



NETWORK FOUNDING DOCUMENT

1. NETWORK NAME

Network on Business, Conflict and Human Rights

2. JUSTIFICATION

Research from a number of disciplines and perspectives increasingly examines how companies from various sectors have played a significant role in conflict and systematic repression of human rights around the world. There is nonetheless a lack of transdisciplinary research projects that encompass the dynamics as well as the complex interconnections between the relevant agents of such conflict and repression.

Research projects at the intersection of different disciplines are needed to better understand the different forms of possible business involvement in settings of conflict and repression, as well as the factors that positively or negatively influence prevention and accountability efforts. Such projects are also an appropriate vehicle for informing the emergence of interconnected economic, legal and policy frameworks that allow for more comprehensive responses to such situations.

3. AIM

The Network will bring together researchers, practitioners and NGO representatives from various fields with the aim of researching and analysing the role of business in conflict situations as well as the violations of human and peoples' rights and other social and environmental impacts that such involvement may have. It will also look at the potential role of companies in relation to peace building.

The Network will reflect upon the causes, dynamics and consequences of business involvement in conflict and systematic repression. It will analyse existing or potential responses to such involvement in light of the relevant actors' responsibilities as well as ongoing efforts at the international, regional and domestic levels to develop appropriate norms and responses.

4. MAIN NETWORK ACTIVITIES

There are four main Network activities:

- a. To hold an annual Network meeting;
- b. To share information and pertinent work products through a website by providing information to one another and to the general public about the ongoing work and members' expertise. It will disseminate research outputs and information on ongoing work and other complementary resources, while seeking to maximize synergies with existing on-line resources.

- c. To encourage and support joint research projects among members and/or in collaboration with other organizations; and facilitate and promote individual research projects undertaken by its members.
- d. To carry out other activities such as the organization of conferences, events, courses or seminars or the publication of documents, whether at its own initiative or on request.

Additionally, the Network may participate in the development of the activities of other organizations in line with its own objectives.

5. MAIN RESEARCH AREAS

The Network will focus its initial efforts on two primary areas of research: the *thematic* and the *instrumental*. These will be subject to widening as the research agenda of the Network develops, as agreed by the membership at the annual meeting. Research may have a local, regional, national or global focus, and may include, without being limited to, the following:

A- Thematic areas: The role and responsibilities of companies in conflict situations

1. Business involvement in conflict and systematic repression

- 1.1. The Financing of conflict and repression
- 1.2. The Market in arms and illicit commodities
- 1.3. Control over and exploitation of natural resources
- 1.4. Private military and security companies

2. Accountability and interaction of companies with governments

- 2.1. Voluntary frameworks
- 2.2. Civil, administrative and criminal liability in national and international legal systems
- 2.3. Interaction between regulatory systems
- 2.4. Due diligence in situations of repression and conflict
- 2.5. International sanctions and embargoes
- 2.6. Work towards a binding treaty

3. The Role of business in peace-building and human rights

- 3.1. Building international guidelines through case studies
- 3.2. Public-private partnerships: limits and opportunities
- 3.3. Fostering the role of domestic business communities

B- Instrumental areas: Fostering the interplay between regimes and actors

4. Sharing methodologies

- 4.1. Fostering field-based evidence on a joint basis
- 4.2. Improving synergies in fact-finding, evidence collection and analysis

5. Fostering partnerships

- 5.1. Identifying other initiatives to facilitate cross-fertilisation
- 5.2. Seeking collaboration with researchers/centres in emerging countries
- 5.3. Fostering links with other networks with complementary analyses

5.4. Bringing the academic and NGO communities as well as policy officials together to examine case studies from around the world

5.5. Development of new joint projects

6. WORKING GROUPS

The Network may create standing Working Groups.

A proposal for creation of a working group should be transmitted to the Secretariat and be supported by at least 3 members of the Network, including at least one academic and one NGO member. The proposed group's mandate should be related to one or more of the Network's research areas.

The annual meeting approves the creation and mandate of new working groups, as well as the modification of existing groups' mandates, as the case may be. Between annual meetings, the advisory board may approve the creation of working groups or the modification of their mandate on an interim basis.

Each group will have at least one coordinator, and will be open to all other Network members. Working groups may promote joint projects or activities as appropriate, and will report on their activities at the annual meeting as well as through the web page.

The groups' members will make best efforts to meet in person at least once a year at the annual meeting.

