

**Statement by H.E. Abdul S. Minty,
Chairperson-Rapporteur of the open-ended intergovernmental working group to
consider the possibility of elaborating an international regulatory framework on the
regulation, monitoring and oversight of the activities of private military and security
companies**

30th session of the Human Rights Council

17 September 2015

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Excellencies,

Ladies and Gentlemen,

I have the honour to present to you, pursuant to Human Rights Council resolution 22/33, the activities and recommendations of the open-ended intergovernmental working group to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies.

Over the course of its work so far, the intergovernmental working group has addressed a range of issues and challenges relating to the effective regulation of the activities of private military and security companies. During the third session from 21 to 25 July 2014, delegations reaffirmed the shared goal of protecting human rights and ensuring accountability for violations and abuses related to the activities of private military and security companies. There was widespread agreement about gaps in the current regulatory framework, not least because only very few States have specific legislation on private military and security companies. Efforts to ensure regulation through voluntary self-regulatory mechanisms were still being rolled out.

The fourth session, which took place from 27 April to 1 May 2015, confirmed that the issue under review by the intergovernmental working group has many different facets. I was encouraged by the good level of participation by more than 50 delegations from States and other stakeholders. Our discussions were enriched by excellent presentations delivered by experts, including the Chairperson of the Working Group on the use of mercenaries on the

use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination; by the Under-Secretary-General of the United Nations Department of Safety and Security; by the Director of Security in Complex Environments Group; and by a senior researcher in international law. I believe that their participation contributed meaningfully to the subsequent discussions and deliberations by the intergovernmental working group on the complexity of the issues.

The intergovernmental working group, at the end of its 4th session, adopted conclusions and recommendations, in which it (quote) “noted the multi-faceted and diverse issues raised throughout its third and fourth sessions. These included: the distinction between the activities of private military companies and private security companies; measures for registering, licencing and contracting private military and security companies; ensuring accountability and provision of assistance and remedies for victims; possibility of an international regulatory framework; specificities of regulating sea-based private security activities; and the use of private security companies by the United Nations. The intergovernmental working group noted the initiatives undertaken by various stakeholders related to those issues, while highlighting the challenges that remain. The intergovernmental working group will continue its work on the above-mentioned issues and also recommends further consideration of related human rights issues.” (unquote)

The report to the Human Rights Council also includes language that I had suggested, as Chairperson of the intergovernmental working group (A/HRC/30/47, para. 77), for consideration by the intergovernmental working group in the adoption of its conclusions and recommendations. Despite the approval by some delegations, this additional language ultimately did not find consensus. As requested, the report also reproduces the concluding remarks of the European Union (in annex II) and of the African Group (in annex III).

While the fourth session has shown that differences in opinion continue to persist, I would like to underline the importance of continuing to work together in a constructive and positive manner, and would like to thank everyone for their cooperation and assistance.

The fifth session of the intergovernmental working group, pursuant to Human Rights Council resolution 28/7, has been scheduled to take place from 23 to 27 May 2016. I am looking forward to working with the regional coordinators to develop a programme of work that strikes a fair balance between everyone’s suggestions and expectations.

Many thanks for your kind attention.