

**United Nations Human Rights Council
24th Regular Session, 9 to 27 September 2013
Agenda Item 3**

ICJ Oral Statement in the Interactive Dialogue with the Working Group on use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

THE NEED FOR BETTER REGULATION OF PRIVATE MILITARY AND SECURITY COMPANIES IN NATIONAL AND INTERNATIONAL LAW

10 September 2013

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Members of the Working Group on use of mercenaries,

The International Commission of Jurists (ICJ) expresses its appreciation to the Working Group for its annual report and addenda on its missions to Somalia and Honduras. The ICJ congratulates the Working Group for its work during the last year, and welcomes its efforts to assess national legal frameworks and identify good practices.

As regards phase one of the study on legislative approaches on Private Military and Security Companies (PMSCs), the Report finds a wide divergence among the 13 English-speaking African countries studied. Only one State has legislation on the export of military or security services (paragraph 37). While some other States have laws on private security services, none of them has a dedicated body responsible for licensing, regulation and monitoring of PMSCs (paragraph 42).

The ICJ concurs with the conclusion of the Working Group that a legally binding international regulatory instrument is needed to help ensure that PMSCs respect human rights and are held to account for any abuses of human rights that do occur.

The ICJ also agrees that States whose laws allow PMSCs to use firearms without an adequate legal and regulatory framework, contribute to the human rights abuses that frequently result.

In its report on Somalia (A/HRC/24/45/Add.2) the Working Group expresses concern at the threat posed by an influx of PMSCs in the absence of adequate regulations and controls. The ICJ calls on States, relevant IGOs and civil society to cooperate in assisting Somalia to adopt effective regulations and monitoring mechanisms.

Finally the ICJ encourages the Working Group to publish the national laws of the concerned countries in its online collection, and to submit additional detailed information and analysis to the Open Ended Working Group on a possible international regulatory framework for PMSCs. The ICJ further suggests that the Working Group also focus in future phases of its study, on the availability, accessibility and effectiveness of accountability and redress mechanisms, including judicial mechanisms, in national laws.

I thank you.

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