

Bogotá, December 8, 2011

To the
**UN Working Group
on Human Rights and Transnational Corporations
and Other Business Enterprises**
Geneva

Respected Working Group,

The Colombian Mining and Energy Committee on Security and Human Rights –CME-, a public-private partnership organized to identify, build and disseminate security-related human rights best practices (using mainly the “Voluntary Principles on Security and Human Rights”), congratulates on the decision of appointing a WG to continue the successful work done during the last 6 years to clarify the issue of the relationship between corporations and human rights. CME is ready to help in any possible way the WG considers valuable.

CME current members are 11 companies from the oil & gas, mining and electricity sector, a guild, 8 national institutions from the Colombian National Government, all of them related to security, human rights and the Mines & Energy Ministry, and 3 embassies from foreign countries. The CME has been shaping and re-shaping the way it relates to Civil Society Organizations in a progressive and positive way, and will keep on that mood. At CME we focus on dialogue to find or build, and then disseminate, answers to questions or challenges in the security-related human rights arena but, for a better description, which is not the purpose of this communication, please relate to the attachment.

CME considers the activities and priorities clearly identified in resolution A/HRC/RES/17/4 as a meaningful starting point. We have no doubt that a success in those activities and priorities will clearly be a contribution to the work carried so far. At the same time, the CME respectfully offers these comments, as requested on the invitation sent on November 4, 2011 (“Have your say”), as follows:

Strategies related to diverse stakeholders:

- **Governments.** We are aware of the many human rights initiatives and companies that have already made a decision on the use of the UN Framework and Guiding Principles. But, perhaps, many Governments are not alike. That is why we respectfully recommend you consider to explore, by direct messages to UN State members, if their Governments have already decided, or are considering, the implementation of the UN Framework and Guiding Principles. Asking will make some undecided Governments reach a decision; and will make others consider its adoption. If you consider CME ex-

perience valuable for your purposes, we would share with you our experience in building common interest and initiatives between National Government and the private sector.

- **Corporations.** Corporations are different, as the UN is not, as far as we know, in a position to ask every corporation if they have adopted the Framework and Guiding Principles. But it is important to know the pace at which the Framework and Guiding Principles are adopted among corporations. So, we would like to recommend the design a mechanism, probably an Internet-based one, to let companies themselves register as interested/studying/decided/implementing the Framework and Guiding Principles. Perhaps a survey conducted every one or 2 years could help. CME respectfully suggest you have in mind self-reporting options, designing a set of indicators like those we developed (thanks to International Alert's knowledge and insight) for estimating the implementation degree of the "Voluntary Principles on Security and Human Rights" and lessons that could be learned from Global Compact.
- **Consider guidelines outside the UN System.** We understand you start by focusing on internationally accepted UN guidelines, but, at the same time, we recommend to consider other internationally accepted guidelines, like the IFC Performance Standards, the OECD Guidelines for Multinational Corporations, the ISO 26000 and the Voluntary Principles on Security and Human Rights, as many companies and Governments are using them, and at the same time, many of those initiatives have recognized the UN Framework and Guiding Principles as useful, and a step ahead in the corporate-human rights debate.
- **Internal dissemination.** As the UN is a large and complex organization, CME recommends to consider a strategy to fully disseminate the Framework and Guiding Principles within the UN system.

Suggestions regarding topics the group should cover:

CME suggests you consider focusing in a set of key issues, mainly on how prevention should be conducted to prevent human rights abuse. The relevant issues are not the same worldwide, of course, but perhaps some of them are more relevant for most countries and corporations; in most, if not all of them, insight from the UN WG would be appreciated, as for example relating to indigenous tribes as per ILO 169 and the UN Declaration on Rights for Indigenous Peoples, Security-related human rights issues, land issues, forced displacement issues, gender issues and demobilization and re-integration issues.

Finally, please keep us informed on any upcoming events, specially the first annual UN Forum on Business and Human Rights. The CME will be honor to participate and learn from other initiatives, companies, Governments and Civil Society Organizations.

José Rafael Unda – Secretariat for CME
Comité Minero Energético de Seguridad y Derechos Humanos

Mining and Energy Committee on Security and Human Rights (CME)

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1- Definition

- **A forum to understand, discuss and suggest recommendations with regards to security-related Human Rights practices.**
- **Companies-Government-CSOs dialogue.**
- **A Public-Private Partnership.**

- **The Voluntary Principles on Security and Human Rights (VPs) as the main guiding code**
 - Bi-directional Risk Analysis
 - Companies-Public Force relations
 - Companies-Private Security Companies relations
 - Companies-Civil Society Organizations dialogue

2- Members

- **Oil, mining and energy companies**
 - AngloAmerican, AngloGold Ashanti, Asociación Colombiana del Petróleo, Cerrejón, Ecopetrol, Equion, Greystar, ISA, ISAGEN, OXY, Rio Tinto and Talisman.
- **Colombian government agencies**
 - Presidency, Vicepresidence, Defence Ministry, Army, MFA, the Armed Forces High Command (CGFM), Private Security companies Surveillance Agency, and National Police.
- **Foreign embassies.**
 - USA, UK and The Netherlands.

