



International
Code of Conduct
Association

THE INTERNATIONAL CODE OF CONDUCT ASSOCIATION (ICoCA)

Principles & Procedures

Article 11: Certification



PRINCIPLES & PROCEDURES FOR ICOCA CERTIFICATION

PROCEDURES UNDER ARTICLE 11

BACKGROUND

The purpose of the following procedures is to implement the requirements of Article 11 (Certification) of the ICoCA's Articles of Association ("AoA"). These procedures are subject to review on an annual basis by the ICoCA Board of Directors.

ARTICLE 11 PROCEDURES

I. OVERVIEW OF ARTICLE 11 REQUIREMENTS

Article 11 requires the Association to "certify... under the Code that a [member] company's systems and policies meet the Code's principles and standards derived from the Code." In order to accomplish that function, the AoA directs the Board to "develop procedures for [Certification] based on the following elements:"¹

Certification requirements are to be defined "based on national or international standards and processes that are recognized by the Board as consistent with the Code and specifying any additional information relevant to the human rights and humanitarian impact of operations it deems necessary for assessing whether a company's systems and policies meet the requirements of the Code and its readiness to participate in the Association;"

1. [Member] companies are to "provide evidence of certification under a standard recognized by the Board... and provide such additional information as the Board has specified relevant to human rights and humanitarian impact;" and
2. The certification process is to "operate in a manner that is complimentary to, and not duplicative of, certification under Board-recognized national and international standards."

¹ Only those elements directly relevant to the present certification architecture design are described here. See AoA Article 11 for the exact wording of the four required elements. For example, while Article 11.2.3 calls for companies to "provide a written, public declaration of their intent to adhere to the Code... and to participate fully in the Association's activities under Articles 12 and 13," this requirement is addressed as part of the membership application process and thus need not be repeated within the certification process.

II. ICoCA CERTIFICATION PROCEDURE

Board Recognition of Standards

The ICoCA Board will have a standing Certification Committee (the “Committee”), to be composed of at least one Director from each pillar, provided there is equal representation by each pillar. The Committee may also consider obtaining third party expert advice from an academic or other institution as well as inviting the participation of Observers where the Committee believes such input will be helpful to the process of considering and recognizing standards. Such Observers and external experts shall not, however, be voting members of the Committee. Information concerning the participation of such third party experts shall be made available to Members, Observers, and prospective members.

The Committee may consider any relevant standard related to security operations as envisaged by the Code, submitted by a Member as a potential pathway to ICoCA Certification. Whenever the Committee decides to evaluate a standard for potential recognition as an ICoCA-approved standard, the Secretariat will publish notice of the dates and confirm that the agreed process will be applied for such evaluation on its website and to all Members and Observers of the ICoCA.

After a standard has been accepted for evaluation, the Committee will conduct an evaluation of the prospective standard by evaluating both the content of the standard and the process by which a company is, or would be, certified to it. To do this, the Committee will compare the standard and its certification process to an analytical framework that has been developed by the Board, to ensure that the standard and its certification process satisfy the requirements of Article 11 of the AoA.² Any element of the framework not satisfied by a given standard would, by definition, serve to assist in defining “the additional information relevant to the human rights and humanitarian impact of operations that [the Board] deems necessary for assessing whether a company’s systems and policies meet the requirements of the Code and its readiness to participate in the Association (“Additional Information”).”³

If a standard submitted by a Member for evaluation is considered by the Committee to be consistent with the Code, the Committee will then prepare a Draft Recognition Statement. This statement will reflect the conclusion that the standard meets the requirements of Article 11 of the AoA and will also indicate, based upon the evaluation conducted, the associated Additional Information identified by the Committee. The Draft Recognition Statement will be made available to all Members and Observers for comments, and a deadline will be set for providing such comments to the Secretariat. The Secretariat will compile any and all comments received from Members, Observers, or others and will publish those comments in a manner that is readily accessible to all Members and Observers.

Following the publication of comments to the Draft Recognition Statement, the Board will meet to consider the comments and any additional information that may be available, and will vote on whether or not to accept the standard and publish a Recognition Statement. The Recognition Statement, when

² The analytical framework will be made publicly available on the ICoCA website.

