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**Open-ended intergovernmental working group 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**

Third session

Geneva, 21–25 July 2014

Summary of the third session of the open-ended intergovernmental working group 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

Chairperson-Rapporteur: Abdul S. Minty (South Africa)

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I. Introduction

1. The Human Rights Council decided in its resolution 15/26, of 1 October 2010, to establish an open-ended intergovernmental working group with the mandate to consider the possibility of elaborating an international regulatory framework, including, *inter alia*, the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies (PMSCs), including their accountability, taking into consideration the principles, main elements and draft text as proposed by the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination.

2. The first and second sessions of the working group were held from 23 to 27 May 2011 and from 13 to 17 August 2012, respectively. The report of the intergovernmental working group on its second session, including conclusions and recommendations, is contained in document A/HRC/22/41.

3. In its resolution 22/33 of 19 April 2013, the Council extended the mandate of the working group for a further period of two years, in order for it to undertake and fulfil the mandate as outlined in paragraph 77 of its report on its second session (A/HRC/22/41).

4. The third session of the working group, initially scheduled for 9 to 13 December 2013, was rescheduled to 21 to 25 July 2014, owing to the passing of Nelson Mandela. The session was opened by Bacre Ndiaye of the Office of the United Nations High Commissioner for Human Rights (OHCHR). Mr. Ndiaye recalled that several issues had emerged during the second session that required further analysis and discussion, including distinctions between different types of activities of PMSCs and the contexts in which they operated; national legislation and practices on the registration, licensing and contracting of PMSCs; issues of accountability and the right to an effective remedy for victims. Mr. Ndiaye underscored that it was essential, from a human rights perspective, to ensure that there was no protection gap and no impunity, including where PMSCs operated transnationally.

II. Organization of the session

A. Election of the Chairperson-Rapporteur

5. At its first meeting, on 21 July 2014, the working group elected Abdul S. Minty (South Africa), as its Chairperson-Rapporteur.

B. Attendance

6. Representatives of the following States attended the meetings of the third session: Algeria, Angola, Argentina, Austria, Australia, Bolivia (Plurinational State of), Brazil, Burundi, Cambodia, Canada, Chad, Chile, China, Colombia, Cuba, the Czech Republic, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guatemala, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Japan, Jordan, Luxembourg, Libya, Madagascar, Mali, Mexico, Morocco, Mozambique, Namibia, Niger, Pakistan, the Republic of Korea, the Russian Federation, Saudi Arabia, Senegal, South Africa, South Sudan, Spain, Sri Lanka, the Sudan, Switzerland, Syrian Arab Republic, Thailand, Tunisia, United Arab Emirates, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Venezuela (Bolivarian Republic of).

7. The African Union, the European Union and the United Nations Department for Safety and Security (UNDSS) also took participated in the meetings.

8. The following non-governmental organizations were represented: the Coalition for the Control of Private Military and Security Companies (Control PMSCs), the International Commission of Jurists and the International Fellowship for Reconciliation.

9. The following experts were invited to give presentations and participate as resource persons: Patricia Arias, Chairperson-Rapporteur of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (Working Group on the use of mercenaries); Patricia Feeney, Rights and Accountability in Development; Sabelo Gumede, South Africa Private Security Industry Regulatory Authority; Christopher Kinsey, King's College London; Sorcha MacLeod, University of Sheffield; Mehari Taddele Maru; and Natalino Ronzitti, LUISS University. The International Committee of the Red Cross (ICRC) and the Centre for the Democratic Control of Armed Forces were also invited to give presentations and participate in the session.

C. Documentation

10. The working group had before it the following documents:

- Provisional agenda (A/HRC/WG.10/3/1 and Add.1);
- Provisional programme of work;
- Report on the second session of the working group (A/HRC/22/41).

D. Organization of the session

11. In his introductory remarks, the Chairperson-Rapporteur noted the need to build on progress made during the first two sessions and work towards consensus, as had been done before. Recognizing the complex nature of the issues involved, he was nevertheless encouraged by the general agreement on the need to regulate the activities of PMSCs. He urged States to build on the earlier work done, engage in constructive interaction, develop a progressive framework and make collective progress. He said that the working group should consider whether private military and private security companies should be treated as one entity or separate entities, given that they were usually engaged in different types of activities. He underlined the importance of bridging the differences regarding which activities of PMSCs to regulate and how. He also highlighted the challenge of regulating, monitoring and ensuring effective oversight of the extraterritorial activities of PMSCs, including their accountability for human rights violations and access to remedies for victims.

