**First Session of the 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 [20 – 24 May 2019]**

**General Statement by India**

**(20 May 2019)**

**Excellency Ma’am Chair,**

1. My delegation would like to join others in congratulating you on your election as the Chair-Rapporteur of this important Intergovernmental Working Group. We thank you for convening this first session pursuant to the UNHRC Resolution 36/11 with a clear mandate to elaborate the content of an international regulatory framework to protect human rights and ensure accountability of Private Military and Security Companies **(**PMSCs) for violations and abuses relating to their activities. We are now going to initiate our discussions on draft elements circulated in advance to elaborate them into a regulatory framework without prejudging its nature and form.

**Ma’am Chair,**

2. It may be recalled that 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 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. In this context, my delegation believes that “private military’ and ‘private security’ are two distinct concepts 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 for holding PMSCs accountable and to ensure effective remedies for the victims.

4. The Montreux Document is one such attempt, which reaffirms the obligations of states under international humanitarian law (IHL) and human rights law, relating to the activities of PMSCs in situations of armed conflict. The document is not legally binding in itself, but provides States with good practices that can be used as appropriate to promote compliance with international humanitarian law and human rights law. In our view, this is not enough. States are required to take appropriate measures nationally in order to fulfil their obligations under international law that are being applied to PMSCs in their activities. However, the point of departure of the Document is that it does not define or identify the situations as regards its relevance and scope of the applicability.

5. Similarly, the International Code of Conduct attests the need for setting up standards in the industry. However, the Code of Conduct does not address the issue of accountability for human rights violations committed by the signatory companies.

6. In the present context, however, threat perceptions are increasing and individuals and private bodies are seeking dedicated security cover. As regards the role of ‘private sector’, despite of its useful economic activity, we all know it is a growing sector. The role of private security sector assumes significance in this context where the need for security is more than what the State can provide. Private security sector which came into existence in recent times is now a fast growing industry, due to growing security needs of the corporate world and increase threat perceptions to individuals. This warrants access to justice and effective remedies to victims and accountability of private security companies for human rights violations and abuses.

7. While recognising the role of private security sector in the economy and employment, India believes that this sector needs to be made accountable to the State given the sensitivities involved in their operations. As a step towards this end, India enacted a legislation providing guidelines for regulation of this growing industry.

8. We believe that regulation, controlling and monitoring of PMSCs is crucial to ensure accountability for any violations and also to address the new challenges effectively. We look forward to working with you constructively in this process.

**I, thank you Ma’am Excellency.**