中国代表团在私营军保公司政府间工作组

第一次会议上的一般性发言

（2019年5月20日）

主席女士：

祝贺您当选工作组主席兼报告员。相信在您的领导下，工作组的讨论将取得丰硕成果。感谢秘书处为本届会议付出的辛勤劳动。上一任工作组的会议报告，以及建立私营军保公司活动国际监管框架要素的讨论文件为我们开展框架内容的实质讨论奠定了良好基础，中方对此表示赞赏，并期待本届政府间工作组达成新共识、取得新进展。

中方一贯主张，私营军保公司的活动，应当遵循国际人道法、人权法及有关国家的国内法，并应受到相关国际机制的监督。中方认为，在加强私营军保公司活动监管方面，各国负有首要责任确保公司活动合法合规，相关国内法律和政策的基础性地位应受尊重。

目前关于私营军保公司监管问题有多个国际进程，包括《蒙特勒文件》、《私营军保服务供应商国际行为准则》等。中方认为，这些进程应相互借鉴，相互补充，共同促进私营军保公司根据国际人权法和人道法规则，加强自我约束和规范。中方支持以《蒙特勒文件》为基础加强对私营军保公司自愿性监管，赞赏私营军保公司通过签署《私营安保服务供应商国际行为准则》开展行业自律。包括中国在内的多国民营安保企业加入了“国际行为准则协会”，积极参与私营军事和安保公司的认证、报告、监督和评估等工作。中方将继续积极参与有关进程工作，并愿就此与各方开展国际协调与合作。

中国重视并依法对保安公司及人员活动进行监管，努力完善国内监管法律制度。中国国务院于2009年10月颁布了《保安服务管理条例》，公安部随后颁布了《公安机关实施保安服务管理条例办法》，对保安公司设立资质、保安人员行为规范、国家机关的监督管理以及对保安公司和人员的责任追究等事宜作出了具体规定。近年，中方又制定了《武装守护押运服务安全操作指南》、《国家保安员职业技能标准》等文件，进一步细化了保安服务安全管理的法律制度。

主席女士，

加强私营军保公司国际监管的立法进程已进入新阶段，中方将继续以建设性态度参与有关监管框架内容的讨论，同各方一道，以加强合作、寻求共识的方式解决有关私营军保公司监管不力和问责缺失等问题，公平合理分配私营军保公司的雇佣国、领土国、登记国、公司人员国籍国等各方应承担的责任。中方期待在客观、平衡和广泛听取各方意见的基础上，最大程度地达成共识，尽早为私营军保公司活动建立完善的国际监管框架。

谢谢主席女士。

*(Unofficial Translation)*

**Statement of the Chinese Delegation on Plenary Discussion**

May 20th, 2019

Madame Chair,

Congratulations on your election as Chair-Rapporteur. I believe that, under your capable leadership, this working group will achieve fruitful outcomes. I would also extend my sincere gratitude to the secretariat for their hard work for the preparation of this meeting. The meeting reports of the former working group and the discussion paper on the elements of international regulatory framework have laid a solid foundation for this meeting. China appreciates that, and looks forward to new consensus and progress of this new working group.

China consistently holds that the activities of PMSCs should be regulated under the international humanitarian law, international human rights law and domestic laws of relevant states, as well as be monitored under international mechanisms. China believes that States should bear the primary responsibility of ensuring PMSCs’ act within the law. Domestic laws and policies of States should be respected as fundamental in this process.

There have been several international processes in this regard, including the Montreux Document and the International Code of Conduct for Private Security Service Providers. China holds that these processes should complement each other and together promote the good acts and self-discipline of PMSCs, in accordance with the international human rights law and international humanitarian law. China supports to strengthen the self-regulation of PMSCs on the basis of Montreux document, and appreciates the industry to exercise self-discipline by acceding to the International Code of Conduct. Many PMSCs from different countries, including some Chinese companies, have joined the ICOCA, and actively participated in the work of certifying, reporting, monitoring and assessing of the industry performance. China will continue to participate in the work of relevant process, and we are willing to coordinate and cooperate with all parties.

China attaches great importance to the regulation of security companies and its personnel by law. China has been improving its relevant domestic legislations. The State Council of China adopted *Regulations on the* *Administration of Security Services* in October 2009. Following that, the Ministry of Public Security of China issued *Measures for Implementing the Regulations on the Administration of Security Service by Public Security Organs*, setting detailed regulations on the qualifications of establishing security companies, the code of conduct of personnel, supervisory mechanism of State organs, and the accountability of security companies and personnel. In recent years, China adopted some other instruments including *Safety Operational Guidelines for Armed Guardianship and Escort Services* and *National Standard of Professional Skills for Security Officers,* which further elaborate the regulations on the safety operation of security industry.

Madame Chair,

The legislation process of strengthening international regulations on PMSCs has entered into a new stage, and China will continuously participate in the discussions on the context of the international regulatory framework in a constructive manner. China will work together with all to address the problems of loose regulation and accountability attribution of the PMSCs, and to fairly and reasonably assign the responsibilities of contracting states, territorial states, home states and states of nationality. China looks forward to reaching consensus as much as possible after hearing views of all parties on an objective, balanced and widely-represented basis, so as to establish a sound international regulatory framework at an early date.

Thank you, Madame Chair.