

**Scoping an Implementation
Guidance Tool for the
Voluntary Principles**

Final Report

September 2008

IBLF

Scoping an Implementation Guidance Tool for the Voluntary Principles

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Reference: 0084581

Prepared by: Ben Cattaneo, Gillian Martin

Reviewed by: Sabine Hoefnagel

For and on behalf of
Environmental Resources Management

Approved by: Sabine Hoefnagel



Signed:
Position: 12 September 2008

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Voluntary Principles Implementation Guidance Tool

- Scoping Study Draft Final Report

12 September 2008

Prepared by ERM Ltd.



Background and Introduction

Environmental Resources Management Ltd. (“ERM”) has been commissioned to conduct a scoping study on the potential for an Implementation Guidance Tool (“IGT”) on the Voluntary Principles on Security and Human Rights (“VPs”). The objective of an IGT is to:

- Provide companies (VP participants and non-participants) with an improved ability to integrate the VPs into their security policies, operations and management practices;
- Where applicable, provide enhanced guidance to NGOs and governments on how they can assist in the implementation of the VPs.

Based on the terms of reference, the objective of this particular exercise was to determine the feasibility, benefits, requirements and potential content of an IGT. In order to meet these objectives, ERM carried out a combination of desk research and consultations with a number of VP participant and non-participant companies as well VP participant NGOs and governments. This document represents a final draft of the results of this scoping process.

Summary of Work Completed

This scoping report has been produced via two tasks:

- 1) A literature review of documents available in the public domain and provided by VP participants on security and human rights, business in conflict zones, and related issues. A comprehensive list of documents analysed and consulted as part of this task is given in Annex A, “Document Catalogue”
- 2) Interviews with VP participant companies, non-VP participant companies, NGO and government VP participants. A total of 32 individuals representing 26 organisations were interviewed. A majority of the individuals consulted were from companies (primarily VPs participants with a small number of non-participant companies), NGOs and governments. Company interviewees represented both corporate and project levels. For a comprehensive list of those interviewed, see Annex B, “Interviews.”

The contents of this report represent a consolidation of the outcomes of these two tasks as well as recommendations based on the ERM team’s experience and expertise on the VPs, human rights, conflict and related areas.




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Based on the results of the first two tasks, it is clear that support for an IGT is very high.

Sentiment	Frequency of Sentiment	Rationale Provided	Quote(s)
An IGT would be a very welcome development	 97% of respondents	Nearly all respondents expressed that an IGT would help bring the “vague” and “ambiguous” language of the VPs “into life.” Many felt that there is a need for tangible, practical actions that would facilitate greater clarity, comparability and consistency around implementation. Many also felt that an IGT would help re-introduce momentum into the VPs process.	<ul style="list-style-type: none"> •“An IGT would help us better understand how well we are implementing the VPs.” •“We know what we need to do but an IGT would be make doing it easier, particularly in working with partners and contractors”
An IGT would help to overcome a number of the challenges associated with VPs implementation	 71% of respondents	Many of the commonly-cited challenges associated with the VPs include difficulties in conducting risk assessments, working with host governments, and investigating human rights abuse allegations. Many felt that a tool could help overcome these, although some cautioned that an IGT’s limitations in helping to overcome challenges should also be recognised.	<ul style="list-style-type: none"> •“Companies do well at assessing risks to them. They do less well at assessing the risks they create. An IGT could help here.”
There is a gap that an IGT could fill	 69% of respondents	A number of respondents indicated that they use a range of resources in helping implement the VPs. These include tools developed by International Alert, the Danish Institute for Human Rights and other groups. However, many stated that many of these tools are not VPs-specific enough.	<ul style="list-style-type: none"> •“We draw on some very good resources, but at the end of the day, we’ve had to ‘interpret’ the VPs ourselves. We’ve come a very long way but an IGT would have helped us get there a lot more quickly.”



Nearly unanimous



Majority of interviewees

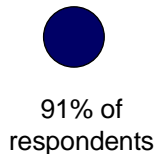
Beyond this, the development of an IGT represents an important opportunity to reinvigorate the Voluntary Principles process.

There is a lot of mistrust between pillars and a feeling that not enough joint learning on implementation is occurring

Sentiment

The VPs process is not moving forward as rapidly as it should

Frequency of Sentiment



Quote(s)

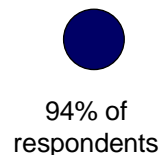
- *“Too much discussion about the VPs revolves round governance and process and not enough discussion revolves around the issues and implementation”*
- *“Mistrust is high and it is the result of behaviour of those in more than one pillar”*
- *“The VPs are at a crossroads. I am not sure the process can survive if it continues like this. We need to work together more on implementation”*
- *“The VPs process is too inward-looking.”*

...yet many companies, NGOs and governments appear aligned that joint learning and support on implementation is needed

Sentiment

VPs implementation is mainly about what happens at “ground level”

Frequency of Sentiment



Quote(s)

- *“We need to move away from principles to serious change on the ground”* [NGO VPs participant]
- *“We need to get a lot more specific about ground-level implementation”* [Government VPs participant]
- *“It is essential that an IGT focuses on practicalities on the ground”* [Company VPs participant]

An IGT represents an opportunity to build on areas where stakeholders are in agreement, help overcome existing mistrust, and be a key part a wider implementation focus to the VPs.

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IGT Objective, Audience and Focus

Objective

The objective of the IGT should be to provide companies with practical guidance on very tangible actions that will assist them in implementing the Voluntary Principles. It should assume no prior VPs knowledge. It will not redefine the text of the VPs.

Audience

The IGT should be written primarily for company end-users at project site levels with a responsibility for security. It should also include some guidance for corporate-level end-users, for NGOs and home and host country governments, although these are of secondary importance.

Focus

In addition to maintaining a practical focus, the IGT should provide guidance that can be applied by companies of different sizes and experience. It should be adaptable and not be intended to create new or supplant any existing management systems.

Status

The IGT will be purely a guidance document. It will not be a prescriptive document of any kind. It will not form the basis of any reporting or governance requirements associated with the VPs. Nonetheless, it should be recognised that the IGT would be a working document that could evolve with the VPs process.

Look and Feel

The IGT should incorporate highly visual and user-friendly tools (see Appendix A for more detail). It should be a simple and It should avoid use of jargon where possible without giving the impression that VPs implementation is itself simple and straightforward. It should showcase example of good practice and the sections of the IGT should “mirror” the sections of the VPs.

Limitations

Will not Deal with All Challenges

An IGT will not be a panacea. Even with the existence of a robust and practical IGT, challenges associated with dealing with host governments, managing human rights abuse allegations, or influencing human rights in a broader sense (e.g. in the judiciary, or some of the other challenges expressed by interviewees) will still exist. These limitations need to be recognised.

Cultural Change

In ERM's experience, the existence of tools is only one component of improving performance on any sustainable development issue. Tools often need to be accompanied by wider change management programmes aimed at creating cultural change within companies. An IGT on its own will therefore assist in implementation for some companies, but it will not necessarily represent the requisite support for others to implement the VPs.

Trust

The existence of significant mistrust in the VPs process appears to be quite high. An IGT may serve to facilitate a reduction in this mistrust but it will not eliminate it. Trust appears to be both from general NGO-company mistrust that is exacerbated by a lack of information and cooperation on VPs implementation

Pitfalls

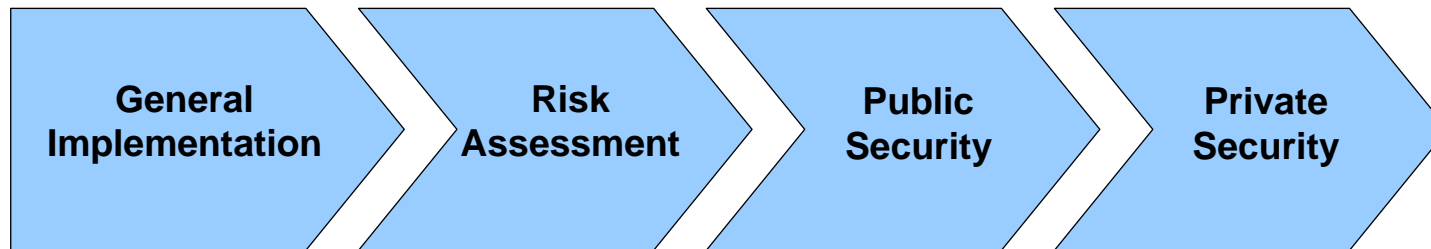
There are pitfalls associated with initiatives of this nature. In particular, ERM believes that there is a danger for the IGT process to turn into a compliance-driven exercise rather than a risk-based, performance-driven exercise if the process becomes too prescriptive and not sufficiently participatory. Similarly, the IGT could become overly complex and theoretical if the end-user and development process is not fully considered.

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Scope Overview

This section provides a recommended IGT scope. It is divided into an general implementation section and sections on the three main components of the Voluntary Principles. It ends with a few other considerations.

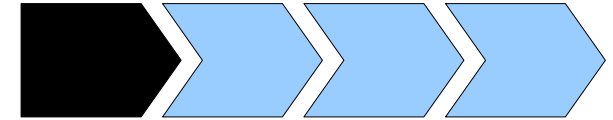


Each section presents a suggested scope for the IGT. The ideas presented here represent options for consideration, based upon: a) consultations conducted, and b) ERM's expertise on Voluntary Principles implementation and guidance tool development. Each section is divided into the following subsections:

- 1) Essential Outcomes – What the relevant section of the IGT should produce;
- 2) Recommended IGT content – What would appear to be current industry good practice on implementation;
- 3) “Common” Challenges – Dealing with challenges that interviewees identified as being commonly associated with VPs implementation. ERM believes that challenges represent good opportunities to develop case studies within the IGT.

All aspects of the scope section are presented as suggestions, rather than requirements.

Scope – General Implementation (1/3)



Essential Outcomes

An IGT should contain general guidance that will assist companies:

- 1) Understand the broader context within which Voluntary Principles implementation can take place;
- 2) Understand the benefits of VPs implementation;
- 3) Understand the key conditions under which VPs implementation is more likely to be successful.

Recommend IGT Content

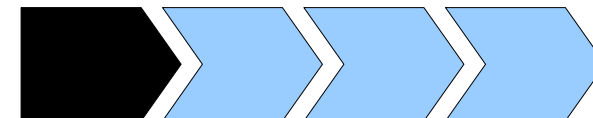
Policy Framework

Most companies have a policy and/or framework around human rights and security within which the VPs fit (e.g. Rio Tinto's *The Way We Work*, *Human rights guidance*, BP's *Human rights guidance note*, BG Group's *Group Security Policy*). The IGT should provide guidance on how a policy framework can be used to help VPs implementation (a common example being the use of a policy to engage key stakeholders and occasionally, to help overcome situations when companies are being pressured to accept measures inconsistent with the VPs). The IGT should emphasise that the policy framework need not be complex - for smaller companies this can consist of one or two statements.

Explanation of Human Rights, those most applicable to the VPs

An IGT should provide some explanation of what human rights are, particularly those most applicable to the VPs and make references to key documents (e.g. relevant UDHR Articles, UN Code of Conduct for Law Enforcement Officials). The IGT should provide an overview of interpretations of human rights abuses, using for example, the framework of direct, beneficial or silent complicity. This section should similarly provide examples of how accusations of human rights abuses arise and the consequences of these (e.g. accusations of human rights abuses based on equipment transfers, litigation under the USA's Alien Tort Claims Act, etc.).

