



Pakistan statement at 4th session of Inter-governmental Working Group (IGWG), delivered by Mr. Afaq Ahmed, Counsellor, to elaborate the content of an international regulatory framework, without prejudging the nature thereof, relating to the activities of private military and security companies
17th April 2023

We congratulate you on your election as Chair-Rapporteur. We hope that under your able stewardship, the session would make good progress in achieving its mandate.

We acknowledge the efforts in presenting the revised second draft instrument. We look forward to productive engagement on the revised text.

Mr. Chair-Rapporteur,

We welcome the retention of some of the foundational principles of international law especially that States bear the primary responsibility to prevent international human rights law violations and are therefore obliged to effectively regulate, provide oversight over PMSCs and to investigate and prosecute those operating in their territory or jurisdiction.

However, deletion of PP1 bis on sovereign equality and territorial integrity of all States is a matter of concern and we would stress on its retention as one of the fundamental principles of UN Charter and international law.

We emphasize that the draft text should also clearly exclude inherent state functions from the scope of services by PMSCs, such as participation in hostilities, waging of war, powers of arrest and interrogation; prison administration; intelligence and espionage, among other.

We echo the concerns shared during the previous sessions by some delegations that “private military” and “private security” are two separate concepts and hence denote different implications. PMSCs operating in situations of armed conflict, where IHL apply, must be distinguished from certain security companies, operating in normal law-enforcement context under domestic national laws. A broad brush approach should, therefore, be avoided.

However, in both these scenarios States must be reflected as the primary and only legitimate entity that can provide security within its jurisdiction. There should be no exception to this central principle and should be applied to international regulation and oversight of PMSC activities.

We note that despite previous attempts to institute mechanisms for holding PMSCs accountable and to ensure effective remedies for the victims, there still exists a wide gap in



international regulatory framework as the notion of self-regulation by PMSCs has not been upheld in letter and spirit.

The Montreux Document and the International Code of Conduct are two non-legally binding mechanisms that provide States with good practices. However, these initiatives must be brought under wider scrutiny of international law and established norms.

Mr. Chair-Rapporteur,

In recent years, the international community has witnessed exponential proliferation of PMSCs around the globe. These companies have been providing a wide range of services to States and to non-State actors including the UN, other international organisations, transnational corporations, NGOs and other inter-governmental bodies.

Unfortunately, due to political pragmatism, security-related state functions have been outsourced in several conflict situations to such companies under unclear rules of engagement and vague hierarchy of command.

These companies are often well-equipped with traditional and modern weapons and there is ample evidence that they have engaged directly and even remotely in conflicts by utilizing modern weaponry such as unmanned aerial vehicles.

We are of the view that PMSCs cannot and should not be treated as ordinary business entities, since the services provided by them bear far-reaching implications for global peace and human rights. The imperative for a global legal and regulatory framework on PMSCs remains urgent.

In order to address human rights violations committed by PMSCs, the framework should provide clear guidance on issues related to jurisdiction and fixation of responsibility, while elaborating accountability and remedial mechanisms for victims.

Mr. Chair-Rapporteur,

With these broad submissions, my delegation would make additional contributions over the coming days.

I thank you!