12. At its first meeting of the present session, on 21 July 2014, the working group adopted its agenda and the provisional programme of work. Some delegations expressed concern that no representative of the private security industry had been invited to participate as an expert, and regretted the absence of such a key stakeholder from the session. The Chairperson recalled that an industry representative had been invited to participate in the second session and was welcome to participate in the present session, either as an independent stakeholder or member of a delegation.

13. Some delegations expressed continued concern about the negative human rights impact of the activities of PMSCs and the importance of ensuring adequate protection against human rights abuses and violations of international humanitarian law. It was noted

that PMSCs often operated in armed conflict contexts or in areas with limited government control. The scope of the activities of PMSCs had become increasingly broad and complex, and included conflict-related activities, the use of lethal force and detention. One delegation expressed concern that PMSCs served as covert military reserves and were deployed abroad.

14. Pakistan made reference to the vast growth of the private military and security industry over the last decades. Moreover, technological advances had made possible the remote participation of PSMCs personnel in armed conflict, for example, through the operation of unmanned aerial vehicles (“drones”) or surveillance technology.

15. Some delegations stated that the current framework of national legislation and industry self-regulation failed to adequately address the complexity of the problem and did not provide sufficient protection against abuses. Challenges raised included the collection and sharing of evidence between States; the extradition of suspects, which depended on the cooperation of other States; issues of extraterritorial jurisdiction; and the lack of effective remedies and accountability, including corporate accountability. An international legally binding instrument could fill such gaps; contribute to standard-setting; and improve the monitoring and oversight of the industry, challenges which could not be addressed by non-binding guiding principles and good practices alone.

16. Other delegations, while acknowledging the need for regulation and accountability, noted that PMSCs fulfilled important functions, including in the protection of humanitarian actors. They recalled the important achievements and progress made in the context of self-regulatory, voluntary and independent initiatives. Those included the growing support for the Montreux Document¹ and the International Code of Conduct for Private Security Service Providers (ICoC),² as well as the launch of an oversight mechanism of the Code to certify companies and receive complaints about violations. Some delegations referred to the Guiding Principles on Business and Human Rights³ and the OHCHR-led consultations on corporate liability for gross human rights abuses.

17. The delegations further underscored that States could significantly improve protection through national legal and policy frameworks. Some delegations highlighted laws and policies regarding the registration, licensing, contracting screening, selection, training and oversight of PMSCs.

18. Some delegations supported the development of good practices and model laws in those areas, coupled with focus on enforcing existing national laws.

19. Some delegations took the view that the development of an international legally binding instrument risked becoming a lengthy process, with potentially impractical outcomes and a low level of State ratification. They felt that improving self-regulation mechanisms and national regulation might be more efficient. Due to the diversity of PMSCs and their activities, a “one-size-fits-all” approach to international regulation would not be suitable.

¹ Montreux document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict (A/63/467-S/2008/636, annex).

² International Code of Conduct for Private Security Service Providers, opened for signature on 9 November 2010. Available from <http://www.icoc-ppsp.org/>.

³ See OHCHR, *Guiding principles on business and human rights: Implementing the United Nations “Protect, Respect and Remedy” framework* (New York and Geneva, 2011).

III. Updates since the second session

20. The second meeting of the third session focused on updates since the second session.

21. Patricia Arias noted that there were regulatory gaps at all levels. At the international level, there was no specific legal obligation on States to regulate and monitor the activities of PMSCs, hold those in breach of human rights accountable and provide effective remedies to victims. Due to the absence of minimum international legal standards, regulation of PMSCs at national level was inconsistent and frequently inadequate, and often failed to address the transnational nature of PMSCs. Self-regulatory initiatives were welcome, but had limitations. The ICoC and its oversight mechanism did not foresee an effective complaints mechanism resulting in accountability and effective remedies for victims of human rights violations. Nor did they adequately provide for field audits to certify that PMSCs complied with the Code. The combination of the existing international legal framework, self-regulatory initiatives and domestic legislation was unable to fill the gaps, which suggested the need for an international legal instrument.

