



Working Group on the International Code of Conduct Association (ICoCA Working Group)

26 June 2015

Working Group on the International Code of Conduct Association Meeting of 2 June, 2015

Chair's Summary

1. Introduction

A second exchange on the Working Group on the International Code of Conduct Association (ICoCA Working Group) was held under the Chairmanship of Sweden in Geneva on 2 June 2015. This meeting was attended by Montreux Document participants, the Chairman of the Board of the ICoCA and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) who acts as the Secretariat for the MDF. The summary provides a brief account of key issues discussed during the meeting. Its content is the sole responsibility of the Chair and does not purport to reflect the consensual view of participants.

2. Presentation by the Chair of the ICoCA Working Group on his written proposal for the Working Group's interaction with the ICoCA

In the first part of the meeting, participants discussed the Chair's written proposal on the Working Group's interaction with the ICoCA (hereafter referred to as the guidelines). One participant proposed a clarification to be inserted into the guidelines (paragraph 1) to express the following:

“The Working Group may provide advice to the ICoCA through the Chair of the Working Group, either based on a request from the ICoCA or on its own initiative. The Working Group may also, through the Chair, request information from the ICoCA regarding its activities and processes.”

It was agreed that the Chair would circulate the adapted guidelines (in attachment) for adoption by Montreux Document participants.

3. Presentation by Mr. Rémy Friedmann (Chairman of the Board of Directors of the ICoCA) on progress, current activities, and the request for advice from the ICoCA Working Group

Delegations heard a presentation by Mr. Friedmann on updates regarding the ICoCA. The presentation focused on the development of the certification procedures (in attachment). The presentation also discussed current ICoCA activities, including the transition of companies from ICOC signatories to Association membership and the recognition of international standards.

Mr. Friedmann expressed that certification is a first step to ensure that PMSCs have taken the necessary measures and are prepared to address human rights risks. Although the monitoring procedures are at an early stage, a Monitoring Working Group has been convened by the Association to take this function forward.

The monitoring function will not substitute national authorities but will perform a complementary role in this regard.

Following Mr. Friedmann's presentation, participants were given the opportunity for discussion, in particular regarding the letter from the Board of the ICoCA dated 13 May 2015, which submitted questions for consideration to the Working Group. In this light, several delegations provided updates on the status of national regulatory processes pertaining to PMSCs. The discussion broadly focused on the following issues:

- i. Procedures and processes with regards to the development and implementation of effective PMSC legislation, including in maritime contexts
- ii. Licensing and authorisation of PMSCs at the national level
- iii. The issue of contracting and terms of contract, including references to international humanitarian law and human rights law

It became evident during the discussions that several states have either recently up-dated their national legislations or are in the midst of doing so and that there is a need to, inter alia, exchange good practices. The Chair of the ICoCA Working Group expressed that states can submit written responses to the questions to the Chair, and these responses will be gathered and transferred to the Board of the ICoCA.

4. Exchange of views on current issues relevant to the mandate of the ICoCA Working Group

Participants also considered the ICoCA Working Group as a valuable opportunity for states to exchange and share on good practices. In that spirit, the United States offered further discussion questions for all MDF participants to consider and deliberate. The Chair agreed to circulate these questions (in attachment) among all Montreux Document participants, who can then provide reflections back to the Chair. The questions would also be made available on the MDF website, now available in French and English at www.mdforum.ch. The Chair welcomes all Montreux Document participants to provide contributions and discussion points to the Working Group in this manner.

5. Next steps

In closing the meeting, the following points were outlined by the Chair:

- Montreux Document participants have the opportunity to provide feedback and advice for the ICoCA if they wish to do so, by submitting written responses to the Chair of the Working Group until **July 24, 2015**. The feedback will then be gathered and transmitted to the Board of the ICoCA.
- The Chair's proposal on the interaction with the ICoC (the guidelines) is circulated to Montreux Document participants for adoption by silent procedure until **July 24, 2015**. After this date, if the silent procedure is not broken, the guidelines will be considered as adopted by consensus.
- The Working Group also discussed that the timing of the next meeting would be agreed on in a subsequent e-mail communication, potentially in the fall of 2015 or in conjunction with the next plenary of the MDF in January 2016.
- With reference to paragraph 3 in the MDF Working Practices, the Chair suggested to host external stakeholders at the next meeting and the Working Group agreed that this could be taken forward.
