Journal of Law & Social Studies (JLSS)
Volume 4, Issue 2, pp 247-261
www.advancelrf.org

Liability of the Private Military Companies for Violations of International Humanitarian Law

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Abstract

In the wake of the privatization of war, new international players known as private military companies have been given the opportunity to actively engage in many armed conflicts throughout the world. They provide a variety of services such as combat services, logistical support, operational support, intelligence, border monitoring, and providing security guards in exchange for monetary compensation. During armed conflicts workers of these military companies can violate international law, including provisions of international humanitarian law. Under the international humanitarian law, the individual criminal responsibility exists to be applied on the employees of these firms, but the international legal framework is unable to identify the liability of these private military companies. Especially, the idea of criminal corporate liability for these companies is nonexistent. This research paper proposes that the idea of corporate criminal responsibility should be introduced at the state level, with the goal of holding Private Military Companies accountable for breaches of International Humanitarian Law and Human Rights Laws. In addition, it is also argued that the special regulations are required to govern private military companies.

Keywords: Private Military Companies, International Humanitarian Laws, International Human Rights Laws, Business and Human Rights and Transnational Corporations

Introduction

Businesses or corporate organizations that offer services in armed conflicts fall within the definition of Private Military Companies (hereinafter PMCs) in their broadest meaning. The services may include investigation/intelligence services, strategic or tactical planning, trainings, technological skill

development, and risk assessment(Janaby, 2016).Moreover, They offer services likewise protection of items, people, buildings and convoys; armed guarding; prisoner custody; weapon system operation; as well as training for other local law enforcement and security personnel, prisoner custody and weapon system operation. Lieutenant-Colonel David Stirling, who formed the "Special Air Service" (hereinafter SAS) in 1941, is credited with giving birth to the PMCs. Following World War II, the SAS maintained its status as a British-registered company. Watch Guard International was later founded in 1967 by David Stirling (the founder of the SAS), to teach the Sultanates of the Persian Gulf in military tactics.

A growing number of PMCs have been established throughout the course of history, and their relevance has grown in step with the advent of unconventional warfare. Prior to the establishment of PMCs, the concept of mercenaries dominated military affairs. A mercenary is not the same as a commercial enterprise. The term "mercenary" refers to a civilian who is paid for completing a military duty, such as operating in a foreign war zone, engaging directly in the conflict, fighting for financial gain rather than political gain, and fighting for one's own personal benefit. Mercenaries are defined and dealt with in accordance with Article 47 of the Additional Protocol I to the Geneva Conventions (hereinafter API).

Many private military companies are now engaged in a variety of tasks within ongoing armed engagements. Black Water, which was founded in 1997 and had personnel serving in Afghanistan and Iraq between 2003 and 2004, G4S, which is regarded as the second largest private military company in the world and was founded in 2004, and the Fort Defense Group (hereafter FDG) corporation are all examples of private military firms. The FDG has been involved in several different conflicts and now coordinates its principal operations in most of the countries that are currently experiencing conflict. These countries include the Gulf of Aden, Afghanistan, Israel, Somalia, Guinea-Bissau, Palestine, and Iraq. (In the year 2021, Kemeroff) According to Peter Singer, private military corporations can be broken down into three distinct business sectors based on the services they offer: the armed forces, which depend on military support corporations to provide services such as intelligence, maintenance, and logistics; military consultancy organizations, which advise and train soldiers on tactical matters; and military provider corporations, which provide direct, tactical military aid, which may include front-line combat (Cameron, 2006).

Even though individual criminal responsibility for persons actively engaging in disputes is well established (Article 91 AP 1 1977 and Article 3 of HC IV 1907), there is no corporate criminal accountability for these enterprises. This study analyses the role of these PMCs and propose a development of prospective legislation to hold these corporations responsible for violations of international humanitarian and human rights laws.

Scope

The scope of this study will lead towards improvements in the laws related to Private Military Companies. According to research study mentioned in the article that PMCs violate the laws especially international humanitarian law. As this research project, the researchers have worked toward the aim of discovering the legal loopholes that enable PMCs to avoid penalty for breaking the law in order to achieve the goal of determining which legal chinks or ambiguities allow PMCs to escape the punishment. This will help us determine if the legal instruments that are now available at the local, regional, and international levels are adequate and effective in respect to this subject. In a manner like this, the fundamental problem of corporate criminal culpability will be disassembled into its component parts, and a wide range of potential remedies and recommendations will also be studied and debated. It is essential to identify which violations were committed by PMCs while a state of armed conflict is ongoing so that appropriate action may be taken. Putting the responsibilities of

PMCs in the context of the present state of warfare and offering some background information on the duties at hand. Putting greater emphasis on the laws that make PMCs responsible for the results of their actions and holding them accountable. In addition, it is necessary to establish the criminal and civil responsibility for the violation of international humanitarian law.

