

Open-ended intergovernmental working group mandated to elaborate the content of an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies

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We would like to first thank the Chair and his team for their work on the revised draft instrument and appreciate that some of the suggestions made at the December intersessional meeting have been incorporated into the Revised Second Draft Instrument that is the subject of this week's agenda. We look forward to engaging with the text and all of our colleagues here this week.

We are hopeful that this week's meeting will advance our collective effort to further internationalize existing initiatives, specifically the Montreux Document and the International Code of Conduct for Security Providers, which include carefully crafted standards that reflect and embody significant efforts made over the last few decades to advance human rights in this context. We think it is important to recognize that these valuable tools and commonly accepted standards lay the groundwork for the task before us now.

At the outset, we feel it is important to recognize the critical role legitimate private military and security companies play around the world – in providing services such as guarding personnel and facilities – not just for states but for NGOs and humanitarian assistance organizations, to protect and make possible their operations. We recognize as well the necessity for state oversight and accountability to protect against abuses of human rights and violations of international humanitarian law and to address abuses and violations where they occur. But we must also point out that these types of companies are distinct from those mercenaries engaged directly in military operations who are a destabilizing force in many areas of the world and who are infamous for their abuses of human rights.

Mindful of that context, we hope that in the work before us we will be able, together, to prioritize what can be done – to make progress in areas in which we can agree – and perhaps to make progress as well on some areas in which not all states have had a shared vision. In our view, it would be helpful, towards that end,

not to focus on areas where highly detailed standards or applicable regimes already exist. We can refer to these generally while avoiding detailed but incomplete prescriptions in these areas that might conflict or imperfectly represent what work has already been done.

We would instead support focusing our efforts on extending existing best practices to new domains, calling on all states to implement and enforce national regulatory regimes, and drawing attention to gaps that remain to be addressed in these systems. We would recall the compatibility of this approach with resolution 45/16 which renewed this group's mandate and described how its work should continue to be informed by the discussion document on elements for an international regulatory framework on the regulation, monitoring and oversight of the activities of PMSCs.

We agree with many of our colleagues here that we can have the most impact by finding solutions by consensus. In our view, consensus can only be achieved through adoption of a nonbinding instrument. Such an achievement – creating by consensus the first UN framework on the regulation by states of private military and security contractors – would be a milestone achievement and would lay the groundwork for further appropriate state and international action. We regret that the revised second draft instrument does not reflect many of the non-legally binding alternatives to terms that were proposed last year. We will again reiterate this week changes that are needed for the text to reflect that option unambiguously.

We again thank the Chair, his team, and all of our colleagues for their continued efforts on this important topic and look forward to the week ahead.