



## **Welcome Address by**

**Ambassador Anton Thalmann,  
Deputy State Secretary**

**Federal Department of Foreign Affairs**

**Wilton Park Conference:**

**“Private Military and Security Companies: Working  
Towards an International Code of Conduct”**

**June 6, 2009**

Ladies and Gentlemen,  
Dear Ambassador Winkler

Good afternoon. It is both a pleasure and an honour for me to open this important conference. The subject of the conference connects with a number of Swiss traditions and, at the same time, it is further evidence of Switzerland's practically-oriented foreign policy. A foreign policy that is based on promoting human rights, on respect for international law, on neutrality and mediation.

I would like to welcome you with a few words of explanation on these four principles.

Starting with mediation - the art of balancing out differing interests, combined with support for pragmatic solutions. Quite many of you have come a long way to get to this meeting - and I mean this not only in a strictly geographical sense, but also in terms of the thinking it involves. Look at the people around you, the people with whom you will be holding discussions over the next three days: they include representatives of industrial sector, members of civil society, business people, and members of the armed forces, academics and diplomats.

For some of you, private military and security firms are modern-day mercenaries, for others they are the necessary means for ensuring security. I have no doubt that this conference will re-open this discussion. However, on what there can be no further discussion is the fact that private security and military companies are a reality. They come in many different forms and are found in many different situations: to cite some examples, they protect shopping centres, embassies, military camps and merchant shipping; they use military techniques and technologies, provide intelligence, operate airlines and clear mines; and they vary in size from small firms to operations bigger than some standing armies.

This is where international law comes into the picture. International standards such as the Geneva Conventions are reactive in character. They are a result of the world's response to immense human suffering, genocide, war crimes and failures in international cooperation.

At the same time they are visionary. They envisage better protection for civilian populations and vulnerable groups. States undertake to accept these standards mutually and at the same time to ensure respect for these standards by non-state actors. The common theme of the Geneva Conventions is to “respect and ensure respect”.

Starting from this task, Switzerland has worked on the strength of its neutrality and its good intact international reputation to launch, together with the International Committee of the Red Cross, a diplomatic initiative in 2006. Its aim was to demonstrate that states which contract private security and military companies do not operate in a legal void. This process resulted a year ago in the proclamation of the “Montreux Document” on the existing legal obligations of States.

I would like to quote the three most important references of the Montreux Document for this conference. The preamble gives us the main reasons why the Federal Department of Foreign Affairs supports the translation of the Montreux Document into management practices. I quote:

“That while this document is addressed to States, the good practices may be of value for other entities such as international organisations, NGOs and companies that contract PMSCs, as well as for PMSCs themselves.

The participating States commend this document to the attention of other States, international organisations, NGOs, the private military and security industry and other relevant actors, who are invited to adopt those good practices that they consider appropriate for their operations.”

The third reference could be said to be a more contested one. I will finish my welcome words with a brief elaboration of this reference. The Montreux Document states that

“PMSCs are obliged to comply with international humanitarian law or human rights law imposed upon them by applicable national law, as well as other

applicable national law, such as criminal law, tax law, immigration law, labour law, and specific regulations on private military or security services.”

From a strictly legal perspective this is correct. But from a practical perspective, it is desirable to go beyond reliance on national legislation. The incorporation and enforcement of international law into respecting domestic legislation can fail to protect victims of human rights violations in the short term. In particular, private military and security companies often operate in conflict zones and post-conflict situations where governance structures and the rule of law are weak, or sometimes completely absent. In such situations, national legislation unfortunately, cannot be an inroad to better protection.

It is here that the Swiss mentality of practicability meets the self-commitment of private military and security companies to adhere to international standards regardless of their implementation within national law. In other words, this conference aims to avoid being trapped in ideological and theoretical debates by discussing practical steps on how to incorporate International Humanitarian Law and Human Rights standards into management practices and the services provided.

In the coming days you will discuss benchmarks for an international code of conduct, as well as standards and procedures for a possible formalized standard setting process. You will focus on how to make a voluntary self commitment a widely accepted industry standard and how to enforce it. Finally, you will discuss the next steps and the kind of incentives you will need to continue this exercise.

I wish you every success, a very fruitful meeting, well facilitated discussions, and a forward-looking and strong final commitment.