

COMMENTS OF ARGENTINA ON THE REVISED THIRD DRAFT INSTRUMENT ON AN INTERNATIONAL REGULATORY FRAMEWORK ON THE REGULATION, MONITORING OF AND OVERSIGHT OVER THE ACTIVITIES OF PRIVATE MILITARY AND SECURITY COMPANIES

PP4: for us it is important to keep the wording “IN ALL CIRCUMSTANCES” in relation to International Humanitarian Law.

Moreover, we request to keep the reference to “AND ENSURE RESPECT” in relation to International Humanitarian Law.

PP8: we request the deletion of the word “SOME” in relation to Private Military and Security Companies because it generates ambiguity in the text.

PP9: we prefer the mention to “WITHIN THEIR CAPACITY” instead of “WITHIN ITS POWER” along the text if these mentions are retained. However, we agree with several delegations in the deletion of this kind of references. These comments apply also to PP12.

ART 1, C: we suggest including the following wording (in capital letters) in the forth line:

“Military and security services include, in particular BUT NOT LIMITED TO, (...)”

ART. 5, 3:

Within this item, we would like to incorporate the following idea: “PMSCs must regularly test that their personnel are in appropriate psychological conditions to perform their tasks”

We are flexible on how to incorporate this language. One proposal could be to add a new subitem under Art 5, 3 which could read:

“REGULAR EVALUATIONS TO TEST THAT THEIR PERSONNEL ARE IN APPROPRIATE PSYCHOLOGICAL CONDITIONS TO PERFORM THEIR TASKS”

ART. 5, 3, (e)

We request to add at the final of the paragraph, after “violent crime”, the following: “AND PERSONNEL WHO WERE DISCHARGED FROM ARMED/POLICE FORCES DUE TO SERIOUS ACTS OF INDISCIPLINE”.

ART. 6, A

We request to keep the reference to “ENSURE RESPECT” in relation to International Humans Right Law and International Humanitarian Law.

ART. 10, 2

We request to keep the reference to Article 4 (3) in order to specify the offences mentioned in this paragraph.

ART. 11, 1 (b)

In the case that the second part of the paragraph is kept (the part which currently is bracketed), we suggest to and the following (in capital letters):

“Prohibit any transfer to Private Military and Security Companies and their personnel or subcontractors of weapons WHICH USE, ACQUISITION OR TRANSFER is prohibited under (...)”

ART. 11, 3

We suggest to keep both options in this paragraph since they address different issues.

ART. 13, 1

We suggest to specify the reference to “alleged crimes”. In this respect, we suggest either to include “CRIMES PROVIDED FOR IN ART 4(3)” or to include “CRIMES PROVIDED FOR IN THIS INSTRUMENT AND INTERNATIONAL LAW”.

ART. 20

We request to delete the reference to “AND OTHER UNITED NATIONS MEMBER STATES” since they are not the Parties that will decide on the amendments.