

Remarks of Dr. Jovana Jezdimirovic Ranito
Member of the Working Group on the Use of Mercenaries

Fifth session of the Open-ended intergovernmental working group to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies

15 April 2024

Mr. Chairperson,

Ladies and Gentleman,

Dear Colleagues,

On behalf of the Working Group on the use of mercenaries, I would like to thank the Chairmanship of **South Africa** and the secretariat for convening and organizing the fifth session of the IGWG on PMSC. I would also like to thank you for inviting us to contribute to the discussion on the future instrument.

I have the honor to share this statement on behalf of the Working Group on the use of mercenaries.

The Working Group on the use of mercenaries welcomes the Third Revised Draft. We appreciate the extensive work that has gone into its creation, nevertheless, I would like to address few concerns toward improvement of the instrument.

The Third Revised Draft propose non-binding instrument. As the Working Group has been consistently highlighting, the instrument should be legally binding if we are to achieve the effective regulation of PMSCs.

We have always valued the national efforts, the ICoC/ICoCA, the Montreux Document, and other initiatives aimed at fortifying regulation in the PMSC sector. Nonetheless, year after year, our country visits, thematic reports, and communication highlight the necessity of a stronger legislative framework to regulate PMSCs. PMSCs have a remarkable ability to quickly adjust to changing circumstances, customer needs, and obstacles. They also evolve quickly. The issues we face in the modern PMSC contexts—like the harm done to the environment, particularly to people's rights to self-determination, interactions with non-state actors, climate change, and migration, to mention a few—are not addressed by the voluntary frameworks that are currently in place.

For these reasons, the WG believes that only clear legal norms contained in an international legally binding instrument on PMSC can guide States in their use, recruitment, authorization and licensing of PMSCs.

We appreciate the addition of aspects regarding gender sensitivity, accountability measures, and intersectorial awareness. But in our opinion, those would benefit more clarity and allow for more loophole exploitation by PMSC operations. Furthermore, we believe that the current proposal still does not address preventive measures.

We welcome the opportunity to engage constructively with this process during this session and in the future. Chair, delegates, colleagues, thank you for your kind attention.