



Australia's first Security and Human Rights practitioners workshop

Security and community professionals from the extractives industry, specialised security firms and government do not often come together, let alone collaborate on CSR issues. However, a shared commitment to protect human rights while implementing the Voluntary Principles on Security and Human Rights (VPs)¹ brought security and community practitioners and government together at a workshop co-hosted by Global Compact Network Australia (GCNA)² and the Department of Foreign Affairs (DFAT) in July 2014 in Melbourne.

Participants discussed and debated the challenges of ensuring security while respecting human rights. A summary of the day-long workshop follows.

Background

The workshop was held against the backdrop of two significant factors:

- First, there is a significant and growing number of Australian-headquartered resource companies operating in countries with significant security challenges. As a result, a growing number of extractive industry security professionals are looking to learn from and share experiences with peers.
- Second, the Australian Government joined the Voluntary Principles Initiative in March 2013. With the Government's membership comes an obligation to produce a national implementation action plan.

The workshop's primary purpose was to test the appetite for an Australian-based "security community of practice" for sharing experience and promoting respect for human rights. The meeting was also designed to contribute to the Australian Government's VPs implementation plan.

Prior to the gathering, the GCNA engaged with participants to identify four key themes to be examined during the day-long session.

Theme 1: Managing security and human rights using the VPs: from commitment at the top to implementation on the ground

The discussion kicked off with a former CEO's account of a real life situation involving human rights and security incidents at a mining operation in Africa. The CEO shared in detail the lessons from his experience and, through his story, set the stage for further discussion.

When asked by other participants what, with hindsight, he would have done differently, the CEO noted that communication around the incidents could have been more effective. In particular, he said that it would have been better if the company had more fully and swiftly publicly communicated on the issues and details of the events that had led to the incident and the company's response, which included:

¹ The Governments of the United States and the United Kingdom, companies in the extractive sectors and non-governmental organizations engaged in a dialogue in the late 1990s that in 2000 led to the release of a set of voluntary principles to guide companies on how to realise safety and security for their operations within a framework that respected human rights.

² The Global Compact Network Australia – the Australian network of the United Nations Global Compact – co-hosted the workshop. The UN Global Compact framework includes principles in relation to corporate respect and support for human rights. The considered management of security can contribute significantly to the respect for human rights for resource companies.



- Commissioning a comprehensive assessment of the operation against the VPs;
- Development of a security protocol with the local government;
- Development of a VPs toolkit for ensuring security and respect for human rights on major projects; and
- Establishment of a local security and human rights working group.

The CEO also discussed how the VPs can contribute to a company meeting its “duty of care” obligations to staff. He recommended that a commitment to the VPs was necessary for CEOs of Australian companies to demonstrate that they had delivered upon their duty of care obligations when it came to employees who were deployed on overseas assignments, where security challenges might reasonably be expected.

The concept of duty of care was explored through a wider conversation in the group. It was asserted that there are potentially very significant legal exposures for companies directly and through their subsidiaries if they have not formally adopted international human rights norms and standards, such as the VPs. On the other hand, making a public commitment to respect human rights but failing to adequately undertake implementation could be seen as “blue washing”.³

While the group acknowledged the value of the VPs, they also recognised that implementation can be a challenge for a range of reasons, including:

- Determining what exactly lies within an extractive project’s security remit (e.g. community relations, health and safety, risk, legal);
- Resources for adequate implementation do not necessarily follow commitment; and
- Current VPs implementation toolkits can be cumbersome and impractical.

It was noted that an awareness of and active engagement with the VPs needed to be part of the culture of resource companies where security challenges existed. Reference was also made to the overlap between security and social development.

Theme 2: Working with public security, how hard can it be?

Setting the scene for the second thematic discussion, two security practitioners described the successful security set ups and VPs implementation at two very distinct operations, one in South America and the other in South Asia. Each involved intensive and complex relationships with private security companies and public security forces. Key public security relationship success factors that were discussed included:

- The importance of “personalities” and the people on the ground (including their networks, knowledge and influence);
- Using the right “terminology of human rights” when engaging with public forces so that the VPs commitments are presented in non-threatening language;
- Being sensitive to the gaps between local forces and central authorities, in that local forces can be much more accommodating in relation to meeting VPs commitments if they do not have to involve central authorities – yet the reverse was also shared, that the co-operation of local security often required higher levels of command to be involved; and
- A multi-tiered approach to public security was necessary to get effective implementation and good outcomes (e.g. having district governor, chief of police and police staff engagement channels).

