Kaja Kowalczewska

Self-regulation of Private Military Corporations – the Optimal Solution?

Abstract:

The article carries out the two track analysis. The first part discusses the complexity of the private military companies' regulation in the light of modern changes of the warfare and concerns raised on the possible violations of international humanitarian law and human rights. The second part describes the Swiss Initiative (with focus to the Montreux Document and the International Code of Conduct for Private Security Service Providers) established by the main stakeholders. The article aims to present to which extent the bottom-up initiatives may satisfy the legal standards of industry regulation.

Key words: code of conduct, private military societies, international humanitarian law, social corporate responsibility

Implication of the evolution of warfare on international humanitarian law

Recent evolutions in international politics, like emergence of the war against terrorism, the concept of responsibility to protect or growing outsourcing of military services have affected the modern warfare and therefore the nature of modern international humanitarian law (IHL). At the beginning IHL was elaborated to protect wounded persons of the battlefield, then it shifted its focus to the protection of combatants to finally place civilians in centre of its interest. Nevertheless, during all these

transformations war definitely remained in the imperium of state and IHL preserved its interstate and state-centred nature. Previous centuries were much more influenced by protection of citizens and construction of the legal framework of treatment of enemies of the country; yet, the 21st century showed that it is no longer a case. Along with the developments in international public law and especially the emergence of the human rights doctrine (HR), a progressive redirection from the state-centred to the individual-centred approach was observed.

The law of armed conflicts was altered as well, especially due to the development of warfare technique and methods of conduct of hostilities. The issue of private military companies (PMC) contracted to provide its services in the zone of armed conflict or the growing usage of unmanned aerial vehicle (drones) displayed the growing loophole of the IHL adjustment to the modern reality.

On the other side, the international society of sovereign equals is constantly colliding with the emerging role of multinational corporations as the important and powerful actors on the international scene. Thus, private entities, traditionally *„objects"* of the international law, are as well gradually becoming subjects of *„direct"* obligations under international law and the growing demand of the regulations of private enterprises becomes crucial. The traditional approach, bridging HR and IHL, focuses on acts of governments and public authorities which surprisingly are no longer the only real agents in the battlefield. Therefore, the traditional approach doesn't really do the justice to the richness of acts that are undertaken in both, peace and wartime, when individuals and legal entities are no longer that indifferent and where the business meets war.

It seemed that the attribute of the state such as monopoly of use of violence would never be waived on behalf of the private sector but recent asymmetric armed conflicts revealed that the military had to adapt and effectively respond to the new conditions of war and nature of the enemy which was channelled through the privatisation of the warfare. The following paper describes the status and subsequent liability of new corporate

actors of IHL - the private military companies and bottom-up initiative of self-regulation of this growing sector. The analysis is based on the study of the Swiss Initiative which initiated a transnational discussion on future of the privatisation of the war and issue of the state and individual liability for the possible breaches of international and domestic law,[1] and the work of International Code of Conduct for Private Security Service Providers (ICoC) strongly inspired by the Montreux Document spirit.[2]

Consequently, it raises the important question of the redefinition of subjects of modern international law which cannot be any longer limited to state actors. Only recently, the international community became supportive of greater recognition of contribution of *„non-state actors"* and their international personality, not in terms of *„objects"* or *„subjects"* of international law, but *„participants"*[3]. Since the attribution of international legal personality is functional, and depends on the area of regulations, the following paper focuses on the activity of PMC under the regime of international public law and IHL. The role of PMCs in armed conflicts, conferred powers, aims and needs of the armed conflict situation require clear regulation and classification of their activities. In particular, it will focus on qualification of these corporations under the Geneva Conventions (GC) to further discuss the possible accountability under international law and the elaboration of bottom-up regulation providing with good practices that should be implemented into the strategies of this specific industry and service providers.

Status of PMC under international humanitarian law

Contrary to possible first impressions, PMC under IHL do not act in a legal vacuum. Their unclear status has a political, rather than a legal

[1] More available at : http://www.eda.admin.ch/psc (consulted on 21/05/2013).

[2] More available at : http://www.icoc-psp.org/Home_Page.html (consulted on 21/05/2013).

