



WORKING GROUP ON THE USE OF PRIVATE MILITARY AND SECURITY COMPANIES IN MARITIME SECURITY

24th OF JUNE 2020

CHAIR'S SUMMARY

1. INTRODUCTION

The 12th exchange of the Working Group on the use of private military and security companies in maritime security (Maritime Working Group) was attended by Montreux Document Participants, the co-Chairs of the Montreux Document Forum, Switzerland and the ICRC, and the Montreux Document Forum Secretariat, DCAF. For the first time, the meeting was conducted in an online format, which facilitated the participation of several State representatives from capital. The meeting allowed for a presentation of- and discussion on the third draft of the *Reference Document – Elements for a maritime interpretation of the Montreux Document*. The opening remarks were held by Mateus Kowalski, Director of the International Law Department, Department of Legal Affairs – Ministry of Foreign Affairs of Portugal.

2. PRESENTATION OF THE THIRD DRAFT OF THE REFERENCE DOCUMENT - ELEMENTS FOR A MARITIME INTERPRETATION OF THE MONTREUX DOCUMENT

Since the last Working Group meeting, on the margins of the Montreux Document Forum Plenary 2019, Portugal, the Chair of the Maritime Working Group, carried out a series of consultations to develop a third draft of the *Reference Document - Elements for a maritime interpretation of the Montreux Document*. The third draft retains various aspects of the previous version, namely:

- The structure – not directly mirroring the Montreux Document;
- The focus on elements of the Montreux Document most relevant in the maritime context;
- Neutral and flexible language;
- Clear identification and explanation of the roles of different types of States;
- The focus on Flag States.

In terms of improvements, the third draft incorporates feedback received from 17 entities, among them Montreux Document Participants, private security companies (including ICoCA members), companies working in the shipping industry, and experts from NGOs and Academia. Feedback was incorporated wherever possible and appropriate. Participants can find feedback that was not incorporated described in side notes to the draft text, with an explanatory statement by the Chair allowing participants to comment on that feedback.

Lastly, the third draft enhanced textual consistency, addressing inconsistencies in spelling, streamlining language, and reviewing the wording of certain legal and technical terms. The general adjustments to style and language of the document, and the inputs from a diverse set of experts, make for a more credible, comprehensive and accurate interpretative guidance document.

3. DISCUSSION

Several participants congratulated the Chair of the Maritime Working Group on the modifications added to the third draft. In addition, some participants indicated that they would wish to provide additional feedback should the deadline be extended. Finally, a participant suggested to add content relating to the COVID-19 pandemic in the text of the Reference Document - *Elements for a maritime interpretation of the Montreux Document*.

4. FOLLOWING STEPS

The Maritime Working Group will proceed as follows with regards to the third draft of the *Reference Document - Elements for a maritime interpretation of the Montreux Document*:

- The **[deadline to submit comments](#)** to the third draft will be **[extended until the 31st of August 2020](#)**.
- After this, Portugal and the Montreux Document Forum Secretariat will consolidate a final draft.
- The final draft will be presented to the Maritime Working Group for adoption with a silence procedure in September or October 2020.
- The final draft will be presented to the next Montreux Document Forum Plenary in November 2020 for final approval.

Montreux Document participants are welcome to submit comments on the third Draft of the *Reference Document - Elements for a maritime interpretation of the Montreux Document* to the Montreux Document Forum Secretariat (c.valdesarguelles@dcaf.ch).