appeared that one NGO was favored, and it eventually assumed control of the initiative, the other organizations deserted it.”* — Indonesian respondent.

Linked to the resourcing question, it should be noted that some potential CSO participants self-selectively declined to participate in ICWGs due to a lack of resources being made available to underwrite that participation. In some countries, there is a “pay-to-play” culture among CSOs, whereby unless an initiative is providing a modest stipend to cover time and logistical costs, they are disinclined to participate. The counter example is Nigeria, where no funding is provided to participants to attend, including the CSOs who use their own funds to fly from the Niger Delta to Abuja for meetings.

In practical terms, funding for implementation activities through ICWGs should focus on transparent mechanisms, to ensure that a wide range of stakeholders can fairly bid for project activities, and that implementation funding avoids concentration among a limited group of select organizations who may use their leadership role to dominate, exclude ‘competition’, and use the ICWG as a platform for business development.

### **NEW RESOURCING INITIATIVES**

The growth phase is also the period during which the ICWG needs to focus on long-term sustainability. Particularly where an ICWG was established with seed funding, that type of funding will typically last only a couple of years. At that point, it is implicitly expected that ICWGs will transition into being self-sustainable or will be able to at least source some funding from elsewhere.

### **CASE STUDY: JOINING THE DOTS BETWEEN INITIATIVES TO FURTHER THE IMPLEMENTATION OF THE VPSHR D.R. CONGO**

In the Eastern part of the D.R. Congo, the exploitation of minerals resources has often been linked to human rights abuses, as well as support to arms groups operations in the region. In response to these concerns, since 2010-2011, international initiatives have been implemented to ensure that companies carry out due diligence on their mineral supply chains, and respond to the requirements from the OECD Due Diligence Guidance on Responsible Supply Chains. In the province of South Kivu linking the VPSHR working group to working groups that have been set up to respond to requirements set in the OECD Due Diligence Guidance on Responsible Supply chain was key to avoid duplication and enable to foster the implementation of both initiatives in a more sustainable and meaningful way.

In this framework, DCAF is working with the local NGO OGP to support a technical working group on the VPSHR, which is building trust and the capacities of the members of the working group to identify, prevent, and mitigate risks in relation to prominent security and human rights risks in the mining sector in the region.

Thanks to this approach, the ICWG has been able to rapidly gain political will and traction. Concrete results have been achieved rapidly after the start of the group, and the operational focus of the group has helped to secure buy-in from stakeholders from the three pillars.

In D.R. Congo, Pact had been administering the Katanga ICWG from an early stage, with staff partially dedicated to doing so, before handing over to Justicia ASBL, a local NGO. These activities were largely funded by Tenke Fungurume Mining (TFM), then a subsidiary of Freeport-McMoRan. However, once funding from TFM was withdrawn, and the ICWG did not have an alternative source, the ICWG began to suffer.

*“Sustainability is a challenge. When [an ICWG] starts, it goes fast, but as soon as the funds are not there, it stops. There should be a core group that would contact other parties, to ensure sustainability of the working group. The initiative at the international level could maybe try to facilitate the establishment of the core group that will keep on having the activities implemented” — D.R. Congo CSO respondent*



# LESSONS LEARNED IN DEVELOPING ICWGs

## 1. Demonstrate added value:

- After the initial period of establishing trust, the ICWG should adopt a task-oriented approach and work on achieving collective goals. ICWG meetings should be well-structured and organized with clear action points and agreed-upon ways forward. The Secretariat performs a key leadership role.
- Baseline studies are critical for assessing and evaluating challenges mapping entry points and priority activities. The industry often evolves rapidly and the ICWGs should ensure that activities are informed by research and data.
- Where possible, complementary working groups at a more operational level can be developed to ensure that local challenges are adequately addressed.

## 2. Maintain participation:

- It is important that the process is supported by decision makers in companies (such as high-level management).
- The technical focal points participating in the ICWG should be consistent to ensure continuity of meetings and activities.
- All stakeholder groups must continue to be represented, as equally as possible.

## 3. Leverage synergies and crosscutting partners:

- Depending on the local context, the ICWG could consider engaging with other sectors or companies where security-related challenges may be cross-cutting.
- Other international or regional frameworks could be leveraged, such as the United Nations Guiding Principles (UNGPs), the Organisation for Economic Cooperation and Development (OECD), the Extractive Industry Transparency Initiative (EITI), or the International Code of Conduct Association (ICoCA). Depending on local perceptions and sensitivities, the ICWG may wish to position itself in a complementary role to these initiatives.

## 4. Ensure continuous transparency and fairness:

- The distribution of resources within the ICWG should be managed in a transparent and fair way through a collectively agreed-upon and neutral administrative mechanism.
- The ICWG should be led by local stakeholders. International NGOs could partner with national NGOs or actors to build up capacities and ensure local ownership. ICWGs should take into account the resource constraints of small organizations and ensure that their representation is facilitated in meetings and activities.

## 5. Establish a foundation for long term sustainability:

- The ICWG should give careful thought on how to ensure sustainability. Planning and initiating fundraising is key. ICWGs can also foster closer links with the VPI at the international level.

## 5. SUSTAINABILITY OF IN-COUNTRY WORKING GROUPS

### COORDINATION

Over the long-term, ICWG organization and coordination needs to be formalized and centralized. A secretariat model is helpful in being able to fulfill these needs, however this should be balanced against avoiding over-bureaucratization or creating a situation whereby a secretariat focuses on its own sustainability above and apart from the needs of the ICWG itself.

In some instances, the Secretariat function is provided in a de facto fashion by one of the stakeholders (often an NGO) fulfilling the organization and coordination function, such as Socio Peru in Peru and FFP and WANEP-Ghana in Ghana. In Colombia, CME was established specifically with the role of being that forum dedicated to administering the ICWG process and platform. However, the coordinating entity needs to provide added value, and not itself become an impediment to an ICWG's development. For example, in Colombia, the governance structure of the CME was described as being sometimes difficult and challenging:

### TOWARDS A SUSTAINABLE FUNDED ICWG MODEL

Adequate resourcing is one of the major challenges for ICWGs and one of its greatest sources of opportunity. ICWGs that have managed to flourish have largely benefited from some seed funding and continued activity funding. However, adequate resourcing may not always be available. Nigeria provides a useful example of how a demand-driven ICWG can manage to be moderately successful without a significant level of funding, though a heavy reliance on dedicated individuals. The Nigeria ICWG has been fortunate in being coordinated by an Embassy and a local NGO that have driven the process largely by virtue of the efforts and hard work of specific individuals. The Nigeria ICWG demonstrates that people themselves can be that group's greatest assets. The partnership between LITE-Africa and the Embassy of Switzerland – combined with the Embassy's ability to host meetings and provide administrative support – has been a major contributor to the Nigeria ICWG's progress. Although this has worked so far, such a model is vulnerable, since the longevity of specific individuals in their organizations or positions cannot be assured over the long-term. Not every ICWG will enjoy a sustainable funding model. To imagine that funding will always be forthcoming for every potential ICWG in countries where there is an established need is unrealistic. Equally, funding should not be allowed to dictate where ICWGs are established – they should, first and foremost, be established on the basis of local demand. Colombia's ability to formalize its secretariat into the large CME platform that it is today sustained by annual membership dues represents an example of a successful longer-term model. However, financial success must remain balanced with the collective impact of and trust across an ICWG's membership.

