



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

Working Group on the International Code of Conduct Association Meeting of 17 June 2016

Chair's Summary

1. Introduction

A fourth exchange on the Working Group on the International Code of Conduct Association (ICoCA Working Group) was held under the Chairmanship of Sweden at the Palais des Nations in Geneva on 17 June 2016. The meeting was attended by ten Montreux Document participants, the Executive Director of the ICoCA, the Chairman of the Board of the ICoCA, a representative of the Transport Agency of Sweden, and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) which acts as the Secretariat for the MDF. This 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. Opening remarks by the Chair of the ICoCA Working Group

In his opening remarks, Mr. Jonas Westerlund, the Chair recalled the previous meeting of 28 January 2016 whereby the Working Group met for the third time and discussed several requests related to future meetings, including the need for more frequent updates circulated on the ICoCA, and the proposal from the Chair of the Working Group to invite external experts to future Working Group meetings.

3. Presentations by Mr. Orsmond and Mr. Friedmann on current activities in the ICoCA

Delegations first heard presentations on updates regarding the ICoCA (the Association). These presentations were delivered by Mr. Andrew Orsmond, Executive Director of the ICoCA and Mr. Rémy Friedmann, Chairman of the Board of the ICoCA. The discussion was informed by a document (*ICoCA Updater Q1 2016*) that was circulated to Montreux Document participants in advance,

The presentations focused on updating the Working Group on levels of membership within the Association, as the activities of its Board of Directors, and developments pertaining to certification, reporting, monitoring and performance assessment (RMAP), and complaints procedures (Articles 11, 12 and 13 of the ICoCA Articles of Association, respectively).

Mr. Orsmond and Mr. Friedmann shared reflections from the most recent Board of Directors meeting of 14-15 June 2016. The speakers discussed that:

- With respect to the Certification procedures, the ICoCA Secretariat had presented a feasibility study to the Board that described how other multi-stakeholder initiatives or organisations with certifying functions had confronted similar problems related to cost, access and transparency/reliability of

certification procedures. The feasibility study also presented and discussed options that the ICoCA might consider to overcome the existing challenges.

- With respect to the RMAP procedures, the relevant working group within the Board had achieved a general consensus on the procedures, subject to adjustment to certain language relating to field-based review processes. Additional discussion took place during the board meeting, and the working group will take the feedback under advisement and produce a revised draft for the Board's consideration.
- With respect to the complaints mechanism, an initial draft of complaints procedures was presented by the relevant working group and further discussed at the board meeting. Additional discussion and editing is underway.

The intention is to have all procedures voted on during the Annual General Assembly on 29 September 2016.

Following the presentation, participants were given the opportunity for questions. The discussion focused on the Article 12 and 13 procedures which, it is anticipated, will be shared with Association members in the run-up to (and no later than 30 days before) the ICoCA Annual General Assembly.

Bearing in mind that the mandate of the ICoCA Working Group is to provide advice to the Association on national and international policy and regulatory matters, a number of states expressed an interest in being able to submit inputs and feedbacks on the draft procedures, before they are approved by the General Assembly. This would allow for legal and policy review to be considered for states where the Association's procedures may interact with relevant national laws.

It was underlined that such advice should not interfere with the Board's work in arriving at a consensus on the procedures, but that any feedback from states would be in the spirit of review, advice, and assistance.

The Executive Director of the ICoCA proposed that, once the procedures have completed their final development process within the Board's working groups and are able to be shared with all Association members, they could also be shared at that time with the ICoCA Working Group, under its role as an advisory forum to the Association.

The Chair of the ICoCA Working Group then proposed that the next Working Group meeting could be held in mid-September, in order to discuss the draft procedures and gather advice for the Association.

4. Presentation by Mr. Johan Stenborg, Transport Agency of Sweden, Presentation on the Swedish authorisation for the use of security personnel

Mr. Stenborg was invited to share information on the Swedish legislation regarding the authorisation of the use of armed security personnel on board Swedish-flagged ships. The new Swedish legislation was drafted in response to the peak of the piracy crisis in the Gulf of Aden in 2011. Since the legislation's entry into force in 2013, permits have been given to one ship owner for 14 ships.

The Swedish government does not authorise maritime private security companies directly. Instead, armed security personnel are approved as part of an authorisation given to the ship owner or manager. The permits are also distributed for each individual ship and are valid for a specific geographic area and for a time no longer than two years. The permit can only be valid outside the European Economic Zone and all security personnel must board and leave the ship in the area covered by the permit. General rules on the use of force apply to armed security personnel. As part of the application process, the ship owner/manager must provide a risk assessment, description of on-board activities and planning, and information about the security

company and its personnel. Mr. Stenborg shared that vetting is done in cooperation with the National Police Board. He also underlined that one inherent challenge with authorizing activities carried out so far away is that there is no practical way to perform control or monitoring on board ships. The Swedish Transport Agency does not have the resources to send inspectors to the Gulf of Aden. Instead, monitoring and incident reporting is the responsibility of the ship Master.

Following the presentation, participants of the meeting were given an opportunity for discussion. A number of participants expressed their appreciation for the useful and informative presentation as some of the challenges discussed by Mr. Stenborg are shared by other Montreux Document participants.

One Montreux Document participant raised the issue of training and Mr Stenborg replied that each company is responsible for providing adequate training to personnel. These standards are then assessed as part of the application process.

The discussion also touched on the maritime standard ISO 28007-1:2015 on guidelines for private maritime security companies (PMSC). Mr. Stenborg explained that during the drafting of the Swedish legislation, ISO 28007:1-2015 had not yet been published. Therefore it was not included as a requirement in the legislation. However, the government does require a quality system and reviews these matters as part of the permit application process.

5. Any other issues

Several delegations presented updates on the status of national implementation of private security regulations. One delegation also mentioned that its national standard on private security companies, ANSI/ASIS PSC.1-2012 (PSC.1), will undergo revision. Where interested, States can become involved in this process.

6. Next steps

The Chair of the Working Group closed the meeting by stating that the Working Group will await the draft procedures on Article 12 and 13 from the Board of the ICoCA. The Chair will then distribute these documents to Montreux Document Forum participants and communicate the date for the next ICoCA Working Group meeting. The meeting will take place before the ICoCA General Assembly of 29 September 2016 in order to allow for feedback and advice to be shared to the Association.