The annual meeting may dissolve an existing working group at the request of the group itself, or on its own motion, notably when the group has been inactive since the previous annual meeting.

7. MEMBERSHIP

Network membership is open to institutions and organisations (independent research centres, university departments or centres, NGOs and think-tanks) as well as individual researchers and experts engaged in research and analysis within the research areas of the Network.

Institutional and organisational members will designate an official representative, but several members of a given institution may be members of the Network on an individual basis.

Subject to provisional approval of their status by the advisory board and final approval at the annual meeting, State representatives may act as observers at the annual meeting.

Applicants for membership should send their request to the Secretariat, which shall transmit it to the advisory board. The board will grant provisional membership to all applications that are consistent with Network objectives and criteria. Provisional and new memberships will be confirmed at the annual meeting.

Members are entitled to participate in the annual meeting, to be informed of and participate in the activities of the Network and its working groups, and to make proposals to the annual meeting and / or the advisory board.

Members are expected to:

- a. Cooperate with the Network to achieve its objectives and, where appropriate, identify themselves publicly as affiliated with the Network;
- b. Participate in the activities of at least one working group;
- c. Share, as much as possible, the results of their research related to the Network activities;
- d. Make best efforts to attend the annual meetings of the Network.

8. GOVERNING BODIES AND OPERATING RULES

The governing bodies of the Network are:

a) Advisory Board

Between the annual meetings, the advisory board will assist the Secretariat in coordinating Network activities and may act in the Network's interests. It will report on its activities at the annual meeting.

Criteria for the composition of the advisory board are to be determined by the annual meeting. The board shall consist of at least seven members and should include academic and NGO members as well as fair gender representation. The board will evolve in terms of geographic representation and thematic balance as the Network develops.

All Network members are eligible for advisory board membership, whether as an institution or in their personal capacity. Board Members shall have a mandate of two years, renewable, with half of the members being elected annually.

b) The Annual meeting

The Network will hold an annual meeting open to all members. The annual meeting is the Network's main decision-making body. Costs related to the participation in the annual meeting are to be borne by each of the participating members, without prejudice to any fund-raising efforts that may be undertaken with a view to organizing the meeting and facilitating participation.

Decisions shall be taken by consensus wherever possible and, in other cases, by simple majority of members present and voting.

The annual meeting will, as appropriate:

- a. Consider membership applications;
- b. Approve the creation of new working groups, modify the mandates of existing working groups, and receive their reports;
- c. Elect the members of the advisory board and receive its reports;
- d. Discuss and decide upon the functioning and development of the Network, including its potential funding, communications activities, research dissemination and coordination with other initiatives;
- e. Provide a forum for members (i) to share the progress and results of their research, (ii) to inform themselves of other relevant research initiatives, and (iii) to identify and develop new research projects;
- f. Establish criteria for the use of the name and logo of the Network;
- g. Identify the organization that will host the Network's Secretariat;
- h. Establish and modify the structure and procedures of the Network through modification of this Founding Document; and
- i. Take any other decisions necessary for the advancement of the Network's objectives.

c) Secretariat

The Secretariat oversees the implementation of decisions taken at the annual meeting. It will be located within the organization appointed by the annual meeting for a renewable period of three years. The organization that hosts the Secretariat will inform the advisory board no later than the beginning of the third year of a give term whether it will be able to continue as Secretariat host for a renewed term.

The International Catalan Institute for Peace assumes the Secretariat for the period 2016-2018 <http://icp.gencat.cat/en/index.html>.

10. WEBSITE AND NETWORK VISIBILITY

The Network will not take a public stand on any current event.

The public profile of the Network and the use of its name and logo will be managed in accordance with criteria adopted at the annual meeting in light of the Network's aims. It will be clearly stated that Network members are free to speak in their own name and that their public statements do not necessarily reflect positions of the Network as such.

The Secretariat is in charge of the website (<http://www.networkbchr.org/>) as well as the publication of an e-newsletter on a periodic basis. The main purpose of the newsletter is to a) share information about the activities of the Network and its members, and b) to strengthen co-operation and co-ordination between members and with other interested parties.

11. FINANCIAL RESOURCES

Whether the Network should be formally constituted as a legal person is a question that may be considered by a future annual meeting if the membership so decides. At such time, the possibility for the Network to receive funds directly (through membership fees, grants or otherwise) will be discussed. In the meantime, the Network will operate by virtue of resources invested in its aims and activities by individual and institutional members.