*“It is difficult to bring consensus all the time and it can create some delays in adopting recommendations or moving ahead with activities.”* — Colombian respondent

A Secretariat or coordinating function is important but such a function should help, and not hinder the process.

As discussed in previous sections, it is easy to underestimate the level of effort required in administering and coordinating ICWG activities and even basic levels of continued engagement. To that extent, having an entity, such as a Secretariat, in place to fulfill those responsibilities is critical. A common concern expressed by members of different ICWGs was that the same organization acts as the Secretariat or coordinating entity for too long. This risks concentration of knowledge in one or a few key stakeholders and leaves the group in disarray if those individuals leave. It can also be helpful to get fresh ideas and approaches to group leadership with organizations and individuals collectively engaged over time. Some ICWG leaders themselves recognized that their tenure should be time-limited, with Chairs of the Ghana, Myanmar, and Nigeria ICWGs discussing the need to ‘move on’ to ensure group sustainability.

### MANAGING EXPECTATIONS

Particularly where the establishment of an ICWG has been well-resourced, transitioning to a more permanent ICWG can present a challenge in expectation management. Where the early stages of an ICWG may have provided for travel stipends and meals to participants as part of wider activities, an ICWG model where fewer resources are available for participants can provide a challenge —

*“There were expectations around [reimbursement for] fuel and support to attend the activities... this was a*

### TOWARDS A SUSTAINABLE FUNDED ICWG MODEL

From the viewpoint of sustainability, the Indonesia process was not successful in the long-term. The ICWG was able to build a relatively large group of stakeholders from both civil society and companies; initial meetings were well attended; it even managed to attract a modest amount of seed funding from foreign governments followed by corporate funding. However, the Indonesia ICWG was unable to build sufficient trust between stakeholders at a number of levels, which undermined its ability to grow or sustain momentum -- firstly, between civil society and companies, where information was leaked and trust was broken between group members; secondly, between the local and international coordinating NGOs, wherein a competition for resources led to a breakdown of the relationship that is key to driving an ICWG and providing linkages between the local and international levels; and thirdly, between the Indonesian government and the VPI, as Indonesian government officials felt pressure to join the initiative from foreign governments, which proved counterproductive. The Indonesian example demonstrates that even with otherwise favorable conditions and a path that may largely follow established best practice, if an ICWG is unable to effectively develop those core aspects such as trust, confidence, and agreed objectives within the group, it may not succeed.

*challenge when we transitioned from the national roundtables to the ICWG, as people were asking me if there was anything for them.” — Ghana civil society representative.*

Clear communication from the outset is important, particularly on group logistics, such as support for travel stipends. Where buy-in is established and organizations are committed to the goals of the group, representation will continue regardless of more limited resources. As one Ghana participant described,

*“[the attitude is often] I will not attend unless I know I have a role and have to talk at the meeting...people want to come back once they have shared [insights/updates from their work]” — Ghana civil society representative.*

## **BEYOND THE ICWG**

Another way to consider sustainability goes beyond the group itself and points more toward its legacy. In other words, if a specific ICWG were to cease to exist tomorrow, what would remain? The CME in Colombia has succeeded in producing a significant amount of guidance that is also applicable beyond Colombia. For example, CME has produced guidance on risk assessment, managing risks of kidnapping and extortion, and responsible approaches to social protest.

Similarly, in Peru, the ICWG contributed to the development of a manual on use of force by police, two recommendations which were later adopted by the Ministry of Interior. The group has also played a pivotal role in trainings:

*“In part, it was thanks to the [Peru ICWG] that trainings were organized. For example, when there was conflict [near mining sites], the police were shouting but not knowing exactly how to respond; but [since the trainings] the police now know how to react to this kind of trouble.” — Peru government respondent.*

## **VALUE PROPOSITION**

The key question for any ICWG is: how is it adding value? Perhaps unique to the VPSHR, the framework can be implemented independently of membership or participation in any initiative, whether it be the VPI at the international level or an ICWG at a national or sub-national level. The question therefore becomes whether implementation can be enhanced and improved by the additional political or resourcing support that can be afforded by an ICWG. If an ICWG is not providing such support, then its relevance and impact will be limited.

Some stakeholders question whether the in-country model is helpful at all. Even for a well-established ICWG such as Colombia, this topic was raised during interviews —

*“[The CME] was seen as valuable for exchange and networking. At one time CME had direct line with high-level government officials. But otherwise, it possessed little vision and much inertia. People will implement VPs whether they are part of the [CME] or not. So what is the benefit of the meetings? There are no critical voices, there is no guaranteed government presence; therefore, it has lost momentum. There is no action. CME tends to only talk among themselves and even then only to company people. It has lost people who were active and efficient, so who is left? Now there are only hardline voices that only want to talk to each other — it has become a feedback loop and echo chamber. [Those stakeholders] that have left will not come back.” — Colombian respondent*

Even in Peru, wherein participation remains strong and generally representative, respondents voiced a need to continue to evolve and innovate within the group’s membership and approach to maintain interest and impact.

## **RESULTS-BASED APPROACH**

As with all projects, it is important to establish agreed-upon short-, medium-, and long-term goals, to develop a workplan, and to task specific individuals or organizations with actions that feed into those objectives. It is useful to develop a framework to measure success in meeting those objectives and measuring impact. Equally, it is important to communicate those successes and impacts to internal and external audiences, especially if ICWGs wish to seek or maintain resourcing. Indeed, most funders will insist upon some level of Monitoring and Evaluation (M&E) or even impact assessment. As members of the VPI seek to derive value from the ICWGs, it is critical to demonstrate the value provided to their stakeholders and to the wider VPSHR community. However, where there are multiple related projects of a similar type and mandate in different contexts, there can be a temptation to compare successes and impacts against one another. Though there may be some areas where ICWGs can or should be compared, for the most part this is unlikely to be useful – and may even be counterproductive. The contexts within which each of the existing ICWGs exist, not to mention their individual experiences, vary widely. In some contexts, it may be possible for an ICWG to achieve significant accomplishments, like policy reform, trainings, capacity building, and so on. In other contexts, merely getting key stakeholders in the same room to talk to one another may be an enormous accomplishment. Recognizing that diversity, it is likely more helpful to measure the success and impact of each ICWG as a unit unto itself. Certainly, the VPI may have a role in establishing common M&E indicators, however the VPI should attempt to avoid broad-scale comparisons between the ICWGs that are not sensitive to the unique conditions within which each exists and operates.

