



## **STATEMENT DELIVERED BY SOUTH AFRICA**

### **4<sup>th</sup> SESSION OF OEIGWG ON PMSCs**

**27 APRIL 2015**

Chairperson,

South Africa aligns itself with the statement read by Algeria on behalf of the African Group.

PMSCs operate in a framework where there are serious impunity gaps and there are no norms and standards in international human rights and humanitarian law regulating their transnational activities. The Montreux document and the ICoC are voluntary and self-regulating. It has been established without doubt that the PMSCs violate human rights, often with impunity. National and regional legislation where it exists is not adequate to provide adequate protection, adequate remedies and zero tolerance to impunities.

Chairperson,

The IHL constitutes customary international law, but its enforcement rests with the ICC and national jurisdiction. IHL does not represent compensation for the victims of violations of PMSCs.

Given the above, it is imperative and desirable the norms and standards be elaborated in international law, particularly in IHL and IHRL with the following objectives:

- (a) Define the PMSCs; and
- (b) Hold them accountable in IHL and IHRL for the grave violations of human rights, which should be criminalised.

The new instrument required for that purpose should ensure complementarities between national and regional mechanisms, particularly in the area of combatting impunity and effective punishment. The penalties imposed in this respect and the remedies should be commensurate with the scale of violations committed. The instrument required must have mechanisms for recourse in the cases of violations. Such mechanisms would include (a) a Committee on the Regulation, Oversight and Monitoring of PMSCs; (b) to set up an enquiry procedure and complaint procedure; and (c) to set up reporting mechanisms on compliance with new norms and standards in international human rights and humanitarian law by the PMSCs.

I thank you.