



Minutes of the Parliamentary Forum

Extra Assembly

Monday, 29th October 2007
Panama City, Panamá

The Extra Assembly of the Parliamentary Forum on Small Arms and Light Weapons began with some brief opening words from the President, Mrs. Daisy Tourné, who welcomed all participants and especially thanked MP Juan Hernandez for hosting the event and gave the floor to him.

MP Hernandez also welcomed the participants and was thankful that his country had been chosen to host this Extra Assembly as well as the other programmed activities.

Next, the President of the Forum, Mrs. Daisy Tourné reported on the activities developed by the Parliamentary Forum on Small Arms and Light Weapons.

The President of the Forum carried out an evaluation of what had happened since the Forum's plenary session in Montevideo last year, indicating that the focus of the organization had been broadened, from strictly technical aspects linked with small arms and light weapons and legislative support for arms control, including more general aspects linked with public security.

Subsequently, she referred to the difficult decision to step down as President of the organisation. She pointed out that her decision to leave the Presidency of the Forum was not with light heart. Upon assuming the position of Minister of the Interior of her country, she had lost her position as a parliamentarian. She expressed that in spite of this, she will continue to have close ties with the organization working in whatever capacity necessary towards the shared objectives which she summarized as: "a world free from violence, where we can all be happy and where we are respected and can live life peacefully."

In the outgoing president's report, the following issues were highlighted as the most relevant:

- To continue working with the Latin American Parliament.
- The recruitment of new members, particularly in Africa.
- That the Board of the Forum include a representative from civil society organizations. Ana Yancy Espinoza, from the Arias Foundation linked to ATT (the Arms Trade Treaty).
- Participation within the framework of the United Nations Disarmament Week in New York and the commitment to participate in the bi-annual Meeting of States which will be held next year.
- The recognition of two especially relevant issues for the activities of the Forum: "gender" and "children and young people". She pointed out that although their importance has been recognized, these issues have not yet received the attention they deserve.
- Reaffirming the line of work of the Forum in the sense that problems related to small arms and light weapons must no longer be an issue of national defence since they are essentially civil problems. She reminded participants that 80% of small arms victims are civilians.

- Cultural aspects of the problem and stereotypes which associate masculinity with small arms use, which sadly is a view shared by many women. She pointed out the importance of campaigns which can challenge this stereotype, like the one made in Brazil by Viva Rio.
- Recognition that although most victims are men, many women are also victims, in many cases due to rape. She pointed out that rape is used as a way to terrorize and conduct warfare.
- Reference to the incidence of small arms that are involved in deaths resulting from domestic conflicts.
- The need to construct a culture of non-violence and to promote peaceful conflict resolution. The existence and availability of video-games where you "play" to kill with arms that are replicas of real guns, and where gun use and violence is a means to solve conflicts are encouraged.
- The problems related to child soldiers and the role of parliamentarians in pushing for the approval of treaties which limit the participation of children in armed conflicts.
- That the Forum's importance continues to grow and the need to involve more parliamentarians. Common standpoints which go beyond party lines and countries: the commitment to democracy and development of society.

Afterwards the President gave the floor to Peter Weiderud, the Secretary General of the Parliamentary Forum on Small Arms and Light Weapons:

First of all the Secretary General thanked the president of the Forum for everything she has done for the organisation.

He said that he was extremely pleased to be asked to work in the organization and had started his job with grand expectations. He highlighted the interest of parliamentarians to work with issues related to arms control.

See Secretary General report below (annex A)

Subsequently, the President of the Forum welcomed the new Secretary General of the Forum – Peter Weiderud – emphasising his qualities both as a professional and as a person. She also highlighted the Secretary Generals successful suggestion to introduce policy statements on different topics related to the Forum's area of work, at every meeting, in order to raise awareness of the Forum from the outside.

She made a special reference to Efraim Gomez and Maria Lundberg who have been involved with the Forum before but today have embarked on new paths and welcomed the new staff members, mentioning Christine Green and Teresa Dybeck, as well as those participating in this meeting.

Afterwards, MP Celestino Suárez from Spain presented the Search Committee's report, informing the Assembly of the procedures regarding the election of the new President of the Forum as well as for filling other positions on the Board.

