

ICoCA Standard Planning and Operating Procedures (SOPs) for Field-Based Reviews

In accordance with Section VI, Paragraph A of the Article 12 Procedures for Reporting, Monitoring and Assessing Performance (“Article 12 Monitoring Procedures”), “*The Secretariat will develop, and the Board will approve, standard planning and operating processes for Field-Based Review*”.¹ This document thus serves to provide an example of Field-Based Review (“FBR” or “Review”) standard planning and operating procedures for one model of Review. These procedures are those that have been tested by the ICoCA Board and Secretariat as part of the Pilot Field-Based Review in East Africa (July 2016) and subsequent Reviews in Nigeria (August 2017), Iraq (November 2017) and Ghana (June 2018). Over time, the Association may develop and test additional procedures on account of the differing scopes and purposes of such Reviews as set out in the Article 12 Monitoring Procedures.

Review Process

Background

Section VI, Paragraph A of the Article 12 Monitoring Procedures states “*The Executive Director may initiate a Field-Based Review (i) where the review of available information or a human rights risk assessment has identified a need for further monitoring within an area of one or more member companies operations, or (ii) on request from a Member of the Association. The Executive Director’s decision to initiate a Field-Based Review shall be informed by information collected and analyzed by the Secretariat (e.g., through company Self-Assessment Reporting, reports of compliance concerns, received or identified human rights impacts or risk assessments or other sources) and subject to regular and routine Board oversight. Field-Based Review shall be aimed at improving performance or addressing specific compliance concerns.*”

Objectives

In accordance with Articles 12.2.7 and 12.2.8 of the Articles of Association,² ICoCA Member Companies are expected to cooperate in monitoring and performance assessment activities. Member Companies’ cooperation in Field-Based Reviews is invaluable to the Association as it works to oversee and promote compliance with the International Code of Conduct (“ICoC” or “the Code”). The aim of the Review is to gather information directly from the Reviewed Company and its personnel in order to corroborate compliance with the Code and improve

¹ Article 12 Monitoring Procedures are available at: <https://icoca.ch/sites/default/files/uploads/ICoCA-Procedures-Article-12-Monitoring.pdf>

² The Articles of Association are available at: https://icoca.ch/en/articles_of_association#article-12-reporting-monitoring-and-assessing-performance

performance. With the Performance and Compliance Indicators and the related Assessment tools as the guides, the information collected should assist the Association in assessing whether the Company has exercised due diligence in meeting the requirements set out in the Code, and should help to identify gaps in compliance, areas for improved performance or corrective action.

Composition of the Review Team

The Review Team will be primarily composed of staff from the ICoCA Secretariat, who will be responsible for the organisation and implementation of the Field-Based Review. In addition, it may receive support from one or more Members of the ICoCA Board of Directors, external experts and temporary support personnel such as drivers and interpreters. External experts supporting the implementation of the Review will be selected based on their monitoring experience, expertise in the field of international human rights and humanitarian law, and understanding of private security operations in complex environments.

Transparency, Confidentiality and Reasons for Field-Based Review Initiation

In conducting the Review, the Review Team will provide to Reviewed Companies complete visibility of all aspects of the Review process, as well as complete confidentiality. All Members of the Review Team, including external experts and temporary support personnel, will be required to sign a Non-Disclosure Agreement (NDA) regarding the information collected as part of the Review, as well as a declaration that no conflict of interests exists with regard to the Review or the Reviewed Companies. Under the Article 12 Monitoring Procedures, Field-Based Reviews may be initiated by the ICoCA Executive Director in case of an identified need for further monitoring³ or upon request from a Member of the Association. In addition to Field-Based Reviews, the Association may conduct field activities forming part of its capacity-building efforts with Member Companies in their operating environments.⁴ The following procedures only apply to Field-Based Reviews as specifically contemplated under Article 12 Monitoring Procedures.

³ The need for further monitoring within the area of one or more Member Companies' operations might be identified through (non-exhaustive list): the implementation of the ICoCA Remote Monitoring function and the review of publicly available information; the review of Human Rights Risks Assessments submitted by Member Companies as part of the ICoCA Certification application process or through other means; and/or the assessment of human rights concerns related to the operations of one or more ICoCA Member Companies raised by Member civil society organisations, government authorities, international organisations, NGOs and other stakeholders operating in that particular environment.

⁴ In this case, the opportunity to conduct field activities might be identified in accordance with one or more of the following elements (non-exhaustive list): the number of ICoCA Member Companies operating in that specific environment that have yet to obtain third-party or ICoCA Certification; the need to assess obstacles to industry certification; the existence and impact of other initiatives or efforts with a similar security and human rights focus; and/or the loose regulatory framework applicable to the operating environment and the need to raise industry standards.

Risk Assessment and Management

In advance of the Review, the Review Team shall, through desk-based research and consultation with relevant stakeholders, identify and assess all the potential obstacles to the implementation of the Review as well as the possible areas of concern related to the country's political and security situation or human rights record. In doing so, the Review Team shall pay due consideration to any elements suggesting that the implementation of the Review might undermine the work of the Association or affect its public image. As prescribed by the ICoCA Travel Safety and Security Policy, the Review Team shall assess relevant travel security risks and identify the adequate safeguards to adopt in order to ensure safety of staff at all times during the Review implementation process.

