

Chairmanship: Luxembourg

733rd PLENARY MEETING OF THE FORUM

1. Date: Wednesday, 6 November 2013

Opened: 10 a.m.

Closed: 11.50 a.m.

2. Chairperson: Ambassador H. Wurth

3. Subjects discussed – Statements – Decisions/documents adopted:

Agenda item 1: SECURITY DIALOGUE

(a) *Presentation on the OSCE Code of Conduct on Politico-Military Aspects of Security and Human Rights of Armed Forces Personnel: The Role of the Ombudspersons by Mr. J. Lenarčič, Director of the Office for Democratic Institutions and Human Rights (ODIHR):* Chairperson, Director of the ODIHR (ODIHR.GAL/78/13 OSCE+), Lithuania-European Union (with the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic Area; as well as Andorra, Armenia, Georgia, Moldova and San Marino, in alignment) (FSC.DEL/180/13), FSC Co-ordinator for the Code of Conduct on Politico-Military Aspects of Security (Germany), Switzerland (Annex 1), Azerbaijan, United States of America, United Kingdom, Armenia

(b) *Presentation on the Montreux Document on Private Military and Security Companies by Mr. J. Lindenmann, Deputy Director of the Directorate of International Law, Swiss Federal Department of Foreign Affairs:* Chairperson, Mr. J. Lindenmann (FSC.DEL/177/13) (FSC.DEL/177/13/Add.1), Lithuania-European Union (with the candidate countries the former Yugoslav Republic of Macedonia, Iceland, Montenegro and Serbia; the countries of the Stabilisation and Association Process and potential candidate countries Albania and Bosnia and Herzegovina; the European Free Trade Association countries Liechtenstein and Norway, members of the European Economic

Area; as well as Armenia and Moldova, in alignment) (FSC.DEL/181/13), Czech Republic, United Kingdom (Annex 2), Switzerland, FSC Co-ordinator for the Code of Conduct on Politico-Military Aspects of Security (Germany), United States of America

Agenda item 2: GENERAL STATEMENTS

None

Agenda item 3: ANY OTHER BUSINESS

- (a) *Seminar on the Code of Conduct on Politico-Military Aspects of Security, held in Konjic, Bosnia and Herzegovina, from 23 to 25 October 2013:*
Representative of the Conflict Prevention Centre, Bosnia and Herzegovina (Annex 3), FSC Co-ordinator for the Code of Conduct on Politico-Military Aspects of Security (Germany) (FSC.DEL/179/13 OSCE+), Switzerland (also on behalf of Germany) (Annex 4), OSCE Parliamentary Assembly (PA.GAL/7/13 OSCE+)
- (b) *Contact Group Meeting with the Asian Partners for Co-operation, to be held on 8 November 2013:* Ireland
- (c) *Donors conference on the MONDEM programme, held in Podgorica on 1 November 2013:* Montenegro

4. Next meeting:

Wednesday, 13 November 2013, at 10 a.m., in the Neuer Saal



733rd Plenary Meeting

FSC Journal No. 739, Agenda item 1(a)

STATEMENT BY THE DELEGATION OF SWITZERLAND

Your excellency Ambassador Lenarčič,
Mr. Chairperson,
Dear colleagues,
Ladies and gentlemen,

Switzerland thanks Ambassador Lenarčič for his very interesting and inspiring presentation. As a fierce fighter for the Code of Conduct, Switzerland supports every effort to enhance democratic control of the armed forces and the protection of human rights. The “citizen in uniform principle” has been one of the basic pillars of the Swiss conscript armed forces for more than 150 years. Therefore, ways and means for enabling soldiers to claim their rights have been a concern for a very long time in Switzerland. Fine and balanced complaint mechanisms have been developed over time to satisfy the legitimate needs of the members of our armed forces. Our conscript system is very well embedded in Swiss society. There is probably no family in our country which has never been in touch with the armed forces. The experience and the knowledge of their work and functioning are very widespread; mistakes or mistreatment were and are known very quickly and are brought to the attention of the public, including the press and the media. This degree of transparency and naturally developed social control is indeed very powerful. This is the true meaning of democratic control of the armed forces. Therefore, the question whether Switzerland should create an ombuds organization was raised only recently.

In this respect, there is currently a proposal in the parliamentary consultation procedure which aims at introducing such an ombuds organization into the law on the Swiss armed forces. The discussion of this topic in our country shows that the notion of “watchdog” would probably be a controversial one in Switzerland. The choice of this word could perhaps also imply that the ombudsperson would be in conflict with the military hierarchy and the commanding officers. We consider the ombudsperson also to be very much a facilitator, a mediator, a consulting person, and maybe less a policeman, who might not always be very welcome.

This interesting phase of establishing an ombuds organization in the Swiss armed forces is a very useful and healthy process. Switzerland will actively contribute, with its recently acquired experience in the analysis concerning ombuds organizations by the Geneva Centre for the Democratic Control of Armed Forces (DCAF) and the ODIHR, to bringing about progress in this field, and is of course curious to learn from the outcome.

Thank you very much, Mr. Chairperson. I would kindly ask you to attach this statement to the journal of the day.



733rd Plenary Meeting

FSC Journal No. 739, Agenda item 1(b)

STATEMENT BY THE DELEGATION OF THE UNITED KINGDOM

The United Kingdom thanks the Chairperson of the Forum for Security Co-operation for organizing today's Security Dialogue on the Montreux Document, and Mr. Jürg Lindenmann for his presentation today.