22. The Geneva Centre for the Democratic Control of Armed Forces provided an update on the ICoC. Complementary to national judicial systems, the Code translated existing principles into rules and was intended to apply particularly when the rule of law and national judicial oversight were inadequate. The number of signatories to the Code had grown to over 700 companies, since its conclusion in 2010. In September 2013, an International Code of Conduct for Private Military and Security Companies Association was launched. Companies that wished to become members must submit to its oversight; merely signing up to the ICoC would no longer suffice. The Association would ensure certification, monitoring and a complaints procedure; the relevant procedures were still being developed.

23. Updating on the Montreux Document, the ICRC considered that progress had been made since its adoption five years ago, including due to the role of the ICRC in raising awareness of the rules applicable to the operations of PMSCs. The Montreux+5 conference, held in December 2013, identified the need to promote further support for the Montreux Document and to focus efforts on its implementation. The Montreux Document Forum should be launched by the end of 2014 to encourage and facilitate further outreach and endorsement of the Montreux Document. Further efforts should focus on ensuring effective implementation of the Montreux Document and the international law underlying it. The various initiatives were complementary as all sought adherence to international humanitarian law and international human rights law.

24. Some delegations welcomed the progress made. One delegation noted that a seminar had been organized in Senegal, as part of a series of seminars to promote adherence to the Montreux Document, and a similar seminar would be held for Anglophone Africa in 2015. Other delegations felt that efforts should focus on strengthening compliance with the ICoC and the Montreux Document. Some referred to laws and government contracting policies that required PMSCs to sign and adhere to the Code. One delegation mentioned that the Code was not a self-regulatory initiative as it had a multi-stakeholder approach that included governments and civil society.

25. Other delegations found that self-regulation was not sufficient and that there was need to work towards drafting binding legal instruments to fill existing regulatory gaps. There was a particular need for effective international and national laws allowing States to monitor, investigate and prosecute in cases of serious violations of human rights and international humanitarian law. Some delegations suggested that the implementation of the ICoC should have the support of a more independent and effective control mechanism.

IV. Consideration of the human rights aspects of specific topics

A. Distinction between the activities of private military companies and private security companies

26. The third meeting of the third session focused on the distinction between the activities of private military companies and private security companies as well as other possible activities relevant to this issue.

27. Noting that some Western governments had long used PMSCs for military and foreign policy purposes, Christopher Kinsey categorized the services provided by PMSCs, notably, troop support service contractors that provided a range of support services without using weapons or engaging in security functions; system support service contractors, who maintained weapons systems and information technology; and armed security protection service contractors, who provided armed security for convoys, facilities, high-profile individuals and contractor activities. Other activities involving PMSCs included interrogation, detention and military or police training, functions which many considered to be inherently governmental in nature. The drivers for increased reliance on PMSCs included a focus on efficiency and market competition; military focus on core functions; defence posture; rapid technological change; and economic and political imperatives. To be effective, an international instrument would need to distinguish between different support services. A step-by-step approach might be the best way to achieve a successful regulatory framework.

28. Sabelo Gumedze highlighted the absence of universally agreed definitions of private security companies and private military companies. That presented challenges in terms of what activities could be attributed to each. He recommended focusing on the functions of an entity and noted the importance of context, as services were performed by PMSCs both in peacetime and armed conflict. Guidance could be drawn from various texts, including article 3 of the draft of a possible convention on private military and security companies (A/HRC/15/25, annex), as well as article 9 of the Montreux Document. Mr. Gumedze provided examples from the legal framework and experience in South Africa on the registration of private security companies and the authorization of extraterritorial activities of private military companies.

29. Some delegations highlighted the wide range of activities that PMSCs performed. One delegation underlined the importance of distinguishing between private security companies, private military companies and mercenaries, and proposed that work be focused on private security companies. Some delegations suggested that instead of attempting to categorize companies as either security or military, a better approach might be to consider the specific service, function or activity that the company carried out, as well as the circumstances within which it operated. Others suggested identifying the services of PMSCs which might be particularly susceptible to human rights abuses, as the focus of this working group is accountability under international human rights law. In terms of the applicable legal framework, the importance of distinguishing contexts, in particular peacetime and armed conflict situations, was underscored. Further consideration would have to be given to determine which companies, services or functions could potentially be covered under one international instrument. A non-governmental participant proposed a comprehensive definition of PMSCs.