³ See Articles of Association, Art. 11.2.1

published, shall include, at a minimum, (a) a conclusion regarding whether the proposed standard may be used by Members as a pathway to ICoCA Certification, and (b) a final determination as to any Additional Information the Board will require from companies seeking to obtain ICoCA Certification via certification to the proposed standard.

If the Board votes to publish a Recognition Statement, it will be made available to all Members and Observers on the Association's website. Thereafter, Members may present evidence of certification by an independent accredited certification body under the newly-recognized standard as part of their completion of the ICoCA Certification Process.⁴

If a Standard submitted by a Member for evaluation is considered by the Committee not to be consistent with the Code and/or the Articles of Association, the decision will be communicated to the full Board and, if the Board concurs, posted on the ICoCA website. That decision may also take into account practical considerations relating to the ability of the ICoCA to effectively assess the Additional Information associated with a standard. Such a determination will not, however, prevent the Board from considering the standard at some future point, if the Board reverses the determination or if a Member resubmits the standard for evaluation after the standard has been revised.

Certification of Individual Companies

Any Member or prospective Member that wishes to seek ICoCA Certification based on its having achieved certification by an independent accredited certification body to a Board-Recognized standard shall first provide evidence of such certification. Evidence must include, at a minimum, the following:

- The certificate (and any supporting annexes or information) or other document issued by the independent certification body describing the circumstances, including the date of and any conditions or reservations connected with certification;
- Such Additional Information as is stated in the Recognition Statement issued by the ICoCA regarding the applicable standard.

The Secretariat will review the materials submitted by the Member or prospective Member and conduct additional due diligence inquiry, if necessary, to ensure that it (the Secretariat) fully understands the scope and result of the certification obtained, and has fully evaluated the Additional Information submitted by the Member or prospective Member.

The Secretariat will communicate to the Board of Directors a summary of the Member or Prospective Member's certification status, to include (a) the standard to which the Member was certified, (b) the identity of the accredited certification body who conducted the certification audit and confirmation of their independence from the certified company, with supporting information if necessary, (c) the scope of

4. Where applicable to a given standard, an "independent accredited certification body" shall be any auditor or group of auditors who have achieved accreditation from their national accreditation service to certify companies to the proposed standard, provided that their national accreditation service is a member of the International Accreditation Forum (IAF) and its multilateral agreement (MLA). In the event that IAF / MLA organisations are not applicable to a given standard, the Board will define criteria to ensure the competence and independence of external certification bodies.

the certification audit conducted (including a summary of the number and location of sites covered in the certification audit compared to the scope of the Member's operations), (d) a summary of the Secretariat's review of the Additional Information provided, and (e) a recommendation regarding ICoCA Certification ("approve" or "disapproval").

Prior to communicating a recommendation of "disapproval" to the Board, the Secretariat shall have engaged in communications with the Member or prospective Member to discuss and attempt to resolve any concerns or questions that might, if resolved, enable the Secretariat to recommend approval without reservation. In the event the Secretariat recommends "disapproval," the Secretariat will describe to the Board the issues or circumstances that lead to such a recommendation as well as the information or additional steps which, if taken/provided, might lead to a recommendation of approval without reservation.

Following receipt of the above-described information and a recommendation from the Secretariat, the Board will vote on whether to grant ICoCA Certification status to the Member or Prospective Member. Prior to voting, and subject to the ICoCA's policy on the security of confidential information, the Board may request that the Secretariat obtain and provide such additional information or clarification on any issues arising out of the provision of information that the Board believes necessary to properly vote on ICoCA Certification.

If the Board vote confirms that ICoCA Certification is to be awarded to the Member or prospective Member, an ICoCA Certificate will be issued by the Secretariat, signed by the Executive Director and Chairman of the Board of Directors. This ICoCA Certificate will be annotated to detail that ICoCA Certification only applies to the locations and operations audited under the process for certification against the relevant Board recognized standard. Once obtained, ICoCA Certification status will last for three (3) years. Thereafter, the process will be repeated.

Along with communicating the result of the Board vote to the company, the Secretariat may also provide the company with Advisory Comments, which are considerations that the Association recommends the company implements for best practice purposes or, if ICoCA Certification is not awarded, to assist the company in achieving ICoCA Certification in the future. These Advisory Comments will neither affect the ICoCA Certification status of the company, nor be published, but may inform other functions of the Association vis-à-vis that company.