Content – General Implementation (2/3)

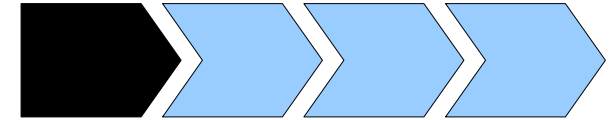


Communication and Developing Stakeholder Relationships

A key success factor in implementing the VPs is developing strong stakeholder relationships. This section should provide guidance on how companies should engage with and consult stakeholders on VPs implementation. Specific guidance on key messages or discussion areas per stakeholder group might be useful in this section. Below are two examples of what this might look like:

Priority Group	To Discuss
Senior security officials in relevant Government Departments	<ul style="list-style-type: none"> • Security reports
Local Military Commanders	<ul style="list-style-type: none"> • Local security briefs/situation updates (care should be given to assess the potential motivations of those providing security reports - see case in box 1 on page 9)
Relevant "home" country Embassy (UK and where relevant, South African) officials	<ul style="list-style-type: none"> • Security information where applicable • Use of "home" Embassy contacts to communicate concern over a human rights issue to the host government
Other multinational (and, potentially, significant local) companies and industry groups	<ul style="list-style-type: none"> • Security information (where applicable and where there are no confidentiality constraints) • Sharing of security and human rights information (balanced with the protection of confidential and proprietary information)
Officials within non-military government agencies (e.g. Departments of Trade and Investment, Environment and Natural Resources, Executive, etc.)	<ul style="list-style-type: none"> • Specific human rights concerns, where applicable <p><i>N.B. If a human rights abuse allegation is made, Business Units may find these relationships helpful. They may, for example, be useful in ensuring that appropriate messages are sent to military circles concerning conduct vis-à-vis human rights</i></p>
Human Rights and Development NGOs	<ul style="list-style-type: none"> • NGO assessments of local human rights issues or concerns • NGO monitoring or assistance in implementing security-related activities or human rights training; • Where applicable and where a particular human rights case appears strong, NGO contacts might be encouraged to monitor an investigation. If necessary, NGOs may take the lead in this regard. This could reduce the risk of Anglo American being accused of action resembling "interference" or "colonialism." <p><i>N.B. Developing a constructive relationship with reliable NGOs is valuable. Such relationships may provide additional perspectives on situations and assist in deflecting criticism of Anglo American from more militant NGOs. They can also be useful in carrying forward Anglo's concerns where it may be impracticable for the Business Unit to do so. However, care needs to be taken in determining which NGOs to engage.</i></p>

	Employees and contractors	Government	Police/Military	Communities	NGOs
Key company messages	<ol style="list-style-type: none"> 1. Each employee is an ambassador for the company. 2. The company will obey the host country's laws. 3. All employees are part of the security system that protects you and the Project. 4. The company needs employee's comments and help to head off problems. 	<ol style="list-style-type: none"> 1. The company cannot succeed without you. 2. We can jointly manage success and development. 3. We need to both have realistic expectations of the other. 4. Join us to build local capacity. 	<ol style="list-style-type: none"> 1. Eyes of the world are on the host country and local site. 2. We all share the responsibility for success. 3. All parties should understand the responsibilities of the all the others. 4. This is a strategic development; everyone should take the long-term view. 5. Voluntary Principles are critical to us all. 	<ol style="list-style-type: none"> 1. The company is a business and will do things that make sense as a business. 2. The company is a neighbor – and wants to work together with the community. 3. The company cares deeply about health and safety – both on site and in the community. 4. The company needs your feedback and support on security issues. 	<ol style="list-style-type: none"> 1. The company wants to work with you to achieve progress. 2. The company needs share its expectations and dialogue with all responsible parties.
Method & Medium	<ol style="list-style-type: none"> 1. Security web page. 2. Standardized Workforce Induction video. 3. Security Code of Conduct. 4. Present a security moment at all meetings. 5. Management workshops. 6. Tip line telephone number to security and suggestion box in key locations. 7. Tip Box in common use areas. 	<ol style="list-style-type: none"> 1. Regular meetings with custodians of the relationship(s). 2. Work all levels – local to national. 3. Host orientation visits. 4. Interface on regular basis and coordinate with Community Relations on key messages. Make sure the messages are mutually reinforcing. 	<ol style="list-style-type: none"> 1. Regular meetings with each echelon. 2. Offer capacity building training. 3. Monthly sports event. 4. MCO on standard operating procedures and expectations. 5. Share the VPSHR and clarify company commitment to highest standards. 	<ol style="list-style-type: none"> 1. Community Relations has the lead. 2. School programs (safety, security, health). 3. Posters on living, such as "How to get a job". 4. 'Comic book' visual orientation on the project. 5. Publicize 'Redress of Grievance' procedure. 6. Bulletin boards in each community. 7. Community Security Forum. 8. Radio program. 	<ol style="list-style-type: none"> 1. Community Relations leads interaction with local and international NGOs; Security supports. 2. Map key NGOs concerned with security and human rights issues. 3. Monthly bulletins. 4. Security page on the company website (updated monthly). 5. Hotline to Social Investment for questions.



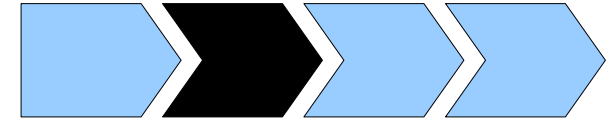
“Business Case”

It may be useful to outline a “business case” for VPs implementation. This might include the mitigation of legal risks, reduction in security risks, maintenance of social licence to operate, minimisation of operational disruption or delay (and therefore costs), access to finance (leveraging the Equator Principles and IFC PS 4), or reputational benefits. This section should provide tangible, easy-to-explain examples.

“Common” Challenges

No common challenges were identified for the general implementation section.

Risk Assessment (1/5)



Essential Outcomes

The Risk Assessment section of an IGT should help to produce two essential outcomes:

- 1) A baseline assessment of direct risks to the project or facility:
 - Used to identify risks to the company;
 - Used to help a company form a strong basis to determine “proportionate” security measures (i.e. by being able to determine an appropriate “risk level”)
- 2) A clear assessment of the potential for human rights abuses within a company’s “area of operations,” including those posed by equipment transfers.

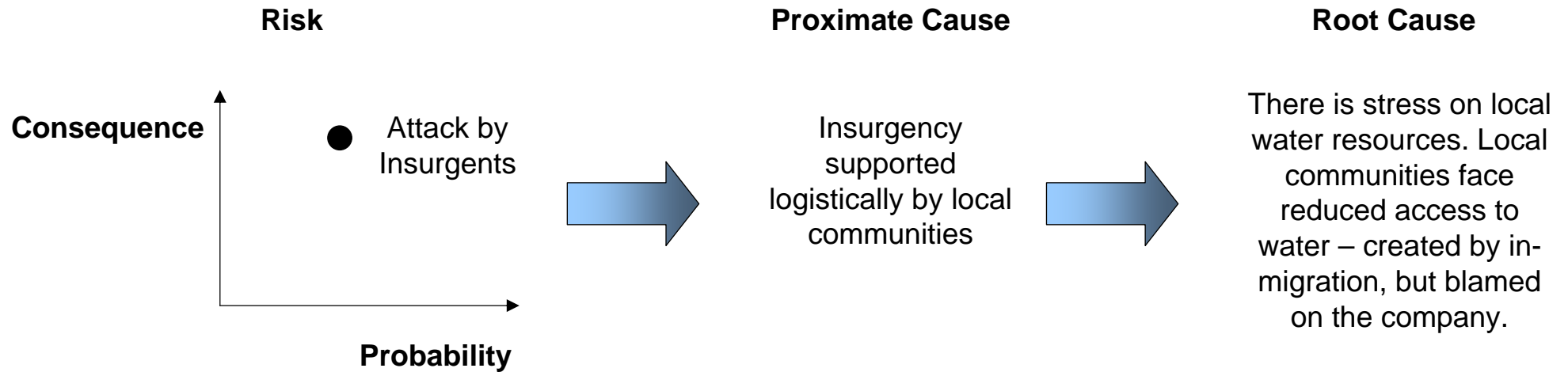
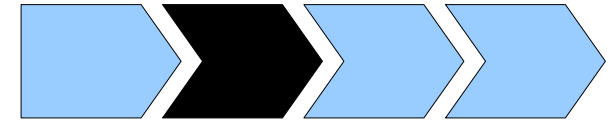
Recommended IGT Content

Risk assessment can seem like a highly abstract and complex concept, particularly around security and human rights. It is important that this section contain as many practical examples and cases as possible.

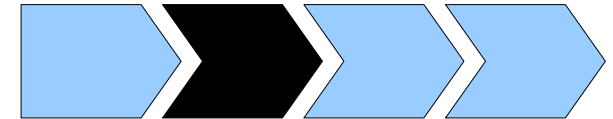
Standard, simple security risk assessment methodology linked to the VPs

Most companies possess a standard methodology for assessing security risk based on a risk probability x consequence framework and tend to link this to the VPs for the purposes of risk assessment. The IGT should explain a very basic framework of this nature and demonstrate how standard security risks are related to a wider context and content of the VPs. For example:

Risk Assessment (2/5)



Different examples or case studies of risks should be included in this section.



Assessment of Wider Conflict Dynamics

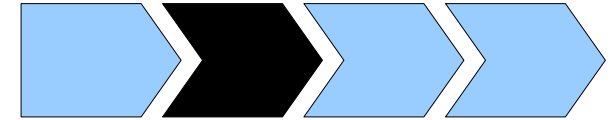
This section should highlight the risks that company activity could inadvertently create or exacerbate. Examples might include risks created by negative community perceptions, environmental performance, resettlement, pressure on local amenities or natural resources. It should also provide guidance on how wider conflict dynamics in the country could impact the company and change the risk profile based on wider dynamics in the country (e.g. ethnic or sectarian violence, civil unrest, etc.).

Assessment of Rule of Law and Human Rights Records

The risk assessment section should provide some simple steps on how to assess the rule of law and human rights records of host countries, a component of the VPs. It should guide end-users through clear questions that will determine whether or not a host country's rule of law or security forces may be a source of human rights risk to the company. For example "do public security forces have a history of human rights abuses?" or "does the jurisdiction's laws conform to international standards on human rights? What is the capacity of the judiciary to uphold laws?" It should also include guidance on to answer such questions. It should recognise that information in this area may be ambiguous and at time contradictory but the guidance should allow for a consideration of the key issues. It is essential that this section provide some worked examples.

Risk Assessment Outcome and Implications

The risk assessment should guide end-users to produce a specific outcome and implications based on a simple logic. This should produce a baseline risk assessment against which it will be possible to assess risk management priorities, or what constitutes proportional security. The section could use simple qualitative or semi-quantitative risk methodologies ("Green, Amber, Red" or "Risk Levels 1-5", etc.). The outcome of the risk assessment should be to facilitate the prioritisation of key risks and help companies identify actions to mitigate those risks.

