**UN Forum on Business and Human Rights 2014 December 3, 2014**

**Overseeing Private Security Operations in Complex Environments: Putting the International Code of Conduct for Private Security Service Providers into Practice**

**Concept note**

**Background:**

The recent decade has seen an unprecedented rise in the provision of private security services, be it in providing security for private property or persons in most countries of the world, in supporting State armed forces in armed conflicts, or in protecting vessels against piracy attacks. Especially in environments where the rule of law has been undermined, private security companies are playing an important role in offering security services to a broad range of clients, such as states, humanitarian organizations and extractive companies. At the same time, when providing such services private security companies can also negatively impact the human rights of persons affected by their operations. In many countries concerns have been raised about abuses committed by private security forces in connection with protection of business operations.

The transparent and inclusive multi-stakeholder process that led to the adoption of the ‘International Code of Conduct for Private Security Service Providers (the ICoC) in 2010, and to the ‘Articles of Association’ for the International Code of Conduct for Private Security Service Providers’ Association (ICoCA) in 2013, aims to raise standards for the provision of private security in complex environments. The ICoC provides concrete human rights and international humanitarian law based principles as well as management requirements that private security companies should comply with. Within the ICoCA, governments, private security companies, and civil society organizations cooperate to ensure effective implementation of the ICoC and responsible provision of security services in complex environments.

The ICoC Association was developed by a multi-stakeholder process, and will continue to work accordingly while ensuring its governance and oversight functions. The Association is led by a multi-stakeholder Board of Directors with equal representation by the three stakeholder communities. This entails a continued need for dialogue and cooperation between all stakeholders involved at the important stage of giving teeth to its multi-stakeholder Association, when developing procedures for the certification and monitoring of companies on how they implement the provisions of the ICoC, as well as receiving complaint on alleged violations of the ICoC. Continuous open dialogue with the three pillar represented in the ICoCA and the clients of private security services are pivotal in achieving this.

**Objective and issues for discussion:**

The panel aims to shed light on the multistakeholder governance structure and operations of the ICoC Association. The panel members, coming from different stakeholders participating in the process, will analyze what the roles and objectives of the different stakeholder pillars in participating in this initiative are. They will clarifyi t the benefits of active membership of the ICoC Association from each perspective. At the same time, they will explain how this initiative is aiming to implement and oversee implementation of human rights based principles within companies’ operation in complex environments through monitoring and the establishment of a process to address complaints. Additionally, the panel will lay out the perspective of the clients of security services, and how they can positively influence the provision of services along human right principles. Finally, linkage with other initiatives will be analyzed.

**Guiding questions for the panel:**

* In what way will the multi-stakeholder structure of the ICoCA contribute to the development of effective and balanced oversight of the private security industry?
* What good practices and lessons learned can be drawn from this process, having set up a multi-stakeholder structure to oversee implementation of a set of principles, *in casu* the ICoC, specifying human rights principles for private companies?
* What are the main drivers for each pillar to participate in this initiative:
  + How has this process strengthened their role in PSC oversight?
  + How do the three pillars– corporate, government, and NGO – work together in the Initiative?
  + How is the client perspective included and taken aboard in the initiative?
* What are the main functions of the ICoCA and how will they be implemented?
* How can the participation and support of the clients of security services be ensured? What advantages can be identified for participation in this initiative for client companies which wish to raise standards by which contracted private security is delivered?
* What linkages and potential overlap / mutual reinforcement can be identified with other business and human rights initiative such as the Voluntary Principles on Security and Human Rights or the UN Guiding Principles?
  + In what ways does the implementation of the ICoC support companies comply with the Voluntary Principles?
  + In what ways does the implementation of the ICoC support governments and companies comply with the UN Guiding Principles?

**Format:**

4 panelists:

* Speakers:
* Rémy Friedmann, chair of the ICoCA Board of Directors, Senior Advisor at the desk for human security and business in the Human Security Division of the Swiss Federal Department of Foreign Affairs
* Alan Donohue, Board member of the ICoCA, Vice-President of International Legal Affairs for Triple Canopy
* Aly Sagne, Board member of the ICoCA, Lumière Synergie Développement
* Andrew Orsmond, Executive Director of the ICoCA

Possible commentator from a client company and from the UN Working Group on Business and Human Rights ?

Possible facilitator