

Advisory Support in Private Security Regulation:

Call for Submissions

DCAF, in its capacity as the Montreux Document Forum Secretariat, invites States to submit requests for advisory support related to the regulation of private military and security companies.

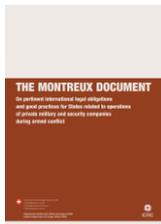
I. Background:

The significant size of the private military and security (PMSC) industry across the world is also reflected in the diversity of services provided: from the protection of persons and property such as critical national infrastructure or extractive industries to border patrols, detention centres, and policing partnerships. PMSC personnel are also frequently armed with lethal or less lethal weapons. As a result, PMSCs and their personnel create concerns for national authorities and challenges for regulation of this burgeoning industry:

- Outdated or obsolete laws or laws that do not address the often-transnational nature of PMSCs;
- Unclear definition of services in national legislation;
- Inadequate training and challenges for capacities of national regulatory authorities;
- Generic licensing, registration and/or contracting requirements;
- Inadequate oversight and accountability of PMSC activities;
- Ineffective or non-existent grievance mechanisms for victims of human rights abuses.

National regulatory authorities, parliamentarians, law and policymakers are in a unique position to ensure that democratic oversight is established and maintained to achieve transparency and accountability within the private security and military industry. As a response to the growing concerns related to the regulation of the PMSC industry, the Montreux Document Forum supports national authorities in developing or updating national regulation in line with international norms and good practices.

The Montreux Document recalls the existing international legal obligations and good practices for States in relation of private military and security companies. Furthermore, it lists good practices designed to help States take national measures to implement these obligations and encourages national legislators and policymakers to review whether their domestic arrangements for PMSCs conform to international best practice in this area. The Montreux Document Forum, chaired by Switzerland and the International Committee of the Red Cross (ICRC), is a platform for consultation and cooperation and supports governments in the implementation of regulatory frameworks to ensure effective oversight of all companies that provide security and/or military services. The MDF Secretariat is pleased to offer a package of advisory support for national authorities interested in developing or updating national regulation of the private security industry.



II. Format of Advisory Support:

Rather than a one-size-fits all approach, the MDF Secretariat's advisory support is highly contextualized and driven by national challenges. The Secretariat's work is guided by the principles of neutrality, impartiality, local ownership, inclusive participation, and gender equality. The format of the advisory support package is developed in discussions and consultations with the national actors and will be adapted to the relevant request.

The following format may be considered indicative of the type of support the Secretariat provides:

1. Baseline research:

- Mapping stakeholders and the national context, as a subsequent basis for informed policy-making in coordination with experts and strategic and regional partners;
- Gap analysis of regulatory and policy framework, in consultation with experts and strategic and regional partners.

2. Support multi-stakeholder dialogue on regulation:

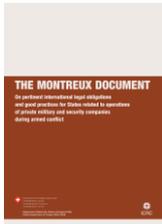
- Review of the findings of the baseline research for future private security regulation, and in particular concerning the regulatory framework;
- Introduction of international norms and good practices on private security regulation and their implications for the regulatory framework;
- Reflection on challenges for implementation of private security legislation, such as regulatory capacities, monitoring capacity, company and client outreach, perception of company clients, contracting guidance.

3. Supporting national authorities on legal and regulatory reform:

- Review of policy/regulation by the MDF Secretariat with legal expertise and input on norms and good practices. Proposition of additional sections / structural review with a focus on inserting international norms and good practices, particularly regarding human rights;
- Ensuring inclusion on the relevant aspects of the nature of the industry, including details on the kind of services provided, type of clients, structure of the companies, use of weapons, and specific challenges of their operations;
- Policy advisory support and capacity building for competent offices or private security regulatory authorities;
- Supporting national legal implementation processes: awareness raising and dissemination of regulatory texts.

III. How to Apply:

Who can apply? The MDF Secretariat welcomes requests from national regulatory bodies, oversight committees, parliamentarians, line ministries and other regulatory authorities. The advisory support is funded through the Montreux Document Forum.



What national processes can the request include? The MDF Secretariat can notably support with the following types of national regulatory process:

- drafting or reviewing national laws on PMSCs;
- procurement and contracting processes;
- vetting procedures for PMSC personnel;
- the development of policies to regulate the use of force by private security personnel;
- capacity building and training of national regulatory authorities' staff;
- integrating gender perspectives in national legislation on PMSCs.

What is the deadline for the call for submissions? The deadline for the current call for submissions is 5 June 2019.

Application process: National authorities are invited to use the attached submissions template for the request for advisory support.

Selection criteria: Applications will be considered and selected on the basis of the following criteria:

1. The request is based on demonstrated local relevance and national ownership for the proposed process.
2. The request is time-bound, specific and includes considerations of cost effectiveness.
3. The anticipated process outcome is sustainable and not a 'one-off' approach to regulation.
4. The process does not pose human rights risks to people in the community served by the process.
5. The request includes the commitment of in-kind or complementary national resources.

About the MDF Secretariat:

The MDF Secretariat is housed within DCAF. The MDF Secretariat supports the Co-Chairs of the MDF (Switzerland and the ICRC) and all participants in outreach and implementation of the Montreux Document. DCAF is an international foundation dedicated to improving the security of States and their people within a framework of democratic governance, the rule of law, and respect for human rights. DCAF contributes to making peace and development more sustainable by assisting partner States, and international actors supporting these States, to improve the governance of their security sector through inclusive and participatory reforms. It creates innovative knowledge products, promotes norms and good practices, provides legal and policy advice and supports capacity-building of both state- and non-state security sector stakeholders. For more information, visit www.dcaf.ch.

All documents and resources dedicated to the MDF are available on the online platform: www.mdforum.ch.