The role of international regulatory initiatives on business and human rights for holding private military and security contractors to account

MACLEOD, Sorcha
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Author: MACLEOD, Sorcha
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Abstract:
This chapter considers the role of international regulatory initiatives in the sphere of business and human rights and corporate social responsibility in regulating private military and security companies (PMSCs). In particular, it analyses the effectiveness of the UN Global Compact and the OECD Guidelines for Multinational Enterprises and considers them within the context of the Protect, Respect and Remedy framework of the UN Secretary-General's Special Representative on business and human rights, John Ruggie. It concludes that while these initiatives possess some regulatory strengths, ultimately they are inadequate for ensuring effective PMSC accountability, due in particular to the lack of remedies available to those harmed by PMSC human rights violations. Furthermore, because of the lack of enforceability they lack any deterrent effect. A top-down–bottom-up, hybrid approach incorporating international and domestic regulation, as well as an effective, transparent, and enforceable remedy is proposed.

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After years of being maligned as mercenaries, private military contractors reemerged following the end of the Cold War. Weak states with few military capabilities turned to PMCs for help, and even the United States hired private firms to supplement its military operations in the 1990s in order to lower costs. The ICoC outlines the obligations of private security companies under international law and specifies rules that ought to govern the use of force and vetting procedures for subcontractors. Unlike earlier initiatives, the ICoC...