

# **Effects of the Activities of Private Military and Security Companies on the Enjoyment of Human Rights: Regulation and Oversight**

## **Concept Note**

### **Venue:**

Panama City, Panama

### **Date:**

17-18 December 2007

### **Organiser:**

The Consultation will be convened by the UN Working Group on the use of mercenaries and organized by the Office of the High Commissioner for Human Rights. The consultation will be hosted by the OHCHR Regional Office in Panama

### **Consultation objectives:**

- 1) Assess and review the practices of private military and security companies (PMSCs) recruiting former military and police personnel, as well as other individuals from the region to be deployed and operate in areas of armed conflict or post-conflict situations, and the effects on the enjoyment of human rights.
- 2) Mapping of existing national legislation and share information on steps taken by States from the region to introduce legislation or/and other measures to regulate and monitor the activities of private companies offering military assistance, consultancy and security services on the international market.
- 3) Discuss general guidelines or basic principles to encourage the further protection of human rights with regard to the activities of private companies offering military assistance, consultancy and security services on the international market.

### **Background:**

In accordance with Commission on Human Rights resolution 2005/2, the Working Group on the use of mercenaries is called upon within the provisions of its mandate to, *inter alia*, “elaborate and present concrete proposals on possible new standards, general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities”. Furthermore, the Working Group is requested to “study the effects of the activities of private companies offering military assistance, consultancy and security services on the international market on the enjoyment of human rights, particularly the right of peoples to self-determination, and to prepare draft international basic principles that encourage respect for human rights on the part of those companies in their activities”.

On the basis of its official visits undertaken in 2006 and 2007 to Honduras, Ecuador, Peru and Chile, the Working Group has observed a phenomenon of recruitment and training of individuals from Latin America and the Caribbean (LAC) to perform security work for private companies operating in countries including Iraq and Afghanistan.<sup>1</sup> The WG noted that a number of governments in the LAC region have often been unprepared to take adequate action, including registration and licensing of PMSCs operating within their territories, the establishment of effective systems for management and accountability, ensuring that PMSCs offer adequate standard procedures related to contractual status and working conditions. The weak or insufficient national legislation combined with the limited other economic opportunities have facilitated the proliferation of PMSCs operating and recruiting former military and police personnel, as well as other persons, from third countries to perform security work abroad in low-intensity armed conflicts or in post-conflict situations.

The Working Group considers it timely to convene a consultation to gather a regional perspective about the current practices of private military and security companies recruiting personnel to be deployed in armed conflict. The consultation will also review steps taken by States to regulate and monitor the activities of PMSCs. It will also attempt to develop regulatory options and best practices aimed at ensuring that PMSCs activities are in conformity with international human rights standards.

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<sup>1</sup> See Working Group reports A/HRC/4/42, A/61/341, A/HRC/4/42/Add.1 and A/HRC/4/42/Add.2, accessible at <http://www.ohchr.org/english/issues/mercenaries/index.htm>.