



European Union

UNITED NATIONS

Open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

European Union written contribution

Geneva, 28 June 2021

Introduction

The European Union would like to thank the Open-ended intergovernmental working group mandated to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies, for the opportunity to submit a written contribution.

Contribution of the European Union (EU)

The EU welcomes the fact that the session of 26 – 29 April 2021 took place and the EU will continue to engage constructively in the proceedings of the Open-ended intergovernmental working group mandated to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

The EU is of the view that private military and security companies do not operate in a legal vacuum and that a legal framework exists.

The use of private military and security companies is legitimate and advisable in certain circumstances.

States which have the primary responsibility to regulate PMSCs, including to, inter alia, protect and respect human rights.

Self-regulation can be complimentary.

Private military and security companies have to operate under precise contractual obligations, monitoring and controls. Safeguards and checks have to be in place to prevent excessive use of force. The Montreux Document plays an important role in reaffirming the existing obligations of States under international law, in particular under international human rights law and international humanitarian law, relating to the activities of private military and security companies during armed conflict.

The EU adhered to the Montreux Document as the first regional organisation in 2012 and supports Montreux Document and its universalisation.

The EU continues to be opposed to a legally binding instrument to regulate the activities of private military and security companies.

The EU will carefully assess the content and added value of any possible proposal of a non-binding international regulatory framework to regulate the activities of private military and security companies but its content would need to be in line with international human rights law and international humanitarian law.