

ENHANCING THE REGULATION, OVERSIGHT AND GOVERNANCE OF THE PRIVATE SECURITY INDUSTRY IN THE CARIBBEAN REGION

REPORT OF THE MULTI-STAKEHOLDER WORKSHOP

4-5 FEBRUARY 2019

Trinidad and Tobago



The Caribbean Community (CARICOM) Implementation Agency for Crime and Security (IMPACS) is considered the nerve centre of the Regional Management framework for Crime and Security and is tasked with implementing the programme and activities necessary to achieve the regional crime and security agenda.

The Agency comprises:

Implementation Agency for Crime and Security (IMPACS) Agency Headquarters, located in Trinidad and Tobago.

Joint Regional Communications Centre (JRCC) A sub-agency, located in Barbados.

Regional Intelligence Fusion Centre (RIFC) A sub-agency, located in Trinidad and Tobago.

The Agency is guided by its security mandate which is articulated in the region's CARICOM Crime and Security Strategy (CCSS). CARICOM IMPACS is part of the Regional Framework for Crime and Security which was established at the 26th Meeting of the Conference of Heads of Government in Vieux Fort, Saint Lucia in July 2005. Upon the establishment of the Framework, the Heads of Government also declared "Security" as the Fourth Pillar of CARICOM- the other three pillars being Foreign and Community Relations, Trade and Economic Integration and Functional Cooperation.

For more information on CARICOM IMPACS please visit the online platform www.caricomimpacs.org/aboutus.

The Montreux Document Forum is a platform for informal consultation and cooperation and supports governments in the implementation of regulatory frameworks to ensure effective oversight of all companies that provide security and military services. The Montreux Document recalls the existing international legal obligations and good practices for States in relation of private military and security companies. Furthermore, it lists good practices designed to help States take national measures to implement these obligations and encourages national legislators and policymakers to review whether their domestic arrangements for PMSCs conform to international best practice in this area. The MDF Secretariat is housed within DCAF, an international foundation dedicated to improving the security of States and their people within a framework of democratic governance, the rule of law, and respect for human rights.

All documents and resources dedicated to the MDF are available on the online platform: www.mdforum.ch.

Acknowledgements

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Antigua and Barbuda

Bahamas

Barbados

Grenada

Guyana

Jamaica

Montserrat

St. Lucia

St. Kitts and Nevis

St. Vincent and
the Grenadines

Suriname

Trinidad and Tobago

Turks and Caicos
Associate Member

The workshop
gathered
13 states from
the Caribbean
Community



OVERVIEW



Participants of the Multi-stakeholder Workshop

On 4-5 February 2019, over 75 representatives of governments, Montreux Document participants, International and Regional Organisations and institutions civil society organisations; private security companies; and industry associations representatives gathered in Port of Spain, Trinidad and Tobago, to discuss regulation, oversight and governance of the private security industry in the Caribbean Region.

The event was organised by the Implementation Agency for Crime and Security of the Caribbean Community (CARICOM IMPACS), with the support of the Secretariat of the Montreux Document Forum (DCAF).

This high-level event facilitated the sharing of experiences regarding private security companies in the region, built knowledge and understanding of the complex issues around PMSC regulation, oversight and governance, and encouraged dialogue among CARICOM States on how to integrate effective policies

on private security into regional and national security policies. The meeting also provided an opportunity to present the Montreux Document and other international regulatory tools to CARICOM and its Member States.

This event was presided over by Executive Director (Ag.) of CARICOM IMPACS Major Michael Jones and hosted by the Government of Trinidad and Tobago. The Honourable Fitzgerald Hinds, Minister in the Ministry of the Attorney General, Trinidad and Tobago and Chairman of the Joint Select Committee on National Security stated in his keynote speech, “in this multi-stakeholder regional workshop, we have been able to share our experiences on the challenges that are in front of us in this regard, and at the same time, to seriously deepen our knowledge and understanding as we try to forge a way ahead in regulating this industry.” The event was opened by Ambassador Didier Chassot, Ambassador of Switzerland to

Trinidad and Tobago and to the Caribbean Community; Eric Tardif, Legal Adviser of the International Committee of the Red Cross (ICRC); and Anna Marie Burdzy of the Montreux Document Forum Secretariat.

Other participants included representatives from International and Regional Organisations and institutions (the United Nations, the CARICOM Secretariat, the Caribbean Examination Council, the Regional Security System and the Caribbean Association of National Training Authorities); civil society organisations; private security companies; and industry associations.

The combination of panels, keynote speeches, discussions and break-out sessions enabled participants to discuss recommendations on good practices in regulating private security. These recommendations will be submitted for consideration by CARICOM Member States, the CARICOM Secretariat, the Common Single Market and Economy (CSME) and the Council of Ministers of National Security and Law Enforcement (CONSLE).

The Multi-stakeholder Workshop demonstrated a strong interest and engagement by participants and supported the development of concrete recommendations. More importantly, the meeting underlined the great potential of future collaboration between different stakeholders to strengthen the oversight of private security in the Caribbean.

CONFERENCE REPORT

Security in the Caribbean Region: A Paradigm Shift to Privatization

The private security industry is growing significantly in the Caribbean,¹ with an estimation of 1000 companies² registered across the 15 Member States of the Caribbean Community (CARICOM). This development has led to a paradigm shift in the provision of security. Tasks that were previously considered to be solely in the domain of CARICOM States' law enforcement agencies are today increasingly provided by private security companies (PSCs). The industry has also expanded, moving from predominantly offering guarding services towards risk management and consulting; cybercrime solutions; prisoner transport; private investigations; security for extractive industries, training and operational support, collaboration in urban security partnerships with police and other public institutions, and firearms training.³ PSCs have advanced technically in a broad set of areas and constitute major players with expertise and skills that can go beyond the capabilities of law enforcement.

The increase of private security services in the Caribbean is due to several factors, including:

- The growth of mass private properties such as hotels critical infrastructure and commercial businesses;
- Increased demand for security in the wake of both domestic, regional and international issues such as perceived/real increasing crime rates;
- Accessibility and affordability of security technological products;
- Increasing diversity of the private security industry;
- Increased international standards at ports;
- Security becoming a lucrative market for both local and regional companies;⁴ and
- Diverse set of new customers of private security companies, like multinational enterprises, international organisations and non-governmental organisations.⁵

The private security industry is an important actor in ensuring a safe and secure environment for the region's citizens, private businesses and visitors. However, in the absence of effective regulations, oversight, and governance structures, the activities of private security companies have raised valid concerns for the respect of human rights and international humanitarian law. The lack of standards creates concerns also for professionalism, legality, legitimacy and accountability in the provision of security. A key issue is the lack of and/or ineffective partnership between law enforcement agencies and private security companies. The pooling of resources between law enforcement agencies and private security companies offers benefits to all sides, including increased capacities; increased information and intelligence-sharing mechanisms; multiplication of resources and creative crime-solving solutions.

Poor labour conditions for private security employees is another concern. Research shows that PSC personnel are frequently exposed to low wages, long hours, insufficient adherence to health and safety requirements, lack of training, exploitation and abuse of workers' rights.⁶ However, PSCs could potentially negatively impact the rights of people in the communities they operate, especially in an under-regulated setting.⁷ Especially, the unregulated use of force and the use of small arms and light weapons (SALW) is a real risk for communities. An increase in PSCs may also create social imbalances. If those who can pay for private security services receive greater protection for their persons and property, then the State may under-fund public security due to a misperception of needs. Zones of insecurity may be disproportionately expanded to populations and locations that find private security too costly to purchase.⁸

Partnership, cooperation and collaboration between law enforcement and the private security industry can serve as an important tool to assist in the prevention, deterrence and detection of crime, therefore, benefiting the citizens of the Caribbean. Full and effective implementation of the CARICOM Single Market and Economy (CSME) requires strong support measures such as enhanced and harmonised regulatory and governance frameworks in various sectors within the Caribbean.

Regional and International Efforts in Regulation of Private Security Companies

Most CARICOM Member States have some form of private security regulation, however, there is a need to update legal and policy frameworks, as well as regulatory, oversight and governance mechanisms. Several States have developed new policies or started policy processes but have not yet implemented them.⁹ National regulations also differ throughout the region; legislation is seldom harmonised across CARICOM despite the transnational nature of the clients of the PSC industry. Diverging regulations complicate the integration of the private security industry into the Caribbean Single Market and Economy. This presents a further issue, since combatting crime transcends borders; the activities of organised crime groups often cross borders frequently.¹⁰ Where PSCs are armed, further problems can arise such as the proliferation and control of guns. Increasingly, employees of PSCs are implicated in criminal activities including armed assault.



Representative of Saint Lucia and St. Kitts and Nevis

In the light of these challenges, CARICOM has engaged in various regional efforts on PSCs. In February, a CARICOM delegation participated in a regional conference on the Montreux Document Forum in Costa Rica, which brought together participants from 31 countries (21 Latin American countries), including heads of national regulatory bodies for private security and representatives of Ministries of Interior, Foreign Affairs, and Defence. The meeting provided an opportunity for a dedicated exchange on existing challenges and good practices in PSC regulation.