[3] R. Higgins, *Conceptual Thinking about the Individual in International Law*, Brit., I Int 'I Stud. 4 (1978), pp. 48-55.

nature. IHL provides us with comprehensive regulation of the status of actors in the situation of armed conflicts, therefore one can be combatant or civilian with no other possibility.[4] This is due to the essential feature of armed conflict – the clear distinction between those who can be legally targeted and killed and those who shall remain under protective regime.[5] Thus, to correctly classify PMC, one should consider their functions and entrusted tasks in the zone of armed conflict. Also, it should be noted that given the definition of mercenaries including six cumulative conditions,[6] the latter status is hardly assignable to the personnel of PMC. Hence we shall treat them in terms of civilians or combatants depending on their specific tasks encompassing or not direct participation in hostilities.[7]

Firstly, these companies operate across several jurisdictions under the contracts financed by governments, international organizations, NGO's or individuals. They provide wide range of services starting with logistics, training, facility and consulting support to end with typical security services in hostile environment of international armed conflict but also of peacetime, at the side of commercial industries worldwide. One of the most influential attempts to categorize PMC was by Singer (2003) who divided them into military support, provider or consultant firms.[8]Since IHL

[4] Mixed status of war medical personnel, chaplains and war correspondents, art. 33 of the Geneva Convention (III) relative to the Treatment of Prisoners of War. Geneva, 12 August 1949.

[5] Art. 51. Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.

[6] Art.47 (2) Protocol I : *„A mercenary is any person who: (a) is specially recruited locally or abroad in order to fight in an armed conflict; (b) does, in fact, take a direct part in the hostilities; (c) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a Party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar ranks and functions in the armed forces of that Party; (d) is neither a national of a Party to the conflict nor a resident of territory controlled by a Party to the conflict; (e) is not a member of the armed forces of a Party to the conflict; and (f) has not been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces".*

[7] N. Melzer, *Interpretive Guidance on the notion of direct participation in hostilities under IHL*, Int'l Comm. of the Red Cross, 2009.

[8] P. W. Singer*, Corporate Warriors: The Rise of the Privatized Military Industry*, Cornell University Press, 2003.

is applicable only in the case of armed conflict, when it comes to PMC, the problem appears as for these employees who are taking direct participation in hostilities and thus are exposed to enemy fire, but at the same time are not officially incorporated to the armed forces of one party to the conflict. If the latter was the case, their status would be perfectly clear and all provisions of GC relating to combatants and prisoners of war would apply.[9] Also they would be under official military command and in the eventual case of breaches of IHL, punished by military jurisdiction.

Nevertheless, the non-linear nature of modern conflicts and increasing number of tasks carried out by PMC outside the military structure, but traditionally assumed by armed forces, blur the whole picture. The difficulty emerges when civilians wear weapon and military-like uniforms which consequently impede their distinction from combatants, thus endangering their security. Moreover, the potential to become engaged in the combat with enemy (the concept of direct participation) is aggravated due to the sole proximity of provided services to the battlefield, regardless of their nature (translators, trainers, and guards are equally exposed).

The prospect of integrating PMC under one military command is highly unlikely due to the core incentives of privatisation of war. Therefore, the cost efficiency, flexibility and other means by which to relieve the state of certain duties play in favour of PMC setting in the shadow zone of warfare, where the status of civilian doesn't provide efficient and adequate protection.[10] Finally, the mere fact of certain governmental tasks being outsourced may incite subsequent abuses and issue of the liability under IHL, ICL or domestic criminal law. That is why the self-initiative of the PMC regulation merits a discussion.

---

[9] Art. 4 Geneva Convention relative to the Treatment of Prisoners of War, 75 U.N.T.S. 135, entered into force Oct. 21, 1950.

[10] Art. 51(3) of Additional Protocol I: *„Civilians shall enjoy the protection afforded by this Section, unless and for such time as they take a direct part in hostilities".*

International liability of PMC

For the moment, the only solution to be accepted under the regime of IHL is the liability of a state that failed to prevent a harmful act. Although the recent conflicts in Iraq and Afghanistan showed that due to the unclear role of PMC, serious problems occurs when it comes to an effective mechanism of punishment to enable the personnel of PMC to be prosecuted when serious breaches of the law occur. Such concrete measures should be undertaken by states whose legitimacy and authority may, and actually is, undermined because of the spill-over effect of impunity and governmental backing for this business sector. As abovementioned, the state actor is, as the subject of international law and party to the conflict, the one ultimately held reliable for all abuses and violations of HR and IHL.[11] The commitments under international law oblige the state to accept this responsibility or to undertake all necessary steps to punish the actual perpetrators.

