

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

Fourth session, 27 April-1 May 2015

**Concluding remarks by Ambassador Abdul S. Minty
Chairperson-Rapporteur**

Excellencies,
Distinguished Delegates,
Ladies and Gentlemen,

A week of detailed and engaged discussions on the regulation, monitoring and oversight of the activities of private military and security companies is behind us. Our discussions have confirmed that the issue under review by this intergovernmental working group has many different facets. I was encouraged by the good level of participation of more than 50 delegations of States and other stakeholders.

Our discussions have been enriched by the presentations delivered by experts, whom I would like to thank for their excellent contributions. In this context, I would like to express my gratitude to the Chairperson of the Working Group on the use of mercenaries for her presentation. I am also grateful for the contributions made by Dr. Stuart Casey-Maslen from an academic perspective, by the Director of Security in Complex Environments Group and by the Under-Secretary-General of the United Nations Department of Safety and Security. I believe that their presentations and the subsequent discussions have helped the working group appreciate and better understand the complexity of the issues involved, including the specificities of sea-based private security activities and the use of private security companies by the United Nations.

I would like to highlight the increased use of PMSCs in various sectors and contexts, both on land and at sea. Specific challenges discussed included: jurisdiction issues linked to “flags of convenience”; weapons storage in the context of “floating armouries” in international waters, including possible circumvention of national laws limiting the import and export of weapons; ensuring that PMSCs respect applicable national legislation; and challenges related to international cooperation in legal matters, in particular mutual legal assistance.

As Chairperson-Rapporteur, I suggested that you consider including the following text as the conclusions and recommendations of the intergovernmental working group (please refer to section V. of the draft report), as requested by the Human Rights Council in its resolution 22/33:

“The intergovernmental working group noted the multi-faceted and diverse issues raised throughout its third and fourth sessions. These included: the distinction between the activities of private military companies and private security companies; measures for registering, licencing and contracting PMSCs; ensuring accountability and provision of assistance and remedies for victims; possibility of an international regulatory framework; specificities of regulating sea-based private security activities; and the use of private security companies by the United Nations. The intergovernmental working group noted the initiatives undertaken by various stakeholders related to those issues, while highlighting the challenges that remain.

Different views were offered as to how to achieve the shared goal of protecting human rights and ensuring accountability for violations and abuses relating to the activities of PMSCs. Some delegations proposed that the intergovernmental working group begin elaborating a legally binding instrument for the regulation, monitoring and oversight of PMSCs, and submitted elements of a draft convention for the consideration of the intergovernmental working group. Other delegations proposed the consideration of the range of options to be explored to further develop an international regulatory framework, including international standards setting and development of guidelines, possibly actions plans or model laws, contract templates based on the Montreux Document, good practices and mutual legal assistance programmes.

Taking account of Human Rights Council resolution 28/7 of 26 March 2015, the intergovernmental working group will continue its work on the above issues and also recommends further consideration of human rights issues related to, inter alia,

- (a) the operation of PMSCs in the maritime context;
- (b) the use of PMSCs by humanitarian actors; and
- (c) access to justice and remedies for victims of violations and abuses linked to the activities of PMSCs.”

I regret that despite the approval by some delegations, the last two paragraphs of this text did not find consensus. This is also reflected in my report.

As already indicated earlier, those delegations wishing to have the concluding remarks they delivered this afternoon included in Annex(es) to the report (reproduced as received and only in the language of submission), should please submit them to the secretariat in electronic format. If you wish so, you may also indicate that your concluding remarks be only uploaded on the IGWG website, and not reproduced as received in an Annex to the report.

The first four sections of the draft report before you attempt to capture the richness of discussions within the strict word limit imposed on us. As indicated earlier, delegations will have two weeks to bring any factual inaccuracies to the attention of the Secretariat before this document is submitted to the Human Rights Council at its 30th session.

All presentations and statements by delegations shared with the Secretariat as well as the UN Security Management System Policy and Guidelines on Armed Private Security Companies have already been uploaded on the OHCHR website. During our meetings, delegations provided very useful updates on relevant legislation, initiatives and other measures taken concerning the regulation, monitoring and oversight of the activities of PMSCs. I would like to reiterate my invitation to all of you to provide the Secretariat any written information you may consider relevant in this context. Information received will be posted on the website in the format and official United Nations language received. I will also continue to invite the International Maritime Organization to cooperate with the working group and provide any information relevant to our work.

In addition, Ms. Karska highlighted that the Working Group on mercenaries welcomes all comments and suggestions from States on its concept note, as it seeks to finalise its proposed new draft convention by the end of 2015. In this regard I would repeat my invitation to all of you that any comments should be forwarded to the Secretariat by the end of May 2015, for transmission to the Working Group on mercenaries.

I understand from the Secretariat that the dates for our fifth session are provisionally reserved from 23 to 27 May 2016. I am looking forward to working with the regional coordinators to

develop a programme of work that strikes a fair balance of everyone's suggestions and expectations.

While this session has shown that differences in opinion continue to persist, I would like to underline the importance of continuing to work together in a constructive and positive manner and would like to thank you all for your cooperation and assistance. I would also like to thank the interpreters as well as the Secretariat for their hard work.