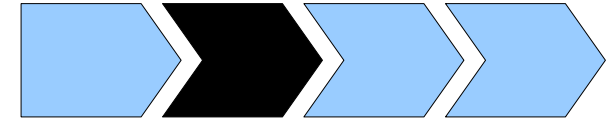


Techniques

Guidance on risk assessment techniques may include how to corroborate information, use a range of personnel to conduct the assessment (e.g. operational, security and community development personnel), assessing probability and consequence, etc. Similarly, guidance on when and how to monitor and update risk assessments should be provided. It should also provide a comprehensive list of sources and types of sources from which conduct various aspects of the assessment.

Equipment Transfer Risks

This section should provide tangible guidance on equipment transfers. This should include setting expectations (see also section on Private Security Providers), assessing the probability of equipment transfers, assessing the risks of equipment mis-use, steps to respond to requests for equipment, distinctions between lethal and non-lethal equipment, equipment tracking and monitoring, and reporting.



“Common” Challenges

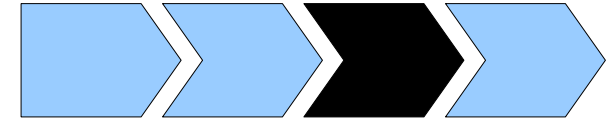
Uncertainty over Time and Resources Required

Some interviewees expressed that they are uncertain about the time and resources that should be expended on risk assessments. Time and resources depend often on the complexity that would be required. It may be useful to provide guidance or an example / case study on the expected or “typical” level of effort required on risk assessment according to the situational context.

Determining what constitutes “proportionate security”

It may be useful to provide end-users with practical examples of what constitutes “proportionate security” given the outcomes of the risk assessment. This might be taken or adapted from a specific case.

Dealing with Public Security (1/5)



Essential Outcomes

The IGT should be able to provide guidance on interacting with public security providers so that companies:

- 1) Possess clarity around what is expected (and not expected) of them in their interactions with public security;
- 2) Possess an understanding of the types of steps to take in the event of human rights abuse allegations.

Recommended IGT Content

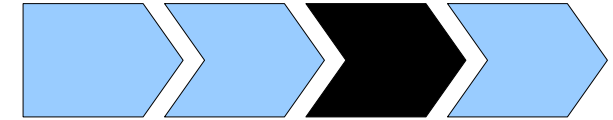
Community Engagement

The IGT should provide guidance on ways in which local communities should be engaged on security matters, considerations for aligning security and community development, developing trust between community representatives, the company and security providers. This section could also serve to provide guidance on ways in which companies can facilitate capacity-building so that communities can engage more effectively on security issues, and reduce subsequent risks. The section should provide some guidance on balancing transparency with the need to avoid disclosing information that could create security risks.

Communication, Expectation Setting and Agreements

The IGT should provide guidance on how to engage with public security. Such guidance may involve engagement strategies at national and project levels. It may include guidance on how to develop agreements of different types (i.e. operating agreements with governments, regional MOUs, local level agreements) with public security and may look to include examples (for example, in Colombia). It may similarly include ways in approaches and language which used may assist local-level relationships with public security providers.

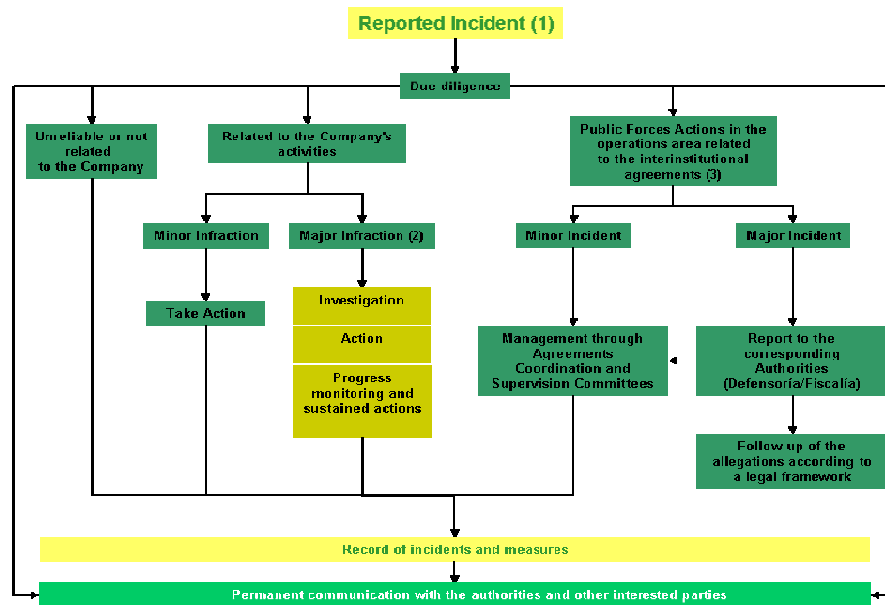
Dealing with Public Security (2/5)



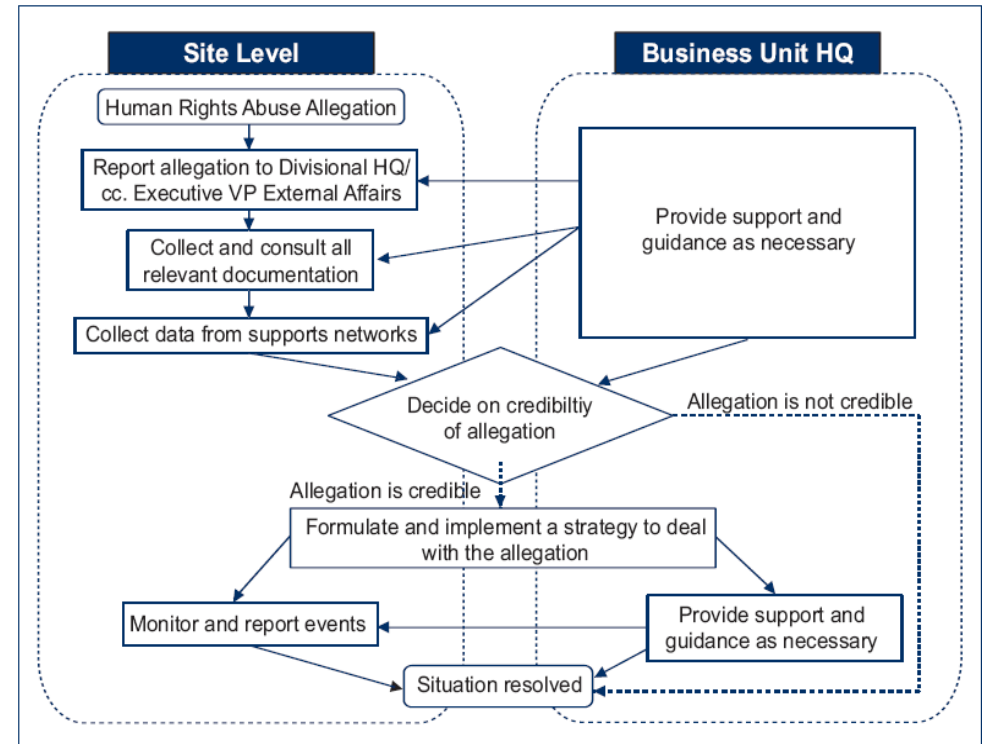
Human Rights Abuse Allegations

It is essential that the IGT contain clear guidance on how to manage human rights abuse allegations. End-users may find it useful for the IGT to possess a generic process resembling those exemplified below:

Andean SPU – Colombia PU Claims and Complaints System

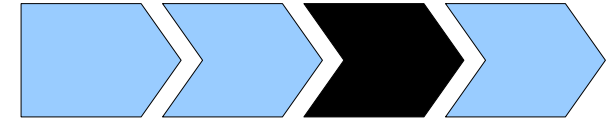


Source: BP Colombia Claims and Complaints System



Source: Anglo American Voluntary Principles Implementation Guidelines





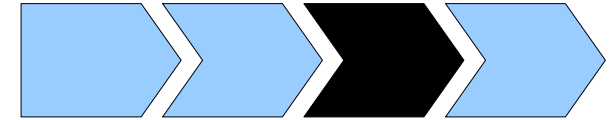
Not Working with Abusers

An IGT could similarly provide guidance on how to avoid working with known human rights abusers. This could include guidance on identifying individuals credibly implicated in human rights abuses. Emphasis should be on practical guidance to help companies determine if this is a potential issue, information sources and ways in which to remedy the situation.

Training

Many organisations either provide or through partners, facilitate training for public (and private) security providers on human rights awareness, humanitarian law, rules of engagement, etc. This section should provide guidance on how this training should be conducted, “do’s and don’t’s” and the benefits and limitations of such training.

Dealing with Public Security (4/5)



“Common” Challenges

Engaging Host Governments without Jeopardising Relationships

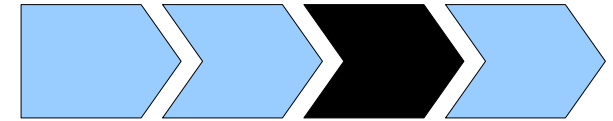
A commonly cited challenge to VPs implementation is the belief that engaging host governments on security and human rights may jeopardise relationships (e.g. accusations of “interfering,” or over-stepping the boundaries of what is expected by a foreign investor, etc.) This section should provide some case examples of how companies have overcome this challenge and ideas of how to engage governments (e.g. use of language, leveraging relationships with stakeholders in host or home governments, reference human rights conventions to which host governments have signed, etc.).

Knowing How to Respond to Abuse Allegations

A flowchart on how to respond to human rights abuse allegations is unlikely to be sufficient in illustrating how to effectively manage a situation where a human rights abuse allegation has been made. It may be useful to walk through an adapted case study that was based on a real-world example.

Responding to Equipment Requests

A similarly common challenge is responding to requests for equipment from public security providers. This section could similarly adapt a case study or various case studies, using the guidance provided in the IGT, to demonstrate ways in which requests for equipment transfers could be managed. Again, this could be adapted from a real case study.



“Common” Challenges

Pressure to Accept Disproportionate Security

Another commonly-cited challenge is pressure to accept disproportionate security measures. This section could provide guidance on how to use the results of the risk assessment process and various techniques that could be used to manage situations when companies are pressured to accept security measures disproportionate to threat levels. This may involve understanding motivations, use of language or using stakeholder networks.

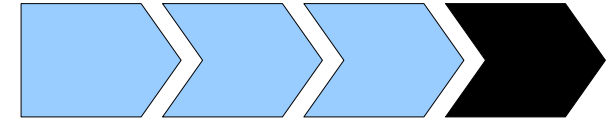
Transparency versus Security Risk

Most companies believe that there is a need to balance transparency on security with the need to consult local communities. Specific guidance on types of information that could be disclosed, the dangers of over or under-disclosing security arrangement (again using illustrative cases) could provide companies with enhanced guidance on how to manage this particular challenge.

Dealing with Context-Specific Challenges

Specific geographical or socio-political contexts may create specific challenges to companies. These might include areas such as extortion, unlawful detention, ethnic conflict, or dealing with artisanal and small-scale miners. This section could provide general guidance on how to manage these specific issues in a manner that is consistent with the Voluntary Principles.

