

VOLUNTARY PRINCIPLES ON SECURITY AND HUMAN RIGHTS
PARTICIPATION CRITERIA

Participants

- Governments
- Companies
- Non-Governmental Organizations
- Observers

Overview

At the 2007 plenary in Washington DC, the participation criteria were formally agreed upon. The criteria articulate the responsibilities of current and future members of the initiative; it is anticipated that the criteria will further strengthen implementation of the VPs while also encouraging more robust and constructive dialogue among participants.

Some of the key features of the criteria include: minimum requirements for participation; a dispute resolution process to raise concerns about the performance of a participant; accountability mechanisms that include the possibility of expulsion; and more transparent procedures for accepting new members.

Additionally, the new criteria enshrine a commitment by participants to report publicly on their implementation of the VPs or their support for implementation once formal reporting criteria are finalized.

Voluntary Principles Participation Criteria

Participants agree that the core objective of the Voluntary Principles is to “guide companies in maintaining the safety and security of their operations within an operating framework that ensures respect for Human Rights and fundamental freedoms.” Participants acknowledge that engagement and dialogue among the Participants are central to reaching this objective.

To facilitate the goals of the Voluntary Principles and encourage full and open dialogue, Participants agree that all proceedings of the Voluntary Principles process are on a nonattribution and non-quotation basis and no distribution of documents to non-participants is permitted except as required by valid legal process or otherwise required by law.

All participating governments, companies, and NGOs, must meet the following criteria:

1. Publicly promote the Voluntary Principles;
2. Proactively implement or assist in the implementation of the Voluntary Principles;
3. Attend plenary meetings and, as appropriate and commensurate with resource constraints, other sanctioned extraordinary and in-country meetings;
4. Communicate publicly on efforts to implement or assist in the implementation of the Voluntary Principles at least annually;
5. Prepare and submit to the Steering Committee, one month prior to the Annual Plenary Meeting, a report on efforts to implement or assist in the implementation of the Voluntary Principles according to criteria agreed upon by the participants;
6. Participate in dialogue with other Voluntary Principles Participants;
7. Subject to legal, confidentiality, safety, and operational concerns, provide timely responses to reasonable requests for information from other Participants with the aim of facilitating comprehensive understanding of the issues related to implementation or assistance in implementation of the Voluntary Principles.

In Addition:

- Any Participant's status will automatically become inactive¹ if it fails to submit an annual report that meets agreed criteria (Participation Criteria number 5, above) and/or categorically refuses to engage in direct dialogue with another Participant.²³
- Participants are permitted to raise concerns regarding whether any other Participant has met the Participation Criteria and, where appropriate, concerns regarding sustained lack of efforts to implement the Voluntary Principles. The ultimate goal of all concerns raised with regard to performance under the Voluntary Principles should be to strengthen individual and collective efforts to

¹ Inactive means temporarily being unable to exercise one's rights as a Participant.

² Engaging with another Participant refers to engagement in good faith.

³ A directive will be given to the Steering Committee stating that situations involving imminent or ongoing litigation will not be subject to this provision.

- implement or assist in implementing the Voluntary Principles through constructive engagement.
- Corporate and government participants are required to pay contributions for Secretariat services.
 - Participants will seek to resolve any concerns through direct dialogue with another Participant. If direct dialogue fails to resolve the issue, a Participant may submit its concerns to the Steering Committee.⁴ If determined by consensus of⁵ the Steering Committee that these concerns are based on reliable information and that the Voluntary Principles process will be strengthened by further consultations, the matter will be referred to the Secretariat within 60 days of its submission to the Steering Committee. The Secretariat will facilitate formal consultations between the interested Participants, subject to the requirement of confidentiality set forth in this document. In no more than six months, the Participants involved in these consultations may present the matter to the annual or special Plenary for its consideration. That Plenary shall decide what, if any, further action is appropriate. The Plenary's role is to make recommendations that will lead to deepening of the Voluntary Principles. Any recommendation of the Plenary, other than expulsion will be taken by a supermajority (66%) of government participants, a simple majority (51%) of non-governmental organization participants, and a simple majority (51%) of company participants represented at the Plenary session. A party to a complaint can request the Steering Committee to conduct a status review of implementation and to consider any issues arising from the implementation of a recommendation. The Steering Committee, on its own discretion, can initiate this process. Categorical failure to implement that Plenary's recommendations within a reasonable period as defined by that Plenary will result in inactive status. Please see the dialogue process document for more details.
 - Decisions to expel a Participant must be taken by consensus,⁵ excluding the Participant raising the concerns and the Participant about whom the concerns are raised.⁶ In the event concerns are raised about more than one Participant, the decisions with respect to each Participant will be reached separately.

⁴ When a concern is raised by or about a Steering Committee member, that member shall be replaced but its immediate predecessor on the Steering Committee. This replacement will occur only with respect to and for the duration of the said concern.

⁵ Consensus means unanimous agreement of all active participants.

⁶ This requirement for consensus applies to expulsion. It does not apply to inactive status, which results from violation of criterion 7 -- categorical refusal to engage with the other participants -- or from categorical failure to implement recommendations of the Plenary, as outlined previously.

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- To facilitate the goals of the Voluntary Principles and to encourage full and open dialogue, Participants acknowledge that implementation of the Principles is continuously evolving and agree that the Voluntary Principles do not create legally binding standards and participation in, communications concerning, and alleged failures to abide by the Voluntary Principles shall not be used to support a claim in any legal or administrative proceeding against a Participant. This shall not preclude any Participant from criticizing the conduct of any other Participant, publicly or privately, subject to the requirement of confidentiality set forth in this document.