The CARICOM Crime and Security Strategy (2013) notes that *“the absence of effective legal or regulatory structures to ensure proper vetting, the activities of private security companies raise issues of legality, legitimacy and accountability in the sphere of security policy”*. The Strategy encourages a more cooperative approach between law enforcement and the private security industry in the Region. Moreover, the CARICOM Counter-Terrorism Strategy (“the CT Strategy”) [2018] acknowledged the need to “strengthen private security operators through enhanced legal or regulatory structures, as well as training”.

Furthermore, the Caribbean Examination Council (CXC) has proposed to establish a Private Security Regulation Authority Examination. Among other objectives, this would include establishing a uniform standard of testing and evaluating security officers for registration across the region, facilitating the development of a system for reciprocal registration of security officers in the CARICOM region, and providing guidelines for the production, administration and marking of examinations. Finally, the Twenty-Third Meeting of the CARICOM Joint Standing Committees of Commissioners of Police and Military Chiefs (CPMC 23) held in Port of Spain, Trinidad on 5 October 2018, underscored the critical role of private security firms and called for the enhancement of the private security industry in the region to ensure adequate standards are maintained.

Next to these discussions and efforts, international regulatory frameworks have been supporting governments in the Latin America and Caribbean region in addressing concerns regarding the private security industry. In particular, *the Montreux Document on pertinent international legal obligations and good practices for States related to operations of private military and security companies during armed conflict* (“The Montreux Document”)¹¹ was launched by Switzerland and the ICRC in 2008. The Montreux Document clarifies the misconception that private military and security companies operate in a legal vacuum by recalling and compiling applicable international legal obligations of States while also listing good practices to assist States in implementing these obligations. Although the Montreux Document was developed with the view that private military and security companies operate in situations of armed conflict, it may also be instructive for other situations in which private security companies operate, including armed violence. The Montreux Document can support governments in reviewing the conformity of domestic legislation and practice with international humanitarian law (where applicable) and human rights law. Additionally, participants of the Montreux Document also join the Montreux Document Forum (MDF), an multilateral platform of exchange on challenges and good practices in the regulation of private security companies (PSCs). Established in 2014 as a venue for informal consultation on the implementation of the Montreux Document, the MDF also constitutes an important source of capacity-building. Practical implementation tools and resources have been developed to support Montreux Document participants in their regulatory efforts regarding PMSCs.

Objectives of the Multi-stakeholder Workshop

Since the issue of regulating the private security industry cuts across the four main pillars of the Caribbean Community's regional integration framework (foreign policy coordination; human and social development; security and, economic integration), the Multi-stakeholder Workshop sought to formulate concrete recommendations to three regional bodies: the CARICOM Common Single Market and Economy (CSME), the CARICOM Council for National Security and Law Enforcement (CONSLE), and the Caribbean Examinations Council (CXC):

- The workshop sought to formulate recommendations to the CSME on standards for the private security industry. On 3-4 December 2018, the CARICOM Member States met in Port of Spain at the 18th Special Meeting of the Conference of Heads of Government of CARICOM to discuss the CSME.¹² The resulting St. Ann's Declaration on the CSME declared that private security officers would be included in the free movement of goods and peoples in CARICOM by 2020. The declaration highlighted numerous issues related to its implementation: what kind of standards should be in place for PSCs and their personnel to ensure responsible movement in line with international standards? How does this impact national, regional and human security? How could this decision impact the flow of illicit SALW? The workshop offered a space for CARICOM States to consider these questions in view of formulating recommendations for the CSME.
- Furthermore, the workshop aimed to gather recommendations for the institutional security pillar of CARICOM. The Council for National Security and Law Enforcement (CONSLE)¹³ is responsible for the coordination of the multidimensional nature of security within CARICOM. To inform CONSLE in its role of increasing cooperation and coordination as well as promoting the implementation of a regional security strategy complementary to national strategies, the workshop sought to provide a space for participants to formulate and bring forward recommendations on enhancing the regulation, oversight and governance of the private security

industry in the Caribbean for the consideration of CARICOM Council of Ministers of National Security and Law Enforcement (CONSLE).

- Finally, the workshop considered the issue of potential standardized testing of PSCs across the region. The Caribbean Examinations Council was established in 1972 as a private, regionally accredited institution to conduct examinations and award certificates on a number of vocational qualifications.¹⁴ In January 2019 the CXC developed a proposal to establish a Private Security Industry Examination which would institute a uniform standard of testing. The examination would support the implementation of the St. Ann's Declaration on the CSME by forming a good-practice baseline of testing, thereby enabling regionally reciprocal registration of PSC personnel. The Multi-stakeholder Workshop therefore sought to give participants an opportunity to discuss the CXC's proposal and to formulate recommendations.

Objectives of the Multi-stakeholder Workshop

Identify possible options and avenues to enhance the regulatory framework, governance, and oversight of the activities of private security companies

The implementation of the Decision of CARICOM Heads of Government of the rights and privileges of security guards under the CSME regime

Take stock of and discuss a proposal by Caribbean Examination Council (CXC) to establish a Private Security Regulation Authority Examination

Consider how best private security companies can contribute to crime prevention and community safety efforts

Awareness and Sensitization of International Best Practices; Montreux Document Forum

By highlighting issues related to the operation, regulation oversight and governance of PSCs, the workshop provided a space for CARICOM representatives, Member States and other expert stakeholders to reflect on how to improve regulatory frameworks, advance professionalism in the industry, and develop more efficient monitoring and oversight of the activities of PSCs. The event also provided an avenue for experience-sharing between CARICOM Member States

and other countries, regions and institutions in issues relating to the private security industry. Finally, the meeting provided a platform for the sensitization of State representatives of CARICOM Member States on international and regional regulatory tools, namely the Montreux Document and International Code of Conduct on Private Security Service Providers (ICoC) and its Association (ICoCA).

SUMMARY OF WORKSHOP DISCUSSIONS¹⁵

DAY 1

SHARING EXPERIENCES, CHALLENGES, AND GOOD PRACTICES IN THE REGULATION OF THE PRIVATE SECURITY INDUSTRY

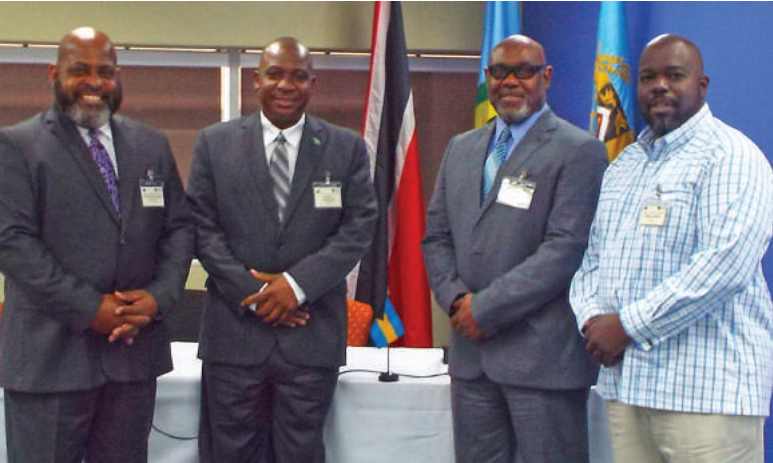
SESSION 1 | Conference Introduction

Session 1 established the objectives and envisioned outcomes of the workshop. Mr. Callixtus Joseph Regional Crime and Security Strategy Coordinator of CARICOM IMPACAS and Mr. Donville Hastings, Senior Analyst of the Regional Intelligence Fusion Centre of CARICOM IMAPACS set the tone of the workshop, encouraging candid and open discussion and guiding participants to focus on practical ways forward and recommendations for supporting more effective standards of the private security industry. The moderators underlined the benefits of PSC regulations, that include the raising of standards and driving out illegal or unethical companies from the market, reducing offenses against national laws, increasing public safety, and making the industry a safe and attractive career choice.

PLENARY SESSION | Statements by Member States on the Private Security Industry in the Caribbean

Subsequently, in Session 2, member States of CARICOM Member States had the opportunity to provide statements in a Plenary Session.

Antigua and Barbuda | Deputy Commissioner of Police (Ag.) discussed the private security act in his country. He highlighted the processes for companies and officers to establish themselves which included demonstrating a police certificate of character and proof that he or she was paying social security taxes, medical benefit taxes and all other taxes. It was noted that regulating private security is a paramount concern to promote respect for national laws, eliminate illegal PSCs and avoid exploitation of workers.



Participants from the Bahamas

Bahamas | The Superintendent of Police and Manager of Private Sector Security Services in the Ministry of National Security shared that 350 PSCs in Bahamas employed in excess of 4000 individuals. The Superintendent also noted that the Statute governing the private security industry in the Bahamas dates to 1977 and underlined the need to modernize it. Other challenges mentioned were gaps in standardized testing and training of private security officers.

Barbados | The government of Barbados was not represented in the workshop but the representative of the Caribbean Association of Security Professionals (CASP) in Barbados and former Superintendent of Police gave a few remarks from his perspective for the country to be represented. The representative shared that the PSC industry in Barbados is regulated by the Private Investigators and Security Guards Act of 1987, which defines security officers' role and conditions for operations. Private security officers must be registered under the Ministry of Defence and Security.