Regrettably, the rapid growth of PMC was not accompanied by the concurrent regulation and control of their activities in the international or national legal orders,[12] which currently triggers certain difficulties as to the accountability of natural persons in the context of both international and non-international armed conflicts. This new phenomenon, provoking thoughts about modern mercenaries, raises important issues about the future of the international criminal and civil liability, the authority of state and also the future development of the PMC sector.

Since international law is an interstate law, with recent emergence of individual criminal responsibility for serious breaches of international law, to deliberate about corporate criminal liability is precarious. Although the international liability of corporations can be treated from different per-

[11] The Geneva Convention law is considered as part of customary law, biding despite the lack of official ratification of the instrument by a state in question.

[12] Several exceptions as to the domestic regulation of PMC can be found in the United States, the United Kingdom, South Africa, New Zealand and Switzerland.

spectives: international law, IHL or HR, only the latter is supported on part of scholars, mainly involved in HR movements fostering corporate social responsibility (CSR) and consecutive international civil liability. The main premise of CSR is the high mobility and growing corporate power on the international market, which assigns the international corporations a role in delivering the HR standards to the local communities. However, because of their complex nature and multilevel structure,[13] the allocation of liability causes some problems when it comes to identification of a separate corporate personality to be held responsible for the committed crime or civil tort. The same is applicable to the PMC industry which, not only being endorsed by government policies, but also benefiting from its dispersed premises, protects its own personnel by sheltering them outside of the competent jurisdiction and making the conduct of proceedings impossible.[14]

It has to be highlighted that corporate liability as such does not exist either under international law or under IHL. In the current state of law, corporate liability is translated into state liability for the specific actions of state agents (host state, home state or hiring state),[15] and individual liability of the personnel under competent criminal order, or, exceptionally for the most serious breaches, the individual criminal liability for international crime can also be evoked. However, the lack of national regulation framework and difficulties of carrying out investigations in failed countries have widely contributed to serious lacks of responsibility for HR violations. Since to the knowledge of the author, there is no on-going or adjudicated case against a company for violation of core international criminal law, therefore certain states may be accused of failure *„to exercise due diligence to prevent, punish, investigate or redress the harm caused"*.[16]

[13] They managed to create a numerous layers of subsidiaries or subcontracts in diverse countries.

[14] Professional Overseas Contractors, *New Proposals to Increase Oversight for Security Contractors*, April 2, 2013, available at: http://www.your-poc.com/new-proposals-to-increase-oversight-for-security-contractors/ (consulted on 20/05/2013).

[15] H. Tonkin, *State control over private military and security companies in armed conflict,* Cambridge University Press, 2011, pp. 123-260.

[16] United Nations Human Rights Committee, General Comment 31, paragraph 8, United

Among others, the lack of individual accountability of PMC personnel may result from a disturbing granting of immunities during the conflicts in Iraq and Afghanistan by the USA government. In Iraq, from 2004 and 2007, all private U.S. contractors including PMC were granted immunity status under the Coalition Provisional Authority Order 17.[17] However, the legal situation of PMC operating in the country, and in particular whether some PMC still benefit from the immunity clause contained in Order 17, remains unclear. This diplomatic status has been one of the main arguments of the defence of the five private guards of Blackwater charged with manslaughter and weapons violations and allegedly responsible for the massacre which took place in Baghdad's Nissour Square, in 2007.[18] In author's opinion, this abuse of absolute immunity from criminal and civil jurisdiction should be condemned and for obvious reasons remain restrained.[19]

Finally, the issue of civil international liability of corporations has recently emerged at the occasion of the *Kiobel v. Royal Dutch Petroleum* landmark case discussing the international personhood of transnational corporations. Despite the lack of inherent obstacle under international law which would prevent states from addressing obligations, and not only prohibitions directly to the legal person, the Supreme Court in its decision of April 17, 2013[20] rejected the universal jurisdiction and possibility for multinational corporations to be sued under The Alien Tort Statute for busi-

Nations doc. CCPR/C/21/Rev.1/Add.13 (2004).