³ “Blue washing” refers to companies publicly associating themselves with the United Nations (regarded by many as a universal symbol of human rights and other global standards), but not actually changing their behaviour to ensure that they meet the relevant standards such as respect for human rights.



Common challenges in dealing with public security, even in successful set-ups, included:

- Institutional memory loss when staff move on, underlying the importance of having some formal systems for managing relationships with public security;
- Lack of understanding of the local community context and poor pro-active identification of and response to community issues which can then grow to become issues in which public security become involved; and
- Industry should not formally “train” public forces nor be seen to be doing so; rather industry should seek to educate and raise awareness.

The participants shared a range of experiences including in Africa, South America, South Asia and South East Asia. One worked at an operation where there was, on average, a daily security incident.

Theme 3: Security and community relations - working in silos or partnership?

The third thematic discussion kicked off with senior community relations practitioners from the extractives industry sharing their perspectives. They characterised the industry’s default position as “siloes” when it came to security and community relations departments working together. Key opportunities were seen as “getting the right people in the right place so voices are heard across departments” and “bridging the siloes at the ground level”. There was also a strong recognition that “operating modes (of the community and security departments) will differ in each context”. Some worked closely together both inside and outside the fence and interacted jointly with the community. Other security departments only interacted with community members when investigating incidents, leaving the overall relationship with the community entirely to the community relations department.

In exploring which roles are responsible for VPs implementation, there was recognition that there were roles across a range of departments, especially when the broader human rights area was considered. There was an in-depth conversation of where identifying human rights risks related to security should be undertaken, e.g. should it included in the Social Impact Assessment (SIA) process, or be undertaken separately? Different participants held different views on this point. Some suggested that this can be done in an integrated way “but it’s messy and results have to be shared” to ensure appropriate responses and actions are taken. Others considered that these were “two distinct elements”, but that they were both part of operational risk assessment.

In terms of bridging functions, however, all were unanimous in agreeing that good community relation is a key factor to successful security management. This key fundamental point led to the recognition of common challenges in involving the community relations department in security management:

- Security assessments are traditionally done with a primary focus on assets not people;
- More often than not, companies take “short cuts” in involving community relations in security matters, even to the extent of security personnel being asked to be de-facto community relations officers; and
- In security, like community relations, successful performance is hard to demonstrate as success is often the absence of conflict or security issues.

Theme 4: How important is the home/host government dynamic? What else could the Australian government and its missions do to support companies and VPs adoption and implementation?

This session, led by DFAT, was aimed at informing the VPs national implementation action plan and also provided an opportunity for participants to engage in a dialogue with the Australian government and identify ways in which it could support companies to implement the VPs.



Some industry participants said they felt they could be more supported by Australian government missions on security issues. They noted that US missions often had more capacity and engagement with their national businesses operating in foreign contexts on security issues. An opportunity was acknowledged for missions to do more with their limited resources in the security and human rights area. The integration of AusAID and DFAT was discussed as an opportunity for more resources to be deployed in the area of business and human rights.

The workshop participants offered the following priorities to inform the Australian government's national implementation plan for the VPs:

- In terms of geographical locations, the participants voted their top three priorities as Papua New Guinea, South Africa and Indonesia. Democratic Republic of the Congo (DRC) was also suggested as a potential “test ground” given existing government and industry networks.
- In terms of practical support, the participants suggested assistance from Australian missions could include model MoUs, engagement with public forces, and training of public forces.

Next steps

- Workshop participants were unanimous in their desire for an Australian-based “security community of practice” for sharing experiences and collaborating on promoting respect for human rights.
- The GCNA was seen as a good facilitator, creating a safe space for industry and government to come together.
- A potential link and need for coordination was identified between this Australian platform and the broader, international VPs platform (VPs plenary, the steering committee), for example by convening the Australian session just prior to the VP Initiative's key international events.
- Finally, participants agreed that a key first step should be in the form of a collaborative effort to put a practical VPs self-assessment toolkit together, although noting that any efforts should not duplicate what was already being developed.