Grenada | The Deputy Commissioner of the Royal Grenada Police Force stated that PSCs are approached as business ventures and are thus regulated under commercial business law in his country. The Deputy Commissioner also shared that setting and ensuring compliance of vetting standards for PSC personnel is a key challenge. PSCs play an important role in the security landscape in Grenada, and the Deputy Commissioner hoped that the workshop would set a baseline or blueprint of good practices for an effective regulatory framework of PSCs.

Guyana | The Deputy Commissioner of the Guyana Police Force shared that in 2009, the Commissioner of Police was appointed as the approved licensor of companies. Guyana is home to 225 PSCs; 184 are licenced to carry SALW. The industry also employs 20 998 supplementary constables that are sworn to work in companies; these supplementary constables may carry SALW.

Jamaica | The Manager of Security and Standards in the Ministry of National Security of Jamaica discussed that government regulatory efforts must keep pace with the industries' evolution rate across the region. In Jamaica alone, the industry is growing rapidly; at the same time, the current legislation is 25 years old. The representative shared that the government is currently



Representative of Jamaica

drafting amendments to the main legislation which governs the industry. The government of Jamaica recognises the industry as a critical component of the national security architecture. Jamaica will follow the principles included in the Montreux Document as the country supports the promotion of international human rights law. Its principles already guide the use of force by all security forces.

St. Kitts and Nevis | The National Security Advisor in the Ministry of National Security described a new regulatory process that commenced in January 2018, whereby PSCs would be included in the national security architecture. This inclusion would ensure professionalization of the industry and would regulate more effectively partnerships between police and PSCs. The process of inclusion involves engaging the industry in a dialogue with the government, forming dual industry associations covering the two islands of St. Kitts and Nevis, and developing a unified standard for services including training and vetting. The government will present this processes' latest developments to the Cabinet in March 2019 to advance the inclusion of PSCs in the national security architecture.

St. Lucia | The Commissioner of Police of St. Lucia described the regulatory framework governing the industry, namely the 2006 Private Securities Act which includes provisions for licensing, regulation, and supervision as well as established the St. Lucia Private Security Authority. The Commissioner also described a new initiative that has been launched to ensure that PSC personnel who become Special Constables receive training from the Police.

St. Vincent and the Grenadines | The Assistant Superintendent of Police shared that although the first PSC was established in 1985, the Private Security Company Act was not enacted until 2006. The PSC industry is also regulated by the Firearms Act, the Private Investigators and Security Guard Act, and the Security Guard Licensing Authority Section. There are approximately 600 security guards, in comparison to 1090 police officers. The Assistant Superintendent shared that challenges in the industry included a lack of internal company policies and guidelines on recruitment, as well as lack of training and education. He reported that there were challenges in communication between law enforcement agencies and PSCs. Finally, labour issues are a significant concern as working conditions and wages are very low.



Major Michael Jones, Executive Director (Ag.) CARICOM IMPACS

Suriname | The Deputy Director of National Security (Ag.) of the Directorate of National Security highlighted that most of the 183 PSCs in Suriname provided services to the gold mining sector and other multinationals. Most personnel of PSCs are former military or police and are armed. The surge in reliance on PSCs was triggered by the increase in armed violence and transnational organised crime in Suriname. The government of Suriname is now collaborating with the Chinese government on a Safe City Programme to install CCTV cameras in the Paramaribo and other districts with a view to reducing crime. The government is also interested in reviewing the national regulatory framework and in forming partnerships to improve regulation.

Trinidad and Tobago | The representative of Trinidad and Tobago shared that the industry is segmented into precepted officers (licenced to carry SALW) and non-precepted officers. Precepted officers are referred to as Estate Constables and they have the same rights as police officers (such as the right of arrest). However, they remain private and are employed by the Estate of Command and Authority. The Estate Constables Association address matters linked to terms and conditions of service, and sometimes wages.

Turk and Caicos | The Commissioner of Police of Turks and Caicos shared his view that it was important that PSCs were regulated by a competent authority rather than under the auspices of the Police; private security and police have different jobs for different reasons and it is important not to confuse the roles. For example, to underline this differentiation, the Commissioner shared that in Turks and Caicos, PSC personnel are not permitted to carry SALW. Regarding challenges, the Commissioner shared that PSCs who provide security for illegal migration detention centres must be properly vetted, trained, monitored and controlled.

Major Michael Jones, Executive Director (Ag.) of CARICOM IMPACS concluded the session by reflecting on the participants' general recognition of the private security industry's importance: in many States private security provides a complementary role to that of public security. Major Jones observed that in a number of states, legislation needs to be harmonised as, in many countries, laws were deemed outdated. He also remarked on the reported necessity for the effective implementation and enforcement of private security laws. Finally, he noted the professionalization of the industry as a common concern among participants.

SESSION 3 | The Private Security Industry in the Framework of National Security

Session 3 focused on the issue of regulating the private security within a framework that ensures national security overall. In particular, this session showcased the experiences of two States, Trinidad and Tobago as the Host government of the Multi-stakeholder workshop, and Jamaica as a country with advanced national regulation on the industry.

The Honourable Fitzgerald Hinds, Minister in the Ministry of the Attorney General, Trinidad and Tobago and Chairman of the Joint Select Committee on National Security presented the process of drafting the new legislation on private security in Trinidad and Tobago. The 1906 Supplemental Police Act (originally developed to regulate private security of oil and sugar industries) governs the operation of precepted private security officers. Supplemental Police Officers also known as Estate Constables, are issued a Precept: a document bearing proof of their authority to provide private security services and to carry arms as prescribed by the Commissioner of Police. Supplemental Police Officers/Estate Constables are also trained by the Police and licenced according with the 1906 law. The Minister shared the challenge that the majority of the industry's personnel are in fact general private security officers who are not precepted and are therefore not covered by the Supplemental Police Act. He shared that Trinidad and Tobago's PSC industry is made up of a large number of individuals who are largely untrained, unready and driven by commercial considerations. To ensure protection of the public, as well as to ensure that those 50 000 private security employees are fairly treated with respect to minimum wage, the new bill will not only modernize the legislation but also establish a private security regulatory authority under the Minister of National Security. Minister Hinds clarified that the Supplemental Police Act will also be modernized and that the current distinction between Supplemental Police Officers/Estate Constables and private security officers (unarmed) will remain. Finally, the Minister shared that with the passing and implementation of the Bill, private security regulation in Trinidad and Tobago will be focused and shaped by clear, overriding and overarching government policy.

Regarding Jamaica, the Executive Director of Jamaica's Private Security Regulatory Authority and the Manager of Security and Standards in the Ministry of National Security respectively conveyed further details on the historical overview and development of the overall regulatory framework on private security as well as on the status and challenges of the PSRA.



Honourable Fitzgerald Hinds, Ministry of the Attorney General of Trinidad and Tobago.

PSCs are regulated by the following legislation:

- 1992 Private Security Regulation Authority Act (currently being updated)
- 1982 Minimum Wage Order
- 2004 Companies Act
- 1967 Firearms Act (currently being updated)

On a strategic level, the Manager of Security and Standards shared that the regulation of PSCs sits squarely in the government's Vision 2030, particularly goal number 2 which seeks to ensure that Jamaican society is secure, cohesive and just. The 2013 National Security Policy requires the police, intelligence and other security services to ensure the maintenance of law and order and to control and deter crime. Jamaica also has strong multilateral commitments, namely the UN Basic Principles on the Use of Force and Firearms by Law Enforcement, Arms Trade Treaty, the UN Programme of Action to prevent, combat and eradicate the illicit trade in SALW, among others.

The Executive Director shared some challenges with implementation, namely that the PSRA is scoping how to more effectively create public awareness of the value of the PSRA brought to the public and the PSC industry. Currently, the PSRA is making efforts to reopen discussions on a code of conduct for the PSC industry as well as on regulation of the use of force and on recourse to less lethal weapons by PSC personnel. Finally, the PSRA intends to increase inspections as well as to strengthen the coordination and collaboration with other departments to ensure synergies.

In the ensuing discussion, participants shared that the private security industry can be inherently dangerous for personnel and therefore, given the risks to the safety of the private security officers adequate training should be provided. One participant underlined the importance of data collection to inform the development of laws. Another participant highlighted the concern for militarization of PSCs and the issue of security officers moving towards more military or police type functions. A question was posed on the responsibilities being placed on businesses in high risk environments to mitigate risk. Another participant highlighted that there should be a regime of consequence if PSC personnel break national laws; compliance and grievance bodies should follow-up on these occurrences.

SESSION 4 | Supporting National Regulation: Overview of the Montreux Document and its Relevance for the Caribbean

This session provided an opportunity for the ICRC, as Co-Chair of the Montreux Document Forum, and DCAF as the MDF Secretariat to give an overview on the Montreux Document, its development, content and good practices, as well as its relevance for the Caribbean and in supporting practical implementation guidance.

