



WORKING GROUP ON THE INTERNATIONAL CODE OF CONDUCT ASSOCIATION

18TH OF NOVEMBER 2020, ONLINE

CHAIR'S SUMMARY

1. INTRODUCTION

The 13th exchange of the Working Group on the International Code of Conduct Association (ICoCA Working Group) was attended by Montreux Document Participants, the co-Chairs of the Montreux Document Forum, Switzerland and the ICRC, the Montreux Document Forum Secretariat, DCAF, as well as the Executive Director and the Chairman of the Board of Directors of the International Code of Conduct Association (ICoCA). The meeting was conducted in an online format, which facilitated the participation of several State representatives from capital.

2. OPENING STATEMENT BY THE CHAIR OF THE ICOCA WORKING GROUP

During the opening remarks, Mr. Phillip Riblett, representing the United States of America as the Chair of the ICoCA Working Group, noted that the reform of MDF Working Practices could constitute an opportunity to consider the format of future meetings and the issues to be discussed within the ICoCA Working Group. The Chair encouraged Montreux Document participants to put forward proposals and ideas for future work of the ICoCA Working Group.

3. COMMENTS BY THE ICOCA CHAIRMAN OF THE BOARD OF DIRECTORS

The Chairman of the Board of Directors of ICoCA, Mr. Frédéric Chenais, provided an opening statement to participants. The Chairman acknowledged the importance of the presence of private security companies (PSCs) in several aspects of work and daily life. The Chairman noted that governments are increasingly calling on private security services to oversee the activities abroad or to ensure the security of embassies or cooperation offices and staff, who

work in fragile contexts. Also, more governments are mandating PSCs to support them in managing migration to ensure border security or to manage facilities for asylum seekers. In this regard, Mr. Chenais stressed that it is of paramount importance that governments respect human rights. In order to do so, he underlined mandating member companies of the ICoCA as a good way of achieving this objective.

Moreover, other actors, like civil society organizations (CSOs) and international organizations, contract PSCs to ensure the smooth running of humanitarian processes or aid programs. And finally, companies, especially multinationals, use PSCs to ensure the security of their activities. The Chairman underlined the importance of ensuring that the private security sector is properly managed and supervised, which would ultimately lead to the respect of human rights and contribute to peace in fragile contexts. The Chairman encouraged Montreux Document participants to start a dialogue with different international initiatives, such as ICoCA, for such purposes.

4. UPDATE FROM THE ICOCA EXECUTIVE DIRECTOR

4.1. Reflection of the impact of COVID-19 on private security

Jamie Williamson, the Executive Director of the ICoCA, updated participants on what the association has learned about the impact of COVID-19 on the private security sector. ICoCA witnessed a downsizing of the market dynamics in terms of international versus local private security clients. Many security providers in different parts of the world, especially in high risk environments, saw their international client base suddenly restricted because of a decrease in mobility of international security providers. This has led to several other issues regarding the welfare and wellbeing of security personnel, the levels of rotation of personnel within PSCs, meaning long shifts and harder working conditions of the personnel, and the issues with local security guards interacting with their communities in the context of a COVID-19 pandemic.

Moreover, ICoCA identified a recognition of private security providers as essential workers to help support the national authorities and the management of COVID-19 issues by various governments, for crowd management, working outside hospitals or helping with movement and transportation. This raises questions regarding the appropriate use of PSCs in a health care environment.

Finally, ICoCA identified an increased presence of non-State actors in high risk environments. ICoCA has seen a growing interest concerning the activities of military contractors or mercenary type activities in several contexts. For this reason, ICoCA encouraged Montreux Document participants to open a discussion on who these actors are and what their responsibilities and the obligation for the international community are.

4.1. 10th Anniversary of the signing of the International Code of Conduct (ICoC)

In 2020, ICoCA celebrates the 10th anniversary of the signing of the International Code of Conduct. Approximately 700 PSCs signed up to the code. A number of those PSCs have made their way through the commitment process and effective implementation by working with ICoCA.

This year's annual general assembly, which will be held online, will focus on the evolution of the landscape of PSCs in complex environments, but would also try to identify some areas that we should find of interest going forward, including:

- Firstly, the fact that the understanding of complex environments, including the definition used in the Code, is no longer relevant going forward. Indeed, the issues that ICoCA, governments and PSCs encounter go beyond these high-risk conflict situations defined in the Code. It is necessary to include questions of good governance, security vacuums, and other security issues.
- Secondly, there is an important debate regarding the responsibility of different players in business and human rights. Whereas the initial work of ICoCA was focused on the activities of the PSCs themselves, and any negative impact of their actions from a

human rights or humanitarian law perspective, the debate is currently moving away from PSCs alone towards a holistic scrutiny along the whole supply chain. There is a greater focus, at a multilateral and regional level, on the responsibilities of clients of PSCs, as well as governments and other key actors in the supply chain.

- Thirdly, ICoCA noted an increased discussion concerning private security and new technologies. This issue may need to be divided into two focus areas: On the one side, how PSCs themselves are using new technologies, and all the advantages and challenges of this, including potential human rights concerns. On the other side, how PSCs are reshaping the services that they offer within the realm of cybersecurity or where they rely more on technology rather than the usual human power to carry out their services.
- Lastly, the Executive Director of ICoCA highlighted questions concerning the duty of care and the issue of physical and mental of private security providers as a result of COVID-19.

5. DISCUSSION

The Chair of the Working Group subsequently opened the floor for a discussion on future activities of the group. Montreux Document participants identified several areas of interest relating to the work of ICoCA for further discussion within the ICoCA Working Group, including the following:

- The use of PSCs in public spaces, like detention centers;
- The impact of new technologies on the private security sector and the challenges this implies;
- The development of cyber security in the context of privatization of security and the role of ICoCA;
- Integration of private security issues in NAPs;
- The intersection between the various initiatives and the Human Rights Council to regulate transnational corporations, private security companies or mercenaries, and

the analysis of how these processes support or can be influenced by the standards set by ICoCA;

- The link and common ground between the ICoCA Working Group and Maritime Working Group; and
- The issue of sexual exploitation and abuse in the private security sector.

With regards to the future meetings and areas of interest of the ICoCA Working Group, the Chair proposed to proceed as follows: The next ICoCA Working Group meeting will be a thematic meeting that will focus on issues relating to PSCs and new technologies in the context of ICoCA's work. In the meantime, the Working Group will consider how to approach the other relevant issues put forward during the meeting by Montreux Document participants. Montreux Document participants agreed to the above-mentioned procedure.

In closing, the Chair once again invited Montreux Document participants to further engage bilaterally with the Association, and to discuss priority areas of interest for the ICoCA.

In case there are further questions or comments, please refer them to the Secretariat of the Montreux Document Forum (c.valdesarguelles@dcaf.ch).