**DISCUSSION DOCUMENT: ELEMENTS FOR AN INTERNATIONAL REGULATORY FRAMEWORKON THE REGULATION, MONITORING AND OVERSIGHT OF THE ACTIVITIES OF PRIVATE MILITARY AND SECURITY COMPANIES**

1. ***Definitions and Interpretations***
2. PMSCs
3. PSCs
4. PMCs
5. Complex Environments
6. ***Objectives of the regulatory framework***
7. Ensuring respect for human rights by the private military and security industry operating in complex situations;
8. Ensuring the transparent use of the private security military and industry
9. Ensure that the rights of individuals are not negatively impacted upon by the activities carried out by such private military and security companies
10. ***Principles***
11. Effectiveness, in that they must have a genuine, significant and positive impact on performance, rather than just offering process without substantive change and, to that end, must be based on third party rather than self-regulation;
12. inclusiveness, in that they must impact on the performance of all companies, and not just those companies who are already achieving appropriate standards, although perhaps not in a fully measurable and independently verifiable manner;
13. transparency through robust, independent processes which addresses broader concerns about the integrity of voluntary or self-regulatory systems; and
14. affordability, in that regulation must be proportionate to operational need, and companies should only have to demonstrate conformity with one accepted and recognized standard
15. ***Contracting States***
16. Determine which military/security services the state may not contract for
17. Establish a PSC and PMC procurement process that incorporates an assessment of a company’s capacity to perform services in conformance with the law, including robust criteria for the selection of the company
18. Incorporate requirements into government contracts to ensure respect for national law, human rights law, and applicable international humanitarian law, including providing relevant guidance
19. Monitor and ensure accountability, including through addressing issues of jurisdiction and immunities, for companies operating under a government contract
20. ***Territorial states***
21. Ensure that the private security industry within their jurisdiction is effectively controlled and regulated
22. Determine which services may not be carried out by PMCs and PSCs in their territory
23. Establish a process to grant authorization for the performance of military and security services with robust criteria for licensing
24. Monitor PMCs and PSCs that operate on the states territory
25. ***Home states***
26. Determine which military/security services may not be exported
27. Establish a process to grant authorization for the export of military and security services with robust criteria for licensing
28. Regulate the conduct of PMSCs and personnel
29. Monitor and ensure accountability
30. ***States of nationality***
31. Determine which military/security services may not be performed abroad by nationals of the state;
32. Establish a process to grant authorization for the nationals to perform military and security services abroad, including criteria for licensing;
33. Regulate the conduct of PMSC personnel;
34. Monitor and ensure accountability; and
35. Ensure access to remedy for victims where violations have occurred.
36. The recruitment of its citizens and permanent residents to work for PMSCs without a transparent and fair authorisation process from a designated regulatory authority.
37. ***Private Military and security Companies***
38. Establish and implement compliance mechanism to ensure compliance with national and international law, selection, vetting, and training of personnel performing military/security services;
39. Establish grievance mechanism
40. Supervise and hold accountable PMSC personnel that engage in misconduct.