He explained that the tasks were completed via telephone conferences and e-mail exchange. He described how three positions had been considered:

- The presidency of the Forum, since the current President, Mrs Daisy Tourné, had to leave her post as parliamentarian having become Minister of the Interior in Uruguay.
- Board member Roxana Baldetti felt that she could no longer be part of the Board due to other commitments.
- It was decided that the ninth seat on the board, which had been empty until this point, would be filled.

He explained that as a result of the discussions and the contacts between them, the Search Committee had decided to propose the following:

- For President, MP Juan Hernandez from Panama
- For the Board, MP Paola Spatola from Argentina to replace MP Roxana Baldetti
- For the Board, MP Kuniko Inoguchi to occupy the ninth seat of the board.
- It was also suggested that the other members of the Board, elected last year during the Assembly in Montevideo, should remain in their positions.
 - Vice President: MP Joseph Nkaisserry, Kenya
 - MP Manuel de Araujo, Mozambique
 - MP Karin Enström, Sweden
 - Ms. Ana Yancy Espinoza, Arias Foundation, Costa Rica
 - MP Hans Raidel, Germany
 - MP Celestino Suárez González, Spain

MP Suárez stated that during its first term the Forum had had a President from Spain, followed by a parliamentarian from Sweden. The next president had been a Latin American woman and the Vice-president an African parliamentarian.

In light of this, the committee suggested that the Presidency remain in Latin America. Due to the fact that the Uruguayan representative was leaving her post (a very important person in the history of the Forum) another woman from the Southern Cone would join the Board, MP Spatola from Argentina.

He stated that the proposal reflected a regional balance in the structure of the Forum, as the organization wishes to strengthen its position in Eastern Europe and Asia.

Following this, Ms. Tourné, explained that during the course of the work the Search Committee had consulted the suggested candidates. She declared herself to be particularly pleased with the election of MP Juan Hernandez to replace her as President, explaining that MP Hernandez is very committed both to the Forum as well as to his parliament. His participation in the development of the arms control law had been very valuable. The law is soon to be adopted by the National Assembly of Panama.

She pointed out that the president of the Forum needs to be a good listener, since he or she needs to take all the diverse positions into account while keeping strong focus on the themes addressed.

Also, a decision was made to conserve a place on the Board for a representative from the Southern Cone of Latin America, with emphasis that a woman should fill this position. For this reason, contact was made with two members in Argentina and Paraguay. She pointed out that Senator Sonia Escudero from Argentina, who is also Secretary General of the Latin American Parliament (PARLATINO), apologized for not being able to participate in this Extraordinary Assembly but she had sent a letter supporting the nomination of MP Paola Spatola to the Board of the Forum. She also pointed out that MP Spatola is President of the Commission of Citizen Security, Combat and Prevention of Drug trafficking, Terrorism and Organized Crime in the Latin American Parliament.

With regards to the third position, the outgoing president explained that the Search Committee had considered it fruitful to fill the ninth seat of the Board by expanding to another region, which is why a representative from Japan, MP Kuniko Inoguchi, was proposed. She highlighted that MP Inoguchi is an academic of political sciences, has had a career as a diplomat, ambassador in Geneva and was President for the first bi-annual meeting on Small Arms. She was elected in 2005 by the governing party in Japan, worked

in the Ministry of Gender and was a member of the international bureau of her party. She concluded by stating that a very competent member had joined the board.

The members gathered at the Extra Assembly of the Forum to consider the proposal presented by the Search Committee. The proposal was approved unanimously, resulting in the Board being formed as follows:

President: MP Juan Hernandez, Panama

Vice President: MP Joseph Nkaisserry, Kenya

MP Manuel de Araujo, Mozambique

MP Karin Enström, Sweden

Ms. Ana Yancy Espinoza, Arias Foundation, Costa Rica

MP Kuniko Inoguchi, Japan

MP Hans Raidel, Germany

MP Paola Spatola, Argentina

MP Celestino Suárez González, Spain

Immediately afterwards, the outgoing president Daisy Tourné gave her Forum membership pin to the new President, MP Juan Hernandez.

