



PERMANENT MISSION OF NORWAY

Norwegian statement in the 4th meeting of the Intergovernmental Working Group for Private Military and Security Companies

Mr. Chairman,

Let me start by saying that Norway appreciates this opportunity to discuss the very important topic of how to adequately regulate the activities of PMSCs. The increasing use of PMSCs and the possible risks this entail obviously warrant the attention of the international community.

From our perspective, it is imperative that the activities of PMSCs are properly regulated. However, Norway would caution against discussing this issue with the exclusive goal of elaborating a legally binding instrument. Rather, the Working Group should also consider other ways of regulating the activities of PMSCs.

There are many reasons for this. One reason is the mechanisms that have been put in place relatively recently, notably the Montreux-document and the ICoC and its Association. Although it is unrealistic to assume that these initiatives by themselves can solve the issue before us, they represent important contributions that should be given time to operate and prove their impact.

Further, as has been mentioned both by both experts and other delegations, it is not clear whether it is appropriate to devise a single instrument that seeks to regulate all kinds of PMSCs as the activities they perform are anything but homogeneous.

However, due to the complexity of the issue at hand and the fact that reaching consensus on all pertinent legal areas seems premature as well as other concerns previously mentioned, we wish to reiterate that the Working Group should adopt a broad approach so that we maintain flexibility on what means should be employed to regulate the activities of PMSCs.

Mr. Chairman,

Let me turn to the regulation of the private security sector in Norway. The private security sector in Norway is regulated by a 2001 act on private security companies, which was subject to substantive changes in 2011. The purpose of the Act is to ensure the rights of individuals who are handled by representatives of private security companies, ensure a high quality of services, ensure sufficient control and oversight over such businesses and to ensure that private security companies only operate within the parameters of the Act itself. The act applies to private security companies operating on Norwegian territory.

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The Act establishes strict and detailed rules governing private security companies, including clarification that such companies may not use any other form of force than that which is available to the general population (i.e. self-defence or to hold the person for a very limited time awaiting the arrival of the police). Private security companies must call on the assistance of the police where use of force beyond legitimate self-defence is required. Permission to run private security companies may be withdrawn if individuals tied to the company have violated the act in a severe manner or repeatedly. The act also stipulates requirements relating to who may be hired as a security guard, education, use of uniforms and identification of security guards.

As regards newer developments in this sector, we are pleased to add that Norway became a member of the ICoC Association in early 2014. Together with the International Code of Conduct for Private Security Providers (ICOC) and the Montreux document, we believe that the ICOC Association can be significant in ensuring that private security companies in complex environments respect international law standards as well as in improving oversight and accountability of these companies.

As regards regulation of security companies at sea, we would like to add that the use of private security companies on board ships registered in Norway is not regulated by the Act on private security companies, but by Regulation 972 / 2004 on Ship Security. Particular rules governing ship owners' use of private security companies were included in the regulation in 2011.

The regulation does not provide requirements directed towards the security companies themselves. Rather, it addresses the responsibilities of ship owners of informing Norwegian authorities when and why use of private security services are required, providing an assessment of the company in question including its internal recruitment and training procedures, its regulations on use of arms etc.

Ship owners are required to emphasise IMO Guidelines in the selection and use of private security guards on board. Norwegian authorities have the competency to decide that certain private security companies may not be used by Norwegian ship owners. The regulation also stipulates when armed guards may be used, how weapons are to be stored on board and procedures for the use of armed weapons.

In 2011, Regulation 904/ 2009 Relative to Arms was supplemented with a provision regulating the circumstances under which ships registered in Norway may store arms on board on behalf of private security companies. Such storage is only allowed for the objective of protecting the ship against acts of terror or piracy, and requires permission granted by Norwegian police. Only ships certified under the ISPS-regulations of the IMO may be granted such permission, and the permission is only valid when sailing in, to or from certain geographic areas.

This regulation is also followed by reporting requirements, including to the Norwegian National Criminal Investigation Service if there is reason to believe that the use of force has resulted in personal injury or death.

Thank you.