Dealing with Private Security (1/3)



Essential Outcomes

The IGT should be able to provide guidance on interacting with private security providers so that companies:

- Clearly understand the start-to-finish process of managing relationships with private security providers in a manner that ensures implementation of the Voluntary Principles (i.e. vetting, selection, contracting, management and decommissioning).

Recommended IGT Content

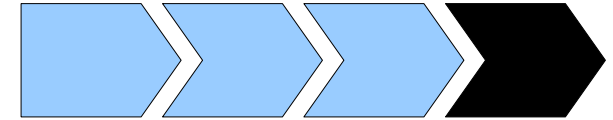
Vetting Process

This section should provide general guidance on vetting of private security contractors, including information sources to be consulted and assessing the results of the vetting process. This section should also contain information on how to conduct vetting where there is little or no information on the quality, experience or competence of a private security provider (again utilising examples). This section should extend from international to local private security companies.

Selection and Contracting

This section could provide guidance on selecting a private provider as well as standard terms and conditions (and even template contracts) for incorporating the VPs into contracts between companies and private security providers. The section could provide examples of incentives that could be provided to private security providers to adapt systems that are consistent with VPs implementation (e.g. automatic short-listing for firms with management systems consistent with the VPs).

Dealing with Private Security (2/3)



Management

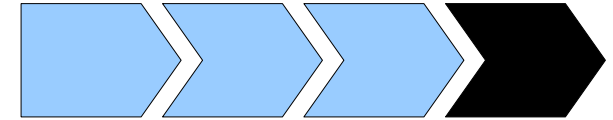
This section should provide guidance on overall management of security providers including decisions of whether or not to use armed guards, use and storage of firearms, patrols, working hours and disciplinary procedures.

Training

Where private security providers do not possess the requisite competence on human rights awareness, it is common for companies to provide or facilitate training. This section should provide guidance on if and how such training should be organised, content and an overview of the benefits and limitations of training. An often overlooked aspect of training is regular “testing” – ensuring that private security providers have absorbed the human rights training they have received.

Managing Human Rights Abuse Allegations

Similar to public security providers, this section should provide a general mechanism for responding to human rights abuse allegations. This should involve collecting and analysing evidence, taking action, monitoring and reporting.



Aligning Security and Community Relations

It is common for some companies to claim that they “align” security and community relations and that this is a key success strategy. This section should provide guidance on how this can be done in practice, the challenges and benefits associated with doing so and ways in which to measure its success. Areas this guidance could cover might include creating a security intelligence network via community relations (and pitfalls of doing so), strengthening social licence to operate to reduce security risk, and things to avoid in community interactions.

Private Security and Local Community Content

Some companies claim to employ local private security companies as part of their local community content strategies. This section should provide guidance on how this could be carried out and pitfalls to avoid. It should address the balance between “community policing” and activities that could be interpreted as “creating and resourcing a private militia.”

“Common” Challenges

Little / No Choice in a Security Provider

A common challenge cited is when companies have little or no choice but to employ a private security provider with little understanding of human rights (e.g. through legislation and/or lack of supply). A potential case study could illustrate tangible steps associated with overcoming this challenge.

Other Considerations on Scope

There are a few additional elements that the IGT should consider incorporating:

- 1) **NGO and Home and Host Government Support** – While focused on companies, the IGT should provide, in sections where applicable, specific guidance points on how NGOs and governments can assist in the implementation of the VPs.
- 2) **Linkages with Other Common Corporate Functions** – The IGT could provide some guidance on how VPs implementation can be supported by other “common” corporate functions (e.g. health and safety, social performance, etc.).

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Considerations on the Process of Developing an IGT

Security Input

It is essential that an IGT be developed with significant input from a security management perspective (e.g. a security professional with significant experience managing site security in post-conflict settings, understands wider conflict and human rights dynamics and has implemented the VPs). This will help to ensure that the IGT incorporates the thinking of the most likely end-users.

Outcome in Mind

Even at the development phase, the process of developing the IGT should incorporate thinking around the potential to pilot the tool in a specific location or potential locations. This will help crystallize thinking around potential difficulties in using the IGT and lead to a more efficient process.

Participatory

The process should involve representation from all three VPs pillars. Ways could similarly be considered to take into account perspectives of other stakeholders such as communities or host governments, if possible.

Observers

It may also be useful for the IGT to possess a group of observers or a steering committee composed of VP participants and possibly others previous involved in developing multi-stakeholder tools.

IGT Development – Potential Resources and Phases

IGT Development Team

The team developing the IGT should include the following team members:

Security Expert(s) - It is essential the IGT be developed with significant input from international security professional (s) within the core team. Security experts with extensive practical experience in company managing security within extractives industry projects in conflict or post-conflict zones, or regions characterised by weak governance . The expert(s) should also have deep understanding of (and preferably direct experience in implementing) the VPs, and the relationship between security, communities, conflict and human rights.

Tools Development Consultant(s) – The core team should include consultants with expertise in the development and piloting of social performance / sustainable development tools.

Working Group / Steering Committee – The IGT team should include a working group that is comprised of members of each of the VP pillars.

Potential Process

A suggested process in the development of the IGT would be as follows:

- 1) Validation of Findings in Scoping Phase
- 2) Development of Template IGT
- 3) Consultations and Revisions
- 4) “Soft Piloting” at one or more sites (perhaps hosted by a VPs corporate member)
- 5) Revisions
- 6) Publication of IGT
- 7) Formal Piloting (Phase 3)

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What makes a practical tool?

Introduction

Through feedback from the interviews, most respondents indicated that they would welcome a very practical and user-friendly IGT. In ERM's long experience in developing sustainable development tools and guidance (e.g. Anglo American's Socio-Economic Assessment Toolbox – SEAT, World Business Council for Sustainable Development (WBCSD)'s Measuring Impacts tool), we believe that there are certain key requirements for a tool to be practical, user-friendly and therefore more likely to be used. ERM elaborates on these elements here for IGT consideration. These elements are:

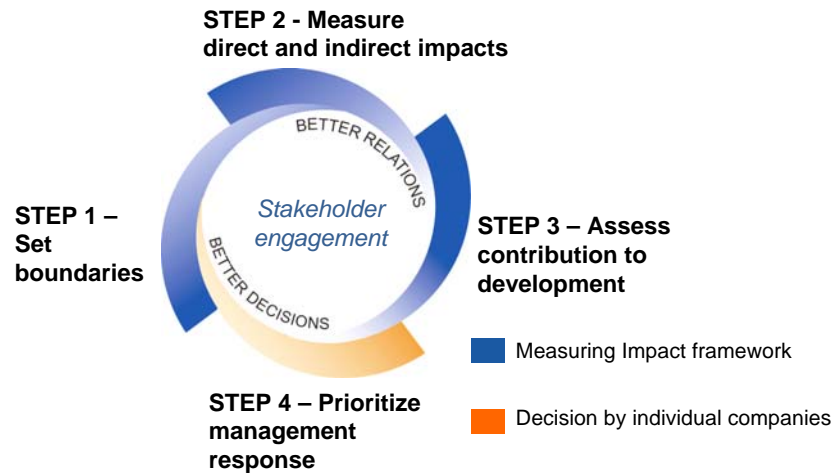
1. **Clarity** – Providing clarity of outcomes, structure and use of clear language;
2. **Appropriate Complexity** – Developing a level of complexity appropriate to the tool's objectives and end-users - transforming ambiguous ideas into tangible actions, breaking down complex processes into simpler sub-processes.
3. **Visuals** – Use of diagrams, flowcharts, and other effective graphics.

The rest of this section provides examples for consideration in the IGT as well as a number of common pitfalls.

Clarity- Some Examples

Clarity of Outcomes

Good tools provide clarity on the end outcome they are designed to produce. The diagram below demonstrates how the WBCSD Measuring Impacts tool (the four steps) is designed to achieve management decisions on sustainable development. The structure of this tool also breaks down a complex concept into more tangible sub-processes.



Source: Measuring Impact Tool, World Business Council for Sustainable Development, 2008

Clarity of Structure

TABLE 1 CONFLICT DIAGNOSTIC FRAMEWORK				
(P) Political	(E) Economic	(S) Social	(SEC) Security	(I) International/Regional
Peacebuilding Objectives				
Optimal:				
Contingency:				
Conflict Factors	Peace Factors	Stakeholders	Strategic Issues	
Manifestations	Ongoing Peace Efforts	Actions	Conflict Synergies	
Proximate Causes	Structures/Processes in Place	Agendas/Needs	Peace Synergies	
Root Causes	Peacebuilding Gaps	Alliances	Stakeholder Synergies	
Scenarios:				
Best Case –				
Middle Case –				
Worst Case –				

Source: Early Warning and Early Response Handbook, Conflict Prevention and Conflict Resolution Network, 2005

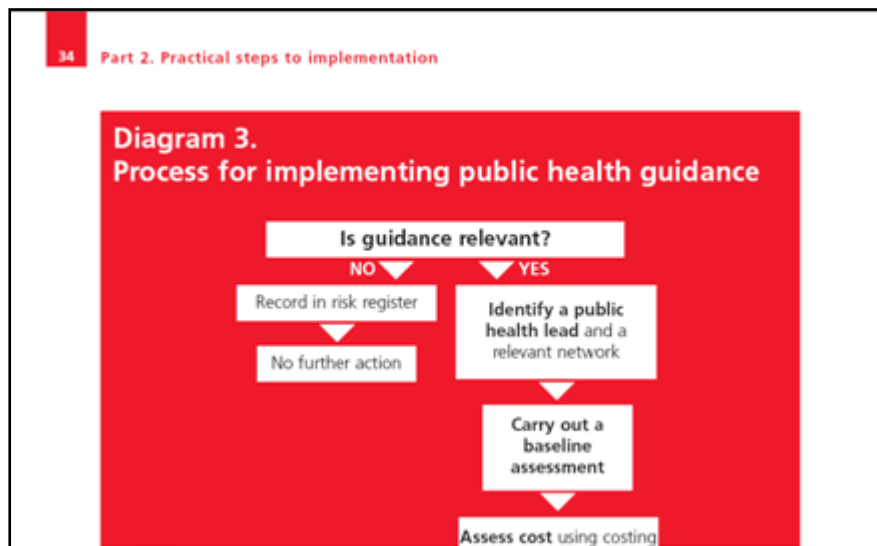
The use of an organised structure is important so that the end user (once assigned) is able to understand how complex relationships break down into sub-components in a clear structure. The language used in a tool needs also to be effectively tailored to the end-user.

The conflict diagnostic table above demonstrates an organised logical breakdown on conflict and uses language that is not overly technical but is still effective in highlighting areas of potential conflict.