The desire for results from the ICWG itself also extends to its participants. If companies are not perceived to have markedly improved their practices or operations despite the presence of an ICWG, then all pillars may begin to doubt the usefulness of the forum.

*“I sometimes doubt that the companies have a real commitment or if it is merely rhetorical. There is a need for a strict mechanism to stop wrongdoing of companies.”*

— Peru CSO representative.

Beyond verification at the in-country level, the ability of the ICWGs to work with their in-country membership to measure collective impact of VPSHR implementation on reducing security and human rights related risk in the extractives sector is an important consideration. While none of the ICWGs had themselves reached the point of systematically measuring collective impact, this is something that existing and future groups should strongly consider.

## **LESSONS LEARNED IN ENSURING THE CONTINUED SUCCESS OF ICWGs**

### **1. Build long term coordination and organizational capacity:**

- A secretariat or coordinating function is important, so long as there are safeguards in place for ensuring continuous learning, smart rotations in leadership, and avoiding overconcentration of knowledge or influence.

### **2. Managing internal dynamics of ICWGs:**

- The ICWG should ensure a productive and positive atmosphere within ICWGs. This may include ensuring that participants are aware of the prioritization of resources.

### **3. Mainstream lesson-learning and encourage innovation:**

- The ICWG should continuously reassess whether implementation can be further enhanced and improved, either by political or resourcing support. Furthermore, there is a need to evolve and innovate both membership and approach to maintain interest, dynamism and impact. Continuous research and data gathering are critical in ensuring an informed approach.

### **4. Results based approach:**

- The ICWG should establish short, medium and long-term goals. Outputs and outcomes should be assessed against indicators structured around the shared objectives. It is also important to communicate and highlight successes and impacts to internal and external stakeholders.

### **5. Foster a legacy of impact:**

- The ICWG can establish a sustainable footprint by developing practical guidance tools, workable knowledge products, applied good practices and practitioner-friendly translations of security and human rights norms.

## 6. CONCLUSION

The process of establishment, growth and sustainability of the different ICWGs in Ghana, Nigeria, Peru, Colombia, D.R. Congo, Indonesia and Myanmar is a testament to the diversity and adaptability of the VPSHR, and its ability to bring people together under a core mandate. Security and human rights can be a broad topic, and the extent to which the multi-stakeholder groups have been able to zero in on specific and practical topics – such as capacity building for public security forces, private security licensing reform, or community sensitization – has increased their chances of success, membership buy-in and sustainability. There is an incredible amount of leg work that goes on behind the scenes to foster awareness of the VPs across companies, civil society and government, and then convert that into a forum with stakeholders that can build trust, foster personal buy-in, and affect action within their organization or ministry.

After several years of implementation of the VPSHR in various contexts, this study has sought for the first time to provide an analysis of the in-country working group process to collect good practices and lessons learned from these diverse experiences. Through this extended analysis of past and current processes, the study provides key insights for existing and future VPSHR groups. The study furthermore provides key recommendations per actor involved in the in-country working groups to ensure that current and future VPSHR in-country working groups concretely support the field implementation of the VPSHR. These key recommendations and lessons learned are equally applicable for initiatives beyond the VPSHR and can be relevant to numerous international initiatives in the field of security, development and human rights.

## 7. RECOMMENDATIONS

The following recommendations are divided into three sections -- for members of the VPI, who have played various roles in identifying and supporting the pilot ICWGs; for members of the ICWGs themselves, to continue to evolve and remain sustainable platforms for addressing change; and considerations for stakeholders inside and outside the VPI who are looking to establish in-country processes.

### I. VOLUNTARY PRINCIPLES INITIATIVE (VPI)

#### Secretariat / Steering Committee:

- **More sustained international support and guidance** from the VPI, especially from the Secretariat and Steering Committee, to existing pilot groups. Through avoiding a top-down approach, supporting scoping and baseline studies at the different points of the processes, defining possible outcomes for in-country implementation group, facilitating sharing of information and guidance relevant for the ICWG, and facilitating sharing of experience in between ICWG. International partners like DCAF and FFP can be a key source of implementation support. FFP has supported the development of ICWGs since 2007. Additionally, the VPI and DCAF have recently developed a new Memorandum of Understanding identifying DCAF as a preferred implementation partner for VPSHR sustainable in-country implementation. This could be leveraged in order to apply a strategic approach to in-country implementation across the initiative.
  - **Ensure a sustainable and cost-efficient funding mechanism** that could address some of the shortfalls in funding, especially coordination and secretariat functions, and reduce administrative burdens of coordinating funds from multiple organizations/funders.
  - **Adoption of this lessons learned report**, and application of its conclusions and recommendations to support on going and future groups.
  - **Ensure that new ICWGs are set up with the support of the VPI after a thorough analysis of the needs** and consultation with in-country partners and that baseline studies are conducted to support all existing working groups.
-

- **Encourage coordination/linkages with other initiatives** where possible at the international and national level, for example the Extractive Industries Transparency Initiative (EITI) and International Code of Conduct Association (ICoCA), the OECD, or initiatives present at the local level, to ensure sustainability of ICWG.

### Companies:

- **Demonstrate shared leadership and involvement within the ICWG.** Though companies lead on site-specific VPSHR implementation, NGOs and governments are often more active in leadership and participation when it comes to collective engagement through the ICWGs at the broader community, national, or international level. Companies should be active during ICWG meetings in sharing experience, challenges and good practices.
- **Encourage** companies to play an active role, for example by convening pillar level meetings in-country. These meetings can extend beyond VPI member companies.
- **Encourage learning and sharing of lessons between operations** and functions within the company to ensure that efforts are sustainable and not personality driven.