B. Registering, licensing and contracting private military and security companies

30. Participants in the third meeting of the session also reviewed all measures, including existing national legislation, for registering, licensing and contracting private military and security companies.

31. Sorcha MacLeod noted that while self-regulation had evolved considerably, there had been only limited regulatory development at the national level. A review of regulatory frameworks in 78 States suggested that the vast majority of States had very little regulation containing specific references to human rights. Ms. MacLeod identified six national approaches: (i) no specific regulation; (ii) legislation coupled with regulation through contractual standards; (iii) legislation on the authorization of extra-territorial activities; (iv) legislation on the authorization of internal activities; (v) legislation on licensing to operate; and (vi) a policy-based approach. Regulation must consider all types of clients of PMSCs, including States, corporations and NGOs, and access to non-judicial remedies was important. She advocated for an integrated “smart mix” of regulation, noting that this would only be effective if it included access to remedies and effective oversight of self-regulation mechanisms.

32. Mehari Taddele Maru highlighted the increasing number of PMSCs, the range of their services and the number of countries in which they operated. He noted an overall increase in reports of human rights violations associated with the activities of PMSCs. Those developments raised questions about the legitimacy of the private use of force, the capacity of States to effectively control their territory and the issue of accountability. He highlighted challenges to ensuring accountability, noting that the activities of PMSCs affected individuals in countries which were disadvantaged and least able to ensure access to effective remedies, owing, *inter alia*, to weak regulatory and enforcement mechanisms. There were shortcomings in the governance of the activities of PMSCs, including a focus of national legislation on domestic providers; weaknesses in national regulatory and enforcement mechanisms; reactive, *ad hoc* and fragmented industry self-regulation; regulatory approaches that treated PMSCs like any other commercial activity; and voluntary non-binding international initiatives. An international instrument, building on existing international law and reflecting elements that could be identified across existing national legislation, would fill an important legal gap in the governance of PMSCs and provide a normative and institutional framework. Furthermore, model national laws could be developed and consideration be given to the development of regional conventions.

33. UNDSS indicated that use of armed private security by the United Nations, as a last resort, was prompted by the evolving global security environment; increasing demands to be present in dangerous places; and undeterred will of the organization to operate in high-risk environments to save lives and promote peace, human rights and development. The United Nations limited the use of armed private security to the guarding of United Nations premises and mobile escorts carrying out critical lifesaving activities or human rights and development programmes. Private security was only used, after extensive consultation, where no basic security could be provided by the host Government or other Member States. United Nations policies on accountability and collaboration with the host Government on security matters were an integral part of its approach to the use of armed private security.

34. Switzerland presented legislation that its Parliament had adopted in 2013. Once implemented, the legislation intended, *inter alia*, to deny authorization to Swiss-based companies to engage in activities that would constitute direct participation in hostilities or contribute to human rights violations.

35. South Africa provided details on its regulatory framework, making particular reference to the extraterritorial reach of its legislation and difficulties in receiving necessary information from other jurisdictions for enforcement purposes.

36. The United States of America reported on its contracting requirements and its export control regulations. Those included forms of licensing and registration.

37. China recalled information that it had provided previously on its national legislation to regulate domestic private security companies. It emphasized the usefulness of national legislation, but was not opposed to discussing an international instrument, in particular for extraterritorial activities of PMSCs.

38. Some delegations expressed interest in sharing good practices, with one delegation expressing interest in the provisions that other States used when contracting PSMCs, so as to prevent human rights abuses. Some delegations noted the different experiences of States and international organizations in contracting PMSCs and regulating their activities, and highlighted the usefulness of domestic regulatory efforts, while noting the challenges presented by the extraterritorial nature of many of the activities of PMSCs.

39. Some delegations noted the lack of uniformity in legislation at national level and suggested that an international legal instrument could establish key elements to be reflected in all national legislation, including specific human rights criteria. One delegation noted that the duty to regulate PSMCs derived from States' obligation to protect against human rights abuses by third parties.

C. Accountability, assistance and remedies for victims

40. The fourth meeting of the present session focused on accountability and the provision of appropriate assistance and remedies for victims.

