

SIDE EVENT

***“THE MONTREUX DOCUMENT ON PRIVATE MILITARY AND SECURITY
COMPANIES: 10 YEARS ON”***

- CONCEPT NOTE -

Date and time: 10 October 2018, 1:15 – 2:30

Venue: Conference Room 6 (UN)

Speakers will include:

Dominique Favre, Deputy Head of Mission, Swiss Mission to the United Nations,

Christopher B. Harland, Deputy Head of Delegation, International Committee of the Red Cross,

Katherine Gorove, Attorney at the US Department of State, Office of Legal Adviser,

Mateus Kowalski, Director of the International Law Department of the Department of Legal Affairs, Ministry of Foreign Affairs of Portugal

A representative of Costa Rica (tbd)

Side Event

The purpose of this side event is to provide UN Member States with an opportunity to become acquainted with the Montreux Document, the Montreux Document Forum (MDF) and its two Working Groups.

The side event is convened by the Delegation of Portugal as a strong supporter of the Montreux Document since 2009, and as the Chair of the MDF Working Group on the use of private military and security companies in maritime security, and also by Switzerland.

The Montreux Document is the first document of international significance that reaffirms existing obligations of States under International Law, in particular International Humanitarian Law (IHL) and Human Rights Law, relating to the activities of Private Military and Security Companies (PMSCs) during armed conflict. It does not create new legal obligations, but contributes to the protection of civilians in armed conflicts by recalling and compiling applicable international obligations while also listing good practices related to operations of PMCSs in armed conflict.

As a platform for exchange, and to assist States in implementing the rules and good practices, the Montreux Document Forum was created in 2014. It includes two Working Groups, one of which looks into the relevance of the Montreux Document to maritime security, and the other one providing advice to the International Code of Conduct Association.

Speakers will make brief presentations on the background and challenges ahead for the Montreux Document Forum and its Working Groups and share a regional perspective on these challenges.

Following presentations of the Montreux Document and its Forum’s value of a platform for dialogue, the event will include a point for discussion.

UN Member States attending the event are welcome to engage speakers and to share their experiences and ideas on State practices for the regulation of the private military and security industry.

In 2018, we celebrate the 10th anniversary of the finalization of the Montreux Document. This initiative shows that complementary efforts and effective partnerships among relevant

international actors are paramount to a sustainable approach to security, the rule of law, and the effective implementation of international humanitarian law and human rights law.

Background

The Montreux Document and the Montreux Document Forum

The Montreux Document is the result of a joint initiative launched by Switzerland and the International Committee of the Red Cross (ICRC) in 2006. It clarifies the misconception that PMSCs operate in a legal vacuum by recalling and compiling applicable international obligations while also listing good practices to assist States in implementing these obligations.

Since the Montreux Document finalisation in 2008, many States have realised its potential to provide guidance on the basis of international legal obligations that they are already bound to. The Montreux Document is currently supported by 54 Participating States from all regions and 3 intergovernmental organisations: the European Union, NATO and the Organization for Security and Co-operation in Europe (OSCE).

The Montreux Document Forum was created in 2014 to assist States in implementing the rules and good practices contained within the Montreux Document. The Forum is currently chaired by Switzerland and the ICRC.

Maritime Working Group

The mandate of the Maritime Working Group is to serve as a platform that looks into the relevance of the Montreux Document to maritime security.

The Working Practices establish that the Working Group may exchange views on the interaction of the Montreux Document with relevant international organizations and initiatives on maritime security, as well as discuss ways to assist States in implementing the Montreux Document.

The Group is currently chaired by Portugal.

ICoCA (International Code of Conduct Association) Working Group

The mandate of the ICoCA Working Group is to provide advice to the International Code of Conduct Association on national and international policy and regulatory matters.

Against this background, the ICoCA Working Group may wish to discuss what information and guidance it could give to the ICoCA with regard to specific legal obligations and good practices contained in the Montreux Document and how they are interpreted and implemented by Montreux Document participants.

The Group is currently chaired by the United States of America.