### Host Governments:

- **Demonstrate commitment** to improved security and human rights practices through **active engagement with ICWG**, to foster positive dialogue between the government, companies and civil society organizations.
- **Ensure that all relevant ministries and/or administration bodies are engaged and participate actively to ICWG meetings.** Inasmuch as ICWGs are a great tool to ensure coordination of activities between pillars, they can also be useful for coordination between actors within pillars, such as interagency interaction within government. Further, governments should think broadly about which ministries or agencies should be involved – entities such as the Ministries for Natural Resources, Home Affairs, Foreign Affairs, Environmental Protection, and Attorney-General, as well as the Army, Navy, and Police, can all have an important role to play.
- To ensure constant presence and continued dialogue, each of the ministries should **nominate a contact point at a mid-management level**, tasked with active participation in the meetings. Even where the responsibility of VPSHR implementation (or related issues) is shared across multiple ministries or agencies, there needs to be one key point of contact.

### **Home Governments:**

- **Promote awareness with embassy counterparts** about the importance of the VPSHR, including more permanent and consistent senior level buy-in (Ambassador/Head of Mission level) and maintain this over time.
- Ensure **greater coordination between diplomatic missions** to provide a coherent voice about the importance of implementing VPSHR and avoid ‘overkill’ on messaging VPSHR to host governments.
- Ensure **coordination of programming and funding** between headquarters and embassy counterparts to maximize collective impact. Identify linkages to wider security and development programming to realize synergies and promote larger-scale programming to assist with greater sustainability and value.

### **NGOs:**

- **Encourage local partners** to join the ICWGs and foster local CSO awareness, even informally during the implementation of the ICWG’s activities.
- Foster greater **collaboration to further common goals**, encouraging sharing of resources between CSOs within groups to avoid potential for discord through resource competition.
- **Build a VPSHR component in peace and development programming** when possible, leveraging broader security, conflict and peacebuilding work.
- Ensure **wide understanding and knowledge of VPSHR** within the organization and with partners to assist in mainstreaming VPSHR across programs to increase the sustainability of initiatives.

## **II. EXISTING IN-COUNTRY WORKING GROUPS (ICWGs):**

- Define **clear group goal/objectives** and make concrete plans towards achieving them to ensure that members are interested and keep on participating in the group. Consider undertaking a baseline study to identify objectives/priorities in a structured manner.
- Develop clear **Monitoring and Evaluation (M&E)** metrics to more systematically measure successes and impact of the group’s activities.
- **Ensure a balanced participation to the WG across the three pillars.** This can be done through a greater support for local NGOs by government and company pillars in-country.

- Focus on **sub-national activities/platforms**, such as in hotspot natural resources areas, so that the WG is locally rooted, and responds to concrete challenges.
- **Diversify roles/responsibilities** to ensure that ‘champions’/specific individuals leave the group momentum is not lost.

### III. FUTURE IN-COUNTRY PROCESSES:

- Focus on supporting organic, **local initiatives** led by companies, government and/or civil society in-country as opposed to “top-down” centralized approaches – in-country initiatives should be demand-driven, not command driven.
- Rally around **current issues/flash points** to establish interest when you start the WG. This will help getting support for the WG from all the stakeholders.
- **Start small** -- ICWGs can begin as practical information-sharing and relationship-building initiatives between practitioners, and do not need to be focused on getting the home government to sign onto the VPI.
- Set a **clear goal/objective** for the group, based on consultation with the three pillars to establish common shared issue areas within the broader frame of security and human rights.
- The **group name** does not need to be framed under the banner of “security and human rights” – rather it should be tailored to the context and take into account any potential sensitivities.
- **Coordinate with other initiatives** where relevant. This helps avoid silos, duplication, and most importantly local stakeholder fatigue. Plus, it can be helpful to leverage the convening power of existing platforms and increase value for all initiatives involved.

# APPENDIXES

## **APPENDIX 1:** **SAMPLE INTERVIEW QUESTIONNAIRE**

*Introduction for Participants:*

*The Fund for Peace (FFP) in partnership with the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the International Committee of the Red Cross (ICRC) are undertaking a research project to collect best practices and lessons learned from different VPs in-country implementation processes. As part of our data collection, we are conducting interviews and focus groups with key experts who have been involved in various processes, including Colombia, Democratic Republic of Congo, Ghana, Indonesia, Myanmar, Nigeria, and Peru. The intended output of this project is a research and guidance publication which can be used by existing groups, as well as provide a roadmap for future in-country processes. This project is supported by the Security and Human Rights Mechanism (SHR), established by the UK Government and DCAF.*

*As we conduct the interview today, we will be focusing on three key stages of the process 1) Setup; how the group got started 2) Growth; how the group was able to mature and establish buy-in 3) Sustainability; if/how the group was able to become a sustainable platform.*

*We thank you for your time today in conducting this interview and confirm that any comments provided to the interviewer will remain anonymous.*

## 1. SETUP

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### a) Context of the implementation environment

- History of company security and human rights implementation and cross-pillar engagement? (i.e. were there any companies or NGOs already active in this area?)
- General security and socio-political state of play for human rights issues in-country?
- Open civic space available to conduct dialogue? If not, how did you navigate any sensitivities?

### b) Impetus for forming the group

- What prompted the formation of the group?
- Who convened the initial forums?
- How were these initial activities funded/supported?
- Was there a relationship with the international VPs Initiative at the outset and if so, how would you characterize that relationship?

### c) Founding members

- Who were the first members of the group?
- How did they come to be involved? (i.e. leveraged through existing connections, nominated by government or company)
- Was there much awareness of the VPs among stakeholders already at the time the group was formed?
- Were there efforts to provide education, training and/or awareness on key issues to specific stakeholders? If so, who provided the education?
- Was there a stakeholder mapping exercise of potential key stakeholders?

### d) Initial successes

- What did the initial meetings look like? (i.e. a small group meeting over lunch, meeting at an Embassy, larger formal events)
- Where were the initial meetings held?
- How many people showed up? (Any gender considerations?)
- Who facilitated the discussion?
- What were the main topics of discussion? (i.e. introducing the VPs, jumping straight into specific issues/grievances, more focused on structure/process of the group)

### **e) Initial challenges/barriers**

- Were there any key stakeholder groups absent from initial meetings?
- Were there any logistical challenges that hampered initial meetings?
- Were there any political considerations or barriers?
- Were different stakeholders open to being in the same room together? (i.e. were there any dynamics between participants that provided an initial challenge?)

## **2. GROWTH**

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### **a) Establishing buy-in**

- What was representation across the three pillars like; was there an equal balance (between companies, civil society and government)? If not, what was the reason?
- Was there involvement/support from the home government for the event? If so, how? If no, what were the main barriers?
- How did the process for building trust and buy-in for the group work? (i.e. did the organizers convene bilateral meetings, were there side programs or trainings?)
- To what degree were stakeholders outside the capital or major cities included in outreach and program participation? (i.e. were there any region groups set up to feed into the national forum?)

