

Minutes, ICoC Steering Committee Meeting 26-28 September 2011 in London

Attending:

- Chair: Nils Melzer, University of Zürich Centre for Business and Human Rights
- Margaret Belof, UK Foreign Commonwealth Office
- Josh Dorosin, US Department of State
- Jason Pielemeier, US Department of State
- Christopher Mayer, US Department of Defense
- Sylvia White, Aegis
- Michael Clarke, G4S
- Meg Roggensack, Human Rights First
- Andy Orsmond, Human Rights First
- Rémy Friedmann, Switzerland Department of Foreign Affairs
- Anne-Marie Buzatu, DCAF
- Thomas Haueter, DCAF

Introductory matters: Welcome by Paul McGrade, FCO

- Update on UK national regulatory process: Aerospace Defence and Security (ADS) is the Government's partner in developing and implementing UK national standards for PMSCs. The Security in Complex Environments Group (SCEG) will support the Government in the transparent regulation of companies.
- The UK has a clear commitment to the ICoC process and will in the future only hire ICoC Signatory Companies and encourages other States to do the same.
- The UK sees the urgent need for guidance in the maritime security sector and hopes to see in the future one common system that will cover land based and maritime security.

The following topics regarding the proposal for the charter of the oversight and governance mechanism were discussed, with the aim of developing a proposal for stakeholder consultation within the next few months.

Discussion of Participation Criteria

- Industry membership will require certification, consent to and compliance with a performance assessment process, and compliance with reporting requirements.
- Civil society affiliation will be open to nonprofit organizations, not individual members, that have an established record and reputation for the promotion of respect for human rights. Civil society organizations will be independent from the other pillars. The board will decide about membership by the proposition of the civil society stakeholder group.
- Affiliation criteria for Governments: Governments will be Montreux Document participating States expressing a commitment to promote compliance with the ICoC and the principles of the Montreux Document.

Discussion of Governance

- The governance structure should consist of a plenary body, a board of directors, and a secretariat.
- The plenary will serve as a forum for multi-stakeholder discussion and is a body with specified powers, including amending the Charter.
- The multi-stakeholder board will exercise key powers of organization, direction and decision.
- The Executive Secretariat will exercise day-to-day responsibility for implementing the mission of the organization.
- The tri-partite structure will be represented in the board, and not in the plenary. The plenary will comprise of Signatory Companies, other stakeholder groups will attend as observers.

Discussion of Certification and Performance Monitoring Procedures

- Initial certification will be at the headquarters level, with in-field auditing not required for initial certification, but the Signatory Companies will need to be open to in-field auditing as part of the performance assessment.
- The IGOM will develop certification procedures which will take into account a company's completed certification under IGOM-approved national standards.
- Certification may be suspended or withdrawn according to the results of the performance assessment.
- The IGOM will regularly monitor member company performance, including through field monitoring in those areas or cases where it determines that the risk of violations is particularly high. If violations are found, this will trigger a next stage audit, including potentially a specific compliance review, with possibilities of suspension or removal for lack of compliance.
- Performance assessment includes reporting, risk-based monitoring and a specific compliance review to establish facts and make remediation recommendations if there are concerns.
- Monitoring might include visits to multiple signatory companies operating in a particular complex environment at the same time.
- The specific compliance review should result in recommendations for corrective action to be verified through future monitoring. Failure to implement corrective action may result in withdrawal or suspension of certification status or membership status.
- In addition to narrative accounts related to Code implementation and compliance, reporting by companies should be in the form of a standardized matrix so that most of the information can be extracted statistically.

Discussion about Funding and Resources of the IGOM

- It should be a shared burden between the different stakeholders. Start-up costs will need some outside funding.
- Funding from other sources such as foundations and clients should be explored, as well as revenue that may be generated through the accreditation of outside monitoring/auditing firms and licensing fees.

Discussion about the Location and legal status

- The initial research of Working Group 3 indicated Switzerland as the preferred option for institutional venue. However, other possibilities should not be excluded and Montreux Document participating States should be approached if they are interested in providing support / hosting.
- Non-state options such as Universities might be very valuable for support, but not for hosting.

Discussion of Grievance Mechanisms

- The TSC began exploring options for third party complaints.

Discussion about open issues

- The issue of confidentiality needs to be addressed more thoroughly

The Steering Committee will have weekly telephone conferences in order to work further on the Draft Charter of the IGOM until the next face to face which will take place in Washington DC on the 27 and 28 October 2011.

The following two Side Events took place during this meeting:

Side Event: Brief by Dr Jillian Spindura, Head of Maritime Transport Security, UK Department of Transport

- *The brief included an update about the developments at the IMO, which released interim guidance to ship owners, to flag States, and to port and coastal States on the use of armed guards. Further did the brief include an update about the developments in the UN Contact Group on Piracy off the Coast of Somalia, especially about Working Group 3 which is chaired by the UK.*

Side Event: UK SCEG, Director, Chris Sanderson

- *The need of an effective, transparent and inclusive process was mentioned as well as the need for an update email to prepare the stakeholders for what will come and what to expect.*