



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

Working Group on the International Code of Conduct Association Meeting of 6 July 2017

Chair's Summary

1. Introduction

A sixth exchange of the Working Group on the International Code of Conduct Association (ICoCA Working Group) was held under the Chairmanship of the United States of America (USA) by conference call/video teleconference on 6 July 2017. The meeting was attended by eleven Montreux Document (MD) participants, Mr. Rémy Friedmann, the Chairman of the Board of Directors of the ICoCA and representative of the government of Switzerland, the Co-Chairs of the MDF (Switzerland and the International Committee of the Red Cross (ICRC)), and the Geneva Centre for the Democratic Control of Armed Forces (DCAF) which acts as the Secretariat for the Montreux Document Forum (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. Christopher Mayer, the Chair recalled the agenda and discussed the rationale for this first introductory meeting of the Working Group under the USA's chairmanship.

3. Overview of Mandate and Chair's Proposal

a) Open Discussion on "Provision of Advice"

The Chair recalled and drew attention to a document outlining the mandate and guidelines for the Working Group ([Chair's Proposal on the Interaction with the ICoCA](#)) as well as the [Working Practices of the MDF](#). The Chair also drew attention to Article 10 of the ICoCA Articles of Association which call for an Advisory Forum of MD participants to enable the provision of advice to the Association on national and international policy and regulatory matters.

During the discussion, delegations inquired as to the entry points and avenues for providing advice to the ICoCA in a timely manner. In addition, delegations expressed that this interaction has been reactive in the past and that, going forward, the communication and provision of advice could be organised in a more strategic manner. Delegations also expressed a desire that the ICoCA Secretariat provide a response to the feedback they submit. DCAF, as the MDF Secretariat, clarified that during the fifth ICoCA Working Group meeting (September 2016), participants commented on Article 12 and Article 13 of the ICoCA Articles of

Association (Reporting, Monitoring and Assessing Performance and Compliance, and Receiving and Processing Complaints). During and following this meeting, MD participants were able to consult capital on the Draft Procedures and provided feedback on national policy and regulatory interactions. The main points of the discussion and feedback from MD participants were reflected in the Chair's summary from the meeting and sent to the Association ahead of the ICoCA General Assembly on 29 September 2016. DCAF inquired whether this format of exchange could be adopted more systematically with the Association.

A number of delegations expressed that the Executive Director of the ICoCA should be generally invited to future meetings, except under special circumstances. Additional stakeholders such as civil society and experts could be invited following consultation with MD participants.

The Chairman of the ICoCA Board of Directors clarified that advice and feedback provided by Montreux Document participants is welcomed by the Association. He also emphasized, however, that the ICoCA receives guidance from Governments primarily through Government members of the Association.

The Chair of the Working Group expressed that the *Chair's Proposal on Interaction with the ICoCA* could be specified to allow for more clarity on participation and the modalities of providing advice to the ICoCA. The Chair stated he would consult with MD participants and the Co-Chairs of the MDF on this matter.

A number of delegations asked regarding the selection of the Executive Director position at the ICoCA. Since the Working Group meeting, the ICoCA selected Mr. Jamie Allan Williamson as the Executive Director. Mr. Williamson is currently Head of Unit, Relations with Arms Carriers, at the International Committee of the Red Cross (ICRC). He has been actively engaged on private military and security company issues for over 10 years and has worked with Montreux Document participants on PMSC issues since the signing of the Montreux Document.

b) Operational Context: Montreux Document vs International Code of Conduct

The Chair of the Working Group inquired whether the difference in the scope of operational context of private military and security companies (PMSCs) under the MD and private security service providers under the ICoC should have a bearing on the type of advice the Working Group provides to the Association. The discussion among participants converged on the point that the operational context of the MD and the ICoC should not be a determining factor in the type of feedback and advice the ICoCA Working Group provides. The Working Group will continue with the provision of advice wherever private security companies (PSCs) operate in areas of limited governance and regulation.

4. Report of Government Representatives to the ICoCA Board of Directors:

Participants heard a presentation on updates regarding the ICoCA. The presentation was delivered by Mr. Rémy Friedmann. The presentation focused on updating the Working Group on upcoming decisions for the next ICoCA Annual General Assembly (12 October 2017 in Geneva).

Mr. Friedmann shared that the Annual General Assembly will include updates on governance matters for members and observers, as well as two panel discussions in the afternoon open to all participants.

The panel discussions will include government representatives, industry, and civil society as well as invited experts and practitioners and centre on the topics of (1) operational grievance mechanisms and (2) client perspectives (including government) in contracting responsible private security. The Board of Directors will

meet in August and will endeavor to provide further information to the ICoCA Working Group in time for governments to consider proposals and provide feedback to the Association in advance of the General Assembly.

Mr. Friedmann also updated the Working Group on levels of membership within the Association. Current membership stands at 102 industry members, 18 civil society organisations, and 7 governments. Canada is the newest government member to the ICoCA.

Mr. Friedmann also offered updates on developments pertaining to certification, reporting, monitoring and performance assessment, and complaints procedures (Articles 11, 12 and 13 of the ICoCA Articles of Association, respectively):

Certification:

The Association is actively working to ensure that ICoCA Certification is open to a global and diverse private security industry and seeks ways of improving access to certification for those private security service providers that are able and willing to show their strong commitment to the principles of the Code of Conduct, in accordance with the mandate from last year's Annual General Assembly

Monitoring:

The Association is preparing to launch a company self-assessment (CSA) reporting system which will require Member companies to report annually on their progress in implementing the ICoC. The 2017 report will launch around the General Assembly and will focus on Member company efforts to ensure all personnel are selected and vetted in compliance with the Code.

Building on a pilot field-based review conducted in July 2016 in East Africa, the Association will conduct additional field-based reviews in the remainder of 2017. The reviews aim to identify and address operational challenges and human rights risks related to Member company operations. The first review will be conducted in Nigeria in late August 2017.

Complaints:

The Association launched its Complaints function in 2017 and is now able to receive and process complaints of alleged ICoC violations by ICoCA Member companies and facilitating access to remedy for aggrieved parties.

The Association is currently developing guidance for Member companies on establishing operational grievance mechanisms. The guidance will be released in the fall, around the date of the General Assembly.

5. Summary of Discussion and Next Steps

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 underlined their interest in being able to submit input and feedback on the draft procedures, before they are submitted to ICoCA members for their consideration. This would allow for legal and policy review to be considered for states where the Association's procedures and activities may interact with relevant national laws.

It was underlined that such advice should not interfere with the Board's work, but that any feedback from states would be in the spirit of review, advice, and assistance. Likewise, providing advice does not imply an

endorsement by MD participants of the International Code of Conduct or pre-judge membership in the association.

The Chair of the Working Group closed the meeting by stating that he will consult with the ICoCA board to determine a date for the next ICoCA Working Group meeting at a convenient time and to allow for any documentation to be consulted on by Montreux Document participants in anticipation of the General Assembly. The Chair also clarified that the next meeting of the ICoCA Working Group will take place in person in Geneva.