A Brief History of PMCs

Historically, the origins of war-art can be traced all the way back to the start of humanity, and its continuing existence has laid the groundwork for the formation of a wide range of norms, rules, and behaviors that define what war-art is and how it is performed. When it comes to war-art, the use of mercenaries is often cited as the major tool that has related to it from its inception. A mercenary is described as a person who is hired by an organization to conduct a war or battle in return for monetary reward (Morris, 2009). To transition from the world of mercenaries to that of businesses and the private sector, it required a long time (Private Security and Military Industry). The establishment of PMCs is recognized and legitimized by state practice (Moesgaard, 2013). They are considered as modified mercenaries or soldiers of fortune, both of which were common in mediaeval Europe and are still in use today. Examples include the fact that the "French Foreign Legion" existed and conducted operations on the African continent for the first time in 1831 (Francis, 1999). Mercenaries faced political retaliation later, when people were seen to represent the nation's soul. Following a series of French victories during the Napoleonic Wars, there was widespread agreement that "those who fought for profit rather than patriotism were completely delegitimized (McCoy, 2012)."

During the Second World War, the need for certain services created an opportunity for profit-making. Additionally, the advancement of weaponry and methods of combat opened new avenues for private enterprises to benefit from the conflict. Therefore, there has been a growth in the number of companies that provide military services, particularly after the end of the Cold War (Gundersen, 2013). Examples include Sandline International (a PMC) conducting an operation in Bougainville in 1997 to retake control of major natural resources and exports after it had been besieged by the armed independence movement. PMCs from other nations, have been active in African hostilities in countries like as Uganda, Sierra Leone, and Angola, amongst others (Moesgaard, 2013). The expanding relevance of PMCs, according to some critics, has coincided with the United States' greater involvement in numerous military operations since the first Gulf War in 1991 (Meyering, 2012). Due to the fact that even more than sixty (60) corporations (including L3 Communications (the large one), Supreme Group, Aegis Defense Services, DynCrop, and Blackwater the well-known PMC) have engaged more or less 20,000 private military personnel to provide security and military-related services in Iraq, the PMCs are considered the country's second largest military force, after the US state army.

PMCs are more likely to be involved in situations where human rights and humanitarian laws are violated as the number of PMCs as well as NON-PMCs involved in conflicts rises dramatically. During one incident in 2007, a Blackwater convoy opened fire on a vehicle (which included a three-member family inside), resulting in violence and the deaths of twenty persons, including members of the family in the vehicle. Additional firearm incidents involving Blackwater security employees occurred between 2005 and 2007, totaling 195 events between 2005 and 2007 (Singer, 2007). A similar trend can be seen in Afghanistan, where the US-led invasion in 2001 surely increased private military engagement. According to a BBC article, the G4S (a private military firm) employs over a thousand personnel and has been involved in Afghanistan since 2003, according to the BBC (Reality Check Team, 2018). PMCs are becoming more common in today's conflicts. Essentially, they are multinational enterprises that operate on every continent in the world. This is how private military corporations (PMCs) evolved in the twenty-first century, from mercenaries to public and private limited liability companies.

The Transnational Characteristics of PMCs

Even though PMCs operate in a range of countries (where they provide a variety of services), they have been involved in several big violent incidents across the globe. Examples include the armed conflict in Iraq (where the United States remained the major client and is widely recognized as the first substantial outsourcing of security and war), Somalia, Afghanistan, and Syria, as well as the conflict in Somalia, Afghanistan, and Syria. To understand the key services supplied by these multinational organizations, it is necessary to present an overview of their operations. Because most multinational corporations studied by Shock Monitor (74 percent) provide both security and military services, the PMCs concept is a truer depiction of the nature of the sector in general. The 385 PMCs that were evaluated provided the following primary services. The undertaking of measures to safeguard and defend oneself Support for military operations, maintenance and building of military infrastructure, maintenance and construction of military facilities, military logistics assistance, marine security, the supply and disposal of munitions, and other services are some examples of this kind of support (legal support, hijacking management, etc.). This category also includes humanitarian aid, the provisioning and maintenance of surveillance systems, military support, mine clearance and demining duties linked with quasi-police, and distant wars.

