

Concept note

Panel Discussion on Private Military and Security Companies

The ICRC IHL Regional Department in the Middle East and North Africa and the Montreux Document Forum are co-organizing a virtual Panel Discussion on Private Military and Security Companies (PMSCs) on 12 August 2020.

PMSCs are increasingly present in contemporary armed conflicts, including in the Arab region, and their involvement in such conflicts continuously raises concerns about the potential consequences for the protection of victims of armed conflict. It has been reported that unregulated PMSCs (that act without clear boundaries in States' laws and regulations or that transgress the limits that international and national law provides for their operations) have caused severe humanitarian consequences and possible violations of IHL. It is thus essential that they are appropriately regulated by States as part of their primary responsibility to ensure respect of IHL and other relevant laws.

In response, there have been several efforts in the international arena to ensure that PMSCs are regulated, one of which is the Montreux Document (MD) which was adopted in 2008 as the result of an initiative of the Switzerland and the ICRC. The MD has contributed to raising awareness on States' obligations in relation to the operations of PMSCs in situations of armed conflict and on the importance of adopting and implementing adequate domestic legislation, as well as compiling and promoting good practice and providing solid guidance on how to regulate the activities of PMSCs.

Therefore, it is pertinent that the Arabic-speaking audience understand what PMSCs are, how they are classified as such, and the legal framework in which they operate. In addition, it is important to highlight corresponding international efforts and good practices by numerous states to regulate such PMSCs through providing an overview of the MD and tools and services it offers. Furthermore, there is a need to distinguish between "mercenaries" and "PMSC personnel" as there has been a clear confusion and misconception about the correct

terminologies used to label such related groups of "fighters" in the media and public statements, which often lead to a variety of legal implications.

I- Speakers:

- 1- Dr. Mohamed Ghazi, Assistant Professor of International Law, Islamic University, Iraq;
- 2- Kelisiana Thynne, Legal Adviser in the IHL Advisory Service, ICRC Geneva;
- 3- Jean-Michel Rousseau, Montreux Document Forum Secretariat, DCAF.

II- Moderator:

- Basant Abdel-Meguid, Legal Adviser in the Regional IHL Department for the Middle East and North Africa, ICRC.