

Minutes, ICoC Working Group #1 Meeting: 4 August 2011 via teleconference

Attending

- Mark DeWitt, Triple Canopy (facilitator)
- Ian Ralby, ADS, SCEG
- Glynne Evans, Olive Group
- Jason Pielemeier, U.S. Department of State
- Margaret Belof, UK Foreign Commonwealth Office
- Frank Amoyaw, Land Mark Security
- Andy Orsmond, Human Rights First
- Thomas Haueter, DCAF

BEGIN 09:00 DC / 14:00 UK / 15:00 GENEVA

Subgroup 1a overview:

- The draft report looks at clarifying how ANSI standards work and how accreditation bodies work in order to see how the standards set by the Code can be integrated into the IGOM. There is a need to make sure that the standards are developed according to the Code.
- Para 10 of the Code says SigCo and other stakeholders will work together with national standards bodies, such as ANSI.
- The ANSI standard will be finished not too long from now, and the best way forward might be to build on existing structures.
- It is planned to consider why some options that have been discussed are perhaps not the best way forward and to clarify which are the most suitable, and where it is possible to interface with structures that already exist. Further will the cost elements and drivers be included in the report.

Subgroup 1b overview:

- Subgroup 1b looks at the in-field monitoring/assessment of human rights performance. The discussion was along the line of measuring performance versus system of management and policy. The paper focuses on how to assess the human rights performance.
- Further was the question of in-field monitoring looked at and how this would work. A question not yet answered is what would trigger an in-field monitoring. There are two general options to this:
 - 1) An initial compliance process where companies go through an in-field monitoring. This would be a rather expensive solution since all the companies would need to do it. It would be a large requirement in the beginning and later on maintenance of compliance.
 - 2) A more cost effective way would be that companies make themselves subject to auditing and the IGOM will determine where a necessary in-field monitoring should be done. Factors could be where risk of human rights violations are greater, or monitoring of activities when a human rights violation has been identified (that might result in recommendations to be made for remedial measures).

- It was mentioned that the option of involving Universities in the monitoring activities will be looked at; the report will have some reaction to this proposal.
- An issue not to forget is that the in-field monitoring should recognize and balance the security of monitors against the goals of monitoring. However it is often the case that the more non-permissive environments are the places where most of the human rights violations take place.
- The question about frequency of the in-field monitoring was raised, also in regards to the costs.
- Another issue brought up was the difference between monitoring and auditing. Is monitoring a continuing process and auditing is rather something that one does when he is required to do?
- So far the focus of subgroup 1b has been to try determining what it means to monitor a PSC and the difficulties involved in it. An assessment of PSCs is hard without looking at the client and their specifications. This client-aspect might be added to the paper since it is an important aspect for performance assessment.
- It was brought up that there is a link between the grievance process and the monitoring. The grievance process is one of the possible source of which the IGOM can become aware of requirements to do an in-field monitoring. Ideally a part of the accreditation process would have some kind of in-field monitoring, since this is an expensive option, maybe one can consider circumstances where human rights violations might take place or have already taken place. This should not be confused with an investigation role but rather a monitoring and performance assessment: what has happened after the grievance mechanism kicked in with negotiated grievance and the thereafter implementation of recommended actions.

Subgroup 1c overview:

- Subgroup 1c looks at the question how to become a signatory company: basically there are 1 to 3 steps, which will be discussed in detail in the report:
 - 1) A basic level of commitment which includes due diligence and a base amount of information. From there a company can move forward to the second phase if it submits all the relevant information and the willingness to move forward, otherwise companies will get de-listed.
 - 2) After a monitoring process, certification and expectations, a SigCo would become a “Signatory Company in Good Standing “
 - 3) The third phase would be how to maintain or lose the good standards, or to explain and corrected possible wrongdoing, and ultimately decide when a status gets revoked

Other issues raised:

- Question of functional equivalent for the system and process of certification: what happens with companies that are unable to participate in ANSI or ISO standards? The IGOM should not end up in competition with the ANSI and other standards.
- It was mentioned that companies might be reluctant to share information with the IGOM since it is a very competitive industry. If the IGOM would be equipped with industry representative, companies might not trust it. So far certification bodies (like ISO) had nothing to do with the industry.

- This relates also to how much transparency is needed and whether the IGOM itself will be getting access to honest and thorough reporting. A factor that will be valuable for civil society.
- A concern was raised that the question in the report of subgroup 1c has too much regarding client information, a fact that might be problematic.
- Another question was raised at what point one would introduce a written commitment to the Code. This is a fundamental question for the TSC: at what point do we need a commitment of the companies that they will come along within the process. This will come together with de-listing companies that will not continue to participate.
- The last issue discussed was the role of clients. It was said that once the charter for the IGOM is established, there should be a stakeholder outreach, including clients, especially the ones not yet active in other multi-stakeholder initiatives. The IGOM should consider what clients want in their contracts.
- Further it would be interesting to reach out to accreditation companies: what they do, how they see the process of accreditation, potential obstacles, opportunity and costs/timelines that they think are reasonable.

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Next steps:

- The next calls will be in the week of August 15: a first one at the beginning to see where people are with the subgroup reports and a second one at the end of the week, exact dates will follow
- Subgroups must clarify where more work needs to be done and point out where the areas of emerging consensus / non-consensus are.