

4th 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

Opening Statement by the United Kingdom

17-21 April 2023

Thank you Chair.

We would like to thank the Chair for convening this fourth session of the working group and for the invitation to contribute to the revised text of the proposed international regulatory framework relating to the activities of private military and security companies.

PMSCs can be local or global entities, employed by States, the UN, NGOs and businesses operating in conflict and non-conflict settings. The majority of services provided by these companies positively contribute to the security of businesses and society.

Over recent years, the private security industry has increased in number, scope and functions. The UK recognises that despite the **significant growth of the industry**, approaches to domestic regulation have been ad hoc and do not always fully consider the risks of human rights abuses relating to activities of some PMSCs. The UK has implemented legislation to ensure comprehensive domestic regulation of the security industry. But this is not the case across all States. Nor have the majority of States signed up to existing international PMSC instruments.

The UK remains concerned by reports of alleged human rights violations and abuses related to activities of some PMSCs and their personnel. Furthermore, the unlawful activities of some non-State actors seemingly operating as PMSCs and involved in conflicts across the globe are alarming and creates further impetus to ensure the effective regulation, accountability and oversight of the sector. We strongly support efforts to ensure that States fully discharge their respective obligations by ensuring that PMSCs operate in a manner fully compatible with international human rights and international humanitarian law, where applicable.

We support an instrument that encourages States to establish and implement comprehensive domestic laws and frameworks to regulate and monitor PMSCs. A UN instrument has the potential to address this objective and contribute to strengthening standards and oversight of PMSCs, in conjunction with existing mechanisms. Whilst we support the development of an instrument to regulate PMSCs, we do not underestimate the challenges in coming to a consensus on the scope, detail and form of such an instrument.

While we continue to consider certain aspects of the draft, we do see **particular value** in areas of the instrument relevant to international cooperation and welcome the opportunity to bring clarity and a common understanding in this area. We

welcome further dialogue and engagement with States, within this working group and beyond, in order to build consensus. On form, we believe that a non-binding instrument will better respond to the fast-changing landscape of the PMSC industry.

From the UK's perspective, it is also essential that this draft instrument is formulated in such a way that it is **complementary to and builds on existing instruments** related to the monitoring and regulation of activities of PMSCs. The Montreux Document and the International Code of Conduct can assist in providing a framework for setting professional standards, monitoring and regulating of private military and security company's activity. These instruments should be kept at the forefront of delegations minds throughout these negotiations.

As with all negotiations, **process** and substance hold equal importance. Unfortunately, the intended next steps for this instrument remain unclear. We look forward to discussions at this session on the proposed plan for taking this instrument forward. In particular, clarification on when and how a decision will be made on whether the instrument will be binding or non-binding.

We remain open to constructive dialogue and look forward to engaging in meaningful discussions to seek areas of consensus in the development of the proposed instrument.

Thank you