MP Hernandez thanked the members of the Forum for their confidence in him and expressed his belief that it would be difficult to match the effort and contribution that Daisy Tourné had devoted to the Forum, to whom he referred as the "honorary president" of the organization. He agreed that, although all parliamentarians have a multitude of obligations, it was necessary to maintain a Latin American parliamentarian in the position of president.

The new President considered the guidelines drawn up by the Secretary General of the Forum, Peter Weiderud, to be fundamental. He also stressed the importance of meetings and regional assemblies, which lead to concrete efforts in the different policy areas. He emphasized the importance of the tasks connected with the financing of the activities.

He indicated that, in the Latin American region, fundamental steps on issues of security are occurring, and that it is the responsibility of the state to give proper attention to them. He noted the importance of work carried out to challenge the notion that security problems can be solved with "hard handed" approaches instead emphasising measures related to prevention and citizen security, in the quest to free cities from violence, establishing clear regulatory frameworks. He emphasized the contribution of the Model Legislation on Firearms, currently being debated in the Latin American Parliament.

He noted that the decision was recently made to establish the permanent seat of the Latin American Parliament in Panama which, by taking advantage of his position as President of the Forum, will ensure close cooperation between the organizations. In the same way, he added that several offices of the UN are also based in Panama which will allow for a deepening of the work with these organizations.

MP Hernandez concluded his speech stating that his presidency would leave the doors open to further expansion of the Forum.

The activities continued with the presentation of a draft Declaration on Privatization of Security presented by the Secretary General of the Forum, Peter Weiderud.

The Secretary General began by saying that the methodology previously used to make declarations was approved by the decision-making organ of the Forum, the Board. He added that statements on gender, cluster munitions and ATT had already been approved in Kenya in May 2007 as well as a further statement on Children and SALW approved in Stockholm in September of 2007. A request had been submitted to the Secretariat to formulate a draft statement on privatization of security and had been submitted to the members of the Extra Assembly.

The Secretary General commented on aspects arising from the proposal, highlighting the swift expansion of privatisation since end of the Cold War, advancing on issues pertaining to the state. He also pointed out that there is no unequivocal definition of private security or the boundary between private security and private military forces.

Following on from Peter Weiderud, the newly-elected President emphasized the importance of the document and value on its content. Former President Daisy Tourné highlighted the negative impact of the privatization of security in the consolidation of democracies as central. She noted that in this way the state gives up its place as the sole executor of violence, thus jeopardising an effective, strong of democracy. It indicated that in almost all the countries of the region, private security surpasses public forces in numbers and budget.

She stated that the State must keep a suitable balance between its exclusive functions and the popular demand for private security services. She added that in Uruguay the employees of private security companies consist of unqualified, uneducated, and low-paid workers, which leads to high staff turnover. She indicated that there are suitably demanding rules but a failure to carry out controls.

In relation to the declaration proposal, she believed that it was substantive taking into consideration the fundamental axes. She raised the issue of regional standard controls and obliged the Forum to include these subjects as important items on the agenda.

Ms. Tourné warned that with the increasing privatisation of security, the state yields more power to the private sector, which does not guarantee necessary respect for human rights.

Following this, MP Elizabeth Fonseca of Costa Rica expressed her general agreement with the terms of the document and indicated that it is a subject which is problematic in all countries. Rather than being security companies, some are instead more like "insecurity companies", due to the characteristics of the personnel they contract.

She then put forward some specific proposals for the alteration of certain paragraphs of the documents, proposing to establish a general principle followed by recommendations. She pointed out that security must be defined as a public good, the authority for which cannot be renounced by the State. She went on to emphasise that in the countries of the Latin American region in general, laws exist that regulate the issue, yet reinforcement of controls is necessary.

Finally, MP Fonseca asked whether the declaration was too focused on Latin America, to which the Secretary General of the Forum responded that an attempt had been made to give the declaration a global reach that at the same time reflects the realities of the different regions.

Next MP Benito Lara, of El Salvador, indicated that in his country the number of private security personnel is double that of the National Civil Police (15,000 public agents as opposed to 30,000 private). He also said that these companies have certain partisan connections and are used for partisan aims. For this reason he claimed that they definitely constitute another power.

He agreed that the declaration must reaffirm that security is a public good and that the state should be in charge of it in order to guarantee the security of citizens, for which it must guarantee the necessary investment. Currently this does not happen in his country.