Moreover, by looking at the activities of one of the main PMCs, particularly Blackwater, it may be possible to get a better understanding of the global nature of PMCs (currently known as Academy). Practically every major military battle on the world, as well as almost every other sector, has seen the participation of the United States. Incorporated in Arlington County, Virginia, the United States of America, Academy is a for-profit military contractor with headquarters in Arlington. Around 2,000 individuals are employed by the organization. Erik Prince and Al Clark founded the firm in 1997, and it is now privately controlled by the Princes and Clark (Mayering, 2012).

Additionally, the organization, in addition to providing diplomatic security for the United States government in Iraq, includes a research branch committed to the development of military technology. Other services supplied by Academy included Maritime Security Services (including canine training), security consultancy, and other related services as well as the. Besides the PMC Academy, there are a slew of other PMCs fighting in a variety of conflicts throughout the world, each with its own different approach to the services they give. To provide an example, the United States has around twenty-seven PMCs in operation right now (national and multinational). Some of them are: Airs can Florida based co: Academy HQ in Virginia, Custer Battles HQ in middle town, G4S, Jorge Scientific Corporation/JSC is also US based, MPRI Inc., MVM Inc. and Northbridge Services Group/NSG is also classified and privately-owned military company.

Many embassies in the Green Zone in Iraq were serviced by tens of thousands of private military contractors (PMSCs) from throughout the world, according to the International Crisis Group. A $10 billion, five-year "Worldwide Protective Services" deal with eight private military contractors (PMCs), including DynCorp International and Triple Canopy, was signed in 2010 to secure the staff at the US embassy in Baghdad. The contract was the first of its kind in the world. A contract extension with the Iraqi Ministry of Transport at Baghdad International Airport was reached in September 2013 between G4S, a British security firm, and the Iraqi Ministry of Transport.

These corporations have had a part in a range of situations (both violent and peaceful) in which they have committed human rights abuses and other crimes, and as a result, this problem requires attention. Blackwater personnel are responsible for the murder of an Iraqi innocent citizen in the southern part of Baghdad in 2005, and the murder of an Iraqi vice president's security guard in the Green Zone of Baghdad in 2006. These are the first violent incidents in which a private military company contracted by the United States government to provide protection for high-profile US officials and to conduct

other security-related activities in the Middle East and North Africa has been involved (Flintoff, 2007).

The PMC's Organizational Structure

No firm entity can achieve success in the business world unless it has a well-defined organizational structure, which is often recognized as vital to running a successful corporation. PMCs are legally recognized businesses that have been authorized and legitimized by governments all over the world to do business. A chairman, a chief executive officer (CEO), a chief financial officer (CFO), a board of directors, and other people are all part of their organizational structure. The organizational structure of private military companies (PMCs) may be better understood if the composition of several of these enterprises is described in depth. In terms of organizational structure, G4S is the market leader among this group of businesses. The company is governed by a Chairman (John Cannolly), a CEO (Ashley Almanza), and a Chief Financial Officer (Kevin O'Brien) (Tim Wellor). In addition, there is one senior independent director, nine directors who are not executive officers, and 10 members who serve on the formal executive committee. The firm has offices in several nations all around the world, and each of these people is accountable for a certain area of the world. G4S employs a vast number of people, with over 533000 employees globally, with 23 percent of its employees based in the United States, 32 percent in Asia, 21 percent in Africa, and 18 percent in Europe and the Middle East, according to the company record.

The Perceived Impact of PMCs at the Present Time

Resulting from the outsourcing conflict, professional management companies (PMCs) have been active in a range of fields, providing services to both public and private clients. PMCs have been able to exert influence on security, the professionalism of regular military troops, the recruitment process, the monopoly of violence, and human rights as a result of privatization. Depending on the circumstances, these entities may have a beneficial or detrimental influence. In his book, The War on Terror, Andrés Macas argues that although nations deploy private military enterprises to exert monopolistic power, an over-reliance on these firms may hinder state tactics, goals, and aims (Macías,2012). When the regular army is dependent on PMCs to undertake traditional duties, including the use of violence, the professionalism of the regular army has been compromised, and their expertise and efficiency have raised worries about the competency of army personnel in certain circumstances.