3- Structure

- **Plenary**
- **Steering Committee**
- **Technical Secretariat**
- **Working Groups (2011)**
 - Companies - Public Security forces.
 - CSOs Dialogue.
 - Contractors.
 - Communications.

4- Products

- **Recommendations**
 - PSC Relations
 - Risk Analysis
 - VPs Indicators (self assistance tool)
 - CSO – CME Relations
- **Study**
 - Montreux + ONU WG terrorism, IPOA, SV&SP, Nyon CoC.
 - Risk Analysis methodologies
 - UN Framework and Guiding Principles on Companies-HHRR (John Ruggie's work)
 - Colombia Guidelines

4- Products..

- **“Colombia VPs Workshop”**
 - Perú + Indonesia + DRC + Guinea + Ecuador + USA + Netherlands.
 - International Alert + Fund for Peace + Search for Common Ground + Partners Colombia. 70+
 - June 15 y 16 (2010) in Bogotá.
 - CME was the key actor
 - Dialogue on experiences on how to make deeper and wider VPs implementation.
 - Key ideas for a guide on VPs in-country implementation.
- **CME is an observer at the Plenary**
 - 18 companies + 9 NGOs + 7 governments.
 - Observers: ICMM, ICRC, IPIECA and CME.

5- Opportunities and challenges

- **Companies-Public Security forces WG**
 - How to endorse, effectively, the Defence Ministry «Comprehensive Human Rights and IHL Policy».
 - Risk Analysis (security and human rights) as a key consideration to the Collaboration Agreements.
 - Best management of duplication risk on the Agreements.
 - Improve timing for Agreements process.
 - Re-consideration of Coordination Committees on the Agreements.
 - When an Agreement is not necessary.
 - Illegal armed groups under IHL.
 - Economic support to CME through the Agreements.
 - Police in CME.

5- Opportunities and challenges..

- **Communications WG**
 - Make CME more visible. Nationally and internationally.
 - Re-launching, if needed, the CME.
 - Considering a name change.
 - Considering an articulation with the Presidency comm strategy.
 - Webpage continuously up to date.
 - A mechanism for internal communication.

5- Opportunities and challenges...

- **Dialogue with CSO WG:**
 - Alliances with at least 2 CSOs, on specific common interest projects to improve CME recommendations.
 - Better extortion & kidnapping risk management.
 - Improve Risk Analysis recommendation with SAT (Ombudsman's Early Warning System).
 - A precise definition of «participatory» risk analysis.
 - Improve Risk Analysis with better understanding of regional crime characterization.
 - More new spaces to dialogue with those that couldn't in 2010.
 - More new spaces with *Procuraduría*.
 - Strengthen alliances with International Alert, Fundación Ideas para la Paz and ICRC.

5- Opportunities and Challenges (4)

- **Alliances with:**

- Fundación Ideas para la Paz.
 - CSO dialogue.
- International-Alert.
 - CSO dialogue.
- International Committee of the Red Cross.
 - CSO dialogue and Companies – Public Force relationship.
- Redepaz:
 - A clear understanding of «participatory» and «binding» risk analysis and management.
- IKV Pax Christi:
 - Kidnapping and extortion risks management.
- UNODC y Ombudsman:
 - Better regional crime understanding.

- **Other 3rd parties:**

- CODHES, Indepaz and Nuevo Arco Iris.
- Oxfam GB.
- *Procuraduría*.
- United Nations:
 - ONHCHR.
 - UNHCR.
 - Global Compact.
 - PEDH (Companies-HR Program).
 - Resident Coordinator in Colombia.
- SR of the Secretary General for Business-HR (professor Ruggie).

5- Opportunities and Challenges (5)

- **Contractors WG:**
 - Kidnapping and extortion risks better management, within companies and contractors.
 - To compare Colombian regulation on Private Security Companies with Nyon Code of Conduct.

5- Opportunities and Challenges (6)

- **Steering Committee – Governance-:**

- A new version of entrance rules.
- Strong accountability Rules:
 - Formal commitment to use CME recommendations.
 - Reporting on CME recommendations use.
 - Contribution to funding by companies.
 - Oxy, Ecopetrol, Cerrejón, Isagen, AGA: *done.*
 - ISA, Talisman: *pending.*
 - Contribution to funding by governments.
 - Norway, US: *done.*
 - Netherlands: *work in progress.*

6- Meetings

- **Plennary:**

- 2 times/year.

- **Steering Committee:**

- 4 times/year.

- **Communitons WG:**

- 2nd Thursday (10:00 - 12:00. ACP).

- **CSO Dialogue WG:**

- 2nd Thursday (2:00 - 4:00. ACP).

- **Companies-Public Force WG:**

- 3rd Thursday (10:00 - 12:00. ISA Bogotá).

- **Contractors WG:**

- 3rd Thursday (2:00 - 4:00. ISA Bogotá).

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