The United Kingdom has worked very closely with Switzerland on the regulation on private security companies and was one of the original signatories to the Montreux Document in 2008. We have also played a leading role in the drafting of the International Code of Conduct for Private Security Service Providers (ICoC), and the launch of its oversight mechanism, the ICoC Association (ICoCA). Membership of the ICoCA is open to all Montreux Document signatory States. The ICoC sets out principles for private security companies (PSCs) working in complex environments, and has mandated the creation of standards, based on the ICoC principles, to which PSCs can be certified, and subsequently monitored.

The ICoCA was launched in Geneva on 19 September, and is charged with the oversight and governance of the ICoC. It can monitor member PSCs, including in the field, to ensure they are adhering to the principles and provisions of the ICoC. It is the only global mechanism that can independently audit PSCs in the field.

The ICoC and the standards that flow from it can provide governments and PSCs with consistent, internationally recognized standards. We believe that this, reinforced by the ICoCA oversight mechanism, can help uphold and promote the highest standards in the PSC industry, allowing the legitimate industry to conduct business effectively, and that this system can work in a way that is proactive and preventative rather than reactive.

Until now there has been no international system that could effectively raise standards, including of human rights, in the private security sector working in dangerous or complex environments. It has been difficult for potential employers, including governments and international organizations, to know how to distinguish between security companies. So we encourage States and international organizations, as well as companies and NGOs, to use their leverage as contractors of PSCs to recognize the ICoCA, and the certification to the standards that flow from the ICoC.

And we encourage all Montreux Document signatories to join the ICoCA. To date, five States have joined, and a further four States and the European Union, along with the

ICoCA members, have joined the Montreux Document Advisory Forum. This Forum will advise the ICoCA on issues relating to national and international regulatory efforts in the PSC sector.

Finally, the United Kingdom wishes to call attention to the importance of links to the UN Guiding Principles on Business and Human Rights in the context of work to raise the standards of PSCs. The United Kingdom is the first country to have published an action plan setting out how it will implement the Guiding Principles, and our action plan highlights the important contribution our work with the ICoCA will make to this effort.



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.JOUR/739
6 November 2013
Annex 3

Original: ENGLISH

733rd Plenary Meeting

FSC Journal No. 739, Agenda item 3(a)

**STATEMENT BY
THE DELEGATION OF BOSNIA AND HERZEGOVINA**

Mr. Chairperson,
Excellencies,
Ladies and gentlemen,

As you already know, a two-day seminar on the OSCE Code of Conduct on Politico-Military Aspects of Security was recently held in Konjic, Bosnia and Herzegovina. This regional seminar for parliamentarians was initiated by the Bosnia and Herzegovina Joint Committee on Defence and Security, together with the OSCE Mission to Bosnia and Herzegovina and the Conflict Prevention Centre.

We would like to take this opportunity to thank the OSCE Conflict Prevention Centre and the OSCE mission in Sarajevo for the organization of such a successful and significant seminar.

Mr. Chairperson, I would also like to take this opportunity to point to some achievements by Bosnia and Herzegovina in promoting and implementing the Code of Conduct: improvement of the annual responses to the questionnaire, ongoing destruction of surpluses of ammunition and weapons, upgrading of the security of weapons and ammunition storage sites, establishment of the institution of the Parliamentary Military Commissioner, and the inclusion of the Code of Conduct in the training curriculum of the armed forces are all examples of long-standing co-operation with the OSCE Mission to Bosnia and Herzegovina and the Conflict Prevention Centre.

It is expected that the newly established co-ordination team of the Council of Ministers for implementation of OSCE/UN security commitments in Bosnia and Herzegovina will assist in the continued implementation of the OSCE Code of Conduct and other politico-military commitments in Bosnia and Herzegovina.

For Bosnia and Herzegovina, the OSCE Code of Conduct on Politico-Military Aspects of Security is an essential instrument governing the role of the armed and security forces. Equally, the democratic political control of all defence and security services is a fundamental element of security and stability, not only in Bosnia and Herzegovina, but throughout the region and in all democratic societies.

In conclusion, this seminar has been a significant regional event, bringing together chairpersons and members of parliamentary defence and security committees of the region, continuing regional co-operation in the area of security and defence, and strengthening the regional parliamentary network in the framework of the OSCE Code of Conduct on Politico-Military Aspects of Security.

Mr. Chairperson, I would kindly ask you to attach this statement to the journal of the day.

Thank you, Mr. Chairperson.



**Organization for Security and Co-operation in Europe
Forum for Security Co-operation**

FSC.JOUR/739
6 November 2013
Annex 4

Original: ENGLISH

733rd Plenary Meeting

FSC Journal No. 739, Agenda item 3(a)

**STATEMENT BY
THE DELEGATION OF SWITZERLAND
(ALSO ON BEHALF OF GERMANY)**

Excellencies,
Dear colleagues,
Ladies and gentlemen,

This statement is also on behalf of Germany, as fellow co-sponsor of the regional seminar for parliamentarians on the Code of Conduct.

Germany and Switzerland want to thank the Conflict Prevention Centre and the OSCE Mission to Bosnia and Herzegovina for organizing this event in Konjic. The seminar was a timely event, recalling to parliamentarians the principles and obligations set out in the Code of Conduct, since they are among the most important stakeholders of this norm-setting tool. Parliamentarians play a critical role in fixing the framework and ensuring the implementation of democratic control of armed forces. Their activities are crucial to enhancing integrity and accountability in the defence and security sector of their democracies, and the protection of human rights within and by their armed forces.

The interest evidenced by their active participation and the quality of their interventions indicated the interest and the awareness of the parliamentarians of the Western Balkans regarding the Code of Conduct. Germany and Switzerland are motivated by this encouraging success to continue to address parliamentarians concerning the Code of Conduct and will therefore suggest a focused discussion of related topics, also within the Parliamentary Assembly, next year.

Thank you very much, Mr. Chairperson. Please may I ask that this statement be attached to the journal of the day.