### **b) Structure/Logistics**

- How were the meetings structured? (i.e. what were some of the key agenda items?)
- Was there a ToR or workplan developed for the group? If so, where did it come from?
- How often were meetings held?
- Where were the meetings held?
- Who coordinated the meetings to ensure people showed up?
- Did the same group of stakeholders continue to attend the meetings?
- Were there any financial costs associated with the meetings? If so, how were these managed?

### 3. SUSTAINABILITY

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#### a) Outcomes/Successes

- Has the working group been sustained? If so, for how long?
- What have been some of the key outputs and outcomes of the working group? (i.e. has it led to specific progress on any policy or practical activities? Give specific examples)
- In what ways has the working group helped to raise awareness of the VPs in country?
- Have any particular stakeholder groups become more involved in VPs as a result of the group? (i.e. government, companies, CSOs)
- Has the Working Group had any impact on creating new civic space?
- Is there a source of sustainable financial (or other in-kind) support for the group?
- How was the working group supported by the international VPs Initiative?

#### b) Challenges

- What have been some of the main challenges to sustaining the group?
- Have there been any areas you think the group could improve? If so, how?
- How could the international VPs Initiative have better supported the working group?

#### c) Next Steps

- Is the working group still operational?
- If yes, what are the next steps for the working group?
- If no, what were the main reasons? Is there anything you would do differently next time?

**APPENDIX 2:**  
**SAMPLE ICWG MEETING AGENDA (GHANA)**



**Voluntary Principles on Security and Human Rights (VPs)**  
**Ghana Working Group Meeting**

Ministry of Lands and Natural Resources (MLNR) - February 26<sup>th</sup>, 2019

**AGENDA**

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<b>Time</b>	<b>Activity</b>
<b>10:00-10:10am</b>	Welcome: <ul style="list-style-type: none"><li>• Welcome from MLNR</li><li>• Introduction of participants</li></ul>
<b>10:10-11:40am</b>	1) Thematic Updates/Issues: <ul style="list-style-type: none"><li>• Mine Guards (Minerals Commission)</li><li>• Military withdrawal from LSMs (Ghana Army)</li><li>• Private Security Legislation Reform (Mol)</li><li>• Oil/Gas sector coordination and MoUs (Petroleum Commission)</li></ul> 2) Regional Updates: <ul style="list-style-type: none"><li>• Key successes/challenges from NGOs and Companies</li><li>• Planned VPSHR Activities in 2019</li></ul> 3) Status of NAP funding and implementation timeline (MLNR)
<b>11:40-11:50am</b>	4) Working Group Administration: <ul style="list-style-type: none"><li>• Transition to permanent secretariat model</li></ul>
<b>11:50-12:00pm</b>	Wrap Up <ul style="list-style-type: none"><li>• Next steps</li><li>• Close</li></ul>

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**APPENDIX 3:  
SUMMARY OF A VPS WORKING  
GROUP MEETING (GHANA)**

**Meeting Summary**

Date: 10:00am-12:00pm, November 20<sup>th</sup>, 2018

Location: Ministry of Lands and Natural Resources, Accra

**ATTENDEES:**

<b>Representatives</b>	<b>Pillar</b>	<b>Organization</b>
Dinah Asare	Corporate	Tullow
Christopher Nyarko	Corporate	Ghana Chamber of Mines
Mark Detcher	Govt (Ghana)	Ministry of Lands & Natural Resources (MLNR)
Comfort Kyereme	Govt (Ghana)	Ministry of Defence (MoD)
Leona S. Johnson-Abasiah,	Govt (Ghana)	Ministry of Justice and Attorney General
Zeinab Ayariga		
Mohammed Kapeon	Govt (Ghana)	Petroleum Commission
Michael Nkansah	Govt (Ghana)	Commission on Human Rights and Restorative Justice (CHRAJ)
Abena Ayensu	Govt (Ghana)	Environmental Protection Agency (EPA)
Samuel Amankwah, Shadrack Mensah	Govt (Ghana)	Ministry of Interior (Moi)
Maurice Jackson	Govt (International)	U.S. Embassy
Jillian Suggate	Govt (International)	Australian High Commission
Moses Suuta	NGO	West Africa Network for Peacebuilding- Ghana (WANEP-Ghana)
Seth Oteng	NGO	Youth Bridge Foundation
Samuel Asamoah, Maame Dokuaa Addo	NGO	Youth on Board Africa
Kwaku Afari	NGO	WACAM
Lydia Amedzrator	NGO	Kofi Annan International Peacekeeping Training Centre (KAIPTC)
Hannah Blyth	NGO	Fund For Peace (FFP)

## **INTRODUCTION**

This Working Group meeting focused on the reviewing the final version of the VPs National Action Plan (NAP), which was reviewed and validated by the Ministries on 19th November. With a clear way forward on costing, implementation dates, and common vision on activities established by all three pillars throughout 2018, this NAP finalization represents important progress for the group. While questions still remain about the specific resources that can be leveraged from the Ghana Government Ministries, alongside other partners, with a clear plan each pillar can work together to facilitate support in 2019-2020.

Other key topics raised during proceedings was ongoing concerns for the process of establishing and deploying the Mine Guard force, which is reportedly earmarked to replace Operation Vanguard and potentially the Military role at Large Scale Mines (LSMs). This would represent a guard force of armed civilians that would not report to either military or police command structures, and for which questions remain around training and vetting of personnel. Additionally, the emergence of a third oil/gas operator in the Western region, a Norwegian company called Aker, who has taken over from HESS, underscores the need for sector coordination and assessment of the risks and impact on coastal communities.

## **FINALIZED NAP**

### **– NAP final draft presented for implementation**

- On the 19<sup>th</sup> November, representatives from the Ghana Government ministries were hosted by MLNR for an operational level session on the revised NAP. The purpose of the meeting was to review and validate the changes made to the NAP activities, following VPI Working Group feedback throughout the year. A final draft was agreed upon within the Government pillar, with clear dates for implementation in 2019-2020 and a reduced projected budget of USD \$232,500, down from the original USD \$764,090 presented to the group by MLNR in January 2018. (See attached NAP)
- The Working Group reviewed the revised NAP, with the MLNR talking through the four key objectives. In addition to adding clear implementation dates and revised costs, other updates included:
  1. A clarified focus on Objective 3; *engaging with companies to encourage VPs implementation to reduce security and human rights related risks* through educating and engage with large and medium scale companies on risk assessment processes, with an emphasis on operators with less institutional capacity on best practices. This will also involve working with industry partners and regulators to streamline VPs into their existing monitoring frameworks, such as the Chamber of Mines, Minerals Commission and Petroleum Commission.

