**Intergovernmental Working Group to Elaborate the Content of an International Regulatory Framework, without Prejudging the Nature thereof, Relating to the Activities of Private Military and Security Companies**

**U.S. Statement Delivered by Phillip Riblett  
April 27, 2021, Morning Session**

Thank you, Chair. The United States takes this opportunity to address several of the elements for an international regulatory framework that have been and continue to be under discussion. Before doing so, the United States would emphasize once more that it is committed to the development of such a framework, to universalize the already existing standards found in the Montreux Document and the International Code of Conduct, as well as to promote mechanisms for accountability, monitoring and oversight of such standards along the lines of what the International Code of Conduct Association has already put in place.

The United States understands the need to prevent human rights abuses and to prevent and ensure accountability for such abuses. As other states have noted, an important part of addressing this need is the development and implementation of national legislation to provide a process for redress and accountability.

In past discussions of the framework’s draft objectives, as well as the section pertaining to the role of contracting states and the definitions section, the question has been raised as to whether this framework should be limited in scope and application to complex situations, or to conflict situations, and related questions have been raised about the challenge of defining “complex situations”. We will address this definition tomorrow in the discussion on Element 1.

The United States is firmly of the view that the scope of the framework must be focused on, and limited to, the context of complex environments. Complex environments pose particular challenges, and it is those challenges that gave rise to this Working Group (and its predecessor). To the extent that nations that are stable and have fully functioning governments host, among other commercial enterprises, companies that provide security services, it is wholly within the national regimes of those states to regulate that commercial service.

The need for an international framework that addresses the components under discussion is limited to those that involve transnational or international activities among contracting, territorial, and home states as well as states of nationality. The need arises where the use of private military and security contractors takes place in an area of instability, where the rule of law is compromised and the capacity of the state authority is limited in nature. That is the context that gives rise to this discussion and it is that context alone to which we should turn our attention.

We will offer additional comments on the distinctions in treatment between contracting, territorial, home states, and states of nationality in the discussion this afternoon. Thank you.

**Intergovernmental Working Group to Elaborate the Content of an International Regulatory Framework, without Prejudging the Nature thereof, Relating to the Activities of Private Military and Security Companies**

**U.S. Statement Delivered by Phillip Riblett  
April 27, 2021, Afternoon Session**

Thank you, Chair. The framework specifies obligations for states that vary depending on their role in this international landscape. For example, it has been noted that territorial states have the discretion to allow (or disallow) private military and security companies to operate in their territory. We strongly believe that territorial states would benefit if they required foreign PMSCs to meet ICoCA standards and subject themselves to ICoCA monitoring and oversight prior to issuing the company a license to operate in their countries. This would provide the territorial State with an additional level of oversight, in that to retain ICoCA membership and the ability to continue operations in that State, the company would have to demonstrate that it had a system in place to provide redress for human rights abuses as well as adequate training of its personnel. So, we think that territorial States in complex situations should consider requiring ICoCA membership as a condition of issuing a license to a foreign PMSC operating on its territory outside of diplomatic facilities.

For contracting states, the framework element includes that governments implement due diligence in their procurement policy, to require training and policies that safeguard against human rights abuses, including with regard to subcontractors. In this regard, there is much that is already being done, and we would be remiss not to note ICoCA’s utility to contracting states in this context.

The United States Department of State has aggressively endeavored to ensure the vetting of the private security contractors that provide security for our diplomatic posts that are considered to be “high threat” posts. For these contracts, ICoCA membership is required: only private security companies that are members in good standing of ICoCA are eligible to bid on those contracts. Our management of those contracts focuses on various Code provisions, including, for example, preventing trafficking in persons. In that regard we do more than rely on ICoCA membership, the standards articulated in the Code of Conduct and the ability of the ICoCA to conduct monitoring. The Department’s oversight of these contracts includes twice annual trips to the high threat posts for inspections to review contractor compliance with trafficking in persons regulations and at least annual trips to all the countries where prime contractor companies source labor. These inspections seek to ensure compliance with our regulations and address very specific and detailed requirements. They include interviews with candidates and recruiters to look at, for example, whether the contracts are provided in languages that are understood and the terms of compensation are clear, as well as ensuring that posters clearly advertise in relevant languages the Office of Inspector General hotline.

While I recognize that our statement has focused on our own procurement mechanisms, we do so to illustrate that much is being done now, with the current mechanisms that exist, to address the concerns all states share in preventing human rights abuses in the activities of private military and security contractors, prevent and ensuring access to justice and remembers and strengthening accountability for the perpetrators of abuses.

Thank you.