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Private military and security firms and the erosion of the state monopoly on the use of force

Reply to Recommendation¹: Recommendation 1858 (2009)
Committee of Ministers

1. The Committee of Ministers has noted with interest Parliamentary Assembly [Recommendation 1858 \(2009\)](#) on “Private military and security firms and the erosion of the state monopoly on the use of force” which it has brought to the attention of the member states’ governments. It has also communicated it to the Steering Committee for Human Rights (CDDH) and to the European Committee on Crime Problems (CDPC), for information and possible comments and to the European Commission for Democracy through Law (Venice Commission) for information and for it to be taken into account in its future work.
2. Notwithstanding the fact that matters relating to national defence do not fall within the scope of the Council of Europe, the Assembly’s recommendation raises important questions related to the rule of law and protection of human rights, which are at the core of the Council of Europe’s activities. The Committee of Ministers notes the concerns expressed by the Assembly concerning the possibility of a legal vacuum at international level regarding certain private companies which carry out military or security related activities. The Committee of Ministers encourages all member states to consider carefully how to counter the perception feared by the Assembly.
3. The Committee of Ministers notes that in June 2009, the Venice Commission adopted a report “on private military and security firms and erosion of the state monopoly on the use of force” (see document CDL-AD(2009)038). It has invited the European Committee on Crime Problems (CDPC), the Steering Committee for Human Rights (CDDH) and the Committee of Legal Advisers on Public International Law (CAHDI), to study, in the light of the Parliamentary Assembly’s opinion, the suggestions made by the Venice Commission in its report and to report back.
4. The Committee of Ministers will keep the Parliamentary Assembly informed about any further developments as regards the issues covered by the recommendation.

1. adopted at the 1083rd meeting of the Ministers’ Deputies (21 April 2010)