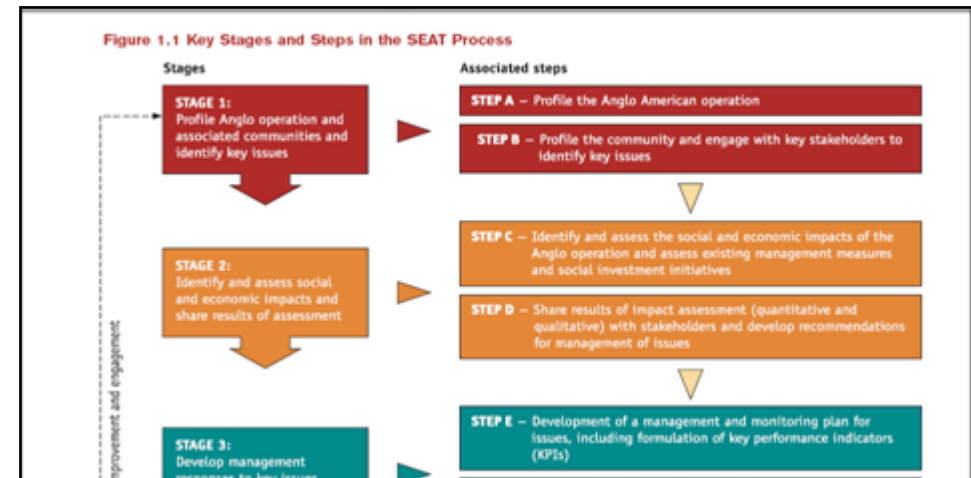
Possessing appropriate level of complexity

Tool development should also ensure that ambiguous vague ideas and policies are “translated” into practical actions. Two tools that seem to do well in this regard are the NICE Guidelines and the Anglo American SEAT Toolkit.

The NICE Guidelines below interpret a more complicated process by using a flow chart to remove unnecessary actions.



Source: NICE Guidelines, National Institute for Health and Clinical Excellence, 2008



Source: SEAT Toolbox Kit, Anglo American, 2005/2006



The SEAT Toolkit’s objective is to assess Socio-Economic manage socio-economic issues across a range of contexts. Despite the complexity of this objective, SEAT enables easy understanding of the concepts in the tool by using clear processes, and having sub-processes to break down more complex issues into more manageable tasks.

Use of visuals

Most useful tools make heavy use of visuals – flow charts, tables and other graphics.

In most cases a text-heavy document would not be as effective as one that have tables and flow diagrams to guide the reader through the tool.

For example, in the complex process of validating the implementation of the EITI, EITI uses a table to provide clear and practical guidance on how to ensure validation has taken place to the EITI standards. Each of the steps of EITI Validation is accompanied by an Indicator Assessment Tool to help companies ensure that they have completed each step.

40

Part 2. Practical steps to implementation

Is the procedure being performed?

When new interventional procedures guidance is issued, check your register to see if it is being carried out in your organisation. If it is being performed or is likely to be performed, inform the clinical governance committee.

If the procedure is not being performed and the guidance is not relevant, remember to add it to your organisation's risk register (see page 26).

Keep your clinical governance committee informed of any new procedures

Inform the clinical governance committee

Source: NICE Guidelines, National Institute for Health and Clinical Excellence, 2008

The screenshot shows a PDF document titled "Validation Grid.pdf" in Adobe Reader. The main content is a table titled "5. The Validation Grid" which is organized into columns for "EITI Criteria", "EITI Implementation", "Disclosure", and "Dissemination". The "EITI Implementation" column is further divided into "Sign up" and "Preparation". Each cell in the table contains a numbered criterion or implementation step, often followed by a "See IAT" link. For example, criterion 1 asks about regular publication of material, while implementation step 1 asks if the government issued an annual public statement of intentions to implement EITI. The table is presented in a clear, structured layout with blue headers and checkboxes for each item.

Source: EITI Validation Guide, Extractive Industry Transparency Initiative, 2008

Avoiding common pitfalls (1 of 3)

Legal based / jargon heavy

The excessive use of industry jargon or “legalese” can limit end-users understanding of a tool’s objectives and process.

10.	Who has the responsibility for notifying and updating the IMO with information in accordance with SOLAS regulation XI-2/13? (SOLAS regulation XI-2/13)
<u>Port Facility Security Assessment (PFSA)</u>	
1.	Who conducts PFSAs? (SOLAS regulation XI-2/10.2.1, ISPS Code sections A/15.2 and 15.2.1)
2.	How are PFSAs conducted and approved? (ISPS Code sections A/15.2 and 15.2.1)
3.	What minimum skills are required for persons conducting PFSAs? (ISPS Code section A/15.3)
4.	Are PFSAs used for each Port Facility Security Plan? (ISPS Code section A/15.1)
5.	Do single PFSAs cover more than one port facility? (ISPS Code section A/15.6)
6.	Who is responsible for informing the IMO if the single PFSA covers more than one port facility? (ISPS Code section A/15.6)

Source: Interim Guidance on Voluntary Self Assessment by SOLAS Contracting Governments and by Port Facilities, 2004

Rigid / inflexible

Where an element of subjectivity is likely, as is the case for an IGT, the use of overly rigid or inflexible outcomes will limit a tool’s effectiveness. The example below provides users with a definitive outcome based upon the answers to several “yes/no” questions. This is unlikely to be effective in an IGT context for anything but very specific sub-components of the IGT.

Question	Yes	No	Score
Has your organization appointed a management (EMS) representative?	<input checked="" type="radio"/>	<input type="radio"/>	20% Representative Appointed
Has Top Management defined the roles and responsibilities of the Management System representative?	<input checked="" type="radio"/>	<input type="radio"/>	10% Engaged
Does the Management representative periodically report to top management on the performance of the EMS?	<input checked="" type="radio"/>	<input type="radio"/>	10% Periodic Reporting
Are roles, responsibility and authorities defined, documented and communicated?	<input checked="" type="radio"/>	<input type="radio"/>	10% Organization Established
Does Top Management provide resources to implement and control EMS?	<input checked="" type="radio"/>	<input type="radio"/>	20% Resources Provided
Is the EMS structure documented in an organizational chart?	<input checked="" type="radio"/>	<input type="radio"/>	5% Organizational Chart
Are the EMS responsibilities documented in job descriptions?	<input checked="" type="radio"/>	<input type="radio"/>	1% Job Descriptions
Do Employees receive relevant EMS training?	<input checked="" type="radio"/>	<input type="radio"/>	5% Training Provided
Total			100%

Source: Interim Guidance on Voluntary Self Assessment by SOLAS Contracting Governments and by Port Facilities, 2004

Avoiding common pitfalls (2 of 3)

Excessive text

A heavily text-based document slows down the reading process. For procedures that need to be followed, diagrams and flowcharts are much more effective. The Inter American Development Bank Guidance to Consultation outlines a significant amount of data but not in an especially user-friendly format. This approach is unlikely to be helpful in an IGT.

PROCEDURES/IMPLEMENTATION

In-country environmental management systems may only be used when it is possible to ensure that environmental quality will be maintained according to the Bank's safeguard standards.

Given the novelty of this approach, procedures that build on the Bank's experience, good practice, and Pilot-Projects using in-country systems during 2005-2006, will be developed with final drafting to be completed in 2006. Preliminary discussions on the implementation of this directive indicate that it will require:

- Properly identifying gaps between Bank requirements and in-country systems;
- Assessing the performance of the executing agency / sponsor to implement and comply with Bank requirements;
- Determining whether the normative, procedural and performance gap may be bridged within the context of the operation;
- If yes, identifying effective measure to bridge the identified gap(s);
- Integrating legally-binding measures to bridge the gaps in the Loan Contracts or Operating Regulations; and,
- Monitoring and reviewing performance for results during execution of the operation and proposing alternative solutions if execution is deficient.

Until final procedures for this Directive are completed, operations related to this Directive will be assessed on a case-by-case basis. During this interim, if a project team wants to follow the

Source: Draft Implementation Guidelines for Consultation Inter American Development Bank, 2005

A. The Inspectorate as an institution

A.1. The mandate of the institution

Ideal Practice	Reasonable Practice	Bad Practices	Steps toward good practice
Precisely define the mandate of the inspectorate in law. The authority of the inspector should be defined by the jurisdiction of a specific regulatory body, and should be confined to regulations that are published in the national gazette. Fines and fees should be set separately from the inspectorate's mandate.	Define the mandate and goals of the inspectorate by written government policy that is communicated to businesses. Place revenues from fines and fees in general revenues, not in inspectorate budgets.	Leave mandate undefined so that the inspector can choose to apply any regulations issued by government authorities. Combine fees with inspecting functions so that inspectors have incentives to require more tests and services. Provide discretion to inspectorates and inspectors to	Revise the law authorizing the inspectorate to define its mandate by a specific body of laws and rules adopted and published under a specific process. Develop a written policy statement for the inspectorate that does the same thing. Communicate with businesses on the goals and scope of the inspections. Train inspectors in the scope of the regulations to be inspected. Draw up a complete inventory

Source: Policy Framework for a Mixed Economy in the Supply of e-Government Services; Implementation Guidelines, 2003


Avoiding common pitfalls (3 of 3)

Losing important nuances

While it is important for an IGT to turn ambiguous and complex ideas into tangible actions, it is equally important for important nuances to not be lost.

Human rights are intangible and for the most part difficult to explain. The screenshot demonstrates how a complicated issues can be overly-simplified.

ARTICLE 2 Right to life



You have the right to have your life protected by law. There are very few times when the State can take away someone's life - like if a police officer shoots someone to stop him blowing up a bomb and killing others.

You have the right not to worry that the government or police might take your life away.

And, if you have a family member who dies while locked

Source: A Guide to the Human Rights Act, Ministry of Justice, 2008

Annex A

Document Catalogue

Catalogue Reference Number	Document	Summary	Source	Link
1	Guide to Human Rights Impact Assessment and Management	The Guide to Human Rights Impact Assessment and Management is an appropriate next step in providing companies with a practical process to assess their business risks, enhance their due diligence procedures and effectively manage their human rights challenges. We are delighted to have partnered with the International Finance Corporation and the United Nations Global Compact Office and to have had access to the wise counsel of our Advisory Group. IBLF will play an active role in the road-testing phase of the project that now follows, to contribute its knowledge and experience to the process and to share in the learning that will flow from it.	Internet/ERM Library/IFC	http://www.iblf.org/docs/HRImpactAssessment.pdf
2	Assessing the Rights and Wrongs of Impact Assessments	An article going through advantages and disadvantages of different Human Rights Impact Assessments. Does not provide any in depth analysis. Notes an well carried out ESHIA may be the only requirement that is missing.	Mining Journal - Mining Environmental Management p.30	http://www.mining-journal.com/mem_magazine/mem_Mag_Breaking_News.aspx?breaking_news_article_id=4537
3	Human Rights Impact Assessments for Foreign Investment Projects	With the collaboration of local research teams, we have attempted to measure the real impacts that investment has had on communities in developing countries. Through the five case studies that are described in this publication, the reader will have a chance to examine some of the consequences of investment through the lens of human rights. As Rights & Democracy intends this publication to be forward-looking, the execution of the five case studies will help us to develop and refine a methodology that can be used by community stakeholders to understand the impacts of projects in terms of human rights. This understanding is also crucial for governments and businesses to improve the planning of future projects that will serve to maximize the positive impacts that investment can have for sustainable development and human rights.	Rights and Democracy Canadian NGO	http://www.dd-rd.ca/site/publications/index.php?subsection=catalogue&lang=en&id=2094
4	Business Leader's Initiatives on Human Rights: Report # 3	This, the third report of the Business Leaders Initiative on Human Rights seeks to capture the main conclusions and lessons learned over the past three years as the initiative completes its original mandate and moves forward into its second phase. BLIHR was initially formed to explore how international human rights principles and standards could be used to inform corporate policies and practices. Equally important, it aimed to demonstrate how business leadership could support global efforts to realise fundamental rights for all people.	Business Leaders Initiatives on Human Rights	http://www.blihr.org/Reports/BLIHR3Report.pdf
5	A Guide for Integrating Human Rights into Business Management	This publication, a joint product of the Business Leaders Initiative on Human Rights (BLIHR), the United Nations Global Compact Office, and the Office of the United Nations High Commissioner for Human Rights (OHCHR), offers practical guidance to companies that want to take a proactive approach to human rights within their business operations. It is principally for business leaders and managers in large and medium-sized enterprises, private and state-owned, who would like to develop their understanding of human rights in business practice.	Business Leaders Initiatives on Human Rights	http://www.blihr.org/Reports/GIHRBM.pdf