He believed that special attention must be paid to the content of the laws since often they are able to normalise an existing irregular situation.

Ana Yancy Espinoza then spoke and stressed the fact that private security companies increase inequality and that inequality is itself the cause of violence. She agreed that in many countries their number on staff double that of the police.

She claimed that states are not prioritising public security and even contract private security themselves. She added that little control exists over the quality of service and agents, pointing to the high numbers of illegal residents who are often contracted in order to pay the lowest wages possible, leading to a high staff turnover.

Ms. Espinoza also indicated that in general these companies have important connections and contacts. Regulation does not establish proper limitations.

After this MP Raphael of Tanzania indicated that the document is very relevant in his country, since it expresses a position regarding the reaffirmation of the main responsibility of the state to provide security. He pointed out that private security staff must be fewer in number than those provided by the state and that the dimension of the sector should not exceed certain limits. Private security in Tanzania has licenses and responsibilities. There is a system of classification of security and requirements to contract personnel depending on the resources being provided by each company. If infractions are found, licences are revoked. He added that private security can supplement that offered by the state.

For her part, Daisy Tourné expressed agreement with all the contributions and indicated that references to the realities, with specific examples of other regions, could be found in the core of the document. She agreed on the necessity to incorporate a short introduction of political considerations, recognizing security as a human right and an essential component of democracy. She also emphasized the matter of fairness with regard to access to security. She affirmed that security has a direct impact on the quality of democracy. She noted that in the region, generally the owners of private security companies are ex-members of the armed forces with connections to dictatorships thereby creating a conception of security that is not in line with the one shared by democratic states.

The President of the Forum, MP Juan Hernandez, agreed with this statement and added that common crime is often committed with the use of arms from the private security sector. He stated that in these companies, when prioritizing profit, the reduction of costs means hiring very precarious manual labour, which can be easily co-opted into crime. He said that there is a lack of capacity, control and auditing which is why the growth of the private sector is a risk.

Luis Gomez, of the Spanish Ministry of Foreign Affairs said that in his country such activity is sufficiently regulated, and that the articulation of citizen security laws and arms regulations clearly establishes the regulation of private security companies, including which of them can use arms. Currently there is a debate in Spain regarding the possibility that the members of these companies may take these arms back home with them, since they are becoming a target of crime.

MP Benito Lara, said that private security companies must respect the rights of citizens. In his country cases in which private vigilantes make certain demands – for example retaining the papers of people who enter certain neighbourhoods - are unacceptable.

He pointed out that in Bogota agreements had been signed with private security companies demanding that they provide information. He felt that an analysis of whether or not this is reasonable was necessary.

After these considerations, the Secretary General of the Forum, Peter Weiderud, proposed to incorporate the proposed adjustments and suggested a new text for the declaration, which was subsequently approved unanimously.

See policy statement on the Privatisation of the Security Sector below (annex B)

Once an approval of the declaration on the privatization of security had occurred, the meeting was concluded.

Annex A

Report from the General Secretary to the Extra Assembly of the Parliamentary Forum on SALW Panama, October 29, 2007

Your Excellencies,
Dear Friends and Partners,

It was with great joy and grand expectations I accepted the offer from the Board of the Parliamentary Forum on Small Arms and Light Weapons in March this year to be your general secretary.

There exists an enormous interest among parliamentarians, globally, to work on gun control issues. This interest and engagement is essential for the possibilities of advancing the small arms agenda. Parliaments are the only bodies with authority to create and reform legislation and support and approve ratification of international agreements.

The Parliamentary Forum hence has a very specific and strategic task to offer political hope and practical solutions to prevent violent conflicts in a very violent world.

These days, exactly 62 years ago, it is not unlikely that some of the European political leaders were passing the Panama Canal on their way back home after the successful conference at Fairmont Hotel in San Francisco. Five days earlier, on October 24, they had signed the UN Charter and given birth to the United Nations.

When it was signed, the preamble of the UN Charter stated, “We the peoples of the United Nations determined to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind.”

These words – well known to all of us – was a result of successful lobbying by NGO:s with support of parliamentarians. They strongly pleaded that the UN must not just be seen as an instrument of the states. Rather, it must also give expression to the aspirations of the people of the world. The lack of this, they argued, was one of the main reasons why the League of Nations had failed.