- The Montreux Document is an intergovernmental initiative that collects international humanitarian law and human rights law and applies it to the phenomenon of private military and security companies. The Montreux Document refers to PMSCs as private businesses that provide military and/or security services, irrespective of how they describe themselves. Indeed the presenters acknowledged that the Caribbean is not home to private military companies, however, the Montreux Document uses this umbrella term to capture all types of companies.
- The Montreux Document was signed in 2008, as the result of a joint initiative launched by Switzerland and the ICRC. The Montreux Document clarified the misconception that PMSCs operate in a legal vacuum by recalling and compiling applicable international obligations. It is a practical and realistic contribution which aims to promote respect for IHL and human rights law and provides a blueprint for governments to effectively regulate PMSCs. The Montreux

Document seeks to provide guidance on the basis of existing international law and is not a legally binding treaty. Regardless of their support for the initiative, States are already subject to the international legal obligations contained in the Montreux Document. Although the Document was developed with the view that PMSCs operate in situations of armed conflict, it may also be instructive for post-conflict situations and for other, comparable situations. Furthermore, most of its good practices are ideally put in place during peacetime.

- The Montreux Document is a practical blueprint for regulation: It also lists good practices designed to help states take national measures to implement these obligations.
- By supporting the Montreux Document, States and international organisations declare their political support for the Document's main argument: that international legal obligations have a bearing on PMSCs and must be respected. Participants to the Montreux Document do not undertake to comply with new legal obligations. Furthermore, in supporting the Montreux Document, participants have the opportunity to actively participate in the MDF and share experiences on the implementation of the rules and good practices of the Montreux Document.
- All States and international organisations are invited to communicate their support for the Montreux Document to the Swiss Federal Department of Foreign Affairs through an official letter or diplomatic note.

Participants acknowledged that the international regulatory frameworks are useful since although countries experience different scenarios and situations around the private security industry all countries should be measured with the same baseline of good governance. In the Caribbean, this is particularly useful given the St. Ann's Declaration on the CSME – many companies are transnational and will be able to operate across different States in the region.

Participants further acknowledged the impact of the Montreux Document on situations such as natural disasters or circumstances of armed violence that have put pressure on public security. The panelists also

added that the Montreux Document can be a good guideline to ensure that the State follows its existing international obligations. The use of PMSCs in every context – everyday life and every day activity would be covered by the Montreux Document.

SESSIONS 5 AND 6 | Regulating the Private Security Industry in the Caribbean: Challenges, Issues, Needs

Sessions 5 and 6 provided an opportunity for participants to hear perspectives from the private security industry across the region, namely from the following companies:¹⁶

- Amalgamated Security Services Limited, Trinidad and Tobago;
- Preventative Measures Limited, The Bahamas;
- Blue Line, Trinidad and Tobago;
- Guardsman Group of Companies, Jamaica.

The panelists highlighted that, from the perspective of industry, it is important to keep in mind that PSCs are primarily driven by the market and by commercial incentives. At the same time, consumers are often also concerned with obtaining the lowest price rather than hiring PSCs with good track records and demonstrated quality standards. Regulators should therefore speak the language of business when addressing clients' choices of PSCs– emphasizing that effective regulation and standards does contribute to protecting assets and economizing on cost. Furthermore, the representative of Preventative Measures Limited, a consulting firm for both clients and PSCs, discussed that success in private security service delivery is measured by the absence of incidents – a difficult standard to measure. The panelists from Guardsman Group and Blue Line emphasized that regulators should prioritize assessing the licensing criteria of PSCs before they enter the market; subsequently, PSCs' compliance with licensing requirements should be reassessed on a regular basis. The panelists also highlighted that the licensing of PSC personnel could be differentiated per service type (e.g. unarmed guarding of businesses, cash in transit protection, guarding of persons, etc.). The representative of Amalgamated Security Services Limited similarly highlighted that when regulating the industry, the focus should reflect the challenge. Training and regular re-training should match the service that the private security officer carries out, in particular if PSC

personnel are armed with SALW, as in the case of the Supplemental Police in Trinidad and Tobago.

During the ensuing discussion, participants discussed that poor standards ultimately have serious costs for business. For instance, lawsuits for negligence or other offenses can bankrupt a company. Moreover, when private security personnel engage in law enforcement by detaining an alleged criminal, the PSC officer will undergo 20-30 days of administrative work by attending court proceedings to report and justify the arrest. Some participants noted that PSCs should be viewed as force multipliers and as complementary eyes and ears for the police. PSC personnel should thus, according to some panelists, avoid as much as possible to engage in law enforcement. The discussion also focused on how small companies can overcome barriers to the market, as implementing effective training, codes of conduct and other good practices bears a significant cost for small businesses. Finally, participants discussed raising awareness among clients to increasingly demand higher quality standards and not focus exclusively on obtaining the lowest price in private security service.

SESSION 7 | Supporting National Regulation: Overview of the Montreux Document and its Relevance for the Caribbean

The final session of the Day gave participants the opportunity to hear presentations on different levels of private security oversight:¹⁷

- The perspective of clients, namely critical energy infrastructure: BP Trinidad and Tobago and the Port Authority of Trinidad and Tobago;
- International multi-stakeholder mechanisms: International Code of Conduct Association (ICoCA);
- Regional associations of private security: Caribbean Association of Security Professionals;
- United Nations frameworks: the UN Working Group on Mercenaries.

The session focused on highlighting accountability mechanisms. Indeed, PSC is accountable to the client – contracts and procurement processes therefore have a major potential to induce compliance. The representative of British Petroleum Trinidad and Tobago shared the fact that the oil and gas industries account

for 40% of the nation's GDP and 80% of exports; most upstream and downstream companies use PSCs and therefore represent a significant client with commensurate bargaining power when it comes to ethical contract terms. From the perspective of the Caribbean Association of Security Professionals, memberships in private security associations foster a culture of responsibility. There may not be 'hard-law' accountability in this specific membership, but industry associations can create a certain community of good practice and exchange support to ensure the implementation of high standards by the industry. For example, the Caribbean Association of Security Professionals in particular, offers support to PSCs on training, safety and health, insurance, psychological counselling among others.

The representative of DCAF presented on the International Code of Conduct for Private Security Service Providers (the Code), which is a Swiss Initiative, inclusive of governments, PSCs, and civil society. Launched in 2010, the Code addresses PSCs directly, helps States implement international human rights law and IHL, enables PSCs to reach high standards in their operations, and facilitates accessible remedy for negatively affected individuals and communities. The Code includes a wide range of standards and principles for the responsible provision of private security services which can be broadly summarized in two categories: first, principles regarding the conduct of Member Company personnel based on international human rights and humanitarian law including rules on the use of force, sexual violence, human trafficking and child labour; and second, principles regarding the management and governance of Member Companies including the selection, vetting and proper training of personnel. The purpose of the Code's Association is to promote, govern and oversee implementation of the Code and to promote the responsible provision of security services and respect for human rights and national and international law in accordance with the Code.

The representative of the Working Group on the use of mercenaries shared that the Working Group is a special mechanism of the UN Human Rights Council, established in 2005 with the specific mandate to examine mercenaries, and mercenary-related activities. The mandate includes the monitoring and study

of the activities of private military and security companies and their impact on human rights. The Working Group succeeded the mandate of the Special Rapporteur on the use of mercenaries, which had been in existence since 1987. The Working Group is composed of five experts, each representing a world region. This helps the Working Group to look at both sides of its mandate: human rights abuses allegedly committed by private security personnel in host countries, as well as human rights concerns related to security guards recruited in home countries. The representative shared that the Working Group adopts a holistic approach when examining issues in PMSC regulation and in the immediate future will focus on the activities and concerns of PMSCs in detention and immigration centres, PMSCs providing security for extractives and concerns around gender and the prevention of sexual and gender-based violence. The Working group may also look at privatized cyber security, maritime contexts and the activities of PMSCs in counterterrorism.

In the discussion, participants reflected on the layers of accountability. First, the accountability imposed by the regulator who must ensure that the communities where PSCs provide services, are safe and are not impacted negatively by the industry. It is important that PSCs are not protecting the lucrative business interests of a small group of people, but rather that their presence contribute to the development and security of the population as a whole. Participants discussed that this preserves the legitimacy of the industry and avoids exacerbating inequalities - whereby only the wealthiest parts of society can afford private security. One participant raised that industry associations are key to convey to PSCs how non-compliance with the rules leads to higher costs: "When you show [PSCs] the exposure, they will themselves want to comply." The representative of the Caribbean Association of Security Professionals also shared further that the association has a seal of excellence that ensures companies are obligated to meet certain standards.

DAY 2

PRACTICAL IMPLEMENTATION OF PSC REGULATION

The second day of the Multi-stakeholder workshop opened with several issues in focus to support more effective implementation of the oversight, governance and regulation of PSCs across the Caribbean.

SESSION 8 | Workers' Rights, Labour Laws and Gender Considerations for the Private Security Industry

This session offered the opportunity to discuss respect for labour rights and strengthening gender perspectives in private security regulation. This session also focused on the role of civil society in strengthening oversight and monitoring of the PSC industry.

Participants heard presentations from the following speakers:

- The Caribbean Coalition for Development and the Reduction of Armed Violence (CDRAV);
- The Teaching Institute for Sustainable Development (IEPADES), Guatemala;
- UNI-GLOBAL Union.

Panelists discussed issues related to the impacts of the industry on people in the communities that PSCs serve, but also within the companies themselves - on employees.