Andrés Macas argues that individuals are more interested in joining PMCs (where they may make more money and get more social benefits, for example) than they are in joining the regular army, which has had an influence on the recruitment process for the regular army. As Felipe Daza said, the development of PMCs has also had a negative influence on human rights; since 2000, 108 substantiated human rights breaches against these firms have been recorded in about twenty-two countries. Afghanistan, Iraq, Palestine, Israel, Libya, and Bahrain were all affected by these breaches, which totaled 86 (Daza, 2017). An important worry concerning the operation of PMCs on a worldwide scale is the influence on national sovereignty, which is one of the fundamental worries. When a state exerts its authority over another state, it represents interference and intervention in the internal affairs of that state, which is a violation of the principle of non-interference in the internal affairs of another state (Dickinson, 2009). In a similar vein, post-crisis reformation in countries like as Afghanistan and Iraq is aided significantly by the presence of PMCs.

Holding Private Military Companies Accountable for Violations of International Humanitarian Law

In an ideal world, personnel management committees would be capable of evaluating and applying disciplinary consequences successfully on their own, thanks to a self-regulatory system. In any case, given the absence of regulation in the business. For the time being, bringing a lawsuit against someone as a kind of disciplinary action may be a workable choice. This study aims to compare the domestic civil and tort (private law) proceedings with the domestic criminal proceedings (public law) in terms of the advantages and disadvantages that each jurisdiction offers in terms of the jurisdictional processes that are available. The goal of this study is to compare the domestic civil and tort (private law) proceedings. In certain cases, the territorial state's courts may not be accessible to hear the case, and PMCs may be exempt from local state jurisdiction.

In light of the fact that the PMC is primarily a US phenomenon, and that the United States has made extensive use of PMCs (particularly for the stabilization and restoration of Iraq), and in light of the fact that civil litigation in the United States has traditionally included a public interest component, The majority of the judicial proceedings will take place in courts that are situated in the United States. This emphasis on the United States is more reasonable considering the obvious absence of enough accountability processes on the side of the United States for any violations of PMC in Iraq (Gillard, 2006). In the past, in compliance with the Alien Tort Claims Act, the federal courts in the United States have served as forums for foreign torts that breach international law, most notably international human rights legislation. This was done so as a result of the Alien Tort Claims Act. The PMCs have been the target of legal action in several different contexts, some of which will be discussed in this section of the article.

The Alien Tort Claims Act of the United States of America

In instances involving PMCs, it seems that the ATCA may be a feasible venue, since the statute does not require that the infringement take place inside United States borders, nor that either the petitioner or respondent be a citizen of United States borders (Londis, 2005). Victims who have incurred losses because of a breach of international law may file a lawsuit against a PMC under the ATCA (Dickinson, 2009). The result is that they are intellectually incapable of breaking or violating the law. In several ATCA actions brought by plaintiffs against Titan Inc., it was recently revealed that Titan Inc. During one of those hearings, the court rejected the claim that Titan had engaged in illicit government contracting and could thus be held personally liable under international law (*Ibrahim et al. v. Titan Corp, 2005).* The infringement of a jus cogens right or the breaking of an IL unilateral rule may subject an individual or a company to direct liability under the law of infringing (One example of this would be making genocide, war crimes, and crimes against humanity punishable by law.) Considering this interpretation, the only circumstance in which the ATCA might be used to investigate complaints lodged against PMCs is one in which the charges concern the probable violation of jus cogens.

Litigation Against PMCs for Transnational Crimes

Because of the corporate structure of the PMC, additional issues may arise in the context of global proceedings brought against them. For the PMC to get out of complying with some legal requirements for its international subsidiaries, it can set them up as separate legal companies. This is feasible because of people are working for those companies. This makes it permissible for the holding company to have several subsidiaries. (Singer, 2005). For this reason, victims generally seek the parent company (which is usually incorporated in the forum) rather than the secondary offshore assets, which is because local jurisdiction does not always reach the Ryngaert (Ryngaert, 2018). An international holding company and a foreign branch that are suspected of breaking the law may be held personally accountable if the holding company violated its duty of care or if the subsidiary acted merely as an agent for the holding company in the first place. Sales v. CACI, one of the PMC-related

tort actions filed in the United States, the plaintiffs successfully proved CACI International's accountability for the torts perpetrated by its subordinate CACI-PT via the use of both negligence and agency.