6	Business Leader's Initiatives on Human Rights: Matrix	The first tool being developed by the BLIHR programme takes the range of issues covered by the UN Norms and cross-references them with the 'essential', 'expected' and 'desirable' actions any individual company can take. The objective is to analyse existing business activities and create a template for understanding opportunities for new action.	Business Leaders Initiatives on Human Rights	http://www.blihr.org/Reports/GIHRBM_Matrix.pdf
7	Human Rights and Business Quick Check Compliance Assessment	The Human Rights Compliance Assessment (HRCA) is a diagnostic tool designed to help companies detect potential human rights violations caused by the effect of their operations on employees, local residents and all other stakeholders. The tool has been under development by the Human Rights & Business Programme at the Danish Institute for Human Rights (DIHR) since 1999, and is a joint venture between the Danish Institute for Human Rights, the Confederation of Danish Industries (DI), and the Danish Industrialization Fund for Developing Countries (IFU), with the support of the Danish government (DANIDA). The aim of this cooperation has been to develop a widely accessible resource tool to help companies deal with human rights issues relevant for their particular operations. When the full tool is released, it will be the most comprehensive tool on the market defining company responsibility towards human rights.	Human Rights and Business - Danish Institute for Human Rights	http://www.humanrightsbusiness.org/pdf_files/Quick%20Check%20English%20.pdf
8	The Danish Institute for Human Rights: Human Rights Indicators at Programme & Project Level Guidelines for Defining Indicators, Monitoring & Evaluation.	The objective of this manual is to provide human rights workers with a set of tools by which to plan, monitor and evaluate human rights projects. The manual contains three types of information: 1) a presentation and discussion of basic concepts concerning indicators as well as monitoring and evaluation, 2) suggestions for monitoring procedures at the Danish Institute for Human Rights, and 3) a discussion of relevant human rights indicators applicable to the design and implementation of human rights programmes and projects.	Human Rights and Business - Danish Institute for Human Rights	http://www.humanrights.dk/files/pdf/indikatorMANUALwebPDF.pdf

9	International Alert	This tool created in 2005 for extractive industries. The tool is broken down into stages (given in both oil and gas and mining terms - for the prospective reader). Matrices are broken into spheres of influence (for example political/governance or economics) and then conflict issues, triggers, company influences and a potential risk level. International Alert also have a project level Conflict Risk and Impact Assessment tool (Section 3 of the pdf above). This tool uses desk research, consultation (both community wide and group specific), workshops, and was intended to be a mechanism for ensuring company and communities work together towards understanding company/context interaction. Section 4 includes Case Studies that analyse where consultation has gone wrong and how these issues can be rectified.	International Alert	http://www.iisd.org/pdf/2005/sector_conflict_sensitive_business.pdf
10	IPIECA	This tool is for the Oil and Gas industry. Interestingly it talks about teaching/training ones own staff in order to be aware of Human Rights and how this will affect project work. Interesting idea, but one of our clients, Nexen (oil and gas based in Calgary) is having alot of difficulty measuring the INTERNAL success buy in of this training.		http://www.ipieca.org/activities/social/social_hr.php#hfft
11	Mining Minerals and Sustainable Development Reports on Human Rights	A tool for Mining Companies in order to achieve more sustainable relations with community. Two reports have been completed a baseline tool for a company of Indonesia. Of interest for other mining companies in operation in the same geography. And a more general report on what are the issues an interesting read for companies hoping to avoid pitfalls.	International Institute for Environment and Development	http://www.iied.org/mmsd/activities/human_rights.l
12	Human Rights Policy Implementation in the Oil and Gas Sector Translating policy into Practice	This paper examines the practical ways in which the oil and gas sector has been grappling with human rights in its day-to-day operations. In many cases a corporate human rights strategy involves gaining a greater awareness of the issue, creating policy, and implementing policy by folding it into practice areas such as employment practices, security management, and impact management, among others. The process, and this paper, commences with an attempt to define human rights, grounded in widely accepted international principles, and examines the connection between human rights and petrochemical corporations. An overview of risks to and opportunities for corporations is then presented.	IPIECA - Working Paper	http://www.ipieca.org/activities/social/downloads/publications/HRIimplementation_final.pdf

13	The Human Cost of Energy: Chevron's Continuing Role in Financing Oppression and Profiting From Human Rights Abuses in Military-Ruled Burma (Myanmar)	EarthRights International began collecting on-the-ground information about human rights abuses connected to the Yadana gas project in 1994, including witness and victim testimony in Burma and on the Thai-Burma border. This report draws on original field data collected by ERI between 2003-2008 in Burma and along the Thai-Burma border, as well as desk research.	Earth Rights International	http://www.earthrights.org/files/Burma%20Project/Yadana/HCoE_pages.pdf
14	NGO Response to the Voluntary Principles Participation Criteria	Response to Participant criteria not being confirmed. This document expresses the disappointment of the non-governmental organizations Amnesty International, The Fund for Peace, Human Rights First, Human Rights Watch, International Alert, Oxfam America and Pax Christi with the inability to finalize participation criteria at the last Plenary. These NGOs strongly encourage the Plenary, Steering Committee, and the relevant working groups to quickly and expeditiously develop robust reporting guidelines on the implementation of the Principles, and an effective process for appointing investigative panels and recommending remedial measures for non-compliance.	Amnesty International	http://amnesty.org/en/library/asset/IOR40/003/2006/en/dom-IOR400032006en.html
15	Implementing the Voluntary Principles A Case Study of Security and Human Rights in Shell's Worldwide Operations DR. CHRISTOS MYLONAS	Shell companies implement the Voluntary Principles by several means: through briefings and workshops in Africa, the Americas, Australia, the Middle East, and South East Asia; the commencement of the implementation of the revised Group Security Standards; the introduction of specific reporting requirements for Voluntary Principles security incidents; the inclusion of the Voluntary Principles legal clause in private security contracts; and, in Nigeria, through the introduction in 2007 of a human rights and conflict resolution training program for security officials	Journal International Peace Operations	http://www.business-humanrights.org/Documents/JIPO-Mar-2008.pdf
16	Implementation Summary of Exxon Mobil 2005 Voluntary Principles	ExxonMobil developed the Statement of Principles on Security and Human Rights and an accompanying Framework, which provides detailed guidance to our worldwide operating affiliates on implementation of the Voluntary Principles. The Framework provides corporate principles and expectations for managing security relationships with host governments and private security providers. Supporting documentation was also developed to include model guidelines for dealings with host government security, a model memorandum of understanding for relationships with host country government security, standard language for contracts with private security providers, and reporting and record-keeping templates.	Exxon Mobil Website	http://www.exxonmobil.com/Corporate/investor_issues_humanrights.aspx

17	Beyond Voluntarism Human rights and the developing international legal obligations of companies	This report examines the extent to which international rules for the protection of human rights create binding legal obligations on companies. Detailed and well-developed international human rights standards cover many areas. However, most of these rules were drafted in order to regulate the behaviour of states. To what extent do they create legal obligations on private actors like companies? Are the existing rules adequate or are new international rules needed?	The International Council on Human Rights Policy	http://www.ichrp.org/files/reports/7/107_-_Business_and_Human_Rights_Main_Report.pdf
18	Embedding Human Rights into Business Practice	While this book does not offer any easy solutions to the myriad of complex issues facing companies in their efforts to implement the human rights principles of the Global Compact it is my hope that it may inspire practical actions in support of human rights.	The UN Global Compact	http://www.unglobalcompact.org/docs/issues_doc/human_rights/embedding.pdf
19	By Invitation: John Ruggie: Business and human rights – Treaty road not travelled	John Ruggie explains why, at this time, a global treaty forcing companies to follow binding rules on human rights would not work and should not happen, despite calls from campaigners	Ethical Corporation - Article by John Ruggie	http://www.ethicalcorp.com/content.asp?ContentID=5887
20	Voluntary Principles on Security and Human Rights: Implementation Guide	BG Group will apply the Voluntary Principles in countries where it judges there to be a significant risk	BG Groups Implementation Guide	http://www.bg-group.com/CorporateResponsibility/BGPolicies/Pages/pgSecuritypolicy.aspx
21	Talisman Energy Security Review	Talisman conducts its business activities with integrity and shows respect for human dignity and the rights of the individual. Talisman supports the principles of and promotes respect for the Universal Declaration of Human Rights. We lead by example, demonstrating values of tolerance and respect throughout our conduct. When considering new investments, Talisman reviews associated potential human rights issues and their relationship to our operations and we liaise with stakeholders at an early stage of business activities. Talisman promotes adherence to and respect for human rights principles in our areas of operation and will not be complicit in human rights abuses. We strive to advance best practices with host governments, partners and third parties and we seek consistency with our revised Security Policy, which is based on the Voluntary Principles on Security and Human Rights.	Talisman	http://www.talisman-energy.com/cr_online/2004/08_human_rights.html
22	Chevron Human Rights Statement	Human Right Policy	Chevron	http://www.chevron.com/documents/pdf/chevronhumanrightsstatement.pdf

23	Relevant aspects to the Social Environmental Regulatory Process in Latin America	Security within indigenous peoples communities is another social indicator that can be included in a Social Baseline Study. Security can be influenced by social problems such as alcoholism, prostitution and violence against women. On occasions, the development of petroleum projects can aggravate these problems, but with well designed programs and projects, the social problems could be improved, especially for women.	ARPEL	http://domino.arpel.org/apps/arpel/ML_Lib_Nueva.nsf/0/D4F03592AAC28C6003257226006D354A/\$file/Report_1.pdf
24	Management Indicators for Assessing the Relations between Oil Companies and Indigenous Peoples	<p>The purpose of this guideline is to describe the role of management indicators in the assessment of relations between oil and gas companies and indigenous peoples living in or near the areas where these companies operate. It also provides information for the industry on how to develop and use these indicators.</p> <p>An indicator is a set of data representing an aspect or condition, and indicating how well a system operates with respect to the achievement of a predetermined set of results. Indicators are used as "agents" or substitutes for measuring very complex conditions whose direct measurement would be difficult. They are indirect measurements of real conditions. Some of the traditional social and economic indicators are: GDP, per capita income, unemployment rate, cost of living, literacy rate, etc. At present, nations and regions are developing indicators that measure sustainability, based on principles such as quality of life. Companies use indicators to record their financial performance, e.g. price per share, annual revenues and profits.</p>	CIDA and ARPEL	http://domino.arpel.org/apps/arpel/ML_Lib_Nueva.nsf/0/CD076013C7D3A05F03257226006D3503/\$file/INDICATORS%20GUIDELINES.PDF
25	Participatory Monitoring of the Socio-Environmental Management of the Oil and Gas Industry in Latin America and the Caribbean	From a social perspective, monitoring seeks a similar objective by measuring cultural, demographic, political and socio-economic characteristics, with a focus to understanding the current status of a human group, and its ongoing evolution over time. Such is the case of Human Development Reports that the United Nations Development Program (UNDP) publishes on a yearly basis. (www.undp.org).	CIDA and ARPEL	http://domino.arpel.org/apps/arpel/ml_lib_nueva.nsf/0/110684C47F76D630032572790061C7E8/\$file/SER%235-Participatory%20Monitoring.pdf