The representative of CRDAV mentioned that the Caribbean may be a zone of peace, but the post-colonial history of the region is at odds with this notion, as a result rising levels of insecurity and armed violence are observed. She highlighted that men and women experience and participate in violence and insecurity differently based on gender, age, disability, ethnicity, sexual identity, geography, and social class. Men and women also experience different impacts of economic development and businesses such as PSCs have different implications on men and women. The speaker noted that to address this, employers should develop gender-sensitive internal policies, require

training that includes gender sensitivity and elements toward prevention of sexual and gender-based violence. Meanwhile, governments should ensure that the monitoring and evaluation of the sector includes annual reporting on implementation and penalties for non-compliance. The representative recommended that governments partner with civil society organisations and build alliances with non-governmental organisations (and specifically women's interest organisations) to develop and implement monitoring templates and engage these organisations to conduct evaluations.

Expanding on the discussion on the oversight role of civil society, the Executive Director of IEPADES presented the findings of IEPADES' work on monitoring the implementation, enforcement and respect for the 2010 private security legislation in Guatemala. By sharing the experience of Guatemala, where 30% of PSCs do not recognise or accept the 2010 legislation, the Executive Director illustrated that corruption, the illegal flow of SALW and ammunition, low minimum wage, and inadequate training are major concerns in the burgeoning PSC industry that grew exponentially following the peace agreement in 1996.

Finally, the Head of Department of UNI-GLOBAL Union, introduced his organisation which represents one million PSC personnel members in 60 countries. The representative discussed the role that UNI-GLOBAL plays in protecting labour rights, including freedom of



Representative of Uni-Global Union

assembly and freedom of association. UNI-GLOBAL works with employers to secure agreements in which employers guarantee neutrality vis-à-vis unions and not to impede their work. The largest 5 PSCs employ 1.3 million workers worldwide; however, this is a small part of the market as some estimates point to over 20 million employees in the private security industry worldwide. In terms of workers' safety, one of the most significant risks is the use of SALW. When private security personnel are armed, they are often at risk of SALW violence and injuries themselves. With respect to labour standards, the representative raised that it is important that PSCs have industrial relations with employers who should have regular dialogues with staff. Other good practices include collective bargaining mechanisms, health and safety track records, protective gear, sick leave policies, harassment procedures, regular training curriculums, gender balance and diversity track records, vetting and recruitment of staff procedures, qualified management staff, and adequate working hours and wages.

During the discussion, a participant noted that both gender and labour rights are reflected in the Montreux Document and expressed that indeed gender and labour rights are human rights that have their basis in international law. Participants also engaged on the issue of gender mainstreaming in the labour force of PSCs; one participant raised that some clients prefer male PSC personnel and for several positions, women simply do not apply. The panelists discussed that gender equality before and during recruitment forms the basis for having a more representative work force. PSCs should also ensure gender-safety workplace policies including maternity and health leave to ensure that the concerns of workers are taken to account. In reaction to the presentation by IEPADES, a number of participants agreed with the point that legislation is a first step but mechanisms are then required to ensure that the relevant legislation is implemented and enforced. Especially in situations with large transnational extractive clients of PSCs where the economy relies on this revenue significantly, one participant expressed that ensuring legislation is implemented is crucial to enable the enforcement of quality standards. One participant requested practical recommendations on raising awareness of community-based levers of



Ansley Garrick, Assistant Commissioner of Police of Trinidad and Tobago

reporting on PSC violations (such as a toll-free call-in number). These mechanisms are often underutilized, and State regulators would benefit from their more widespread use. The representative of IEPADES further shared that social media campaigns and mixed-media such as posters and awareness raising is a practical way of increasing the public's knowledge. Finally, participants discussed how clients can be encouraged to contract businesses that respect labour rights can be encouraged, beyond increasing awareness of the potential liabilities around hiring sub-standard PSCs. This discussion centered also on the role of investors and end-users and the pressure on clients to engage in responsible contracting. One participant raised that States often have the dual role of clients and regulators - this is problematic as PSCs often employ former military or government members - presenting risks of conflicts of interest.

SESSION 9 | Law Enforcement and the Private Security Industry

Regarding law enforcement partnerships with private security, Session 9 opened with a short presentation on critical national infrastructure protection delivered by the Chairman of Port Authority of Trinidad and Tobago and CEO/ Principal Consultant A.R.M Specialists. The presentation centered around the complexities of public-private coordination when it comes to critical national infrastructure such as ports, extractive industries, energy industries, and other major sites that have been in the past traditionally secured by public security. The Chairman underlined that public-private security partnerships, if well regulated, can be an efficient way to sustain the security of these infrastructures that maintain the continuity of basic services for the broader public.

Mr. Ansley Garrick, Assistant Commissioner of Police of Trinidad And Tobago delivered a presentation on the nexus between public and protective service agencies. He recalled that the beginnings of the private security industry growth dates back to the expansion in the sugar and oil and gas industries which necessitated watchmen guarding. The Assistant Commissioner then outlined that law enforcement maintains law and order, preserves peace, protects life and property and enforces laws and regulations. The agencies in Trinidad and Tobago involved in this process are the Trinidad and Tobago Police Service, the Customs and Excise Department, the Trinidad and Tobago Defence force (comprising Coast Guard, Army and Municipality Policing Departments). Trinidad and Tobago has adopted a whole-of-government approach to law enforcement, and incorporates private security in assisting the public security umbrella. The control of this process mainly rests with the Supplemental Police Act under the Commissioner of Police. However, for PSC personnel outside the Supplemental Police; training is provided on an ad-hoc basis at best, workers' rights are not very well protected and their performance or quality is not well measured and monitored. The goals of regulating the industry stems from the reflection that public and private security cannot be kept separate, given the roles of the Supplemental Police, where there is a great deal of shared responsibilities. During the discussion participants raised that policing partnerships with public security may be efficient as PSCs often have more extensive technology and Police can benefit from this expertise and information-sharing. At the same time, it is important that PSCs (whether Supplemental Police or unarmed PSC personnel in the case of Trinidad and Tobago) do not overstep their roles. Governments should ensure that the public is well-aware of the differences between public and private security roles and responsibilities.

SESSION 10 AND 11 | Break Out Groups

During the Breakout Groups, participants were tasked with formulating concrete recommendations to the Council of Ministers of National Security and Law Enforcement regarding what is needed regionally in promoting and implementing more effective regulation of PSCs. These recommendations can be found in Section 5.

SESSION 12 | Towards a Private Security Regulation Authority Examination

Session 12 was an opportunity for the Caribbean Examinations Council to present the proposal to establish a private security examination to allow PSC personnel to gain licences. The Director of Corporate Services of the CXC, supported by the Registrar of the CXC, first outlined that the CXC has a track record of broader contributions to the Caribbean education system, with programs that conduct licensing examinations in 19 Caribbean territories. The representative stated that the CXC examination on PSCs would establish a uniform standard of testing, facilitate the development of a registrar for the registration of security officers in the region and provide guidelines for the production, administration and marking of exams. This work is underscored by the CXC's brand name record in regional examinations. In particular, the CXC proposes to conduct a wide consultation of agencies and authorities across the region responsible for licensing of PSC personnel, undertake the development of a blueprint exam, and conduct piloting towards finalization. Once implemented the CXC examination could support the development of a database of competent persons which could contribute to the implementation of the St. Ann's Declaration on the CSME. During the discussion, two participants raised questions related to the format of testing and practicalities. Participants also discussed challenges with such an examination given that many PSC personnel have a basic level of education. The format of testing should be adapted therefore to practical situations rather than essays or long responses that may discriminate against those with lower education. The Director indicated that the CXC will consider these remarks. Other participants discussed how the examination will fit with national frameworks that have licensing regimes in place. The Director explained that indeed the national authority would have the sovereign right to give licences to undertake private security services in the given State, but the CXC examination would establish a first baseline, limiting the need for initial screening. One participant suggested that the examination could have a modular approach for different contexts, for instance for those wishing to work in Guyana, there could be specific questions for this context.

SESSION 13 | Implementing the Decision of CARICOM Heads of Government to Include Security Guards to the Categories of Skilled Nationals who are entitled to Move Freely and Seek Employment within the Community

The Free Movement and Labour Officer of the CARICOM Secretariat, supported by the Programme Manager of the CARICOM Secretariat, presented the St. Ann's Declaration on the CSME. The Officer first gave background to the Decision; during the Eighteenth Special Meeting of the Conference of Heads of Government on the CSME (3-4 December 2018), CARICOM States inter alia:

Agreed to extend the categories of nationals entitled to move pursuant to Article 46 to include Agricultural Workers and **Security Guards** and that these additional categories are to be **facilitated administratively by 28 February 2019** and **implemented legislatively by 31 July 2019**.

The Officer reported that the CARICOM Secretariat proposed that all prospective private security personnel wishing to work outside their home country within the CARICOM region would be required to obtain a special CSME authorization. In view of obtaining this authorization, the CARICOM Secretariat suggested that PSC personnel submit at least one of the following:

- 1** One (1) Declaration Form
 - to be completed by previous [registered] employer
 - to include the number of years of employment (at least one year); relevant experience; and training.
 - to include Attestation of Character section; OR
- 2** Relevant qualification in the field, including Caribbean Vocational Qualification (CVQs)/Professional Licence; OR
- 3** Letter from local security body (evidence that the national is recognised as an Estate/Island/District Constable or equivalent, in their home Member State would also be accepted).

