

Submission for the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination

The Peruvian Working Group on Voluntary Principles (WG) presents to the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the rights of peoples to self-determination (Working Group on the use of mercenaries) information on its creation and activities as an input for the preparation of the thematic report on the impact on human rights of military and private security companies operating in the extractive industries. The information provided responds to the fifth guiding question proposed by the Working Group on the use of mercenaries, referring to the existing good practices to prevent and address human rights abuses committed by private security actors mandated by the extractive industries.

I. The Voluntary Principles Initiative

The Voluntary Principles on Security and Human Rights (Voluntary Principles) were established in 2000 as a multi-stakeholder initiative that involves governments, companies and non-governmental organizations to promote the implementation of a set of principles that guide extractive companies (mining, oil and gas) in maintaining security in their operations with respect for human rights.

The Voluntary Principles provide guidelines to ensure that companies respect human rights in the environments in which they operate through: i) an effective assessment of human rights risks; ii) an adequate relationship with public safety; and iii) a strategy with private security providers.

II. Members of the Voluntary Principles Initiative with presence in Peru

Currently, the Voluntary Principles Initiative (VPI) has 61 members, 23 (38%) of which are represented in Peru, as shown below:

- Governments (8 out of 10): Argentina, Australia, Canada, Colombia, United States, Netherlands, United Kingdom and Switzerland.
- Companies (12 of 30): Anglo American, Barrick Gold, BHP Billiton, Freeport-McMoRan, Glencore, Goldcorp, Newmont, Pacific Exploration, Repsol, Rio Tinto, Total and Vale.
- Non-governmental organizations (1 of 13): Partners Global for Democratic Change (Socios Peru).
- Observers (2 of 8): International Committee of the Red Cross (ICRC), International Finance Corporation (IFC).

III. The Working Group on Voluntary Principles

The high representation of members of the VPI in Peru served as the basis for the creation of the WG in 2010, which currently has the participation of 41 institutions. The WG meets periodically to analyze the context of the extractive sector, exchange experiences, and make contributions on issues of human rights, conflict prevention, security, use of force, private security companies, among others.

During its eight (8) years of interrupted operation (2010-2018), the WG has developed important activities such as:

- 46 plenary meetings to discuss issues of common interest.
- 38 training and dissemination activities at the national level.
- 32 thematic specialists invited as speakers to the WG.
- 3,273 people trained (public servants, police, representatives of companies, social leaders, NGOs, academics).
- 3 research works:
 - Socios Perú & International Alert (2010). *Implementación de los Principios Voluntarios en el Perú: Un estudio exploratorio*. Lima-Londres¹.
 - IDEHPUCP & Socios Perú (2013). *Diagnóstico sobre la Situación de la Seguridad y el Respeto a los Derechos Humanos. Referencia Particular al Sector Extractivo en el Perú*. Lima: Embajada de Suiza².
 - Socios Perú (2014). *El Uso de la Fuerza en el Perú. Una aproximación al proceso de adecuación de la normativa peruana a los estándares internacional*. Lima: Socios Perú³.
- More than US \$ 520,000.00 invested in 8 years with contributions from its members.

In 2018, the third Peruvian National Human Rights Plan was published, including as one of its goals the elaboration of a National Action Plan (NAP) on Business and Human Rights. Aware of the importance of the United Nations Guiding Principles on Business and Human Rights (Guiding Principles) for this process and the complementary relationship of this instrument with the VP, the WG decided to extend its approach. Therefore, its strategic objectives have been adapted to include both instruments: i) contribute to the dissemination and training on Voluntary Principles and Guiding Principles, ii) promote a multi-stakeholder dialogue based on both instruments, and iii) support the implementation of both instruments through the NAP.

IV. Achievements of the Working Group on Voluntary Principles

The WG has as one of its main achievements its constitution as a multi-stakeholder initiative based on trust, in which situations of the extractive sector are discussed and analyzed from different perspectives, experiences are exchanged, and lessons are learned to prevent or diminish social conflicts. During its years of operation, it has been observed that despite the fact that the number of social conflicts remains stable, the number of people dead or wounded as a result of them has been reduced. The WG is an open, transparent, safe, reliable and enriching space for all parties.

Another achievement of the WG is having been appointed by the VPI, in its assembly in Bogota in 2016, as the model to follow to promote the Voluntary Principles in other countries. As a result, in the assembly of the VPI in Ottawa in 2017, three pilot work groups were created in Ghana, Nigeria and Myanmar in the image of the WG.

Finally, following its example, a Regional Working Group of Voluntary Principles was set up in august 2017 in Cusco. It is composed by representatives of the Regional Government of Cusco, the National Police of Peru, the Ministry of Interior, the Ministry of Foreign Affairs, three mining companies and two NGOs. Although this new Working Group is autonomous, the WG is willing to maintain a fluent communication with its members.

¹ Disponible en: <<https://bit.ly/2EXeoUe>>.

² Disponible en: <<https://bit.ly/1EUAnl0>>.

³ Disponible en: <<https://bit.ly/2Hiod2l>>.