41. Presenting concrete examples from different regions, Patricia Feeney illustrated the difficulties that victims of human rights abuses committed by private security personnel experienced when trying to secure remedies. Those included the lack of capacity or unwillingness of host States to conduct criminal investigations; the cost of filing claims; and the difficulty in securing legal representation. She also highlighted the imbalances between parties, in terms of their financial resources, access to information and expertise, as well as instances of intimidation of claimants. Voluntary complaints procedures and remedy programmes could be problematic, as companies could use them to block or avoid legal action, including criminal prosecutions. Regarding voluntary self-regulation, she said that it was crucial that effective complaints mechanisms and remedies be adopted, implemented and overseen seriously. Ms. Feeney emphasized that the balance should be shifted in favour of victims and that resources should be spent on self-regulatory initiatives instead of being used to enable victims to obtain justice for abuses suffered.

42. Some delegations referred to specific avenues for greater accountability of PMSCs. The European Union flagged its "Brussels I" Regulation, which provided European courts with jurisdiction on certain extraterritorial civil disputes. The United States of America listed specific legislation that it had enacted to provide for greater accountability, including legislation ensuring extraterritorial criminal jurisdiction for certain abuses committed by contractors. It also made use of various contractual remedies and debarment from tender in response to violations by security contractors.

43. One expert drew attention to possibilities for obtaining redress before regional human rights courts, noting that in cases that implicated PMSCs, there was often dual attribution of responsibility to the company and to the State. He recalled, however, that many hurdles remained, including the principle of sovereign immunity or political

exception doctrines under domestic law. One delegation noted that there was a difference between providing jurisdiction and ensuring access to justice, highlighting the high cost of procedures and the unavailability of legal aid, as examples of the obstacles faced by victims. Cooperation between States was essential, and an instrument facilitating cooperation in the specific area of PMSCs should be considered.

44. Another delegation stated that, as regards accountability measures, significant gaps persisted. Many national laws did not provide for extraterritorial jurisdiction to hold PMSCs and their personnel criminally responsible for serious violations committed abroad, and existing legislation was often limited in scope, reach and applicability. Instances of civil compensation for victims of extraterritorial misconduct of PMSCs remained exceptional. Gaps or weaknesses in legislation, as well as weak or ineffective judicial systems presented challenges to the effective prosecution of serious abuses by contractors. Immunity clauses in status of forces agreements and diplomatic agreements had led to accountability gaps. A stronger role for national human rights commissions had to be considered.

D. Possibility of an international regulatory framework

45. During the fifth meeting of the session, the working group considered the possibility of an international regulatory framework, including the option of elaborating a legally binding instrument as well as other approaches and strategies, including international standards, and the way in which they might interact to protect human rights.

46. Mehari Taddele Maru outlined gaps in the governance of the activities of PMSCs. International humanitarian law would cover only a narrow range of armed conflict-specific activities, while international human rights law did not provide specific provisions to address concerns related to potential capacities and actual activities of PMSCs. He highlighted discrepancies in the interpretation of existing legal provisions and noted that self-regulation through adherence to guiding principles did not provide victims with either claimable rights or legal standing. Jurisdictional and procedural challenges and a lack of capacity on the part of some territorial States presented further impediments to accountability. Those gaps could be filled through model laws for national legislation, regional instruments and a treaty at the international level. An international treaty, which constituted the highest source in international law, would fill a normative, institutional and procedural gap; transform existing soft law principles into treaty provisions; consolidate and reinforce existing inadequate and scattered laws; provide a distinctively tailored instrument for the governance of PMSCs; clarify rights for victims to claim and establish mechanisms for redress; establish clear lines of responsibility and accountability; and ensure a human rights-based approach. In response to concerns that universal ratification might not be reached, Mr. Maru underscored that experience showed that a treaty initially ratified by some states could gradually achieve universal ratification.