Attestation of character to also be applicable to 2) and 3).

During the discussion, participants noted that having the CSME certificate should not automatically give PSC personnel the licence to operate. Instead, national requirements take priority; the CSME certificate simply

allows the freedom of movement in terms of the basic minimum standards and allows PSC personnel to obtain work visas in the region and work for companies not based in their home State. In addition to the CSME, the PSC officer will also comply with the rules of the host State.

Since the Multi-stakeholder workshop, the following processes and developments have taken place:

- A Stakeholder Consultation was held on 15 January 2019 to obtain stakeholder views to inform development of framework for movement of Security Guards.
- The Council for Human and Social Development (COHSOD) met on 6 February 2019 where Labour Ministers of CARICOM Member States considered the proposed framework and made recommendations to the Conference of Heads of Government.
- During the Inter-Sessional Conference of Heads of Government, held on 26-27 February 2019, CARICOM Member States came to agreement on the framework for the movement of Security Guards.

SESSION 14 | Tools for Strengthening Oversight of Private Security Companies – Partner Support

The session featured two presentations which focused on how international partners can support oversight of PSCs:¹⁸

- The United Nations Regional Centre for Peace, Disarmament and Development in Latin America and the Caribbean (UNLIREC)
- The Montreux Document Forum Secretariat (DCAF).

The Senior Policy Adviser of UNLIREC presented on small arms control in the context of private security companies. He introduced UNLIREC as the regional organ of the UN Office for Disarmament Affairs' Regional Disarmament Branch of the UN Secretariat, covering 33 countries in Latin America and the Caribbean. UNLIREC provides technical assistance to Latin American and Caribbean States to combat illicit arms trafficking by supporting States in integrating small arms control measures into public security policies and armed violence reduction frameworks, strengthening physical security, stockpile management, supporting weapons and ammunition destruction, and improving small arms



Participants in a breakout group session

control in the private security industry. Subsequently, the UNLIREC Senior Policy Adviser presented key challenges around SALW in the Caribbean:¹⁹

- Illegal sale or rental of weapons
- Irregular documentation of PSC weapons
- Homemade or unauthorized weapons
- Losses thefts, and robberies of weapons from stockpile facilities, from inside workplaces or outside workplaces
- PSCs as front companies used for diverting weapons
- Illicit circulation of weapons after ceasing of operations

The Senior Policy Adviser noted that most regulations governing PSC possession and use of SALW focus on the type of small arms, the caliber of weapons used, rules and regulations related to licensing and authorizing possession and use, and stockpile management. However, there is a lack of systematic monitoring and implementation of national SALW laws to the PSC industry, leading to risks of SALW leakage and increase in armed violence. There is also a lack of attention to the risks around the use of SALW in illegal use of force by PSC personnel.

Good practices for States to regulate the possession and use of SALW and ammunition by PSCs and their personnel:

- Establish communication and information exchange mechanisms among different bodies responsible for regulation of SALW and for the regulation of PSCs.
- Ensure a database of information regarding small arms transfers, circulation and possession in the PSC

sector, including thefts, losses and incidents.

- Conduct risks assessments of PSCs as potential end users of illicit weapons transfers.
- Facilitate tracing mechanisms and marking of SALW and ammunition.
- Determine the final destination of obsolete, surplus and/or unserviceable SALW as well as of those after PSCs close operations.
- Require PSCs to establish physical security and stockpiles/storage facilities management for SALW.
- Apply sanctions to PSCs and their personnel for illegal possession, use and/or storage/stockpile of SALW and ammunition.
- Coordinate and collaborate with expert technical partners such as UNLIREC in:
 - Knowledge and capacity building of PSC personnel around proper internal SALW management
 - Voluntary assessments of PSC facilities
 - Compliance with international standards
 - Weapons destruction
 - Secondary marking of SALW to prevent diversion.

The MDF Secretariat presented the Legislative Guidance Tool for States to Regulate Private Military and Security Companies (PMSCs). Drawing heavily on the guidance of the Montreux Document and other international frameworks, as well as expert and state consultations, the tool is intended to provide guidance to parliamentarians, lawmakers, policymakers, and other actors in national legislative processes, such as members of the executive and oversight committees who are in

the process of updating or developing national regulation related to PMSCs. This practical handbook is structured around common challenges and proposes recommended content to include in legislative frameworks on PMSCs. Each challenge and recommendation is subsequently supported by real examples and case studies of implementation from different States.

The tool identifies challenges through the lens of key requirements to be included in important sections of domestic legislation on PMSCs namely outlining criteria for:

- 1 General provisions contained in legislation
- 2 Permitted and prohibited activities,
- 3 Authority responsible for the private security industry
- 4 Authorization, licensing and registration of PMSCs
- 5 Vetting, selection and contracting of PMSCs
- 6 Obligations of PMSCs and the personnel
- 7 Accountability and effective remedies for victims

The Legislative Guidance Tool thus offers support for States facing regulatory challenges, such as which types of security functions to outsource to private companies, how to monitor the activities of PMSCs and how to respond to abuses of human rights and violations of IHL by PMSCs where they do occur, as well as the mechanisms for effective remedies that can be developed to help victims.

SESSION 15 AND 16 | Roundtable Discussion and Closing Ceremony

The closing session was presided over by Mr. Earl Harris, Assistance Director, Strategic Services, CARICOM IMPACS, and featured remarks by Mr. Eric Tardif, Legal Adviser, International Committee of the Red Cross, Ms. Anna Marie Burdzy, Project Officer, Geneva Centre for the Democratic Control of Armed Forces, MDF Secretariat. The Honourable Fitzgerald Hinds, Minister in the Ministry of the Attorney General, Trinidad and Tobago, and Chairman, Joint Select Committee on National Security delivered a keynote speech.



Closing panel, from left to right:

Earl Harris, Assistance Director, Strategic Services, CARICOM IMPACS, Minister Fitzgerald Hinds of the Office of the Attorney General of Trinidad and Tobago, Kathy-Ann Matthews, Customs and Excise Comptroller; Anna Marie Burdzy, Project Officer, Geneva Centre for the Democratic Control of Armed Forces, MDF Secretariat; Eric Tardif, Legal Adviser, International Committee of the Red Cross; Callixtus Joseph, Regional Crime and Security Strategy Coordinator, CARICOM IMPACS.

WAYS FORWARD FOR RESPONSIBLE PRIVATE SECURITY REGULATION, OVERSIGHT AND GOVERNANCE IN THE CARIBBEAN REGION:

Recommendations for the CARICOM Council of Ministers of National Security and Law Enforcement

The following workshop recommendations were formulated towards CARICOM Member States, the CARICOM Secretariat, the Common Single Market and Economy (CSME) and the Council of Ministers of National Security and Law Enforcement (CONSLE):

- I Encourage the establishment of **National Regulatory Authorities for the Private Security Industry in Member States**. The Jamaica Private Security Regulatory Authority (PSRA) could be considered and serve as a good model/template to monitor and regulate the operations of organisations and individuals operating in the Industry, as well as promote international and professional standards and practices.
- II Establish a **Multi-Stakeholder Working Group on Enhancing the Regulation, Oversight and Governance of the Private Security Industry** to propose and advance recommendations, as well as share experiences, good practices, information and promote international standards.
- III Develop a **CARICOM Code of Conduct and Ethics for Private Security Providers** to establish and implement regional standards and benchmarks for the provision of private security services
- IV Develop **CARICOM Model Legislation** as a legislative guidance tool for Member States to **pursue the** enhanced regulation of the private security industry.
- V CSME Secretariat to establish a **portal of national Laws/Codes of Member States** to support the free movement of private security officials in CARICOM. This would clarify the various regulatory framework of Member States and ensure that companies are aware of the legislation and regulations applicable in the Member States.
- VI Support the development and advancement of a **Caribbean Examination Council (CXC) Private Security Regulation Authority Examination** to establish a uniform standard of testing and evaluating security officers for registration in the field across the region.
- VII Establish **Regional Training Standards/ training curricula** for private security employees.
- VIII Establish **regional background screening standards** for private security employees.
- IX Encourage a **more cooperative approach between law enforcement and the private security industry** in the Region.
- X Encourage CARICOM as a Regional Organisation, as well as all Member States and Associate Members to **join and actively participate in the Montreux Document Forum** which supports international norms and good practices in the private security industry. By expressing support for the Montreux Document, States and Regional and International Organisations do not commit to new obligations but join a community of 56 States and 3 International and Regional Organisations committed to improving oversight, governance and regulation of the private security industry in all situations.
- XI Encourage the establishment of **National Executive Bodies for Private Security Associations** to represent private security service providers.