2. Updated Objective 4: institutionalise VPs collaboration *between Government, Companies and Civil Society Pillars through the establishment of a permanent Ghana VPI Secretariat*, ensuring a more institutionalized in-country WG model can be established within the Ghana Government over the long term.
- WG participants highlighted that there was a lack of clarity remaining on specific Ghana Government funding commitments to the plan. It was noted that the funding will come from the individual ministry budgets, or leveraged through existing activities, rather than funding from the central Ghana Government budget. In one example given, the EPA runs existing training programs which could potentially align with the proposed NAP training under *Objective 2*. A high-level meeting between the Ministries was proposed as a next step to clarify lead roles on each activity, and specific commitments for funding.
  - Each pillar was encouraged to reflect on how they could support the NAP, for example Embassies and Companies funding specific activities, and the NGOs identifying and applying for grants.
  - The MLNR will update the NAP with a lead actor for each activity and provide a breakdown of costing for each activity figure.

## **KEY UPDATES**

### **– Withdrawal of Public Security Deployments at LSMs**

- It was reported that the withdrawal of the military from Large Scale Mine (LSM) sites has been postponed until January.
- It is anticipated that the Ghana Police Service will play a greater role at LSMs once the military has withdrawn. There have also been suggestions that Mine Guards may be used as an alternative to the military.
- It remains unclear what impact this may have on future Memorandums of Understanding (MoUs) between the Ghana Armed Forces and oil/gas operators, now that the military will withdraw from LSMs.
- Members of the NGO pillar underscored the importance of prevention, urging companies to continuously engage with communities to avoid escalation into protests and potential insecurity. For example, when company representatives attend meetings in the host communities, using a public security 'escort' (i.e. police cars) at the gatherings can exacerbate perceptions of mistrust.

## **– Mine Guards**

- Further to concerns raised during the last WG meeting, participants expressed concern about the development of a Mine Guard force which sits under the Minerals Commission. Serious concerns were once again raised about the risks of arming civilians, and the potential insecurity implications of cultivating militias in areas of rich natural resources and existing areas of land/communal conflict (e.g. chieftaincy disputes).
- The WG has requested clarification from the Minerals Commission on:
  1. Command structure of the guard force - who will they report to and how will law enforcement and/or the military be involved?
  2. Hiring process for the guards – what structures are in place to adequately screen personnel for human rights abuses?
  3. Training curriculum – what is the training that the guards are receiving, and how are Use of Force and security and human rights reflected in the modules?
  4. Funding of the guard force – how is this new force being funded, and how will sustainability be ensured?

## **– Oil/Gas Sector – Key Challenges and Successes**

- As the sector expands with increased exploration and production, there remain gaps in community engagement across the sector. The Petroleum Commission has established a new unit (Petroleum Security Unit) which will oversee security matters in the sector, as well as play a key role in sensitization with communities and other key actors to discuss key challenges and impacts that can drive local grievances. For example, an upcoming conference will involve the House of Chiefs, District Assemblies, fishing associations, civil society organizations and the media. Key challenges they will seek to cover are unmet expectations of local communities on employment in the oil/gas sector, which requires specialized education and training, and fishing boat incursions into oil/gas exclusion zones.
- One company noted that canoe incursions into their exclusion zones were down by 50 percent in 2018 as a result of their robust community engagement strategy. This included extensive community sensitization and education, such as nautical mile videos which helped fishermen to better judge distances. Other key areas of success noted were the Petroleum Commission Grievance mechanism, and greater coordination between the different oil/gas partners in the Western Region.

- Dwindling fish stocks in Ghana's waters have the potential to pose a risk to livelihoods of coastal communities affected by oil/gas operations. One participant noted that a US Government funded program in the Western Region recently suggested fish stocks are nearing collapse. With the oil/gas operation lights attracting fish, this has the potential to increase future confrontations between fisherman and security vessels enforcing the exclusion zones. Members of the Ghana Government noted that they are looking at a proposal to build artificial reefs, as well as focusing on alternative livelihoods for affected communities.
- It was suggested that the Ministry for Fisheries be included in future WG meetings.

### – Private Security Sector Reform

- Participants from the MoI outlined the need for the current laws to be updated to increase oversight of the private security sector, which is currently regulated under the Police Service Act of 1970. Key areas of sector reform include the need for more robust regulation and monitoring of providers, a standardized training and certification program, and a strategy for attracting more professional skilled candidates to the sector.
- The MoI noted that as of 31 October 2018, private security providers must wear one of three standard uniforms (White, Khaki, Green). Participants noted that greater sensitization needed to be done to explain the sector changes.

### ACTION ITEMS

Follow-up items from the meeting include:

- **MLNR** will update the NAP with a lead for each activity and provide detailed costings for each of the activities.
- **MoI** to draft needs assessment letter to DCAF to outline potential areas of collaboration on private security sector reform.
- **WG Co-Chairs** will follow up with the Minerals Commission regarding the questions raised on the Mine Guard force.
- **WG Co-Chairs** will draft a schedule for quarterly meetings in 2019, beginning in February.
- **WG Co-Chairs** will facilitate follow up meetings with the respective pillars to identify areas to support the implementation of the NAP in 2019-2020.

## **APPENDIX 4**

### **CASE STUDY: GHANA**

The Ghana Government became the first African nation to sign onto the VPI in 2014. However, resource constraints and competing ministry priorities presented barriers for the government to move forward on the implementation of a VPSHR National Action Plan (NAP). Thus, external actors sought to work closely with the Ghana Government to move forward its NAP development, and increase multi-stakeholder collaboration with civil society organizations, affected communities, extractives companies and international partners. In that context, beginning in July 2015, the U.S. State Department provided funding for FFP and WANEP-Ghana to execute a three-year program on national-level implementation of the VPSHR in Ghana.

The context within which the program was implemented was relatively conducive for a security and human rights-focused program. Ghana is heralded as a model for inclusive democracy on the continent, with a strong culture of human rights embedded in its 1992 Constitution and a vibrant civil society space. Further, the ethos of the VPSHR aligns closely with Ghana's rights-oriented institutional culture. For example, the Commission on Human Rights and Restorative Justice (CHRAJ) is an independent government body which is widely available all over the country where Ghanaians can report allegations of human rights abuse. This access to justice is crucial when improving accountability of officials, particularly with respect to allegations of abuse by security forces.