[17] Coalition Provisional Authority Order No. 17 (Revised), Status of the Coalition Provisional Authority, MNF - Iraq, Certain Missions and Personnel in Iraq (Iraq), No. 17 (Revised), 27 June 2004, available at: http://www.unhcr.org/refworld/docid/49997ada3.html (consulted on 26/02/ 2013).

[18] Judge R. M. Urbina of Federal District Court, Memorandum of Dismissal of Charges against Blackwater Guards, December 31, 2009.

[19] M. Frulli, *Immunity for Private Military Contractors: Legal Hurdles or Political Snags?* [in:] *War by Contract – Human Rights, Humanitarian Law, and Private Contractors*, F. Francioni and N. Ronzitti (eds.), Oxford University Press, 2011, p. 469.

[20] Supreme Court Of The United States, No. 10–1491, Esther Kiobel, Individually And On Behalf Of Her Late Husband, Dr. Barinem Kiobel, Et Al., Peti-Tioners V. Royal Dutch Petroleum Co. Et Al., On Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit, April 17, 2013.

ness activities overseas causing violations of HR.[21] One more time it was proved that the political nature of international law is the main impediment to ensure an effective remedy to human rights victims, which is also clearly demonstrated in the Statutes of the ICC, the ICTY or the ICTR that don't provide for the prosecution of corporate entities.[22]

Therefore, the issues raised in this part clearly illustrate the mismatch of modern security politics and corresponding limits of international law, which leads us to the second part on the future of the international corporate liability and its self-regulation initiatives.

The Self-regulation Initiatives

Given the fact that neither the international nor the domestic regulations embrace in a complete and comprehensive way the control over the PMC industry, the informal regulation plays an important role. There are five types of informal regulation that can be taken into consideration" *"the use of market and reputational pressures, the use of civil actions against contractors, the pressures created by the insurance industry, the use of specifically designed contracts, and the collective self-regulation"*,[23] due to the limited scope of this article, only the latter will be discussed. The government of Switzerland decided to undertake the concrete actions in order to, from one side, clarify international standards for the PMC indus-

[21] The Alien Tort Statute, 28 U.S.C.§ 1350, is a section of the United States Code: *"The district courts shall have original jurisdiction of any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States."*

[22] J.D. Ohlin, *Kiobel and Criminal Law Norms*: *„One can treat the reluctance to prosecute corporations at Nuremberg, the ICTY, ICTR, and the ICC, as purely a matter of jurisdiction. And just because these tribunals don't have jurisdiction over corporations does not mean that corporations cannot violate international legal norms. And just because the ICC does not have jurisdiction over corporations does not entail that a US court does not have jurisdiction over them either. Each court or tribunal has separate jurisdictional rules. And one has to separate the jurisdictional point from the underlying legal norm.",* January 6, 2012, available at: http://www.liebercode.org/2012/01/kiobel-and-criminal-law-norms.html (consulted on 25/02/2013).

[23] S. Percy, *Regulating the private security industry, Informal Regulation*, Routledge for the International Institute for Strategic Studies, 2010, pp. 53-63.

try operating in different environments (during peace and war time) and from the other, to improve the accountability of such companies.

Swiss Federal Council reacted as the foreman and already in 2005 adopted a report on private military and security companies. Consequently, an international initiative aimed at the promotion of compliance with IHL and human rights by PMC operating in conflict zones was launched and resulted in adoption of the Montreux Document on September 17, 2008.[24] Furthermore, the Swiss Initiative encompasses as well the registration of the private business with the International Code of Conduct for Private Security Service Providers (ICoC).

The Montreux Document consists of two parts, the first is composed of 27 obligations of the signatory states, PMCs and their employees, the second provides for the catalogue of 73 good practices addressed to the signatory states and complying with the obligations under international law as for the oversight and administration of the PMC industry. Given the mixed nature of authors, including the representatives of the private sector, the Montreux Document embodies a genuine representation of interests at stake, from both, public and private perspective. The document doesn't discuss the legitimacy of the outsourcing of the state monopoly of the use of force or its legality but is focuses on the provision of good practices which implementation should secure the legality and obedience to IHL and HR standards. While the Montreux Document is most of all directed to the signatory states,[25] the ICoC is the instrument elaborated with a view to be signed and adopted by the PMC themselves.

