

## Second Session IGWG 26 April 2021

### **Summary of Panel Presentation by Mr. Jamie Williamson, Executive Director, International Code of Conduct for Private Security Service Providers' Association (ICoCA)**

Update on the work of the International Code of Conduct since its last briefing before the IGWG (New mandate) First session of 20-23 May 2019.

**About ICoCA:** ICoCA is an international multi-stakeholder organisation based in Geneva, Switzerland. Established in 2013, it brings together governments, private security companies, civil society organizations and a range of observers to raise standards in the private security industry and ensure compliance with the international code of conduct for providers of private security services.

#### Membership:

- 7 Governments: UK, US, Switzerland, Norway, Sweden, Australia and Canada
- 42 Civil Society Organisations operating in 19 countries
- 74 PSC Members, with 58 Members operating on land; 8 Members with maritime-based operations; and 8 Members with both maritime and land-based operations.
- 36 Member companies have achieved ICoCA certification.
- 21 PSC Affiliates: 16 Affiliates with land-based operations, 2 with maritime-based operations, 3 with both land and maritime operations
- PSC Members and Affiliates have operations in 78 land locations and 9 maritime locations

Top operational locations: Iraq, Afghanistan, Somalia, Kenya, Nigeria, the Indian Ocean, the Red Sea, Gulf of Aden and Gulf of Guinea.

- 53 Observers: Clients, experts, business entities

**About the Code:** The content of the Code includes key Human Rights and International Humanitarian Law principles and obligations. All private security company members and affiliates must operate in full compliance with the Code of Conduct. Their activities, management, procedures and operations are monitored and verified by ICoCA on an ongoing basis.

In November 2020, the Code of Conduct marked its 10<sup>th</sup> Anniversary. Its ongoing relevance to contemporary issues on PSCs has been validated.

Based on the operational experience of ICoCA acquired since 2016, engagement with key stakeholders and other fora, international, regional and national and experts, and as part of ICoCA's ongoing work on Future Security Trends, it is envisaged to develop new provisions in the Code to address evolving issues relevant to the human rights, IHL and the private security industry.

Areas under consideration include new technologies, cyber, corruption, maritime security, gender and weapons and ammunitions.

**An Implementation Mechanism:** Through its work, ICoCA has been recognised as a pragmatic and important compliance mechanism for States in the implementation of their International Humanitarian Law and Human rights obligations as contained in the Montreux Document and the UN Guiding Principles on Business and Human Rights.

The work of ICoCA is also seen as a critical element in recent national and regional initiatives to develop mandatory human rights due diligence in those supply chains where private security is a component.

**Maintain the distinction:** As part of any process to define any national or international regulatory and accountability gaps, it is important to maintain a clear understanding and distinction between various non-state private actors operating in high risk, complex and conflict environments. As has been witnessed in contexts such as Mozambique, Libya, CAR and Syria, there has been a growth in the reliance on private non-state actors to carry out a range of activities, giving rise to a complexity of issues and concerns. These actors include mercenaries, private military contractors and private security companies, each offering its own set of specific issues under international law. Not sufficiently distinguishing between these actors as part of regulatory initiatives runs the risk of undermining existing norms of international law and weakening any accountability and compliance efforts.

#### **Compliance and Capacity Building:**

ICoCA works closely with Private security companies to ensure that they understand and fully integrate the Code of Conduct into all aspects of their operations, leadership, culture, management and training. To date ICoCA has focussed on developing specific guidance and training for private security companies on Grievance mechanism and access to remedy, Prevention of Sexual Exploitation and Abuse, Human Trafficking, Modern Slavery, Corruption, Weapons and Ammunition management and Human Rights Impact Due Diligence.

A core responsibility of ICoCA is the monitoring, certification and oversight of private security companies, to increase transparency within the industry, identify human rights and humanitarian law violations and risks.

Through its core activities, which includes certification, in-country and remote monitoring, a mandatory reporting and handling of complaints, ICoCA strives to ensure that all affiliate and members companies operate in full compliance with the Code of Conduct and that standards are raised within the security industry.

ICoCA's bilateral, pragmatic and substantive engagement with key stakeholders has led to positive change in a range of contexts including in Iraq, South Sudan, Somalia, Haiti, Kenya, Tanzania, the Democratic Republic of Congo, Nigeria and Peru, yielding important improvements in an array of issues.

**Shared Responsibility:** ICoCA welcomes greater cooperation and engagement with States as regulators and clients of private military contractors and private security companies to strengthen accountability for any violations of humanitarian law and human rights abuses by any private non-state actors. ICoCA, as an international multi-stakeholder association, offers a tested and operational mechanism for States to ensure respect for human rights, humanitarian law and relevant national legal frameworks by private security companies, their sub-contractors and clients.