

**Permanent Mission of India
Geneva**

**Third Session of the
Open-ended intergovernmental working group (IGWG) to elaborate the
content of an international regulatory framework, without prejudging the
nature thereof, relating to the activities of Private Military and Security
Companies [9 – 13 May, 2022]**

**General Statement by India
(9 May, 2022)**

Mr. Chair,

My delegation would like to join others in congratulating you on your re-election as the Chair-Rapporteur of this Session. We also commend your efforts in presenting the ^{revised second} ~~zero-draft~~ ^{the} instrument of an international regulatory framework, on the regulation, monitoring of and oversight over the activities of Private Military and Security Companies (PMSCs).

Mr. Chair,

2. In the recent years, the international community has witnessed unprecedented proliferation of PMSCs around the world. These companies are providing a wide range of services to States and to non-State actors including UN and other international organisations. The scope of the activities relating to PMSCs has developed in a context which is broad and complex, including the risk involving civilians in hostilities.

3. My delegation believes that “private military” and ‘private security’ are two distinct concepts and denote two different connotations. In both the cases, State is the sole legitimate authority to provide security to the people and their property. However, existing law and jurisprudence at international level remind us that there are ~~attempts to establish some mechanisms~~ ^{gaps} for holding PMSCs accountable and to ensure effective remedies for the victims.

4. India has enacted the Private Security Agencies (Regulation) Act, 2005 and the Central Model Rules, 2020 which provide guidelines for the regulation of this growing industry such as licensing norms and training requirements for the guards. All private security agencies have to be licensed under this Act. License for firearms is issued to individual security personnel and not to private security agencies. The rationale for issuing licenses to individuals is to hold them accountable in the event of any mis-happening. It is hoped that promotion on the one hand and ensuring accountability on the other will lead to an efficient and

effective private security sector. In this context, my delegation believes that this sector needs to be made accountable to the State. However, national legislation have limitations to address the activities of PMSCs whose activities are transnational in character.

5. At international level, existing frameworks remind us that there are gaps in international law particularly in establishing proper mechanisms for accountability and effective remedies for the victims. The Montreux document identified more pressing challenges with regard to the operation of such actors and companies in conflict areas relate to the legal and regulatory framework including the accountability of companies and their employees over their activities. It provides States with good practices that can be used as appropriate to promote compliance with international humanitarian law and human rights law. However, the point of departure of the Montreux Document is that regulations are needed to ensure that principles of international human rights and humanitarian law are applied by PMSCs in their activities, which may extend beyond normal protection and security task. Similarly, the International Code of Conduct attests the need for standards in the industry. However, the Code of Conduct does not address the issue of accountability for human rights violations committed by PMSCs.

Mr. Chair,

6. Previous discussions had demonstrated that a number of issues would require further clarification and better understanding of, gaps in international law relating to accountability, redressal of grievances and compensation for the victims. We share the common goal identified in our deliberations, i.e. the goal of protecting human rights in the context of PMSC activities, and ensuring accountability for abuses wherever occurred. We look forward to working with you constructively in realising the mandate.

Thank you, Mr. Chair.