ANNEX 1

PROGRAMME OF WORK

DAY 1 4TH FEBRUARY 2018

0800 - 0830

Registration of Participants

0830 - 0925

Opening Ceremony: Remarks

Maj. Michael Jones, Executive Director (Ag.), CARICOM IMPACS

Representative of Switzerland to the Caribbean Community

Dr. Eric Tardif, Legal Adviser, International Committee of the Red Cross

Ms. Anna Marie Burdzy, Project Officer, Montreux Document Forum Secretariat

0925 - 0945

Networking and Morning Break

Group Photo

0945 - 1000

Conference Introduction

Rationale for the Workshop: **Mr. Callixtus Joseph**, Regional Crime And Security Strategy Coordinator, CARICOM IMPACS and **Donville Hastings**, Senior Analyst, Regional Intelligence Fusion Centre, CARICOM IMPACS

1000 - 11:00

Plenary Session: Statements by Member States on the Private Security Industry in the Caribbean

MODERATOR: **Maj. Michael Jones**, Executive Director (Ag.) CARICOM IMPAC

This session is reserved primarily for statements/country presentation by heads of delegation from the CARICOM Community

(4 minutes per statement)

1100 - 1145

The Private Security Industry in the Framework of National Security

MODERATOR: **Mr. Callixtus Joseph**, Regional Crime And Security Strategy Coordinator (RCSSCCU)

PRESENTERS:

The "*Jamaican Model*": **Mr. Rick Harris**, Executive Director, Jamaica Private Security Regulatory Authority

Framework for Advancing Regulation, Oversight and Good Governance of Private Security in Trinidad and Tobago: **Mr. Fitzgerald Hinds**, Minister in the Ministry of the Attorney General, Trinidad and Tobago, Chairman, Joint Select Committee on National Security

Discussion

1145 - 1230

Supporting National Regulation: Overview of the Montreux Document and Its Relevance for The Caribbean

MODERATOR: **Ms. Gabrielle Priklopilova**, Geneva Centre for the Democratic Control of Armed Forces

PRESENTERS:

Background, Scope, Definitions and Main Rules: **Dr. Eric Tardif, Legal Adviser, ICRC**

Relevance of the Montreux Document for the Caribbean Region: **Ms. Anna Marie Burdzy, Project Officer, Montreux Document Forum Secretariat**

Questions & Answers

1230 - 1300

Regulating The Private Security Industry: What Is Needed?

MODERATOR: **Ms. Gabrielle Priklopilova**, Geneva Centre for the Democratic Control of Armed Forces

PRESENTER: Looking Ahead - Regulatory Framework for Advancing the Private Security Industry:

Ms. Pamela Hosain, CEO Amalgamated Security Services Limited, Trinidad and Tobago

Discussion

1300 - 1400

Networking and Lunch

REGULATION, OVERSIGHT AND GOVERNANCE OF PRIVATE SECURITY COMPANIES

1400 - 1500

The Private Security Industry In The Caribbean: Issues, Challenges and Needs

MODERATOR: **Mr. Pamela Hosain**, CEO Amalgamated Security Services Limited, Trinidad and Tobago

PRESENTERS:

Perspective from a Medium Sized Private Security Company, **Mr. Gamal Newry**, President, Preventative Measures Limited, The Bahamas

Perspective from a Small Sized Security Company, **Mr. Paul Nahoos**, Director, Chief Training Officer, Blue Line, Trinidad and Tobago

Discussion

1500 - 1515

Networking and Afternoon Break

1515 - 1700

Oversight And Governance of The Private Security Industry

MODERATOR: **Mr. Edward Stam**, Head of Department, UNI Global Union, Switzerland

PRESENTERS:

Oversight and Governance Related Issues in the Private Security Industry: **Mr. Lyle E. Alexander**, Chairman of Port Authority of Trinidad and Tobago and CEO/ Principal Consultant A.R.M Specialists

Perspectives from the Caribbean Association of Security Professionals (CASP): **Mr. Oral Reid**, Executive Director of Caribbean Association of Security Professionals

Private Security Companies Within the Energy Sector: **Maj. Sheldon Oudan**, Security Advisor, BP Trinidad & Tobago LLC

Perspective of the International Code of Conduct Association: **Ms. Gabrielle Priklopilova**, Project Officer, Geneva Centre for the Democratic Control of Armed Forces

International Frameworks in Oversight and Governance: **Ms. Lilian Bobea**, Expert, United Nations Working Group on Mercenaries

Discussion

1900 - 2100

Cocktail Reception

HOSTED BY **The Embassy of Switzerland Le Boucan**, The Hilton Hotel Trinidad

END OF DAY ONE

DAY 2 5TH FEBRUARY 2018

0800 - 0830 **Registration of Participants**

0830 - 0845 **Recap of Day 1**

Mr. Callixtus Joseph, Regional Crime And Security Strategy Coordinator, CARICOM IMPACS

0845 - 0945 **Workers' Rights, Labor Laws And Gender Considerations for the Private Security Industry**

MODERATOR: **Mr. Eric Tardif**, Legal Adviser, International Committee of the Red Cross

PRESENTERS:

Gender Considerations of the Private Security Industry: **Ms. Folade Mutota**, Executive Director, Caribbean Coalition For Development and the Reduction of Armed Violence(CDRAV)

Civil Society Oversight: **Ms. Carmen Rosa De Leon**, Executive Director, Teaching Institute for Sustainable Development (IEPADES),Guatemala

Regional Challenges in Protecting Workers' Rights: **Mr. Eduard Stam**, Head of Department, UNI-GLOBAL Union

Discussion

LAW ENFORCEMENT AND PRIVATE SECURITY PARTNERSHIP

0945 - 1045 **Law Enforcement and the Private Security Industry**

MODERATOR: **Mr. Earl Harris**, Assistance Director, Strategic Services, CARICOM IMPACS

PRESENTER:

Partnership, Cooperation and Collaboration Between Law Enforcement and the Private Security Industry: **Mr. Gary Griffith**, Commissioner of Police, Trinidad and Tobago

Interactive Roundtable Discussion

1045 - 1100 **Networking and Morning Break**

1100 - 1200 **Enhancing Regulation, Oversight And Governance of the Private Security Industry**

BREAKOUT GROUP 1

Private Security Regulations, Oversight and Governance

MODERATOR:

Ms. Anna Marie Burdzy,
Project Officer, Montreux
Document Forum Secretariat

Identification of Recommendations

Private Security Regulations, Oversight and Governance

MODERATOR:

Mr. Callixtus Joseph, Regional Crime
And Security Strategy Coordinator,
CARICOM IMPACS

Identification of Recommendations

Private Security Regulations, Oversight and Governance

MODERATOR:

Dr. David Anyanwu, Manager,
Integrated Threat Assessment Centre
(ITAC), Office of the Prime Minister
(NSCS), Trinidad and Tobago

Identification of Recommendations

1200 - 1230 **Working Groups Presentations**

PRESENTATION BY **Working Group Moderators**

10 minutes each per moderator

| | |
|-------------|---|
| 1230 - 1315 | <p>Towards A Private Security Regulation Authority Examination</p> <p>MODERATOR: Mr. Glenroy Cumberbatch, Registrar, Caribbean Examinations Council</p> <p>PRESENTER: Proposal for the Caribbean Examination Council (CXC®) Managed Private Security Regulation Authority Examination: Sharon Armstrong-Mullah, Director of Corporate Services, Caribbean Examinations Council</p> <p><i>Interactive Roundtable Discussion</i></p> |
| 1315 - 1415 | <p>Networking and Lunch</p> |
| 1415 - 1515 | <p>Implementing The Decision of CARICOM Heads of Government To Include Security Guards To The Categories of Skilled Nationals Who Are Entitled To Move Freely And Seek Employment Within The Community</p> <p>MODERATOR: Dr. Laurette Bristol, Programme Manager, CARICOM Secretariat</p> <p>PRESENTER: Proposal to Include Security Guards to the Categories of Skilled Nationals Who are Entitled to Move Freely and Seek Employment Within the Community: Ms. Rosamae Whitter, Free Movement And Labour Officer, CARICOM Secretariat, CSME</p> <p><i>Interactive Roundtable Discussion</i></p> |
| 1515 - 1545 | <p>Tools For Strengthening Oversight of Private Security Companies - Partner Support</p> <p>MODERATOR: Danielle Jemmott, Programme Officer, CARICOM IMPACS</p> <p>PRESENTERS: Small arms control in the context of private security companies: Mr. Jason Francis, Senior Policy Adviser, United Nations Regional Centre for Peace, Disarmament, and Development in Latin America and the Caribbean (UNLIREC)</p> <p>Legislative Guidance Tool for Regulating the private security industry: Ms. Anna Marie Burdzy, Project Officer, Montreux Document Forum Secretariat</p> <p>Advancing Regional Toolkits: Mr. Earl Harris, Assistance Director, Strategic Services, CARICOM IMPACS</p> <p><i>Questions & Answers</i></p> |
| 1545 - 1615 | <p>Roundtable Discussion: Ways Forward</p> <p>DISCUSSANTS: Ways Forward in Supporting CARICOM: Ms. Anna Marie Burdzy, Project Officer, Geneva Centre for the Democratic Control of Armed Forces, MDF Secretariat</p> <p>Next Steps: Mr. Callixtus Joseph, Regional Crime and Security Strategy Coordinator, CARICOM IMPACS</p> |
| 1615 - 1630 | <p>Networking and Afternoon Break</p> |
| 1630 - 1700 | <p>Closing Ceremony</p> <p>Mr. Earl Harris, Assistance Director, Strategic Services, CARICOM IMPACS Representative of Switzerland to the Caribbean Community Mr. Eric Tardif, Legal Adviser, International Committee of the Red Cross Ms. Anna Marie Burdzy, Project Officer, Geneva Centre for the Democratic Control of Armed Forces, MDF Secretariat</p> <p>Keynote Speech</p> <p>Fitzgerald Hinds, Minister in the Ministry of the Attorney General, Trinidad and Tobago, and Chairman, Joint Select Committee on National Security</p> |

ANNEX 2

SUPPORTING THE MONTREUX DOCUMENT: WHY AND HOW?

