

UK SUBMISSION TO THE UN 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

1. The United Kingdom (UK) remains committed to raising standards in the global private security industry. It is important that private security providers are able to continue to support diplomatic, commercial and humanitarian activity in complex environments around the world. The UK considers full compliance with the International Code of Conduct for Private Security Providers, and recognition of that compliance by State and non-State clients, to be the most practical means of delivering this aim.
2. Well-established rules of international law apply to States in their relations with Private Security Companies (PSCs) and their operation during armed conflict, particularly under international humanitarian law and human rights law. The Montreux Document recalls those existing legal obligations and sets out recommended good practice.
3. The UK agrees with the definition of PMSCs as described within the Montreux Document and the definitions of PSCs and complex environments as described within the International Code of Conduct for Private Security Service Providers.
4. The use of professional standards provides assurance that PSCs are recruiting, training and deploying personnel in a manner which minimises the risk of human rights abuses, or exacerbating the drivers of conflicts. Standards also level the playing field globally so that PSCs that work to high standards cannot be undercut by PSCs offering a lower standard service at a cheaper price.
5. Raising standards in the private security industry is of particular interest to the UK Government. The UK is a home state, with many market-leading PSCs based in the UK. It is also a contracting state, using PSCs to protect specific work around the world, for example in High Commissions and Embassies. Many UK-based companies and NGOs use PSCs in their work globally.
6. The UK has supported the introduction of voluntary professional standards for PSCs working on land or at sea in complex or high-risk environments, against which PSCs can be certified by independent third party auditors. At the national level, these standards are ISO 18788 (for land-based PSCs) and ISO 28007 (for maritime PSCs). The United Kingdom Accreditation Service accredits auditors for these standards (there are four) and is a signatory to the International Accreditation Forum Multilateral Agreement.
7. The UK Government works with the special interest group, the Security in Complex Environments (SCEG), on the transparent regulation of Private Security and Maritime companies, which operate in this sector. Membership of the SCEG is open to all UK-based PSCs, which have signed the International Code of Conduct on regulation for Private Security Providers.
8. SCEG members are expected to be compliant with applicable legislation, regulations and principles. At the international level, this includes the UN Guiding Principles on Business and Human Rights, the Voluntary Principles on Security and Human Rights, the International Code of Conduct, and the Montreux Document. Domestically, this includes the UK Bribery Act, the UK Counter Terrorism and Security Act and the Modern Slavery Act. SCEG Companies have to show they have achieved internationally accredited certification or intend within 2 years of joining SCEG to be certified against relevant operational standards including PSC1, ISO 18788 and ISO 28007.

9. At the international level, the UK played a leading role in the drafting of the International Code of Conduct for Private Security Providers (ICoC), and the launch of its oversight mechanism, the ICoC Association (ICoCA), in 2013.
10. The UK encourages all states, companies and NGOs that contract PSCs to recognise certification standards in their contracting processes. The UK also encourages Montreux Document signatory states to join the ICoCA.
11. The UK believes that the ICoCA oversight mechanism together with the ICoC's principles and provisions, reinforced by certification by accredited, independent certifying bodies, offers a solution that is proactive and preventative rather than reactive. It upholds and promotes the highest standards in the PSC sector and allows the industry to conduct business effectively.
12. All contracts with PSCs to provide security services to the UK Government's platform overseas include the requirement for the services to be delivered in accordance with ICoC, Montreux Document and the standards which flow from them e.g. ISO 18788 and ISO 28007.
13. In the domestic context, the UK Security Industry Authority, set up under the Private Security Industry Act 2001, is the organisation responsible for regulating the private security industry by, for example, operating a licensing regime for individual security operatives and a voluntary approvals scheme for security businesses.
14. The Department of Transport has issued Interim Guidance to UK flagged shipping on the use of armed guards to defend against the threat of piracy in exceptional circumstances.
15. PSCs are governed by criminal law. Prosecutorial authorities in the UK are also able to prosecute UK citizens for certain crimes such as murder and sexual abuse of children committed overseas.
16. More generally in UK legislation, the International Criminal Court Act 2001 provides jurisdiction to prosecute acts of genocide, war crimes (including grave breaches of the Geneva Conventions) and crimes against humanity committed by UK nationals either in or outside the United Kingdom, or acts committed on the territory of the United Kingdom.
17. Negotiating a new treaty under the auspices of the UN would likely be a lengthy process. Given the rapid growth of the private security industry, the voluntary route offered by the ICoC is the most effective way of raising standards quickly in an international industry.