26	HHRR & Implementing VP's The colombian experience: Industry's perspective	<p>It has been a process that preceded VP's: includes VP's but is no restricted to its scope. A process based on: Colombian institutional strengths. International cooperation. Leadership and experience of VP's signatories oil companies.</p> <p>ACP's affiliates find a user friendly, easy to implement process. Not pushed to sign VP's. It facilitates the VP's standarization within the industry (no entry barriers).</p> <p>Clarity of roles: (i) Colombian Vicepresidency's leadership and secretariat, (ii) NGO's as external advisors (International Alert) and providing secretariat support (FIP), (iii) ACP extending application to the rest of the industry, (iv) signatory companies (Oxy, CTXCO and BP) exchanging best practices, supporting CME and ACP, and helping the rest of the industry to raise performance</p> <p>Understanding of security as a modern an integral concept that goes beyond Military or Police protection to public democratic security: Rule of law enforcement and democratic institutions strength.</p>	Association of Columbian Petrol	received from Birgit Errath, May 27, 2008
27	The role of companies in post-conflict reconstruction Learning from the wider debate Peter Davis, Co-Director, Ethical Corporation Institute JANUARY 2008	<p>What this paper seeks to examine are the implications of these wider debates for the role that companies should play in conflict zones – specifically in processes of post-conflict reconstruction. The debate to date has yielded much interesting work. However, are there additional lessons that can be learned from the wider debates on conflict, globalisation and the role of corporations that can help us to understand better how companies should behave in post-conflict environments, and the issues they should consider if they are to maximise their contribution to the successful rebuilding of states after war?</p>	Ethical Corporation Institute	from Birgit Errath May 27, 2008 Also found at: http://www.ethicalcorp.com/content.asp?ContentID=5908
28	Oil and Mining in Violent Places Why voluntary codes for companies don't guarantee human rights	<p>This paper asks three questions of each framework: does it impose clear rules on companies which prevent any such support from contributing to human rights abuses? If so, is there a credible mechanism for testing whether or not companies are following the rules? Is there enough transparency that third parties can make an informed assessment of relationships between companies and armed groups?</p>	Global Witness, October 2007	From Birgit Errath, May 27, 2008 Also found at: http://www.globalwitness.org/media_library_detail.php/580/en/oil_and_mining_in_violent_places
29	Mapping Grievance Mechanisms in the Business and Human Rights Arena	<p>This paper sets out a range of existing grievance mechanisms from a variety of different contexts. Once described further analysis can be carried out to determine how they are implemented and strengths and weaknesses determined.</p>	Corporate Social Responsibility Initiative from Harvard Kennedy School of Government	From Birgit Errath, May 27, 2008 Also found at: http://www.hks.harvard.edu/m-rcbg/CSRI/publications/Report_28_Mapping.pdf

30	Rights Compatible Grievance Mechanisms: A guidance tool for Companies and their Stakeholders	Effective Grievance Mechanisms - effective methodologies and case study examples of Grievance Mechanims in practice.	Kennedy School of Government	From Birgit Errath, May 27, 2008
31	THE NIGER DELTA: No Democratic Dividend	The oil companies work in a difficult environment in Nigeria, both physically and politically. The political environment is one in which the Nigerian government has failed to ensure that the people who live in the oilproducing areas actually benefit from the oil. But the oil companies are also seen by the residents of the delta to have failed to give back anything for what they have taken out and to be complicit in human rights abuses carried out by government security forces that are deployed to protect their facilities. They are thus targeted for protest by the communities in which they work.	Human Rights Watch	From Birgit Errath, May 27, 2008 Also found at: http://www.hrw.org/reports/2002/nigeria3/index.htm#TopOfPage
32	Voluntary Principles on Security and Human Rights Houston Workshop	What role do companies play with regard to human rights? Individual governments protect and promote respect for human rights Every organ in society has a role in promoting human rights, including individual companies, as set forth in the Universal Declaration of Human Rights. Globalization has increased international interest in business and human rights Globalization presents the opportunity to explore new regions for production, increase efficiency, and increase rates of return for shareholders, AND Raises concerns about exploitation of workers and the environment, respect for human rights, and global inequalities. Companies are under increasing scrutiny. They are held accountable by stakeholders for the actions of their employees, as well as the actions of their partners and contractors.	Foley and Hoag LLB Business law firm, with offices in Boston and Washington DC	From Birgit Errath, May 27 2008
33	Voluntary Principles 5 Years On...	Voluntary Principles - an analysis of where the Participants are five years on. There is indepth discussion on the successes of implementation and the gaps that need to be updated in the coming iterations of the VPs. Implementation guidance tools are called for. Lack of an ability to engage with both host governments and NGOs is seen as a major impediment to the successful implmentation of the VPs.	Voluntary Principles	From Birgit Errath, May 27, 2008.
34	Occidental Petroleum, Cerrejón, and NGO Partnerships in Colombia: Lessons Learned	A chapter in a book that describes the trials of implementation in Colombia	Alexandra Guaqueta	Interviewed June 22, 2008.

35	Do the Voluntary Principles safeguard human rights?	An Ethical Corporation article with Arvind Ganesan from Human Rights Watch and Alexandra Guaqueta of Cerrejon analysing the strengths and weaknesses of the VPs	Alexandra Guaqueta	Interviewed June 22, 2008.
36	Recommendations by the Ideas Foundation for implementation of Voluntary Principles	A paper written by the Ideas Foundation on how the implementation of the VPs should be carried out.	Alexandra Guaqueta	Interviewed June 22, 2008.
37	TOTAL Directions of the Group	A company policy written by TOTAL	Alice LaMarque	Interviewed June 10, 2008
38	VPSHR – Guidelines for the Implementation of Group Priority Measures	Guidelines for the Implementation of TOTAL's priority measures. These include: specific recommendations on the training and recruitment of security staff and the implementation of the VPs throughout the project operations.	Alice LaMarque	Interviewed June 10, 2008
39	IKV Pax Christi	Local Perspectives on the Implementation of the VPs in the Niger Delta	Egbert Wesselink	Interviewed June 26, 2008
40	IPIECA	Operating in areas of conflict: An IPIECA guide for the oil and gas industry Guidelines and a checklist for Oil operations operating in places of conflict.	Jenny Owens	www.ipieca.org
41	Talisman	Security Policy Guidelines: Guideline for operating both in joint ventures and independently. Including advice on what effective risk assessments includes amongst others: Identification of security risks; Potential for violence; and available Human rights records.	Reg Manhas	Interviewed June 27, 2008
42	BP	The Voluntary Principles: Meaning and Implications for BP: Recognises the importance of risk assessment and corporate buy in for the Initiative.	Oliver Broad	Interviewed June 29, 2008
43	John Ruggie's Report issued April 2008	This report presents a conceptual and policy framework to anchor the business and human rights debate, and to help guide all relevant actors.	John Ruggie	from Birgit Errath

44	Global Witness response to Freeport McMoRan	<p>Global Witness investigates and exposes the role of natural resource exploitation in funding conflict and corruption. Using first-hand documentary evidence from field investigations and undercover operations, we name and shame those exploiting disorder and state failure. We lobby at the highest levels for a joined-up international approach to manage natural resources transparently and equitably. We have no political affiliation and are non-partisan everywhere we work. Global Witness was co-nominated for the 2003 Nobel Peace Prize for our work on conflict diamonds. One prominent mining company which has faced controversy for its relationship with state security forces in a conflict zone is Freeport McMoRan Copper & Gold Inc. This US company controls a gigantic mine in Indonesia which contains the largest gold reserves and the second largest copper reserves in the world.</p>	Global Witness	www.globalwitness.org
45	Freeport McMoRan Report	<p>Our Social, Employment and Human Rights Policy reflects high standards for the social and economic development of the people within PT Freeport Indonesia's Contract of Work area; the commitment of the company to the increased employment of native Papuans, both in number and positions of authority; and the respect for and protection of the human rights of employees, their dependents and the local community around our operations . We recognize that effective implementation of our policy is required for its goals to be met. Freeport-McMoRan Copper & Gold Inc. and PT Freeport Indonesia retained the International Center for Corporate Accountability (ICCA) to conduct a comprehensive audit of the effectiveness of our policy and the extent of our compliance.</p>	Stanley Batey	Interviewed June 30, 2008
46	Maplecroft	<p>Maps on a variety of subjects including Security and Human Rights. There are a variety of indices and specific geographical locations to be chosen by the user.</p>	Maplecroft	Found at maplecroft.net

Annex B

Interview documentation

B1.1 OBJECTIVES AND OVERVIEW OF TASK TWO

The main objectives of the interviews were to obtain perceptions from Voluntary Principles participants and non-participants around the Voluntary Principles, security and human rights and the potential for an IGT. Interviews were carried out primarily via telephone while some were carried out in person. Table 1.1 provides a list of all interview participants.