Therefore, they urged for a preamble stating this vision and the inclusion of an article that would guarantee people direct access to the UN’s deliberations. The original idea, as projected at the Dumbarton Oaks conference prior to San Francisco, was primarily to create a political device whereby the so-called great

powers were to rule the world. With these early interventions of UN lobby, the idea was introduced not only to look for a world order of peace and stability but merely a just order.

Since these days 62 years ago 30 million people have died in different armed conflicts. 26 millions of them were killed with guns. Some 600 millions small arms are in circulation and nearly 300.000 individuals are killed by firearms throughout the world each year.

The challenge is obvious and so is the political need for this Forum.

The decision to establish the Forum stems from a conference in Stockholm, Sweden, in 1999, and was caused by the need for parliamentarians to have their own platform for discussion, information exchange and coordinated parliamentary action. The Forum was established as organization in 2002 and counts since June 2005 with a small secretariat based in Stockholm.

Today, the Forum is the only international focal point for parliamentarians related to the specific issues of armed violence and small arms. As such, the Parliamentary Forum has the potential to contribute substantially to the effort of reducing proliferation of small arms. How we choose to manage this potential is, however, up to us.

During these years we have seen a clear development of the work of the Forum, as well as of the international small arms agenda in general, moving from a focus on control issues, such as illegality and non-proliferation, towards a deeper and wider approach, aimed at comprehensively targeting armed violence, notably parting from the perspectives of security and justice sector reforms.

This is a natural and most welcome development, not only to address the symptoms of violence, but also deal with the root causes, and ultimately try to prevent conflicts from being solved violently. From a policy perspective, and for parliamentarians, this move is particularly welcome, since the object of concern in SALW-work is – ultimately – human security, human lives and to reduce suffering.

As a method to strengthen the policy making role of the Forum and the members, the Board introduced at its meeting in May 2007 draft statements for the consideration of the Board. This should be seen as a democratic tool for policy making, allowing the board members to discuss and agree on the policy guidance for the Forum.

Once policy is in place, it gives more space for the President and the secretariat to act on behalf of the Forum within the policy guidelines given. This can also be part of a structure in which different bodies decide on different statements. Regional meetings can decide on regional concerns. The general assembly should focus on more principle concern. The board, who meets regularly, will address current issues.

So far the board has decided on statements on the Arms Trade Treaty, Cluster Munitions, Gender and SALW and Children and SALW. Copies are available of all these.

Consequently, the board is also proposing a draft statement for the consideration of the Extra Assembly – at statement on privatisation of security.

This methodology should be seen as a way to consolidate the decision making function of the Forum. It is also a way to make the Board and the Forum politically more relevant.

To maintain and further its policy making role it is extremely important that the Board meets regularly - physically at least twice a year and additional 3-4 times on the phone.

It is also important to carry out the policies. The Board has to represent the Forum at regional meetings, seminars and at the UN level. The Secretariat is also building capacity to serve the Board Members in writing articles and giving presentations.

During this year we have also worked hard to improve the visibility of the Forum, in particular through the web-site.

The Forum's aim has always rested on two pillars: policy-shaping and capacity-building. The former attends to the function of common political construction between the Members, whereas the latter on enhancing knowledge and putting to place resources for the Members.

The aims are mutually reinforcing and leaving one unattended would risk the parliamentary identity of the Forum and its added value. There is, however, one major challenge for maintaining this order and it concerns funding. The lion's share of funding is available for international development co-operation; consequently, resources tend to be directed towards capacity-building, in detriment of policy-shaping.

Acquiring funding for policy-shaping is therefore particularly demanding, and includes relentless explaining for donor agencies on why it is an essential and integral part of parliamentary work on SALW. The Forum could never do without the policy shaping – for then it might as well be managed as a parliamentary capacity-building project or programme under any other organization in the SALW-community.

Equally important as freeing resources, is to make extra efforts to strike a reasonable balance between capacity-building and policy-shaping. In that vein, practices such as the adoption of policy statements, should be consolidated and further developed.

The basic methodology of the Forum has always been the exchange between parliamentarians, and liaising with GOs, NGOs and IOs. As the Forum has grown in membership, demand for concrete and continuous activities has increased, and consequently the institutional capacity and knowledge been deepened, not least through its Secretariat.