The Notion of International Litigation Against PMCs

It would help assuage the worries that states have about their degree of sovereignty if international law permitted or even forced nations to use their authority over conduct that breached international law. The fact that any state (on whose territory the offender may be identified) has the option of prosecuting or extraditing the person who is charged in situations involving serious breaches of the Geneva Conventions highlights the significance of this point. In addition, the fact that the person who is charged may be identified on the territory of any state. This autdedereautjudicare (Latin meaning "either extradition or prosecution") obligation is, however, inconsistently exercised by the state in practice. It refers to the legal responsibility that governments have under public international law to prosecute persons who have committed major international crimes for whom no other country has sought extradition from their jurisdiction. In some cases, countries may not have fully ratified or adopted the relevant articles of the Conventions; in other others, official prosecutors may have failed to put their orders into practice in order to pursue flagrant violations. Concerns have also been raised about the obligation's applicability to PMCs as opposed to the employees who work for them. Furthermore, the fact that in most states, corporate accountability does not extend to entities that are not criminally culpable is compelling in this regard.

When attempting to exercise jurisdiction for PMC offences that do not belong within the list of crimes for which an autdedereautjudicare is authorized, sovereignty issues are sometimes encountered (In law, the principle of autdedereautjudicare obligation applies). In most cases, the state in which the PMC violations occurred would have no objections to the recruiting state pursuing the accused assault perpetrator. International opposition to a state's assertion of authority is a crucial factor in determining the validity of such declaration (Ryngaert, 2008). While the hiring state may have jurisdiction over its international contractors even if no primary authority can be identified, the demonstration appears, because of the close ties that the state of hiring has with its enterprises, the kind of partnership or the investment condition also plays a very crucial role in assessing whether or not the standards for jurisdictional legality have been achieved.

The Laws and Concept of National Litigation Against PMCs

Internal jurisdiction is the primary legal impediment to establishing (extraterritorial) jurisdiction. Regardless of whether it is legal under international law, nations may not have empowered their courts to deal with extraterritorial abuses in order to escape penalties. Without a certainty, the importance of this problem should not be exaggerated, since most nations recognize active personality jurisdiction over such offences, implying that a criminal's race has no influence on his or her competence. In comparison, the term of active personality is used sparingly in the United States. This is a difficult task given the fact that most PMC offences are expected to involve US residents. In the instance of PMC breaches perpetrated by foreign nationals who work for or accompany the recruiting state's military services, the situation may deteriorate further. While the Foreign Affairs Advisory Board of the Netherlands raised alarm about the insufficiency of Dutch criminal law in this area, the government disregarded these worries as unfounded (Dutch Advisory Council, 2007).

In the United States of America, the national statute gives more than enough room for compliance than is strictly necessary. Since it has developed a diverse set of regulations surrounding military engagements that are all its own, the United States, for example, is authorized to investigate and prosecute offences that were done by its own citizens. The War Crimes Act of 1996 makes it easier

to prosecute US citizens who engaged in the conflict in federal court if it is judged that the offence in question constitutes a war crime. This is achieved by making the process as straightforward as possible. According to the legal system of the United States, the activities of US PMC troops are not regarded to be crimes of war. However, in accordance with international law, such actions are regarded as crimes against humanity. It is possible that the bulk of alleged wrongdoings committed by PMCs may not be recognized as war crimes, or that prosecutors will be unable to prove that claims of war crimes were ever brought up.

The United States has given its military control over "lesser" offences that take place on US bases located outside the country and that fall under its territorial, special maritime, and maritime jurisdictions. These offences include violations of the law that are not considered to be national security threats. These infractions are within the purview of the maritime authority of the United States government. Because of this jurisdictional rule, prosecutors have an easier time investigating and prosecuting crimes committed by PMC workers in US prisons, as shown by the conviction of David A. Passaro in 2007. (United States v. Passaro, 2007). In recent years, a PMC employee has been found guilty of committing crimes either in Afghanistan or Iraq while working for the company. Having said that, this is a somewhat unusual point of view.

According to some rules of the United States Military, a valid US passport is not necessary in order to commence a prosecution. For instance, both the MEJA and the UCMJ provide that members of the US PMC may be subject to criminal prosecution for their actions. This extends protection to citizens of the United States as well as those of other countries (Elduayen, 2008). The Military Justice and Enhancement Act (MEJA) provides the federal government with the right to pursue crimes committed overseas by those who are "in or with the armed services." When one of these offences takes place inside the marine or territorial jurisdiction of the United States, the maximum punishment is at least one year spent behind bars. The MEJA gives the federal government the ability to investigate and punish crimes that take place within the maritime or territorial jurisdiction of the United States. This authority was granted to the federal government by the MEJA. "those hired by or accompanying the armed forces" is how the federal government of the United States describes the private military companies (PMCs) that it uses (those employed by or accompanying the armed forces).

