

SCEG Perspectives towards the ICoC and its Association

1. The SCEG as a special interest group representing UK based private security companies has been established by the ADS Group Ltd to partner with the UK Government to promote professional standards across the UK private security industry, and to provide for their enforcement through effective monitoring and sanctions. ‘The purpose of the SCEG is to act as a focal point to achieve the introduction of standards and a certification framework, to monitor the activities of its Members, and to represent their interests externally to UK Government Departments, and wider stakeholders, and internally to deliver the objectives of introducing standards and to share best practice’.

2. SCEG members are required to be signatories of the International Code of Conduct (ICoC) and are thus committed to raising standards within their own companies and the industry collectively. Signatory companies affirm that they have a responsibility to respect the human rights of all those affected by their business activities, including personnel, clients, suppliers, shareholders, and the population of the area in which services are provided. The Code described itself as the first step in a process. Clauses 6-8 of the ICoC represent a commitment on the part of signatories towards the development of standards derived from the Code and the establishment of an Oversight Mechanism.

3. With the publication of PSC1 and ISO PAS 28007 the industry has two standards against which private security companies and private maritime security companies may be certified. UKAS is overseeing a number of pilot assessments of certification bodies which should be completed by December 2013. Once CBs are accredited, companies outside the pilot process can seek to be certified. Certification against PSC1 gives effect to Paragraph 7A of the ICOC. Certification against ISO PAS 28007 is in keeping with the same paragraph and responds to the guidance of the IMO. Certification to these standards will demonstrate to clients and to the market that SCEG members are seeking to work to the highest possible standards in a fully auditable manner. The Standards and Accreditation Group will continue to be a focal point in providing advice to SCEG members. SCEG anticipates that the ICoC Association Board will formally recognise PSC1 and ISO PAS 28007 and this move would be fully encouraged and supported by SCEG. These standards, together with agreement to establish the ICOC Association in September 2013 represent the next steps envisaged in the Code.

4. The ICOC has been a major force for good in setting a framework of principles to govern the operations of private security companies which can also apply to maritime security operations. SCEG industry members played a crucial role in the Montreux Drafting Conference in February which culminated in the agreed text to enable progress to move forward and create the ICoC Association. SCEG is very keen to see this Association succeed by creating an oversight mechanism which is viable and sustainable for the longer term, which does not place

an excessive burden on industry and which raises standards of companies from all parts of the world. SCEG particularly welcomes the growing involvement of Montreux Governments and the commitment of some governments to provide funding for the longer term,

5. As a multi stakeholder initiative supported by Governments and by civil society, the Association will give legitimacy to companies who comply with the provisions of the Code. SCEG hopes and believes that the oversight mechanism will become international in its reach and be able to bring companies that commit human rights abuse to account wherever it may occur.

6. The ICoC of November 2010 was negotiated to address issues and abuse arising from the conduct of private security companies in complex environments including Iraq and Africa. PMSCs and security enablers have also signed the Code in large numbers because they recognise the universality of the principles, even where specifics are not fully relevant. In the case of maritime security providers the IMO has provided interim guidance to cover their operations based on applicable and relevant maritime law and law of the sea. The IMO has recognised the ICOC but not drawn on it for any of its guidance because it is not fully applicable in every aspect. It was made clear in the ICoC that nothing in the Code would replace the control exercised by competent authorities or create new legal obligations or liabilities beyond those already existing in international or national law. Nothing in the Code would be interpreted as limiting or prejudicing in any way existing or developing rules of international law.

7. The SCEG Chairman has always made clear that any new oversight mechanism must be affordable, inclusive, sustainable, transparent and accountable. SCEG members have contributed to a valuable paper on ICoC Association Budget which will provide guidance to a Board once elected. This sets out the range of possible subscriptions payable by members of the ICoCA and is consistent with the industry view articulated persuasively by SCEG members in the drafting conference in Montreux. It does not consider other potential costs to companies eg of certification under standards, coping with any field reviews and the legal advice necessary for any complaints that might be made against a company.

8. Recent discussions between the TSC and BIMCO have indicated a failure to articulate to the shipping community what the Association intends to achieve and how it will be founded. SCEG is embarking on a series of outreach events to explain the relevance of the ICoC Association which is complementary to certification against ISO PAS 28007 to maritime security companies and the international shipping community. The SCEG Executive Committee is committed to the success of the ICoC Association but recognises the need to undertake further engagements with members and stakeholders to allow members and aspirant members to fully understand and consider the merits of the Association.

9. The SCEG Executive Committee believes that the principles of the Code are universally valid and that companies will wish to give effect to their commitments as signatories of the Code. The Executive Committee recommends that companies may wish to do so by becoming founding members of the ICOC Association and it is hoped that several SCEG members will travel to Geneva for the launch Conference on 19-20 September. The Executive Committee agrees that SCEG members should ensure that they give immediate effect to the principles of the Code in their internal processes and in their engagement with external players, whether clients or impacted communities, as well as through certification to applicable standards.

The Executive Committee
Security in Complex Environments Group

16 July 2013