The ICoC was signed by the 58 PMC on November 9, 2010 and provides with important commitments of signatory parties as for the respect of all applicable legal regimes, of international, regional and domes-

[24] Unpublished master thesis: K. Kowalczewska, *Individual Liability and State Responsibility of Private Military Companies in International Law*, the Jagiellonian University, 2011, pp. 99-101.

[25] 45 states and the European Union support the Montreux Document as for May 21, 2013, available at: http://www.eda.admin.ch/eda/en/home/topics/intla/humlaw/pse/parsta.html (consulted on 21/05/2013).

tic nature. Also, it specifies the explicit prohibitions on certain activities like the use of force (except in self-defence), torture, discrimination and human trafficking. The very important part lays down the commitments of management boards aiming to ensure that the personnel observe the ICoC and implement good practices regarding the recruitment and training of personnel as well as requires reporting and monitoring mechanisms. The success of this instrument is illustrated by the impressive number of more than 600 PMCs that became signatories of ICoC by May 2013.[26]

Furthermore, the whole process is monitored and reviewed by the Steering Committee composed of the representatives of three sectors: PMCs, NGO's and governments, where the Swiss government and Geneva Centre for the Democratic Control of Armed Forces (DCAF) play the role of facilitators. Besides, there were created three working groups composed of representatives of aforementioned stakeholders and charged with discussion and elaboration of reports on: (1) Assessment, Reporting, and Internal & External Oversight, (2) Resolution of Third Party Grievances and (3) Independent Governance & Oversight Mechanism Structure, Governance, and Funding. As a result of intense consultations and discussions, in February 2013 the Steering Committee managed to draft the final charter of the governance and oversight mechanism established to oversee and govern the ICoC implementation and administration. It provides for the four types of monitoring: (1) verification and assessment through auditing, monitoring, and certification, (2) report assessment and review (3) complaint verification and remediation and (4) Code administration.

While the process is still evolving, it is still too precocious to assess the impact of such a self-regulation on the practice, nevertheless such a bottom-up initiative, backed by the most interested governments and

[26] Complete List as of 1 May 2013 available at: http://www.icoc-psp.org/uploads/Signatory_Companies_-_May_2013_-_Composite_List_SHORT_VERSION.pdf (consulted on 22/05/2013).

NGO's is praiseworthy. It is a measure to circumvent the unwillingness of the governments to elaborate a legally binding comprehensive legal framework which may be counter effective as for the benefits stemming from the outsourcing of the relevant services. Moreover the Swiss Initiative enables the introduction and operationalization of the UN Guiding Principles on Business and Human Rights,[27] also it acknowledges the expectations of public opinion following the HR movement and inclined on CSR, especially the impact and influence of multinational corporations on the protection of HR standards.[28] Given the mixed nature of the Steering Committee members the Swiss Initiative is empowered to recognize the interests of all stakeholders and take into consideration the pressure particularly exerted by the civil society keen on the CSR.

Last but certainly not least, given the lack of international or domestic legally binding regulation, the adhesion to such a code of conduct is propitious when it comes to the economic and marketing dimensions of the PMC industry. The internalisation of ICoC reveals efforts of the companies to comply with the highest standards and intention to satisfy the due diligence paradigm. The oversight mechanism procured by the ICoC and accommodating the protective screen may play a role of attraction for more important clients. The latter involve not only the private actors and governments but also international organisations like UN, often afraid of the stigma in the case of the alleged violations of HR by the PMC employees, which often gets mediatised and may harm the reputation of the hiring party.[29] Also, the participation in the ICoC may be set as the prereq-

---

[27] J. Ruggie, *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, UN, 2011, available at: www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf (consulted on 22/05/2013).

[28] B. Faracik, Address during Human Rights & Business Seminar: From Armed Privates To Private Armies: Regulating Private Military And Security Companies, 31 October 2012, Allerhand Institute, Cracow, Poland.

