

**FIFTH SESSION OF THE OPEN-ENDED
INTERGOVERNMENTAL WORKING GROUP TO CONSIDER
THE POSSIBILITY OF ELABORATING AN INTERNATIONAL
REGULATORY FRAMEWORK ON THE REGULATION,
MONITORING AND OVERSIGHT OF THE ACTIVITIES OF
PRIVATE MILITARY AND SECURITY COMPANIES**

**Concluding remarks by Ambassador Mxakato-Diseko
Chairperson-Rapporteur**

Check against delivery

16 December 2016

Excellencies, Distinguished Delegates, Ladies and Gentlemen,

A week of detailed and engaged discussions to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies is behind us. We heard a rich tapestry of inputs and views

throughout the week. At the center of this endeavour is an effort to contribute to the mainstreaming of human rights.

Our discussions as in prior Sessions were enriched by the presentations delivered by experts, whom I would like to thank for their contributions. This included the OHCHR; the Working Group on the Use of Mercenaries; the ICRC; DCAF; ICoCA; the Working Group on Business and Human Rights; ACCORD; the University of Basel; ICJ; the NGO Lumiere Synergie; and a representative from the industry.

A range of substantive issues were discussed, including access to justice and remedies for victims of violations and abuses linked to the activities of PMSCs; and the operation of PMSCs in maritime and other contexts. We also discussed and heard about various initiatives both at national and international levels; other measures taken concerning the regulation and oversight of the activities of PMSCs; existing regulatory frameworks; as well as problems, challenges and suggestions from delegations to move forward. Many participants expressed concerns over the increasing number of PMSCs and serious abuses committed by them, which pose challenges in terms of accountability. It is vital that victims' rights be protected, and abuses committed by PMSCs addressed, leaving no room for impunity. Finding appropriate solutions in this regard continues to remain one of the key challenges for this intergovernmental working group.

Colleagues must remember that this was the 5th Session of the Working Group, with the 6th Session to take place on 22 – 26 May 2017 to prepare a report for the UNHRC in September 2017.

The question for me is how close are we towards convergence on recommendations to the HRC and is this ever likely to happen. Is it possible ever for parties to find each other over this matter? These are questions I leave to you to mull over as we prepare for the 6th Session.

I invite all of you to provide the Secretariat with any written information you may consider relevant in this context. Information received will be posted on the website in the language of submission. I have been informed that the Secretariat had already uploaded the statements shared by the invited experts and delegations on OHCHR's website.

The draft report before you provides the Chairperson's summary of the in-depth discussions on all the topics just mentioned. I would like to note that this summary was prepared within the strict word limits for such UN reports (10,700 words) and thus cannot include a verbatim account of all presentations and interventions. Delegations will have two weeks to bring any factual inaccuracies to the attention of the Secretariat before this draft report is finalised. Once finalised, it will be uploaded on OHCHR's website.

Finally, and before I close, I would like to thank the interpreters, the Secretariat and Conference Services for their hard work throughout the week and contribution towards ensuring a successful session. I wish all those who have travelled far a safe journey back and those staying in

Geneva a good weekend. I thank you all for your cooperation and assistance.

I thank you