

UK LEGISLATION RELATING TO PRIVATE MILITARY AND/OR SECURITY COMPANIES

The UK is grateful for the invitation to participate in this fourth session of the IGWG and provides an update on relevant national legislation, initiatives or other measures taken concerning the regulation, monitoring and oversight of the activities of PMSCs.

- In the domestic context, the UK Security Industry Authority, set up under the Private Security Industry Act 2001, is the organisation responsible for regulating the private security industry by inter alia operating a licensing regime for individual security operatives and a voluntary approvals scheme for security businesses.
- More generally in UK legislation, the International Criminal Court Act 2001 provides jurisdiction to prosecute grave breaches of the Geneva Conventions, torture, genocide, war crimes and crimes against humanity committed by British nationals either in or outside the United Kingdom. We are also able to prosecute British citizens for certain crimes such as murder and sexual abuse of children committed overseas. This legislation would enable us to prosecute a British national accused of committing such crimes overseas while working for a private security company.
- The Department of Transport has issued Interim Guidance to UK flagged shipping on the use of armed guards to defend against the threat of piracy in exceptional circumstances.

There is no legislation defining what military or security activity can be outsourced to private companies but there is an understanding that military activity in situations of armed conflict can only be delivered by military personnel. Military personnel can be identified by their uniform and by the fact that they are commanded by a commissioned officer.

The UK has closely supported the introduction of professional standards for private security companies working on land or at sea in complex or high risk environments, against which private security companies can be certified by independent third party auditors. The United Kingdom Accreditation Service accredits auditors for these standards, and is a signatory to the International Accreditation Forum Multilateral Agreement.

Furthermore the United Kingdom is a member of the International Code of Conduct Association. The Association will provide an oversight mechanism to ensure compliance by member companies with the International Code of Conduct for Private Security Providers.

Conflict Department, FCO

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