The exchange methodology has therefore been preserved, but mostly during the Forum's institutional gatherings: the Assembly and the Regional Meetings. The new role of the Forum has therefore consisted of complementing exchange, or rather to identify which unique parliamentary functions, in relation to SALW-work, that it needs to strengthen and champion continuously, both individually towards its Members and as an international network.

There are two such generic parliamentary functions that the Forum has been particularly successful in supporting: legislation and awareness-raising. For the future, it is critical that the Forum maintains its capacity and ambitions in regards of these parliamentary tools. No other parliamentary organization or network is better suited to uphold and explore these functions than the Forum – in terms of commitment, ownership, legitimacy and specialization.

The Forum is, and should continue to be, a membership based organization. Individual commitment of parliamentarians, towards changing the present situation of SALW-related violence, is the definite rationale and principal resource of the Forum. That gives the Members of the Forum great possibilities for outreach on SALW-issues, as well as it places particular responsibilities on them: being a Member of the Forum should be both rewarding and demanding.

The Forum's ambition of counting with dedicated MPs, supportive and committed to advance the national, regional and global agendas on SALW, has been consolidated during the last two-three years. As the Forum continues to expand, this principle should be observed; the identity of Forum should be clear and obvious, and hence only attract members who share the goals of the Forum and contribute to its image.

At present, the Forum is strong in membership in parts of Latin America, Western Europe and Sub-Saharan Africa. Our task in these regions should be to consolidate with help of regional meetings and regional representation. Consolidation includes bringing in members from new countries in these regions.

However, the Forum has a global identity and should have global, but realistic, ambitions. We need to have a strategy how to deal with the rest of the world.

For strategic reasons and to strengthen the political relevance and credibility of the Forum, we should seek to have strong members from the countries that are main producers and exporters of small arms. Among those countries, that we should give priority to with outreach, we find the US, Russia and the other members of the P5. Such an outreach takes time and efforts and should be seen in a long term perspective.

Eastern Europe is a region with a possible large interest for SALW from parliamentarians. The secretariat will in different ways explore contacts in this region, possibly through the newly established Orthodox Parliamentary Forum.

The Middle East is an important, but politically difficult, region for SALW work. The issue of right to resistance makes this region both necessary and difficult to work with. At present, the secretariat has no capacity for a comprehensive outreach approach to the Middle East, but we should nevertheless begin the contact work.

Asia is a very big and diverse region. At this moment the Forum has not the proper capacity to reach out to Asia in a solid way. An important step is the offer from the Japanese MP Dr. Kuniko Inoguchi to be elected by this Assembly to the Board of the Forum.

Initially, the Forum depended heavily on NGOs and some IO agencies as partners. The Forum still does, but it has also taken various concrete steps to engage with parliamentary sister organizations, networks and assemblies. Only last week, we had several activities together with the Parliamentary Network for Nuclear Disarmament at the UN in New York.

This direction is plausible and needs to be intensified. For the execution of its activities, the right mix has to be maintained – crucially since such parliamentary sister partners seldom have operative capacity, but also because NGOs, and occasionally IOs, can be at the forefront in terms of SALW-related policy.

However, for strengthening the parliamentary identity and ownership of the Forum, and enhancing its outreach and membership base, parliamentary partners should be given priority. And when approached and integrated into the Forum's program work, the Forum should assure that it counts with at least one well-positioned Member in that parliamentary sister organization, network or assembly.

The Secretariat is still comparatively young and modest in size. At this moment we are 2,25 full time equivalents. The Secretariat could probably never aspire to keep up with Members demands; and, conversely, it could never survive without such demands.

The regional arms or partners of the Forum are naturally instrumental to establish the desirability and viability of interventions demanded by Members. Sensible responsiveness is therefore, under this demand driven model, the key feature of the Secretariat. It should be able to offer targeted assistance, scale up during peaks, and ride out periods of dips.

Importantly, the Secretariat has to count with core capacity in terms of personnel and consultants: to meet the twin aim of policy-shaping and capacity-building, to support the key parliamentary functions of awareness-raising and legislation, and to deliver high-quality work on the SALW-issues of parliamentary

interest. Stabilizing such a structure requires institutional support from at least three to four countries – and reaching that is a joint political and technical endeavour.