The Violations by PMCs and ICC

In situations involving serious violations of international humanitarian law, one more option is to make a claim of international jurisdiction, which is enforced by international criminal tribunals and courts. This type of claim can be made when there is the potential for international criminal tribunals and courts to be involved. This is a potential outcome. Statistics gathered by the government indicate that the United States and the United Kingdom are home to most private military corporations that have participated in recent international wars. These companies have been based in both Afghanistan and Iraq. Because these nations have not signed the Rome Statute, there is little chance that they will ever come under the authority of the International Criminal Court (ICC) (establishing international criminal court). Under these circumstances, human rights violations that fulfil the criteria for being labelled as war crimes or crimes against humanity will only be prosecuted in domestic tribunals. These offences will not be considered international. International tribunals would not pursue such offences. When discussing criminal jurisdiction, it is critical to remember the notion of universality, which is a critical component of the law. Most crimes committed against ICTs are recognized as international crimes and are punished in line with the universality principle established by several international treaties and conventions. Additionally, they have been incorporated into national criminal legislation, enabling for consideration of cases involving these offences by national courts.

Liabilities Under International Humanitarian Law

In recent years, official violations of international humanitarian law, in addition to the question of criminal person liability for such crimes, have drawn a significant amount of discussion and attention from the media. This attention and discussion have focused on the question of whether criminals can be held accountable for official violations. As a direct result of this, subjects such as legal responsibility for businesses and violations of international humanitarian law are now themes that are recognized not just by attorneys but also by the general populace. They are, however, seldom discussed in the same sentence together at the same time. When there has been a severe violation of international humanitarian law, criminal liability is often the result of the situation. However, it is important to highlight that certain nations do not recognize the criminal culpability of legal persons; therefore, civil responsibility provides a variety of benefits over criminal liability. This should be emphasized. If businesses are penalized and compensated in significant quantities of money plus interest, they will become more responsible and motivated to change their corporate culture. As revenues decline, shareholders will become more aware of their obligations, and they may lose money if corporations are prosecuted and awarded big amounts in compensation and interest. The distinction between civil and criminal culpability is discussed separately.

The Concept of Civil Liabilities Under International Humanitarian Law

It is not improper for one person to violate the trust placed in them by another by breaking a promise they have made. This individual is liable to reimburse the other party for any damages that were suffered as a direct result of the violation of the agreement in the great majority of circumstances. Some contemporary experts are of the opinion that the concept of responsibility has the potential to be understood in the same manner as a legal principle that is implemented in jurisdictions all over the globe. [Further citation is required] [Further citation is required] Another item that was proclaimed from the very beginning by both the Permanent Court of International Justice and the court that replaced it was that the obligation to pay individuals was derived from the fact that those persons had been unjustly hurt. The International Court of Justice has reached the conclusion that this statement is comparable to those found in earlier cases. The decision of the United Nations General Assembly to approve the Draft Articles on State Responsibility for Alleged Violations was a direct consequence of the work done by the International Law Commission's Draft Articles on State Responsibility for Alleged Violations (commonly known as the ILC Draft). This occurred as a direct result of the International Law Commission considering and then approving the ILC Draft (Article 1 of the ILC).

It was made clear in Article 3 of the 1907 Hague Convention IV, which was a part of international humanitarian law at the time and was a part of international humanitarian law at the time and was a part of international humanitarian law at the time and was a part of international humanitarian law at the time and was a part of international humanitarian law at the time. This was a good number of years prior to the International Labor Organization making the idea of compensation official.

According to the archives, the participants at the Hague Peace Conference were not entrusted with developing a unique perspective on the Cold War. This information comes from the archives. They anticipated that ultimately, the concept that a commander is responsible for the acts of his subordinates when those subordinates violate international accords and norms that apply to war would become more generally recognized (Kalshoven, 1991). To begin, and most significantly, the first section of this article does nothing more than repeat the fundamental concept of governmental responsibility in a more concrete fashion. This is the only thing it accomplishes. Not long after that, for the very first time ever, the text of Article 91 of the 1977 Additional Protocol I was made available to the general public. This occurred shortly after the previous sentence. This provision is the same as Article 3 of the Hague Convention, which was likewise revised in the same manner (as amended).

It makes little difference that sanctions are focused on individual criminal liability and that the 1949 Geneva Conventions do not include a section on the role of states in crimes against humanity. What does make a difference is that the Geneva Conventions should include a section on the role of states in crimes against humanity. What Would Make a Difference Is If the Geneva Conventions Included a Section on the Role of States in Crimes Against Humanity The thing that would make a difference is if the Geneva Conventions included a section on the role of A victim who has been hurt anywhere in the globe as a consequence of the activities of the state or one of its employees is entitled to get compensation under the law from the state that is responsible for the actions. This accountability remains in place even though the illegal activity took place in a different nation.