The Montreux Document is the first document of international significance to reaffirm the existing obligations of states under international law, in particular international humanitarian law (IHL) and human rights law, relating to the activities of private military and security companies (PMSCs). It also lists good practices designed to help states take national measures to implement these obligations.

The Montreux Document seeks to provide guidance on the basis of existing international law; it is therefore not a legally binding treaty and does not create new legal obligations. Regardless of their support for the Document, states are already bound by the international legal obligations contained in the Montreux Document, by virtue of international treaties and customary international law. The majority of the rules and good practices of the Montreux Document are drawn from IHL and human rights law.

The Montreux Document enhances the protection afforded to victims of armed conflicts by clarifying and reaffirming applicable international law, and by encouraging the adoption of national regulations to strengthen respect for international law. The Montreux Document thus provides a blueprint for governments to more effectively regulate PMSCs.

Why Become a Participant?

The added value of the Montreux Document: useful good practices for strengthened respect of international law

By supporting the Montreux Document, states and international organisations declare their political support for the Montreux Document's main thrust: that international legal obligations have a bearing on PMSCs and must be complied with. The Montreux Document offers a detailed roadmap for states wishing to improve their policies and practices regarding PMSCs. It provides a tool which allows governments to implement effective oversight and regulatory mechanisms of PMSCs, for example through contracts or by the implementation of licensing/authorisation systems. The Montreux Document Forum has been created as a platform for informal consultation and exchange. Participants have the opportunity to share experiences regarding the implementation of the rules and good practices of the Montreux Document. In addition to fostering dialogue among participants, the Montreux Document Forum encourages all states and international organisations to actively support the initiative (www.mdforum.ch/en).

How to Participate?

Easy and simple process to express support for the Montreux Document:

Supporting the Montreux Document does not create any new legal obligations. All states and international organisations are invited to communicate their support for the Montreux Document to the Swiss Federal Department of Foreign Affairs through an official letter or diplomatic note. There is no financial cost. States and international organisations can use the following template to express support: www.mdforum.ch/en/get-involved

Scope and Application

1 The relevance of the Montreux Document to a wide scope of situations, especially situations of armed conflict

In line with international humanitarian law, the Montreux Document is based on the principle that PMSCs operate in an armed conflict environment. Nevertheless, the Montreux Document is also meant to provide practical guidance in other contexts and it identifies good practices that are ideally put into place during peacetime. The use of PMSCs for the protection of merchant ships against acts of piracy is one example of a situation outside of armed conflict where the Montreux Document can provide guidance. The Document provides a practical tool for states in the process of elaborating or improving their national legal frameworks which address the domestic and/or international activities of PMSCs.

2 PMSC personnel can only be qualified as mercenaries in certain circumstances

The definition of a mercenary is defined in the Additional Protocol I to the Geneva Conventions of 12 August 1949 (Article 47), applicable in international armed conflicts. Most PMSC employees do not fulfill the criteria of this definition, and therefore cannot be qualified as mercenaries. Nevertheless, in some circumstances, it is

possible that PMSC personnel may meet the conditions for definition as mercenaries. If this is the case, they will not be entitled to combatant or prisoner-of-war status in an international armed conflict.

3 The Montreux Document addresses private military companies as well as private security companies

The Montreux Document intentionally avoids making a distinction between “military companies” and “security companies”. In reality, many companies offer a broad range of services, which typically range from military services (such as armed guarding and protection of convoys) to typically security services (such as the guarding of residences). As a consequence, they are not easily categorized. From a humanitarian perspective, there is no universally standard definition. For this reason, the Montreux Document adopts a wide definition that encompasses all companies that provide either military or security services or both.

4 The Montreux Document is not an international treaty

The Swiss government and the ICRC felt it was important to produce a meaningful and practical instrument within a relatively short timeframe. While an initiative for the elaboration of an international treaty has been launched, the Montreux Document aims to provide states with practical and immediate options for the oversight and control of PMSCs.

5 The Montreux Document does not legitimize nor condemn the use of PMSCs

The Montreux Document does not endorse the use of PMSCs in any circumstance but seeks to recall legal obligations and to recommend good practices if the decision has been made to contract PMSCs. Like all other armed actors present on the battlefield, PMSCs are governed by international rules, whether their presence and activities are legitimate or not. The Montreux Document follows this humanitarian approach.

ANNEX 3

Endnotes

- 1 Bishop, M., & Montoute, A. (2017). Private Security in the Caribbean. In R. Izarali, Crime, Violence and Security in the Caribbean (pp. 1-22). New York: Routledge.
- 2 UNLIREC, & DCAF. (2016). Armed Private Security in Latin America and the Caribbean. Geneva: United Nations Regional Centre for Peace, Disarmament and Development in Latin America and Geneva Centre for Democratic Control of Armed Forces.
- 3 Bishop, M. (2013). Private Security Companies in Trinidad and Tobago. In P. UWI, Private Security Companies - Case studies of St. Lucia, Trinidad and Tobago and Jamaica (pp. 49-77). Ontario: Institute of International Relations, The University of the West Indies and Project Ploughshare.
- 4 Joseph, C. 2007. A Comprehensive Wide Regulation Model: An Imperative for the Private Security Industry of St. Lucia. Unpublished Research Paper, University of West Indies, Mona Campus.
- 5 Buzatu, A. M., & Buckland, B. (2015). Private Military & Security Companies: Future Challenges in Security Governance. Geneva: DCAF.
- 6 Bishop, M., & Montoute, A. (2017). Private Security in the Caribbean. In R. Izarali, Crime, Violence and Security in the Caribbean (pp. 1-22). New York: Routledge.
- 7 UNLIREC, & DCAF. (2016). Armed Private Security in Latin America and the Caribbean. Geneva: United Nations Regional Centre for Peace, Disarmament and Development in Latin America and Geneva Centre for Democratic Control of Armed Forces.
- 8 UWI, Ploughshare. (2013). Review of Literature on Private Security Companies in the Caribbean. In P. UWI, Private Security Companies (pp. 121-136). Ontario: Institute of International Relations, The University of the West Indies; Project Ploughshare.
- 9 Bishop, M. (2013). Private Security Companies in Trinidad and Tobago. In P. UWI, Private Security Companies - Case studies of St. Lucia, Trinidad and Tobago and Jamaica (pp. 49-77). Ontario: Institute of International Relations, The University of the West Indies and Project Ploughshare.
- 10 Buzatu, A. M., & Buckland, B. (2015). Private Military & Security Companies: Future Challenges in Security Governance. Geneva: DCAF.
- 11 See www.mdforum.ch/montreux-document.
- 12 The 1989 Declaration of Grand Anse initiated the process towards the CARICOM Single Market and Economy (CSME). The Revised Treaty of Chaguaramas in 2001 established the CSME. The CSME was launched in 2006.
- 13 The CONSLE was incorporated into the Revised Treaty of Chaguaramas by way of a Protocol which was opened for signature in March 2009 (Article 17 a). of the Revised Treaty of Chaguaramas states that the Council, which comprises Ministers designated by the Members of the Community, shall : Promote the development and implementation of a common regional security strategy to complement the national security strategies of Members of the Community; and establish and promote measures designed to combat and eliminate threats to national and regional security; ensure the expeditious and efficient mobilisation and deployment of regional resources in order to manage and defuse national and regional security crises and to combat serious crimes in consultation with the relevant Member States; preserve the territorial integrity of the Member States; and gather, share and manage intelligence.
- 14 CXC comprises 16 Participating Countries, Anguilla, Antigua and Barbuda, Barbados, Belize, British Virgin Islands, Cayman Islands, Dominica, Grenada, Guyana, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Trinidad and Tobago and Turks and Caicos Islands. See www.cxc.org/.
- 15 The Multi-stakeholder workshop was held under Chatham House Rules. Specific interventions from the plenary or breakout groups are not attributed. Panelists' presentations are quoted.
- 16 Shield Security Services Limited, Trinidad and Tobago could not be present at the event, hence the discrepancy with the agenda.
- 17 Mr. Lyle E. Alexander, Chairman of Port Authority of Trinidad and Tobago and CEO/ Principal Consultant A.R.M Specialists was not present at this session but rather delivered short remarks in Session 9.
- 18 Mr. Earl Harris, Assistance Director, Strategic Services, CARICOM IMPACS was not available to present, hence the discrepancy with the agenda. This session also did not include a discussion portion due to short timings.
- 19 DCAF and UNLIREC (2016). Regional Study: "Armed Private Security in Latin America and the Caribbean: Oversight and Accountability in an Evolving Context." DCAF/United Nations.

