

## **Draft General Statement of I.R. Iran**

### **Open-ended IGWG**

**to consider the possibility of elaborating an international regulatory framework  
on the regulation, monitoring and oversight of the activities of  
private military and security companies**

**Fourth session, 27 April to 1 May 2015**

*In the name of God, the Compassionate, the Merciful*

I would like to begin by congratulating you for your re- election as the Chairperson-  
Rapporteur of this very important Working Group. I am confident that, under your able  
leadership, the present session would result in successful outcome.

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In recent years, PMSCs have provided a wide range of services to States and such actors  
as international organizations, private companies and NGOs. In a number of cases, those  
services have not been confined to static protection of sites, logistics, communication and  
catering, but have involved actual participation in hostilities too. As a result, the human  
rights challenges posed by activities of PMSCs in situations of armed conflict, are well-  
known. Moreover, the activities they carry out outside armed conflict situations bring  
about human rights risks. To tackle these worrying situations and the violations  
committed in these contexts, the international community has to ensure respect for  
international human rights and humanitarian law.

A smart mix of international regulation, national legislation and enforcement, and  
industry self-regulation would allow States and other actors to use PMSCs and at the  
same time, ensure that PMSCs respect human rights and, are held accountable in case of  
violations. Although there are some standards in international law applicable to the  
activities of PMSCs, the regime is far from complete.

In fact, while it is clear that States have the general international obligations to ensure  
respect for humanitarian law and human rights by the PMSCs, the content of such

obligations have not been clarified and defined. In other words, as PMSCs operate trans-nationally, it is necessary to define and initiate effective mechanisms to ensure their accountability.

**Mr. Chairman,**

The various initiatives that deal with PMSCs can provide useful guidance and the existing initiatives have some positive features. However, we are of the firm belief that still, there are considerable gaps which could not be addressed, in an efficient manner, merely by those initiatives. As a case in point, the situation of victims of grave violations of human rights as a result of the activities of the PMSCs has not been defined. That's why national legislation could not sufficiently be relied upon on its own, given that many PMSCs activities are trans-boundary in nature and could not be dealt with effectively.

Furthermore, the International Code of Conduct is, by itself, clearly inadequate to ensure comprehensive accountability for violations of human rights and to provide remedies to victims. Besides, the code is a voluntary initiative for industry and it cannot be invoked in a court of law unless it has been integrated into a contract or national legislation.

Similarly, the Montreux Document has not addressed certain issues such as PMSCs activities outside armed conflict situations; it does not ensure remedies for victims, nor it has clarified the legal status of armed PMSC staff whose presence in conflict zones creates challenges in terms of ensuring respect for the principle of distinction. In this regard, the term "private military companies" is in itself problematic, and we believe that the military functions should be strictly a State prerogative.

More importantly, there is no legally binding document to regulate the use of force by PMSCs and PMSCs often acted with full impunity, while human rights violations are being frequently committed.

Accordingly, gaps in international law cannot be filled by guiding principles and good practices alone. Such international regulation must, as the first step, be complemented by effective national laws and policies, providing for States to investigate and prosecute violation of international human rights and humanitarian law. As the second step, those gaps should be addressed through working on an internationally-binding instrument so as to complement existing initiatives and fill regulatory gaps in such areas as accountability, remedies, licensing and oversight.

**Mr. Chairman,**

In conclusion, we do hope and expect to see the political commitment on the part of all, in particular those who have more and clear responsibility in this respect, to engage seriously and constructively in the deliberations of this working group with a view to addressing the urgent issue of violations of international human rights and humanitarian law, for respect and ensure respect of which they are fully committed.

Thank you

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