Table 1.1 *Interviews held on topic of IGT*

Company	Interview held with:	Position/title
Amnesty International	Audrey Gaughran	Head of Economic Relations
Anglo American	Edward Bickham	Executive Vice President, External Affairs
Anglo Gold Ashanti	Paul Hollesen	Manager Community Relations and Social Development
Anvil Mining Ltd.	Pieter Van Niekerk	Project Manager for Voluntary Principles Implementation
BG Group	Jonathan Moss	Group Head of Security
BP	Oliver Broad	Project Manager, Group Security
BP Colombia	Carlos Velasco	
BSR	Doug Bannerman, Katie Swinerton	Project Manager and Manager, Advisory Services
Cerrejon Coal	Alexandra Guaqueta	Public Affairs Advisor
Conoco Phillips	Bill Edelman	Global Security
Dutch Government (MINEZ)	Kamilla Kolshus	Deputy Director General. Section for Human Rights and Democracy, Ministry of Foreign Affairs, Norway.
ExxonMobil	Kevin Murphy, Andre Madec, Piet H Langeberg	Corporate Public Affairs Representatives
First Quantum Metals Ltd.	Andrew Spivey, Matthew Bowen	HSE Manager, Security Manager
FMI Group	Stanley Batey	Senior Advisor
ICRC	Claude Voillat	Deputy Head, Private Sector Relations, General Directorate
IKV Pax Christi	Egbert Wesselink	Project Manager, Economic Dimensions of Conflict
Independent Contractor	Don McFetridge	
International Alert	Salil Tripathi	Senior Policy Advisor
IPIECA	Jenny Owens	Project Manager - Social Responsibility
Human Rights Watch	Arvind Ganesan	Director of Business & Human Rights Program
Newmont Mining	Helen Macdonald	Director, Community Relations and Social Development
Norwegian Government	Murielle Poels	Senior Policy Advisor at Ministry of Economic Affairs
Oxfam America	Chris Jochnick	Director of Private Sector Engagement
PACT Congo	Karen Hayes	Extractive Industries Program Director
Shell Group	Christos Mylonas	Security, Policy and Issues Manager

Company	Interview held with:	Position/title
Talisman	Reg Manhas	Manager, Corporate Responsibility and Government Affairs
Total	Alice La Marque	
Vale	Emil de Carvalho	General Manager, International Security

B1.2

MAIN OUTCOMES FROM THE INTERVIEW PROCESS

A number of key messages came out the interview process. Based on these, it would appear that an IGT could represent an interesting opportunity for the VPs process. What appears particularly promising is that by and large, these messages were consistently expressed by all categories of stakeholders - companies, NGOs, governments and other organisations. Among the most important messages are:

- 1) **Near Unanimous Support for an IGT** - Nearly all of the interviewees were supportive of the idea of an IGT. Many felt that an IGT would assist Voluntary Principles participants to 'translate' what was often described as the 'vague' or 'ambiguous' text of the Voluntary Principles into tangible actions. Other benefits of an IGT that were cited were that an IGT could help companies conduct internal benchmarking, ensure consistency and measurability, more effectively deal with other organisations in their value chain or help NGOs and governments more effectively engage in the VPs. There were however, some differences of opinion around where an IGT should be 'housed', with some believing that it should be owned by the VPs Secretariat and others suggesting that a better place for it would be at a multilateral organisation.
- 2) **Specific Recommendations for an IGT** - Similarly, most interviewees expressed the view that an IGT should be very practical in focus. Most believe that a tool should be aimed primarily at those at the 'coal face' of security issues and that the focus should be on very tangible, step-by-step guidance.
- 3) **Challenges Associated with Implementing the Voluntary Principles and Limitations of an IGT** - Many organisations cited common challenges in implementing the Voluntary Principles. These are outlined below. Many include dealing with host governments, conducting risk assessments, and managing human rights abuse allegations. Many believed that an IGT could significantly assist in overcoming many of these challenges but that an IGT will have limitations and that these should be recognised from the outset of its development.

B1.3.1

Challenges of Voluntary Principles Implementation

Most of the interviewees outlined a common or similar set of challenges associated with implementing the Voluntary Principles. These include:

- **‘Vague, Ambiguous’ Nature of the VPs:** Many interviewees claimed that the language of the VPs (often described as ‘ambiguous’ or ‘vague’) make it difficult for companies to translate them into tangible and measurable actions. There was a recognised difficulty in making the VPs understood at operational levels and many noted some difficulties of internal ownership within the companies attempting to implement them. Some selected quotes:
 - *“It is difficult to know what it actually means to ‘implement’ the Voluntary Principles. It is hard to assign accountabilities for this sometimes.”*
 - *“It is hard to make the Voluntary Principles understood at operational levels.”*
 - *“We cannot rely verbatim on the text of the VPs – we need to continually ‘translate’ the text, bring it to life.”*
- **Risk Assessment:** Risk assessment was also cited by many interviewees as a challenging area. Many companies and other organisations find it difficult to understand and undertake risk assessments that align with the VPs. Selected quotes:
 - *“Companies are good at assessing risks to them. What they are far less good at is assessing and managing the risks that they create.”*
 - *“We need practical guidance that our on-the-ground partners can use.”*
- **Working with Host Governments:** There are different levels of understanding of, and resources for, the Voluntary Principles among different host governments. Some have dealt extensively with the Voluntary Principles and their participants while others have had very little exposure to the VPs. This challenge becomes particularly acute in countries characterised by problems associated with governance. Agreements or discussions with governments at national levels may not “translate” in any meaningful way to enhancing performance at project levels. Selected quotes:
 - *“Some governments have proven to be very good (example given was Colombia) on the Voluntary Principles. With others, it becomes*

harder to engage effectively as you work your way down the food chain."

- *"It is hard when security and human rights is so low on the agenda with certain governments."*

- **Human Rights Abuse Allegations and Investigations:** It was expressed that there is very little clarity around the level to which companies can/should be involved in the investigation of abuse allegations. Selected quote:
 - *"It's hard to say how far we can and should go. In some countries, we risk being accused of interfering in the course of justice. In other cases, the more we get involved, the greater the risks are to the alleged victims."*

Other challenges mentioned by the interviewees included:

- NGO support in implementation (i.e. insufficient support from NGOs on implementation);
- Home government support in implementation (i.e. insufficient support from home governments);
- Raising issues with public security forces (i.e. the belief that raising concerns with public security forces will exacerbate, rather than reduce human rights risks);
- Ensuring internal consistency (i.e. ensuring that standards are applied consistently across geographies and operations).

B1.3.2 *Other Points for an IGT*

Other recommendations made for an IGT include:

- An IGT should be scalable (or at least generic enough) to be applied to different geographies or operating contexts;
- An IGT should "mirror" the various sections of the VPs – i.e. risk assessment, dealing with private and public security;
- An IGT should not be too prescriptive;
- The limitations of an IGT should be recognised.

B1.3.3 *Documents received*

A selection of the interviewees provided ERM with documents. These documents have been studied and those deemed relevant for the scoping

process have been outlined in Annex A. A complete list of all documents received can be found in the document catalogue (see Annex B Document Catalogue).

B1.4 *OUTLINE OF SCOPING REPORT*

The scoping report will be written around the feedback given by interviewees. It is anticipated that the scoping report will possess the following sections:

- 1) **Objectives**
 - a. Definition of audience / end-users
 - b. Definition of desired or potential nature of guidance

- 2) **Format**
 - a. Length and tone
 - b. "Look and Feel"
 - c. Use of case studies, diagrams, etc.

- 3) **Content**

Essential and suggested content for:

 - a. Risk Assessment
 - b. Public Security
 - c. Private Security
 - d. Dealing with "common" problems

- 4) **Process**
 - a. Suggested process for developing the IGT
 - b. Suggested inputs and resources required

- 5) **Limitations of an IGT**
- 6) **Considerations and Recommendations**

B1.5 *CASE STUDIES*

Box 1.1 *Case Study - Implementation Support in the Congo*

An interesting Implementation Support body has been started by PACT Congo in the Katanga region of the DRC. The initiative is a forum of security managers of mining companies (operating in the region), United Nations Peacekeepers from the region, and private security company representatives. The forum meets to discuss incidents, exchange good practice, and share information (on employees, rumours, other issues). It is based on the principle that what is a crisis for one company becomes a crisis for another. This might make for a useful case study on information-sharing in the IGT.

Box 1.2

Case Study for Colombia

With the support and encouragement of the US government the implementation in Colombia was facilitated more quickly than it would have done without the external pressure. Due to the pressure exerted on the parties in Colombia a VPs working group was established. This working group involved private sector, Non Governmental Organisation think tanks, and the Colombian Governments. This in country support process helped to formulate a wording for agreements between companies and public security services. This wording is now used for all contracts between extractives industries and public security.

The process has the following components:

1. Collaborate with the Government
2. Work through Colombian Petroleum Association (ACP) to distribute knowledge and learnings
3. Work with NGOs

Annex C

Implementation Support Bodies

Table 1.1

Organisation	Role as Organisation	Role in Implementation
International Committee of the Red Cross	The International Committee of the Red Cross (ICRC) is an impartial, neutral and independent organization whose exclusively humanitarian mission is to protect the lives and dignity of victims of war and internal violence and to provide them with assistance.	ICRC is not involved in a formal way with VP implementation but is available for training on Human Rights and involvement of security personnel in humanitarian training.
Fundacion ideas para la Paz	The Foundation Ideas for La Paz (FIP) is an independent, not for profit think tank, created in 1999 by a group of Colombian businesses. Its mission is to contribute with ideas and proposals to overcoming the armed conflict in Colombia and to the development of a sustainable peace, with the support of the business sector.	FIP is an independent think tank that has been closely involved in the implementation of the VPs in country in Colombia. Through working with Cerrejon and other majors FIP has updated the text of the VPs to be more relevant in the country specific context of Colombia. http://www.ideaspaz.org/new_site/secciones/publicaciones/download_publicaciones/The_Colombia_Guidelines_blurb_for_BHR.pdf
PACT Congo	Pact's mission is to build empowered communities, effective governments and responsible private institutions that give people an opportunity for a better life. They claim to do this by strengthening the capacity of organizations and institutions to be good service providers, represent their stakeholders, network with others for learning and knowledge sharing, and advocate for social, economic and environmental justice. Interdependence, responsible stewardship, inclusion of vulnerable groups, and respect for local ownership and knowledge are core values across all of our programs.	Interesting initiative started in DRC with PACT. Monthly meetings are held in Katanga. There are security and human rights meetings. Attendees include: - 18 companies – Mining and private security companies and Congolese UN Peacekeepers (Mission des nations unies en RD Congo - MONUC)
International Alert	International Alert is an independent peace building organisation that works to lay the foundations for lasting peace and security in communities affected by violent conflict.	International Alert has also been extensively involved in the implementation process of the VPs. International Alert as an NGO sees its value in its ability to talk to all players – other NGOs, government bodies, and private sector clients.

Organisation	Role as Organisation	Role in Implementation
IPIECA	The International Petroleum Industry Environmental Conservation Association (IPIECA) was established in 1974 following the establishment of the United Nations Environment Programme (UNEP). IPIECA provides one of the industry's principal channels of communication with the United Nations.	IPIECA helps with implementation in the through the provision of tools including the Operating in Areas of Conflict Tool . This tool provides basic guidance on risk assessment and risk management in conflict settings that oil and gas companies might face. There is also a tool called Human Rights and Ethics in the Oil and Gas Industry . This publication describes some of the ways in which oil and gas companies are actively involved in promoting human rights and ethical business practices at the operations level and in international policy discussions.
IKV Pax Christi	IKV Pax Christi is a nongovernmental organisation focused on promoting peace. It is the largest peace movement in the Netherlands. Its staff members support peace and reconciliation in conflict areas located in more than twenty countries spread over four continents. IKV Pax Christi always works in conjunction with local partner organisations.	IKV Pax Christi, the Centre for Social and Corporate Responsibility/ African Centre for Corporate Responsibility (CSCR/ ACCR), and Stakeholder Democracy Network (SDN) decided in early 2007 to try a bottom-up approach to the VPs in the Niger Delta. The organisations wanted to assess the perspectives of people whose rights are central to the VPs, but who have not been attributed a clear role themselves. Six different communities in the Niger Delta were asked 'What can the VPs do for you?', with the aim to let the answers guide future engagement in the Delta.
US, UK, Norwegian and Dutch Governments	Government VP reps can provide high level support and home government liaison support.	Government VP reps can provide high level support and home government liaison support.

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ERM's London Office

8 Cavendish Square
London
W1G 0ER
T: +44 (0) 207 465 7200
F: +44 (0) 207 465 7272

www.erm.com