

Address by Ambassador Claude Wild  
Euro-Atlantic Partnership Council (EAPC) Ambassadorial Meeting  
NATO, Brussels, 12 June 2012

Mr. Deputy Secretary General,  
Excellencies,  
Ladies and gentlemen,

I also would like to thank NATO for convening this very important and timely meeting, which permits us to address current developments in the global efforts to improve international standards and accountability in the use of private security companies.

Indeed, it is of utmost importance for standard-setting organisations like NATO to be at the forefront of these efforts. This is important not only to promote international humanitarian law and human rights, but also to provide a clear guidance to protect commanders of NATO led operations. It is so because those commanders have the authority of contracting Private security companies in the context of their operations. Of course, NATO partner countries are also concerned since many of them host PSC on their territory or have their nationals being contracted by such companies abroad.

The International Code of Conduct for private security service providers was launched on the 9<sup>th</sup> of November 2010, and was signed by 58 private security companies. Today, the number of signatories has risen to more than 400, from 57 different countries among them 19 NATO countries. The Code builds on the Montreux document and on the 'Protect, Respect and Remedy' framework for business and human rights developed by former UN special representative John Ruggie.

The development of the Code is based on a practical and pragmatic approach, considering that, even if PSCs are obliged to comply with international humanitarian law and human rights law, they often operate in complex environments where governance structures and the rule of law are weak or absent. As you know, in these contexts there is often no national legislation that can offer sufficient protection to potential victims of Human Rights abuses.

The signature of the Code is only the first step in a process towards full compliance. Signatory Companies need to establish and demonstrate that they meet the requirements of the Code's principles and the standards derived from the Code. The governments of the United Kingdom, the United States, Australia and Switzerland have worked during more than a year with representatives from the industry and civil society as part of a Multi-stakeholder Temporary Steering Committee in order to develop a charter for a permanent governance and oversight mechanism of the code.

A multi-stakeholder conference will take place in autumn this year and provide for the adoption of the Charter and the necessary steps to launch the actual oversight mechanism.

Let me mention an example on how the Code oversight mechanism would work on the ground:

For example, if a civilian person from a local village is injured by a PSC personnel member, the mechanism would explore with the PSC what factors led to the incident. It would then try to develop a plan to change the modus operandi of the PSC to prevent the same incident from happening again. The oversight mechanism would also monitor all grievances that are submitted to the PSC to ensure that any remedy provided was effective and just.

With over 400 Companies signing the Code, this document is now becoming the international standard for how PSCs should operate both in armed conflict situations and in situations that are not considered as armed conflict.

Ladies and gentlemen,

De facto, the Code has already helped creating a mapping of the Private security industry. This is very important, as hundreds of companies have come forward and provided key data on their operations in order to join the Code. This has also helped to understand important developments within the industry such as the rising importance of non-state clients for private security companies or the growth of the maritime security industry.

If clients of private security providers, among them States and international organisations, require in their contracts that services be performed in accordance with the Code, what is initially meant as a 'soft law' instrument becomes progressively mandatory. Therefore, the effect of reinforcing respect for human rights and IHL standards and principles is even bigger. This also allows for more efficient and effective conduct of due diligence, facilitates the development of good practices, and ensures accountability of PSCs.

We would therefore encourage that, in line with the spirit of the new Allied Command Operations directive, the Code becomes a basis for contracts with security service providers by NATO. This would greatly enhance the incentive for companies for adhering to and complying with the Code.

Once the oversight mechanism is established, employing PSCs that have been certified by the Code will render any due diligence process even more effective and rapid.

To conclude, Switzerland, as depositary state of the Geneva Conventions and as an active promoter of Human Rights, can only hope that NATO as an organisation and EAPC members will help strengthen the international efforts to better regulate the way of contracting PSCs. A specific statement in this regard by NATO/EAPC would certainly create a welcomed momentum.

Thank you for your attention.