

***Permanent Mission of Brazil to the United Nations in Geneva***

**Open-ended IGWG to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of the private military and security companies.**

**1st Session - Geneva, 20-24 May 2019**

Mr. President,

Brazil welcomes the first session of the open-ended IGWG to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of the private military and security companies.

We commend the leadership of the delegation of South Africa throughout the six sessions of the open-ended IGWG to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of the private military and security companies.

We also praise the constructive spirit and flexibility of all relevant stakeholders that contributed to the adoption of resolution 36/11, which consensually established this new forum.

Brazil recognizes that the PMSCs do not operate in a legal vacuum and that the Montreux Document provides a compilation of relevant international human rights law and international humanitarian law applicable to their work.

There remains, however, gaps in existing international regulatory framework for the protection and promotion of human rights in the context of activities performed by PMSCs, and render populations in territorial countries in increased vulnerability to human rights abuses.

Brazil is concerned that insufficient clarity and predictability on the regulation of activities by PMSCs lead to an unsatisfactory level of accountability and access to justice and remedies by the victims.

As mentioned in previous sessions, Brazil considers that the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of PMSCs should include:

a) a clear definition of functions which may not be delegated to non-state actors such as direct participation in hostilities, detention, inteligence, law enforcement or questioning of persons deprived of their liberty, including prisoners of war;

b) a prioritization and classification of functions carried out by PMSCs in light of their potential human rights impact;

c) due consideration of the needs of states where PMSCs impact on human rights, such as the so-called "territorial states", in whose territory such

companies mostly operate;

d) the different domains in which such companies function, including cyberspace and the use of unmanned combat aerial vehicles;

e) due consideration of relevant existing international law and initiatives on the issue, binding or non-binding;

We are ready to engage in meaningful discussions and negotiations on substantive issues aiming at confidence building and bridging areas of consensus.

Thank you.