The growth and the dynamic development also show in the financial report of the Forum. The turnover for 2006 was 400.000 US dollar, and we are expected to continue to grow in 2007. But as we have started from nothing, we are heavily dependent on every single application, and that applications are made in time.

The needed financial consolidation is to build enough capital needed to run the core costs of the Forum for at least six month and to handle cash flow when working with donors who offers contribution after and not before. This should be a priority over the next two years.

The main donors for 2007 are the UK DfID, Sida from Sweden, Spanish MFA and FBA. We expect to continue to work with these for 2008 and in addition we are now in dialogue with the Finish MFA and the Canadian CIDA. Our structural vulnerability, as mentioned above, is to get core funding and funding for our policy shaping role. If we are too dependent on development funding we risk diluting our unique parliamentary role.

To sum up and conclude, after a few years of very dynamic development, the Parliamentary Forum is at a point when the focus should be on consolidation; consolidating membership, policies, relations, program work, secretariat and finances – in doing so, the secretariat and the Board need to benefit from the wisdom of the Extra Assembly.

I am therefore very much looking forward to your comments and proposals.

Annex B



PARLIAMENTARY FORUM ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Privatisation of the Security Sector

Extra Assembly of the Parliamentary Forum on Small Arms and Light Weapons, meeting in Panamá City, October 28-29, 2007

Since the end of the 1990's the global private security industry has experienced a substantial increase and many states are continuing to outsource functions, which were traditionally undertaken by military or police, to private contractors. While research on the private security industry is limited, there is no evidence to suggest that the growth of the private security sector is near decrease.

In South Africa, for example, private security guards exceed the police forces in numbers. This is also true for the US, the UK, Israel, Germany, Russia and the Philippines, where the number of private security company employees and the budget for the private security sector surpasses that of national law enforcement agencies. South Eastern Europe has experienced a development where the private security industry has moved from a total absence to the point where the industry represents a major employer and security provider. The conflict in Iraq has been referred to as the first privatised war, and has raised many concerns about human right abuses and business ethnics.

That is not to say that the privatisation of security cannot make a valuable contribution by increasing the state's and public institution's effectiveness in the realm of security. However, of central concern is the lack of legitimacy and accountability.

The role of the state is, in this respect, to provide security, as a public good, for its citizens. It should provide this right equally to all citizens and in a way that upholds human rights and democratic principles. Private security providers are responsible to their shareholders and company owners, and if not properly managed and regulated, they can present a risk to the development of a stable democratic state, or undermine established democratic and accountable security institutions.

The services provided by private companies in the security sector today cover a broad spectrum of activities; everything from combating troops to private guarding services at airports, banks or for private individuals. Although it is recognised that the private security industry includes a number of key actors and that it might be analytically beneficial to distinguish them, the reality is that the private security industry comprises all actors that provide security under contract and for profit. Be it mercenaries, private military companies or private security companies.

Not only governments or wealthy individuals contract private companies to provide security. In various geographical contexts international organisations, and humanitarian aid agencies, international and national companies hire private security companies to ensure their safety in carrying out their work.

Accusations of misconduct and unprofessionalism, or inappropriate links between private security actors and political parties, ethnic groups or paramilitaries are all too frequent. A case in point is the incident at the Abu Ghraib prison, where the failure to hold contracted individuals or companies responsible for the atrocities made world news. Further, the private security sector often arms large groups of individuals - that might be untrained or with a dubious background- who are often left to their own devices unsupervised.

Particularly in Africa where armed conflict rages on in many places without clear political or ideological objectives, privately contracted individuals that are armed continue to be directly involved in warfare. In these cases an unregulated and poorly controlled private security sector can have atrocious effects on human life. The sector often exacerbates the grievances that lead to the conflict in the first place and have also been accused of forcing support through brutal acts of violence leading to gross violations of human rights including looting, rape and intimidation of women, men, boys and girls. In many cases this has resulted in mass exodus of populations and sometimes the outright collapse of affected states.