47. Natalino Ronzitti focused his presentation on the use of privately contracted security personnel at sea, noting that the Montreux Document and the ICoC were primarily concerned with PMSCs operating on land, and thus left gaps with regard to sea-based operations. Such gaps related to the use of force in self-defence; the capture and custody of pirates and robbers at sea; transport of weapons; and human rights abuses committed by PMSCs. A number of international bodies and institutions had addressed some of those issues and some regulation already existed. However, the regulation was considered incomplete. Those gaps could be addressed through a new treaty or through soft law instruments. A soft law instrument, depending on the nature of the body adopting it and the level of support enjoyed, could gradually crystallize into binding customary international law. The international community had to decide whether to adopt one single regulatory

instrument for armed security personnel acting both on land and at sea, or two separate instruments. If the preference was to adopt a single instrument regulating the activities of PMSCs, it should at least include a section dealing with armed private personnel at sea. In response to concerns expressed about weapons arsenals that PMSCs maintained on ships on the high seas, Mr. Ronzitti confirmed that such ships were only under the jurisdiction of their flag State.

48. Some delegations emphasized that they shared a common goal: prevention of violations and provision of adequate protection against human rights abuses committed by PMSCs. However, significant disagreement remained regarding what types of regulatory efforts were most effective to achieve that goal. Some delegations considered that insufficient consensus had been reached to start developing a binding international instrument. Other delegations suggested that, at its next session, the working group should focus on streamlining elements for the elaboration of a legally binding instrument and further considering the draft of a possible convention on private military and security companies prepared by the Working Group on the use of mercenaries (see A/HRC/15/25, annex) in that regard. On that matter, it was recommended that input be sought from States before the next session.

49. Some delegations considered that self-regulatory initiatives were positive steps, but should be complemented by a carefully elaborated legally binding international instrument. The mere existence of non-binding instruments should not preclude the development of a complementary binding instrument. It was not necessary to wait for a full assessment of self-regulatory initiatives before starting to define the added value of a binding instrument. Some delegations identified the following areas as possible starting points for discussion: activities that should not be outsourced or deemed problematic from a human rights perspective; key elements for national regulation, including licensing, monitoring and oversight, accountability and remedies; extraterritoriality and the issue of enforcement; judicial assistance between States, including collection of evidence and extradition. Some delegations emphasized that they favoured continued dialogue regarding a binding instrument or other international approaches. Such dialogue should focus on specific issues and have wide international support.

50. Other delegations opposed a legally binding international instrument, as they felt that such instrument would result in a one-size-fits-all approach, which was considered unsuitable given the inherent complexity of the matter and the lack of agreed definitions. Given recent progress through self-regulation and national legislation, it was premature to assess such initiatives as insufficient. Those delegations maintained that patchy national legislation could be addressed by an increased focus on strengthening national-level approaches, e.g. through the development of model laws, and that protection gaps resulting from a lack of implementation of existing norms could be addressed through additional guidance for States or increased international cooperation. They felt that no sufficient consensus was reached to develop a legally binding international instrument and that only a universally agreed convention would obtain sufficient ratifications. PMSCs could easily evade norms that did not have global reach by relocating to another jurisdiction. Some delegations supported continued international discussion on issues such as procurement, licensing and registration, export requirements, including through the exchange of good practices and national approaches leading to strengthened international cooperation on such issues.

51. Some delegations noted that, for the working group to achieve broadly supported results, it should follow a multi-stakeholder approach in future discussions, including civil society, the private security industry and other United Nations entities working on similar issues. In response, one delegation emphasized respect for the intergovernmental nature of the process. Some delegations also considered the ongoing work of the Working Group on

the use of mercenaries as highly relevant, in particular the planned update of the draft convention on PMSCs. It was also suggested that the working group closely examine national certification processes and the relevant work of the International Organization for Standardization.

V. Concluding remarks

52. In his concluding remarks, the Chair noted that discussions reaffirmed the shared goal of protecting human rights and ensuring accountability for violations and abuses relating to the activities of PMSCs. There was widespread agreement about gaps in the current regulatory framework, not least because only very few States have specific legislation on PMSCs. Efforts to ensure regulation through voluntary self-regulatory mechanisms were still being rolled out. The question remained whether and how they could ensure effective remedies for victims and accountability on the part of perpetrators, in particular regarding the most serious human rights abuses. He emphasized that the issue of PMSCs had many different facets. The specificities of regulating sea-based private security activities and specific challenges emerged from the discussions relating to PMSC activities that were transnational in nature or had to do with military and conflict contexts.

53. The delegations welcomed the constructive dialogue during the session and thanked the Chair for his organization and leadership.
