



**European Union**

**UNITED NATIONS**

**HUMAN RIGHTS COUNCIL**

**4<sup>th</sup> session of the 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**

**Concluding remarks by the European Union**

**Geneva, 1 May 2015**

**- CHECK AGAINST DELIVERY -**

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**4<sup>th</sup> session of the 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**

The European Union would like to thank the Chair and the Secretariat for the work in preparation of this session and during the session;

The European Union believes that private security companies need to respect international humanitarian law and international human rights law.

The EU has actively and constructively engaged in the discussion of this Intergovernmental Working Group over the past four years. Several presentations during this session were particularly informative and confirm that this industry is complex, and evolving. The presentations also confirm that many steps have already been taken to prevent abuses, and provide remedy when abuses occur. A range of obligations for States already exists, as well as several processes to set new standards, to elaborate concrete guidance for specific sectors, and to ensure oversight and accountability.

The discussion confirmed the specificities of regulating sea-based private security activities and the need to look into progress made in other fora. It is particularly important not to duplicate the work carried by the International Maritime Organisation (IMO). The IMO has a leading role on this issue

The EU is prepared to consider other options, and has come forward with a set of possible action oriented recommendations to ensure that this Intergovernmental Working Group can progress in its deliberations. The EU would like to share with the plenary its proposed recommendations, as circulated on the third day of this session and presented during the informal consultations on the fourth day.

QUOTE

*“In view of the substantive discussions held during the past sessions of the open-ended inter-governmental working group, and in light of the complexities of the issues, it recommends to the Human Rights Council the following:*

- a) Continuation of the substantive discussions in the intergovernmental working group with the participation of experts and all relevant stakeholders to take stock of progress at the national and international levels – including in widening the support to the Montreux Document and its Forum, and the development of the International Code of Conduct Association - regarding the regulation, monitoring and oversight of the activities of Private Military Security and Private Security Companies;*
- b) Review the implementation of the UN Guiding Principles on Business and Human Rights, with particular emphasis on the third pillar regarding access to remedies, in the case of the activities carried out by Private Military Companies and Private Security Companies;*
- c) Consideration of the range of options to be explored to further develop an international regulatory framework, including international standards setting, development of guidelines, possibly actions plans or model laws, contract templates based on the Montreux Document, good practices and mutual legal assistance programmes;*
- d) Consideration of the tasking of a High Level Group of Legal Experts / the Office of the High Commissioner for Human Rights to prepare a document for consideration at the 5th session to outline the modalities for each possible option, drawing when possible on past experience”. END QUOTE*

The European Union showed willingness to work on a compromise which would have allowed this Intergovernmental Working Group to agree on a set of solid and action oriented recommendations. The EU would like to thank delegations from across regions who offered compromise language, and regrets that other delegations insisted on language which clearly would never allow for consensus. The EU further regrets that some delegations called inter alia for the deletion of the paragraph referring to the implementation of the UN Guiding Principles on Business and Human Rights and in particular to the third pillar on access to remedies. The European Union is committed to the implementation of the UN Guiding Principles on Business and Human Rights and hopes that all States are also committed to their implementation.

Finally, the European Union would like to refer to the important role of civil society organizations and human rights defenders who are actively engaged in this area of work.

I thank you Mr. Chair