



European Union

UNITED NATIONS

Open-ended intergovernmental working group to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (Human Rights Council resolution 36/11)

EU written contribution

Geneva, 30 August 2019

The European Union would like to thank the Chairperson-Rapporteur and the Secretariat for their invitation to submit written contributions, as per the draft summary report of the first session of IGWG adopted on 23 May 2019 and in line with the operative paragraph 4 of the resolution 36/11 on the discussion document on elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies (PMSCs), addressed to Governments, civil society, industry, and other stakeholders with relevant expertise. The European Union would like to contribute as follows:

The EU will continue to engage actively and constructively in this process as per past practice.

The EU believes that PMSC's must respect international humanitarian law and international human rights law and that the discussions on regulating PMSC's must be human rights focused in accordance with the new mandate while ensuring respect for applicable international humanitarian law.

The industry is a service provider to public and private sector clients and it supports diplomatic, commercial and humanitarian activity in complex environments around the world. In this regard the EU strongly supports the implementation of the UN Guiding Principles on Business and Human Rights, which also apply to private military and security companies.

While States have the primary responsibility regarding the regulation of PMSC's, self-regulation is complimentary and it is considered good practice if PMSC's have signed up to the International Code of Conduct (ICoC).

PMSC's have to operate under precise contractual obligations, monitoring and controls. Safeguards and checks have to be in place to prevent excessive use of force.

The EU favours further universalization of the membership of the Montreux Document as it clearly outlines existing legal obligations and reaffirms that PMSC's do not operate in a vacuum. The EU promotes a multi-faceted approach and believes that the full range of options should be considered which includes building on existing international frameworks and strengthening domestic laws.