These are the questions that need to be answered. In view of this new reality, it is very necessary to do study in order to determine whether or whether the principles of the International Covenant on Civil and Political Rights apply to non-state organizations, and if so, to what degree they do so. The International Covenant on Civil and Political Rights (International Covenant on Civil and Political Rights) was reportedly drafted for nations in the 1800s, as the popular consensus holds. [Further citation is required] In Illinois, the only people who can be held responsible for their actions are the government and the officials who work for them. As non-state entities such as multinational corporations and militant organizations gain greater prominence in the global community, it is becoming increasingly vital for the International League of Nations (ILN) to pay a greater amount of attention to these entities as a result of the increased importance they play in world politics (Muchlinski, 2001). Before the onset of World War II, people were bound to obey certain restrictions that were detailed in the International Covenants. These stipulations included not killing people, not stealing, and not committing adultery. Individuals have been given an increased number of rights and obligations as a direct result of the ratification of these international treaties, which has led to an increase in the total number of rights and responsibilities.

A significant amount of legislation concerning international human rights was drafted throughout the course of the two decades that followed the end of World War II. As was seen in the previous example, the goal of international law is to regulate not only the ties that exist between governments, but also the interactions that exist between individuals (Versoix, 2002). The Universal Declaration of Human Rights has a section that states that individuals who are not citizens of a country may be held legally accountable for their acts in accordance with international law. For instance, given that the Universal Declaration of Human Rights states that "every person and every organ of society" is protected by the treaty, there are some people who believe that it should be interpreted as applying to companies as well. This is because the Universal Declaration of Human Rights states that "every person and every organ of society" is protected by the treaty. In the first paragraph of Article 5 of both the International Covenant on Civil and Political Rights and the European Convention on Human Rights and Fundamental Freedoms, there is language that makes it clear that "groups" are not permitted to "engage in any activity or act aimed at destroying any of the Covenants' that recognize rights and freedoms," which makes it clear that "groups" are not permitted to do so. This language is included to make it clear that "groups" are not permitted to engage in such conduct.

Both standards include wording that makes it quite apparent that "groups" are not allowed to participate in such behavior, and that this conduct is expressly forbidden. Even if they have not signed the Covenant, non-state organizations are nonetheless required to abide by its standards even though they are not parties to the agreement. This is the case even if they have not signed it. Even though they have not signed it, this is still the situation. Both international law and international humanitarian law have seen significant development since the conclusion of World War II. These developments have shown that international law is applicable not just to individuals but also to governments, non-state companies, and other kinds of organizations in addition to other sorts of organizations.

The United Nations Security Council established international criminal courts for both the nation of Rwanda and the nation of the former Yugoslavia as a direct result of this event. In addition, throughout the last decade, it has ratified the Rome Statute, which is the instrument that established the International Criminal Court. This occurred within the previous decade. In cases of armed conflict that do not include two states at war with one another, international humanitarian law is the applicable body of law. In situations like this, international humanitarian law applies not just to people but also to a wide variety of other non-state actors, including armed organizations (IHL). It is obligatory for all parties engaged in the dispute to comply to the requirements of Agreement No. II and Article 3 if the circumstances essential for the agreement's execution are satisfied. This is since every one of these circumstances is addressed by one of the four General Clauses.

Liabilities for Criminal Offences Under International Humanitarian Law

At the international level, developments in criminal corporation responsibility have not kept pace with changes in criminal corporate liability that have occurred at the state level. A person who has the legal authority to do anything. The implication is that global organizations conduct their operations in an unregulated manner. There is currently no means for the International Criminal Court (ICC) or other international criminal tribunals established by the United Nations Security Council to determine whether or not a firm has violated international law (UNSC) (Crawford, 2005). According to the United Nations, it must be carried out by the state's own law enforcement agency in compliance with its international obligations in order to be effective. Firms that engage with private military contractors (PMCs) to provide military and security tasks for enterprises or governments in risky environments should be aware of major legal gaps that might lead to legal problems in the road.

