

**CONTRIBUTION FROM THE REPUBLIC OF THE PHILIPPINES
TO THE OHCHR CALL FOR SUBMISSION ON 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 (HRC Resolution 45/16)**

In response to OHCHR Note Verbale dated 4 May 2021, the Philippine government is pleased to provide its initial contribution on the Discussion Document on the proposed elements in the elaboration of the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (PMSCs).

This initial contribution is based on the information provided by the Philippines' Department of Interior and Local Government – Bureau of Local Government Supervision (DILG-BLGS), the Armed Forces of the Philippines – Center for Law of Armed Conflict (AFP-CLOAC), and the Philippine National Police-Human Rights Affairs Office (PNP-HRAO).

PMSCs in the Philippines context

- The Philippines has an existing law regulating private security agencies as mandated in Republic Act 5487 otherwise known as the “Private Security Agency Law”.
- Article XVIII, Section 24 of the 1987 Philippine Constitution gave the government a framework to abolish private armies. It provides that private armies and other armed groups not recognized by duly constituted authority shall be dismantled. All paramilitary forces including Civilian Home Defense Forces not consistent with the citizen armed force established in this Constitution, shall be dissolved or, where appropriate, converted into the regular force.
- The Armed Forces of the Philippines does NOT enlist nor hire private military, mercenaries or private security groups in its operations.
- The AFP is stepping up its watch and intensifying its intelligence gathering to prevent regrouping of private armed groups and dismantle existing ones.
- As regards to security companies, the Supervisory Office for Security and Investigation Agencies (SOSIA) of the Philippine National Police administers and supervises the organization, operation, training, business and activities of the private security industry in the Philippines.

Initial Comments to the Discussion Document

We are also pleased to provide specific comments on certain points from the Discussion Document, as follows:

1. Section 6 (b) is proposed to include “in accordance with its own domestic labor laws” as well as a directive to the Home State to ensure that that PMSCs conduct preparatory trainings on human rights law, and applicable international humanitarian law for the final engagement of their personnel to be exported abroad.
2. Section 8 (a) provides that the training of personnel performing military or security services shall be in conformity with national or international law. Clarification is sought whether the national law pertains to the law of the sending State where the PMSCs are located or the law of the receiving State which contracted the services of the PMSCs. In addition, clarification is sought whether the training be accredited by a third body to ensure that it complies with internationally recognized standards.
3. On Section 8 (b) which provides for grievance mechanisms, clarification is sought on which State shall have jurisdiction over violations of PMSCs of human rights laws. Can the contracting parties stipulate and agree on the place of arbitration, and dispute resolution, as well as limit the forum or courts to which the parties may bring potential disputes to?
4. It is proposed that Section 8 include a directive to the PMSCs to ensure full compliance with municipal licensing and domestic incorporation laws. **END.**