First session of the open-ended intergovernmental working group mandated 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

23–27 May 2011
Geneva
Palais des Nations, Room XX
Industry growth

- 2001 - 2005 worldwide rates ranged 8% and 9%, which implies an increase twice more rapid than total of the world economy.

- In Latin America, the PMSC growth 11% in the last fifteen years.

- G4S the second largest employer around the world.
  - Small Arms Survey research notes March 2011
PSCs in Latin America appear to be more armed than in other regions.

A survey of the industry in Europe reveals that the proportion of PSC personnel that is authorized to be armed:

- 40% in Bulgaria,
- 25% in Slovenia, Spain and Turkey,
- below 10% in Croatia, Germany and Sweden*

* Smalls Arms Survey
<table>
<thead>
<tr>
<th>Location or company</th>
<th>Total PSC personnel PSC</th>
<th>Firearms</th>
<th>Firearms per PSC personnel</th>
</tr>
</thead>
<tbody>
<tr>
<td>Russian Federation</td>
<td>800,000</td>
<td>116,000</td>
<td>0.15</td>
</tr>
<tr>
<td>Brazil</td>
<td>570,000</td>
<td>301,526</td>
<td>0.53</td>
</tr>
<tr>
<td>South Africa</td>
<td>248,025</td>
<td>58,981</td>
<td>0.24</td>
</tr>
<tr>
<td>Colombia</td>
<td>120,000</td>
<td>82,283</td>
<td>0.69</td>
</tr>
<tr>
<td>Angola</td>
<td>35,715</td>
<td>12,087</td>
<td>0.34</td>
</tr>
<tr>
<td>Serbia</td>
<td>28,000</td>
<td>2,395</td>
<td>0.09</td>
</tr>
<tr>
<td>El Salvador</td>
<td>21,146</td>
<td>18,125</td>
<td>0.86</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>19,710</td>
<td>6,799</td>
<td>0.34</td>
</tr>
<tr>
<td>Costa Rica</td>
<td>19,558</td>
<td>8,884</td>
<td>0.45</td>
</tr>
<tr>
<td>Bosnia and Herzegovina</td>
<td>4,207</td>
<td>1,075</td>
<td>0.26</td>
</tr>
<tr>
<td>Albania</td>
<td>4,093</td>
<td>938</td>
<td>0.23</td>
</tr>
<tr>
<td>35 PSCs in Afghanistan</td>
<td>1,431</td>
<td>4,968</td>
<td>3.47</td>
</tr>
</tbody>
</table>
Ecuador

- 2005:
  - Security guards (official register): 40,368
  - National Police: 42,610

- Growth rate of PSC (Superintendence of Companies)
  - 1990: 54
  - 1995: 163
  - 2006: 849
  - 40% without register

- LUCIA DAMMERT, Marzo, 2008, OEA
Brazil:
- 431,600 Private Security guards
- 411,900 Police forces
- The number of PSC is 35% more than Brazilian Army (320,400)

Peru
- 1,932 Companies
- 50,000 Private Security guards
- 90,093 Police forces

LUCIA DAMMERT, Marzo, 2008, OEA

Control and Regulation of Private Security Companies in Latin America and The Caribbean: a comparative analysis. UN-LIREC
Colombia

- June 2009:
  - 3392 PSC
  - 507 PSC waiting for registration
- 1994 - 2007: Industry growth 360% (15% per year)
- The earnings of the sector:
  - three times more than hotel industry
  - twice superior than banana and
  - 1.2 than flowers industry

- Colombian Bill of Law on PSC, 2009
A new non state actor

- Replace the national police forces
- Frontiers control
- Control and managing of jails
- Control of social protest
- Control of natural resources
- Intervention in environmental disasters
- CMSP's use in UN humanitarian operations, other intergovernmental organisms and NGO’s
- Humanitarian scenes: Presence like humanitarian actors in zones of natural catastrophes and scenes of humanitarian action
- Fights to sea piracy
PMSC operating in Latin America and the Caribbean

- PMSC’s presence in control of geostrategic zones (mining, water, forest)
- North American contractors operating in the control of military Latin-American bases
- Contracting personnel of Latin-American countries to be employed at scenes of armed conflict (Iraq, Afghanistan) and other scenarios (Saudi Arabia)
- Privatization of the citizen security
National Legislation

- The kind of security services that security companies can offer
- Establish competences of PSC in relation to the national Police
- Ensure that PSC in the exercise of the functions respect human rights
- Vetting and training of private guards including respect to HR and IHL and the appropriate use of force
National Legislation

- Establish or design a national authority to oversee the activities carried out by PSC Implement and appropriate and effective licensing system including the use of arms
- Establish a system of accountability for sanction prohibited activities and provide adequate penalties, including juridical persons
Colombians in Saudi Arabia

THE PAPER TRAIL A collection of documents about the secret army includes recruits' permits. Some details have been obscured.
Why and international legal binding instrument?

- The impact that its actions on the civil society when they act in war zones, conflict or post-conflict zones
- Its interference and intervention in civil actions, principally in the control of natural resources, natural disasters or humanitarian crises, and
- Violations to the labor law of its employees
Why and international legal binding instrument?

- The transnational operations of PMC and PSC and the difficulty to establish proper jurisdiction (National legislations in not sufficient)

- Government’s agreements that confer immunity to contractors
The Draft Convention

- Legally binding instrument with obligations for the States and IO parties
- Elaborated in the framework of the United Nations and part of the IHRL
- Committee on the Regulation, Oversight and Monitoring of PMSCs with possibility of receiving allegations, establishing justice and repairing victims
- Define clearly PMC and PSC
The UN Convention

- Main international instrument, complementary with:
  - National legislation
  - Regional instruments
  - Soft Law: Montreux Document
  - Code of Conducts
Military services

- Refers to specialized services related to military actions including strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operations of any type, manned or unmanned, satellite surveillance, any kind of knowledge transfer with military applications, material and technical support to armed forces and other related activities;
Security services

- Refers to armed guarding or protection of buildings, installations, property and people, any kind of knowledge transfer with security and policing applications, development and implementation of informational security measures and other related activities