However, many challenges remain with respect to security and human rights in the resource-rich country. Perceptions of public security credibility are extremely low in Ghana, particularly of police. While perceptions of trust were slightly higher of the Army on a national level, both police and military were perceived as having very little trustworthiness in the key mining and oil/gas regions of Ashanti, Brong-Ahafo, Central, Eastern, and Western. Similar sentiments were also widely expressed for formal justice mechanisms, with a majority expressing limited trustworthiness of, or usage of, the court system. This underscores the gaps between the human rights-oriented structures in Ghana, and their implementation. If communities feel as if they cannot trust public security, or report potential abuses, this can undermine rule of law, and set the stage for the escalation of tensions between security forces and communities. The increased presence of public security forces in extractives project areas can further exacerbate these discords and heighten the risk of violence and

conflict. The implementation of the VPSHR guidelines by companies in partnership with government and civil society is therefore crucial in Ghana to ensure risks to communities as a result of company security arrangements are mitigated.

The large-scale mining sector has sought to address the security risks by entering into public security arrangements with the Ghana Army and Police Service for the protection of their assets and personnel. The Ghana Ministry of Lands and Natural Resources (MLNR) developed a Multi-Sectoral Mining Integrated Project (MMIP), which included the rapid deployment of a joint task force 'Operation Vanguard' of military and police to enforce a moratorium on all small-scale mining. Amidst this backdrop, the VPSHR have become crucial to mitigating the potential for escalation into violence and human rights abuses.

Meanwhile, since oil was discovered along Ghana's coast in 2007, the offshore oil/gas sector has continued to grow, with new exploration, operators and onshore activities coming online. With revenue and compensation managed differently from the mining sector, there remain deep-seated grievances among coastal communities over revenue transparency and benefits-sharing back to their region and local areas. With a main source of livelihoods in coastal communities being artisanal fishing, there have also been ongoing challenges with fishing boats entering exclusion zones which are patrolled by the Ghana Navy and Police. The VPSHR has encouraged continuous and open dialogue between communities and the different oil/gas stakeholders about impacts and security arrangements of the rigs and underscored the need for training of security personnel on patrol vessels.

The goal of FFP and WANEP-Ghana's program was to enable a more permissive and accepting environment for the implementation of the VPSHR within Ghana through strengthening engagement between civil society, government and the extractives sector on security and human right issues. Implemented from July 2015 to April 2018, the program had a dual focus on targeted local-level dialogue and capacity building, and national level engagement and awareness-raising activities.

The program focused on six communities across five key regions in Ghana where mining and/or oil and gas operations are underway: Upper East, Brong-Ahafo, Ashanti, Western, Brong-Ahafo and Volta. The program leveraged WANEP-Ghana's expansive network of civil society stakeholders to identify and deliver the activities in communities within the five regions which are affected by natural resource sector operations:

- **Scoping study and stakeholder-mapping** in six community areas.
- **Delivery of targeted trainings to local communities.** The trainings focused on VPSHR awareness and building the capacity of civil society members to monitor and engage with security and human rights, and conflict risks within their communities. Training also involved topics such as peace education and non-violence, grievance mechanisms, transparency and governance, and media and advocacy.

- **Facilitation of local multi-stakeholder dialogue platforms** for community members, CSOs, company representatives and local government to discuss VPs related conflict drivers, deploy a grievance response mechanism where necessary to resolve issues, and document findings which can be used for further constructive dialogue with companies, government and other civil society stakeholders.
- **Dissemination of local media campaigns** via radio in each of the six community areas to promote security and human rights awareness and peace messaging.

Focusing on scaling efforts to the national level, the program established a national dialogue forum for regional representatives, policy makers and practitioners to discuss key security and human rights issues, and tackle strategic level reform such as private security licensing, public security training and inter-ministerial engagement on the VPSHR. These efforts were complemented with a broader sensitization effort using online media for Ghanaians on the VPSHR. Activities included:

- **Facilitation of national multi-stakeholder roundtables** to bring together the three pillars of government, civil society and company stakeholders to constructively discuss and resolve security and human rights related issues;
- **Development of a sustainable working group of VPI representatives** from NGO, Company and Government pillars to support National Action Plan development and VPSHR implementation efforts; and
- **Delivery of a security and human rights awareness campaign** focusing on educating the general public through online media, including a web knowledge platform and cartoon series in three languages.

In 2016-2018 the ICWG staged six national dialogue sessions in Accra bringing together national-level policy makers and practitioners from the Ghana Government, international actors, companies and CSOs. Key achievements included:

- **Identification of specific problem sets** which can be collectively addressed as four priority issues by the group:
  1. Private security licensing reform;
  2. Public security forces centralized training curriculum;
  3. Greater coordination between oil/gas operators, communities and the Ghana government in the Western region; and
  4. Ensuring security and human rights principles are integrated into Ghana government policy and planning in response to small-scale illegal mining ('galamsey').
- **Facilitation of greater awareness and collaboration of the VPSHR within the Ghana Government**, where previously efforts were focused solely within the lead VPI

agency, the MLNR. This includes expanded engagement to Ministry of Energy, Petroleum Commission, Minerals Commission, Commission Human Rights and Restorative Justice (CHRAJ), Ghana Armed Forces, Ghana Police Service, Ministry of Interior, Environmental Protection Agency (EPA), and Ministry of Foreign Affairs; and

- **Support for the Ghana Government’s efforts to refine and sensitize their draft VPI NAP**, enabling a platform by all pillars to provide feedback on the NAP. Following feedback from the group, the NAP was redrafted and presented to key stakeholders in December 2017.

The program sought to build sustainability through fostering a sustainable platform which would bring together key civil society, company and government representatives to identify and troubleshoot security and human rights issues in the Ghana natural resource sector. This was complemented by efforts at the international level of the VPI, where it was proposed to pilot country-level working group processes, including in Ghana, Myanmar, Nigeria, and Peru. Leveraging momentum from the national dialogue series, the program set up a core group of key representatives from each of the VPI pillars, which met on the sidelines of the larger dialogue activities, with assistance from the U.S. Embassy Accra and the MLNR. With a draft Terms of Reference provided by the VPI, this served as a basis for the group to build a structure with co-chairs and governance rules. The first of these meetings was held at the Embassy of the Netherlands in June 2017, with a total of five WG meetings held through to March 2018.

The meetings flowed directly on from each of the program’s national dialogues, with a smaller group from the three pillars operationalizing the broader discussions into concrete action items. For example, following feedback from the national dialogue participants, the MLNR hosted the WG meeting for the first time at their offices in November 2017 to unveil their revised VPSHR NAP and budget. The smaller WG format enabled more frank and open discussions to occur and made more granular progress on reviewing the individual proposed activities and costs within the NAP. The agenda for WG meetings and action items continues to be framed around the four security and human rights priority areas identified by the national dialogues: public security training, private security reform; oil/gas sector coordination and ASM. As the Ghana Government finalized the revised NAP, the WG played a key role in supporting its implementation efforts and monitoring progress.

