

**Statement by India at the Open-ended Intergovernmental Working Group (IGWG) 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 (26-30 April 2021),delivered by**

**Mr. S. Senthil Kumar, First Secretary, Permanent Mission of India**

**[Geneva, 26 April 2021]**

**Madam Chair,**

1. My delegation would like to join others in congratulating you on your election as the Chair-Rapporteur of this Session. We thank you for convening this session pursuant to the UNHRC Resolution 45/16 with the 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.

**Madam 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 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 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. Similarly, the International Code of Conduct addresses the need for setting up standards in the industry. These two mechanisms are not legally binding but provide States with good practices that can be used as appropriate to promote compliance with international humanitarian law and human rights law. In our view, these initiatives are not sufficient to address the gaps in regulating the activities of PMSCs.

**Madam Chair,**

5. The private security industry is amongst the largest employers in India. As per a private study report (FICCI), the industry employs almost 8.9 million people, with the potential to employ 3.1 million more by 2022. While recognising the role of private security sector in the socio-economic development, we believe 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 the Private Security Agencies (Regulation) Act, 2005 to regulate the growing industry and also brought in the Central Mode Rules, 2020 to pave for its development and contribute to employees’ welfare.

6. In the present context, threat perceptions are increasing and individuals and private bodies are seeking dedicated security cover. The role of private security sector assumes significance in this context where the need for security is more than what the State can provide, sometimes. The growing security needs of the corporate and business entities and increase threat perceptions to individuals also warrants access to justice and effective remedies to victims and accountability of private security companies for human rights violations and abuses.

7. 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.

**Thank you, Madam Chair.**

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