Commencing the Review

Subject to the measures set out in the Article 12 Monitoring Procedures and the ICoCA Travel Safety and Security Policy being met, a Review shall be commenced and conducted as follows:

Initial exchange with the Member Company: The Review Team shall engage directly with the Member Company either by phone, email or both to discuss the methodology and modalities of the Review. The methodology and modalities shall be agreed and committed to in writing in advance of the Review.

Document request and retrieval: In order to better inform its understanding of the Company's policies and procedures related to Code implementation, and only in case these policies and procedures have not already been shared with the ICoCA Secretariat as part of the Company Membership or Certification application processes, the Review Team shall request from the Member Company the relevant policies and procedures related to the scope of the Review and the operating environment. Where the focus of the Review is the selection and vetting of personnel, for example, such files may identify and include:

- (1) The number of personnel assigned to the operation;
- (2) The personnel files or appropriate selection and vetting documents for those personnel;
- (3) The Member Company recruitment policy and vetting procedures;
- (4) The names and qualifications of recruiters and the procedures followed;
- (5) The results of such policies and procedures with respect to the personnel at issue; and
- (6) Any potential changes to policy or recent incident reports.

Document review and preparation: Before deploying to the operating environment, the Review Team shall review the relevant files and identify areas of potential compliance concern for further assessment during the in-country portion of the Review. This document review should guide the scope and proposed process for the in-country Review. Where any of the documents described above are unavailable electronically from the Member Company, these gaps should be identified and addressed in-country as part of the Review.

Carrying out the Review

Initial in-country meeting with the Member Company: In all instances, the Review Team will conduct an initial in-country meeting with the Member Company to better understand operational realities and further discuss the scope and process for the Review. Beyond contributing to a contextually and operationally informed reading of the environment, the initial meeting would set out, for example:

- (1) The personnel to be interviewed and the process for conducting the interviews;
- (2) The additional personnel or relevant files to be retrieved and reviewed;
- (3) Any facilities to be visited; and
- (4) Where applicable, notification that third-parties, clients, civil-society organisations, government officials or other stakeholders shall inform the process and findings of the Review.

Personnel interviews: As part of the Review, the Review Team might interview one or more of the following categories of employees:

- (1) Guards;
- (2) Trainers;
- (3) Managers; and
- (4) Administrative or human resource personnel.

Personnel interviews should be objective in nature and should aim to corroborate whether, based on the personnel's own account, the Member Company's policies and procedures are effectively and adequately applied in accordance with the Code. Personnel interviews or the collection of personnel statements should be conducted in a bilateral and confidential way, and in accordance with the guidance established in the Assessment Tool for the Review. The Assessment Tool shall in advance identify the questions to be asked and information to be collected for each Code standard and shall be consistently applied in each interview. The Assessment Tool, although standard in nature, shall be adaptable to the context and Code standard(s) at issue.

Retrieval and review of relevant additional documents: In addition to conducting personnel interviews, the Review Team should request and retrieve any documentation or personnel files which may only be available in-country from the Member Company. Depending on the scope of the Review, such documentation may include, for example:

- (1) Training materials;
- (2) Personnel performance reviews;
- (3) The results of personnel vetting – including criminal background, military service, or driving records; and
- (4) The results of additional or ongoing weapons training.

Closing meeting with the Member Company: At the completion of the interviews and retrieval of additional documentation, in addition to any third-party interviews, a closing meeting shall be conducted between the Review Team and the Member Company to discuss any key findings and recommendations of the Review, to address Member Company concerns, and to set general expectations for subsequent reporting and dialogue between the Association and the Member Company as a result of the Review.

Post-Review Action and Reporting

Post-Review Company Report: Within sixty (60) days of the conclusion of the Review, the Review Team shall draft a confidential Company Report, addressing the findings of the Review and the related recommendations for the Reviewed Company. Recommendations may include, for example, appropriate corrective action(s) and recommendations for improved performance. In drafting the Company Report, the Review Team may ask the Reviewed Company to submit additional information needed to corroborate Review findings, whether this information might not be found in the documentation already retrieved and reviewed.

Post-Review reporting to the Board and the public: The Review Team shall ensure recording and timely reporting to the Board of all the relevant costs arising from the implementation of the Field-Based Review. Following completion of the Review, it shall draft a confidential Internal Report for the ICoCA Secretariat and Board of Directors use only. The Internal Report summarises the background and methodology of the Review, provides an overview of the findings without identifying the Reviewed Company or interviewed personnel and other stakeholders, and details all the relevant costs of the Review. Depending on the nature and scope of the Review, subsequent Reporting may also be appropriate for the public as part of an operational report. Any public reporting would be consistent with reporting required of the Association under the Article 12 Monitoring Procedures in addition to confidentiality and non-disclosure agreements, and would be aimed, generally, at addressing the process and focus of the Review and the identified general trends and outcomes.

Follow-up with the Reviewed Company: The Review Team shall, six (6) months after the transmission of the confidential Company Report, follow-up with the Reviewed Company to discuss whether and how the recommended corrective action(s) has been implemented by the Company and to provide additional guidance on Code implementation as needed.

SOPs Review

These Standard Planning and Operating Procedures shall be reviewed by the ICoCA Secretariat on a regular basis, at least every two years or at shorter intervals as might be needed. Any amendments to the SOPs shall be approved by the ICoCA Board of Directors and the updated version published on the website of the Association.