This does not rule out the possibility of areas of corporate responsibility or the possibility of governments being held responsible for acts that take place outside of their own boundaries under the international system. No doubt, international actions such as serious breaches of the General Conventions are taken before the International Court of Justice, which has the authority to deal with these types of issues. In accordance with the principles of state sovereignty, the limits of each state's authority are maintained at the national level as well as at the local level. Authorities, according to Macklem, should place more emphasis on defending state sovereignty rather than attempting to hold transnational businesses responsible for human rights crimes committed throughout the globe, as has been done in the past. In addition, everyone should be made aware of the fact that, according to international law, the legal presumption that domestic law comes to an end at the border is viewed as domestic law rather than foreign law, and as a result, it is not considered to be foreign law. This is something that should be brought to everyone's attention (Macklem, 2005).

By signing the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions of the Organization for Economic Cooperation and Development, the treaty demonstrates how states that have not yet punished businesses for bribery can do so in the future by putting in place more severe penalties for businesses (OECD Bribery Convention, 1997). For the time being, the government, on the other hand, has not altered its mind about this. As the example of the United States demonstrates, regardless of whether or whether a state of incorporation has attempted to comply with international regulations and regulate PMCs via extraterritorial law, the end consequence is that it is ineffective. This is the case irrespective of whether the state has attempted to accomplish this goal. Both the United States (Act, 2000) and Australia (Bill, 2000) attempted to establish legislation in their respective nations as a response to two studies that uncovered a mechanism to control corporate human rights pledges made outside of the country. The studies were published in response to the findings that a control mechanism existed. The investigations resulted in the invention of a system that may control the human rights promises made by corporations.

Following an intensive examination into the topic, Deva arrived at the conclusion that the state was either unaware of the problem or lacked the political will to find a solution to it.

This was the result of Deva's findings. Among other things, they expressed their concern about prospective problems in the business sector, the inappropriate application of Australian moral principles outside of the limits of the country, and a claim that the legislation was unfair since it only applied to firms of a specified size. According to the Senate Committee's review. The Senate Committee consists of the following members: As Deva points out, each of these assumptions may be questioned on its own. Most importantly, the failure to develop a multi-level strategy that was supported by a significant international component was the most critical error (Deva, 2004). The appropriate dispute resolution and compliance mechanisms are critical for any significant international legislation on corporate criminal liability, as well as for any national law. This implies that new methodologies must be developed in order to investigate more possibilities. Rather than the United States government, it should have been the International Criminal Court (ICC) that oversaw ensuring that international law was followed. Despite this, as the Draft Convention on PMSCs demonstrates, establishing international hard law principles continues to be a significant challenge.

Conclusion

Outsourcing war brought to a change in the way wars are fought and the soldiers engaged, leading in a large rise in the use of peacekeeping missions. Following the September 11th attacks, the increasing commercialization of war resulted in the involvement of several private military contractors (PMCs) in a variety of battles across the globe, including those in Iraq, Somalia, Afghanistan, Bosnia and Herzegovina, Croatia, Mozambique, and Kuwait. This private force is not educated in the same way as the regular army and is thus incapable of adhering same rules Because a PMC is able to function without having to worry about the implications of its actions, such as those associated with corporate responsibility or accountability, a legal loophole has been created as a result of this. Some people contend that the current PMC legislation is not only unclear, but also inconsistent, which has led to a gap in the law because of the situation. Within PMCs, there is the potential for individuals to be held personally liable for illegal activity; nevertheless, there is no possibility of any kind of corporate criminal responsibility within these organizations, which is concerning given that no one has been charged for their employees' actions thus far, and individual charges will not prevent future Human Rights violations in these organizations. PMCs are also seen as being difficult and time-consuming to govern at the national level, owing to their global nature. As a result, individual state inspection and supervision of these businesses is dubious, having historically failed to provide effective control and management of PMC operations, as well as adequate remedy in the event of human rights breaches.

In addition, the International Chamber of Commerce (ICC) has given its stamp of approval to the concept of Corporate Civil Liability, which entails the payment of compensation for damages or breaches committed by a corporation. This idea entails the payment of compensation for damages or breaches committed by a corporation. On the other hand, the concept of holding criminal businesses accountable for their acts has been largely overlooked at the national level, enabling these businesses to operate without fear of consequence. As a result, acts that would impose a sovereign capacity to discourage and penalize huge businesses for human rights violations would be desirable in this situation. Despite this, there is a notion of compensation and redress at the national and international level in reaction to PMC abuses. The issue here is that victims lack access to domestic remedies and are unable to exercise their international right to redress. Given the circumstances, national governments must enact legislation granting them jurisdiction over breaches of international humanitarian law (IHL) committed by peacekeeping operations. Corporate prosecutions must be permitted by the International Criminal Court in the future.

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