Contrary to the notion of security of public good to which all citizens should be entitled, in Latin America for example, security is in many cases conditioned by wealth. Corruption of the police force and the perception of ineffectiveness of existing security providers are reinforced by citizens turning to private security companies. People with money can afford security. This does not only give the security contractors unjustified leverage in the development of the security sector, but it also undermines the law enforcement work and the notion of universal access to justice.

The private security industry has also contributed to the status quo of inequitable security distribution in places like Colombia, Chechnya (Russia) and Tajikistan where economic interest in insecure contexts has fuelled the growth of the private security sector thus creating 'secure' enclaves within a highly insecure environment. While governments might be tempted by the quick fix of private security intervention, in essence this jeopardises the democratic accountability and transparency in the security sector. Further, it enhances the perception of the State's capacity to provide security for its population. There are also suggestions that companies active in territories emerging from conflict may have deep links to organised crime or act as an unauthorised political force exploiting human rights for profit.

In some cases it has proven difficult to recruit competent people to national security institutions in transition as private companies are often able to offer attractive salaries and benefits, which national authorities are unable able to match. This has been a problem for example in Iraq and Afghanistan and has obstructed local ownership of the much-needed institution building of the security sector.

Although the private provisions of security sector functions strikes at the core of the discussion about Security Sector Reform (SSR) little attention has been given to the private security industry

in this regard. Many donors have outsourced the implementation of SSR programmes to contractors. Companies that have been contracted to train and educate the security sector often have no requirement to include human rights, humanitarian law, gender-related issues, or arms proliferation issues in military, security or police force training.

There is a growing acceptance that security is an essential public good, like education, health and clean water. To ensure the proper use of privatised security it is essential that states develop comprehensive legislation regulating and controlling the work of the private security industry. Although many states do have a legal framework regulating the private security sector, many lack adequate laws, or have laws and regulations with many loopholes. States must ensure that the private security sector is a subject for democratic civilian control to ensure good security governance and the protection of human rights.

The international community has yet to develop an agreed response to the emergence of the privatisation of security, making it difficult to regulate the provision of security by non-state actors operating trans-nationally. In 1998 the UN General Assembly adopted the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* which makes mercenary activities illegal. However, due to the unclear legal definition of Private Military Companies and Private Security Companies, these are not covered by the UN Convention. This leaves the international legal parameters for the private security sector notably unclear.

In 1977 the Organisation of African Unity (now the African Union) adopted the Convention for the Elimination of Mercenaries in Africa. Equally to the UN Convention, Private Military and Private Security Companies do not fall under this convention. Although discussions are underway to agree on an international code of conduct for the private security sector, the EU, NATO and OSCE should strongly push for a process to ensure common standards for the regulation of the private security companies. It would be a first useful step to address the regional and international vacuum on these issues, and would be a sound process in order to inform a future international response on how to regulate the privatisation of security.

The Extra Assembly of the Parliamentary Forum of Small Arms and Light Weapons, meeting in Panama City, October 28-29 2007:

Recognizes that the role of the state is to ensure that all citizens have equal right to security and access to the rule of law; guaranteeing an effective system of democratic regulation and oversight of the private security sector;

Acknowledges the negative impact that the private security sector can have, if unregulated, on security governance, fundamental human rights and the rule of law;

Encourages the implementation and the enforcement of existing national laws governing the private security companies, and to close the legal loopholes in the control of private security sector activities;

Supports the members of the Forum and their parliamentarian colleagues to formulate legislative and regulatory framework for the private security sector and develop effective mechanisms for

control and oversight in order to better address the growth and expansion of the private security industry;

Takes note of the fact that as yet there are no international convention or coordination mechanisms that in a comprehensive way captures and regulates all elements of the private security industry;

Supports efforts on the regional level to pursue common standards on the regulation of the privatisation of security, which in turn can inform a international response to the issue;

Urges donors that outsource SSR implementation to introduce mechanisms that ensure that private contractors are committed to professional methods and that they carry out their work in line with human rights, gender consideration, minority rights and humanitarian law;

Recommends, as complimentary to legislation and regulation mechanisms, operational oversight structures are established or strengthened, such as developing the capacity of an Ombudsperson or Parliamentary Committees, to improve control of the private security industry.

Mandates the Board and the Secretariat to follow the development of the privatisation of security and take action in line with the adopted policy.