Though the Ghana VPSHR program itself ended in early 2018, the Ghana ICWG has continued its work, fueled by significant continued interest and participation from its key stakeholder groups and by resources provided by a consortium of corporate and government funders. The first “post-program” Ghana VPSHR Working Group meeting took place in May 2018 and saw strong continued participation and an action-oriented work plan developed by participants. Though FFP itself has remained centrally involved in this continued work, the medium-term goal is to transfer the responsibility for the ICWG to a local Secretariat,

thereby building a local vehicle to convene the group and pursue its activities and objectives. At the time of writing, it had been announced by the Ministry for Lands & Natural Resources that a new focal person would be appointed to ensure a smooth transition to a permanent WG Secretariat that will increase local ownership sustainability as well as boosting oversight for the country's VPSHR NAP. This will be a promising step toward the Ghana ICWG's longer-term sustainability.

Certainly, the close alignment of the WG with the relevant Ghanaian government ministry, in providing a forum for feedback on the implementation of its policies, has provided a strong incentive for all stakeholders for the continuation of the WG's work. This is especially so in relation to the Ghanaian government's VPSHR NAP, which has become a core component of the WG's activities and focus. The WG provided an important forum for the socialization, stakeholder feedback, revisions, and implementation of the NAP. This role has in many ways been reprised as the WG has taken a keen interest in the development and implementation of the Ghana Government's MMIP and its security component, Operation Vanguard, even providing a platform for WG members to resource and realize human rights training for Ghana Army soldiers deployed to the operation.

**APPENDIX 5**  
**CASE STUDY:**  
**LUBUMBASHI, D.R. CONGO**

D.R. Congo is one of the richest countries in the world in term of natural resources. In particular, the provinces of Haut Katanga and Lualaba are part of the so-called ‘Copper belt’ which constitutes one of, if not the largest copper-/cobalt-producing region in the world. While these provinces are considered to be more stable compared to the rest of the D.R. Congo, they still remain a complex environment, where companies face various challenges in implementing security and human rights good practices.

The field-level implementation of the VPSHR started relatively early in the D.R. Congo, with the first working group on the VPSHR created around 2006. The creation of the working group came just after a period of election in the D.R. Congo. Different factors came to play for the creation of the working group, but one particular incident triggered companies to start engaging more on the subject. In October 2004, the town of Kilwa in Haut Katanga was the site of fighting between the Congolese Armed Forces (FARDC) and a small group of rebels. When the FARDC launched an attack to take control of the rebel-held town, serious human rights abuses were committed against civilians, including summary executions, arbitrary arrest, rape, and torture. At that time, Canadian-headquartered Anvil Mining operated a copper mine near Kilwa. Witnesses alleged that Anvil Mining had provided transportation (planes and vehicles) to the FARDC during this event.<sup>[1]</sup> Anvil Mining denied complicity of the company or its employees in these crimes, but affirmed that its vehicles and planes were used in the operation because they were requisitioned “under the force of law” by the security forces.<sup>4</sup>

The Anvil mining case caused mining companies to reflect on how to better manage their security and relations with state security services, realizing among other things the reassuring impact this would have on their international investors.

The U.S.-based international NGO, Pact, a member of the civil society pillar of the VPI, was working with several mining companies in the D.R. Congo at the time, particularly in relation to their social programming. Thanks to the prior relationship that Pact had built with the companies, communities and the local government in implementing these social projects, Pact was well-situated to lead very sensitive conversations around security and human

[1] <https://www.business-humanrights.org/en/anvil-mining-lawsuit-re-dem-rep-of-congo?page=3>

4. *ibid*

rights with a wide range of actors, and thus acted as a key player in establishing the forum that would become a VPSHR working group.

Though the initial members of the working group were either formally linked to the VPI or had prior knowledge of the VPSHR, as the working group grew, it began to include members less familiar with the VPSHR and as such the group became a useful conduit to introduce VPSHR concepts to actors unfamiliar with it. At first, the meetings were organized with security managers of the mining companies in the region, wherein they exchanged views on the respective challenges at their sites and discussed best practices to overcome them. Over time the meetings then attracted more participants across the three pillars. More concrete actions then came as direct outcomes of the group -- for instance, the group drafted a first contract template with which to enter into contracts with private security companies or agreements with public security forces.

To assure the coordination of the group, Pact relied mainly on funding from the companies. However, at the time of the 2008 financial crisis, Pact's funding was dramatically cut, and activities came to a halt, preventing any further working group meetings at that time.

The working group's activities recommenced between 2011 and 2013, when Pact received some additional funding from Tenge Fungurume Mining (Freeport McMoran). About 60 individuals from the three different pillars regularly attended the working group meetings that took on a more operational focus. However, ensuring the presence of a strong civil society pillar was a challenge as there was a high level of mistrust between the companies and civil society organizations. After numerous meetings organized separately with actors, attendance of CSOs at the meetings gradually increased, with engagement focused on a range of issues that the CSOs had identified in relation to the conduct of companies or security forces. Beyond the regular working group meetings during this period, various workshops were organized on a range of topics, such as private security and community engagement. In 2013, Pact handed the secretariat role over to the local NGO, Justicia ASBL. However, lack of funding for the secretariat meant that meetings tended to be sporadic until 2018.

Key lessons can be learned from the experience of the working group in the former Katanga region of the D.R. Congo. During this study, informants all agreed on the importance of the working group to drive progressive change in companies' security and human rights practices. However, the following key elements were highlighted to help VPSHR platforms become more sustainable:

- Security and human rights are an important but very sensitive subject. In the former Katanga, companies had different levels of understanding of what good management of security and human rights entailed. Hence, the Secretariat played a crucial role in

bringing people together, building their capacities, and ensuring that meetings were action-oriented and that recommendations executed. This required dedicated and predictable resourcing so that activities of the working group could be continuous and uninterrupted;

- Buy-in from government, companies and civil society organization needs to be at a high level to ensure that sufficient resources are dedicated to security and human rights issues. This is important to ensure the sustainability of the platform, but also to ensure that recommendations adopted are effectively implemented;
- There is a need to have a closer link with the VPI at the international level, to ensure both financial and thematic support but also;
- In D.R. Congo, there is a high number of initiatives linked to responsible business. Therefore, a closer link needs to be established between initiatives to ensure sustainability and avoid ‘initiatives fatigue’.

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