

## **Minutes, TSC Meeting 4 April 2012**

**By teleconference**

**Begin: 10:00 Washington DC / 15:00 London / 16:00 Geneva**

### **Attending:**

Attending:

- Chair: Ian Proud, UK, Foreign Commonwealth Office
- Sylvia White, Aegis
- Chris Mayer, US Department of Defense
- Ian McKay, US Department of State
- Jason Pielemeier, US Department of State
- David Dutton, Australian Dept of Foreign Affairs and Trade
- Mark DeWitt, Triple Canopy
- Meg Roggensack, Human Rights First
- Rémy Friedmann, Swiss Federal Department of Foreign Affairs
  
- André du Plessis, DCAF

### **Discussion:**

The chance was given for members to raise any serious issues that they felt should be considered now that the comments were in. Some wondered whether some issues may be addressed by considering balance of power issues related to the draft oversight mechanism. It was also noted that in some cases people may have misunderstood what the draft charter was trying to do.

It was noted that the TSC still hadn't had a chance to look at many of the comments yet. Members felt that they needed time to digest the comments before meeting in person. It was agreed that each stakeholder group first look at their stakeholder group's comments and present these to the TSC.

There was discussion on next calls, dates and meetings, and whether the TSC could consider using a "facilitator" to reach a negotiated solution, and also proposing that the identity of the chair be clearer between sessions.

There was some discussion on TSC membership itself, having reference to the TSC Rules of Procedure ([http://www.icoc-psp.org/uploads/ICoC\\_Steering\\_Committee\\_Rules\\_-\\_Final.pdf](http://www.icoc-psp.org/uploads/ICoC_Steering_Committee_Rules_-_Final.pdf)). On PSC industry TSC participation, the industry TSC reps agreed to consider the situation and come back with a proposal.

It was agreed to draft a note to go on the website informing that the consultation period was closed and that the TSC was considering the comments and this would have an impact on the timetable.

**End 11:00 Washington DC / 16:00 London / 17:00 Geneva**

## **Minutes, TSC Meeting 17 April 2012**

### **By teleconference**

**Begin: 09:00 Washington DC / 14:00 London / 15:00 Geneva**

#### Attending:

- Chair: Ian Proud, UK, Foreign Commonwealth Office
- Sylvia White, Aegis
- Josh Dorosin, US Department of State
- Chris Mayer, US Department of Defense
- Ian McKay, US Department of State
- Jason Pielmeier, US Department of State
- Margaret Belof, UK Foreign Commonwealth Office
- Nils Melzer, University of Zürich Centre for Business and Human Rights
- David Dutton, Australian Dept of Foreign Affairs and Trade
- Mark DeWitt, Triple Canopy
- Meg Roggensack, Human Rights First
  
- Anne-Marie Buzatu, DCAF
- André du Plessis, DCAF

The TSC agreed to work up a list of issues and questions drawn from the comments submitted during the public comment period to be considered at the upcoming meeting in London on the 7<sup>th</sup> and 8<sup>th</sup> of May, 2012

It was agreed to broadly conform to the issue format put together by Ian Proud in order to help ensure consistency of approach, with the addition that each stakeholder highlight their particular concerns.

The issues identified by Ian Proud are as follows:

- Relations between the Board and Plenary
- Signatory and Member companies
- Certification arrangements
- Complaints and violations
- Confidentiality arrangements
- Compliance Review and legal proceedings
- Sanctions
- Appeals
- Client relationships
- Maritime companies

There was discussion about how the work programme going forward would be affected by the large volume of comments received. It was generally agreed that the timetable would have to be prolonged.

Discussion about how to get a broader group, such as more states and non-state clients, involved in the ICoC process. Discussion about filling in TSC industry vacancy, with current industry members tasked with developing a proposal for doing so.

Discussion about general approach of the Charter, including the assumptions underlying its structure. Some comments seem to indicate that the Charter was too detailed, while others seemed to indicate it did not go far enough. Clear that there were some misunderstandings that need to be cleared up—perhaps through additional outreach.

Civil society's experience with other MSIs indicate that where there was little detail in the beginning, this led to much bigger problems later on. Very hard for NGOs to endorse a process where the thinking is not more front-loaded.

Agreement that need for another phone teleconference was necessary before the London meeting in May.

**End 10:00 Washington DC / 15:00 London / 16:00 Geneva**

**Minutes, TSC Meeting 24 April 2012**  
**By teleconference**

**Begin: 09:00 Washington DC / 14:00 London / 15:00 Geneva**

**Attending**

- Chair: Josh Dorosin, US Department of State
- Mark DeWitt, Triple Canopy
- Meg Roggensack, Human Rights First
- Chris Albin-Lackey, Human Rights Watch
- Jason Pielmeier, US Department of State
- Margaret Belof, UK Foreign Commonwealth Office
- David Dutton, Australian Dept of Foreign Affairs and Trade
- Rémy Friedmann, Swiss Federal Department of Foreign Affairs
- Sylvia White, Aegis
  
- Anne-Marie Buzatu, DCAF
- André du Plessis, DCAF
- Thomas Haueter, DCAF

**Discussion**

There was an update on scheduling upcoming meetings and it was confirmed that there would be the following two meetings:

- 7&8 May in London
- 5-7 June in Washington DC

In addition it was agreed to schedule another call before the next face-to-face meeting

The discussion then continued on to both current TSC Membership and also options for broadening participation.

The two industry representatives outlined rough proposals for selecting new industry members, noting the way that they were selected through elections when the code was first signed in November 2010. It was noted that any new industry member would need to undertake to attend meetings and commit time to the project. It was recognized that the selection of the new TSC industry members should seek to best represent the diversity of the Signatory Company membership.

Related to this, there was discussion on establishing an advisory board for the industry TSC members, noting that now there were over 350 signatories

Discussions were also held on whether similar structures might work for the other two stakeholder groups, for example giving them an opportunity to “caucus” and/or give guidance to the members.

There was consideration of some extractive industry expressing that they want to be part of this process. Other relevant sectors that could be useful for the process were also mentioned: shipping industry, humanitarian organizations hiring PSCs, insurance companies, other governments, and NGOs with Business & Human Rights experience.

Some possibilities were raised for broadening participation, including each stakeholder group bringing in a client aspect as part of a “fourth seat”, establishing a technical committee who would attend TSC meetings and provide expert guidance, and expanding the participation of TSC meetings more generally on an ad hoc basis.

The TSC generally welcomed the idea of an advisory board/technical committee, and wanted to look into this in more detail. They also noted that there could start to be wider consultation between the TSC and others, potentially in the margins of the London meeting.

It was noted that whatever new ways of working were established, it would certainly extend the deadline for the process, and it would take time for any new participants to get up to speed on the draft charter and the current state of discussions.

Finally, TSC members were encouraged to keep identifying key points in the comments and to feed this into the rough structure shared by Ian Proud at the previous meeting.

**Action:**

- The industry representatives would circulate a new proposal for the appointment of new TS industry members, to include consideration of the wider-consultation points.
- The industry representatives to consider how best to consult with others in London on 8 May.
- DCAF to prepare a rough proposal for how an advisory group would be structured, to include who could potentially participate on this advisory group.
- All TSC members to feed their views on the comments into Ian Proud’s rough structure

**End 10:00 Washington DC / 15:00 London / 16:00 Geneva**