[29] C. Hoppe and O. Quirico, *Codes of Conduct for Private Military and Security Companies*, [in:] *War by Contract – Human Rights, Humanitarian Law, and Private Contractors*, F. Francioni and N. Ronzitti (eds.), Oxford University Press, 2011, pp. 363-376.

uisite for licensing or awarding public and private contracts,[30] therefore, it becomes less surprising why the ICoC benefits of such an endorsement from the industry itself. Therefore, the ICoC is set up in order to foster business opportunities of lawful companies while excluding the non-complying ones. It enhances the level of accountability due to its obligatory reporting mechanism but also fosters the transparency with regard to such issues as torture, discrimination, arm trafficking, dual-use technologies and resort to armed force.

Conclusion

To conclude, the self-regulation initiative, due to its novelty cannot be assessed in a satisfactory way but for sure consists of an important improvement of the regulatory framework of the PMC industry. Given the accountability hardships, the realm of the diplomatic negotiations and complexity of the issue which at the moment don't give any prospects for the fast international legally binding settlement, the bottom-up initiative is much appreciated.

However, the lack of state imperium as for the enforcement combined with the voluntary nature of adhesion, inhabit the two main drawbacks of informal regulation mechanisms. Using the leverage of due diligence and presumption of complying with the HR and IHL standards, the self-regulation gives important incentives for the business stakeholders to sign the document in order to gain on reliability in this highly competitive environment. However, the informal regulation seems to be just a temporary solution countering the loophole of the international law and requires the government guarantees of enforcement in case of failure of industry goodwill Therefore the legally binding framework providing for minimum

[30] N. Rosemann, *Code of Conduct: Tool for Self-regulation for Private Military and Security Companies*, DCAF Occasional Paper no 15 (2008).

standards shall be considered in a long-term perspective. Moreover, the voluntary nature of adhesion to the Swiss Initiative doesn't protect from the activities of corporations willing to contribute to the illegal actions and aiding or abetting the perpetrators of international crimes, especially the armed groups and authoritarian regimes not refraining from the recourse to the mercenary.

The informal regulation of PMC still evokes many questions to be examined in near future. To which extent the oversight mechanism will be effective? Will the signatory states implement good practices and will the domestic courts take into account the informal regulation as an important commitment of corporations to the due diligence standards? Therefore, will the industry succeed in regaining its reliability?

References:

1. Coalition Provisional Authority Order No. 17 (Revised), Status of the Coalition Provisional Authority, MNF - Iraq, Certain Missions and Personnel in Iraq (Iraq), No. 17 (Revised), 27 June 2004, available at: http://www.unhcr.org/refworld/docid/49997ada3.html (26/02/ 2013).
2. Faracik B., Address during Human Rights & Business Seminar: From Armed Privates To Private Armies: Regulating Private Military And Security Companies, 31 October 2012, Allerhand Institute, Cracow, Poland.
3. Frulli M., *Immunity for Private Military Contractors: Legal Hurdles or Political Snags?* [in] *War by Contract – Human Rights, Humanitarian Law, and Private Contractors*, F. Francioni and N. Ronzitti (eds.), Oxford University Press, 2011, p. 469.
4. Higgins R., *Conceptual Thinking about the Individual in International Law*, Brit., I Int 'I Stud. 4 (1978), pp. 48-55.
5. Hoppe C. and Quirico O., *Codes of Conduct for Private Military and Security Companies*, [in:] *War by Contract – Human Rights,*

Humanitarian Law, and Private Contractors, F. Francioni and N. Ronzitti (eds.), Oxford University Press, 2011, pp. 363-376.

6. Kowalczewska K., *Individual Liability and State Responsibility of Private Military Companies* [in:] *International Law*, the Jagiellonian University, unpublished master thesis:, 2011, pp. 99-101.
7. Melzer N., *Interpretive Guidance on the notion of direct participation in hostilities under IHL*, Int'l Comm. of the Red Cross, 2009.
8. Ohlin J. D., *Kiobel and Criminal Law Norms*, January 6, 2012, available at: http://www.liebercode.org/2012/01/kiobel-and-criminal-law-norms.html (25/02/2013).
9. Percy S., *Regulating the private security industry, Informal Regulation*, Routledge for the International Institute for Strategic Studies, 2010, pp. 53-63.
10. Professional Overseas Contractors, *New Proposals to Increase Oversight for Security Contractors*, April 2, 2013, available at: http://www.your-poc.com/new-proposals-to-increase-oversight-for-security-contractors/ (20/05/2013).
11. Rosemann N., *Code of Conduct: Tool for Self-regulation for Private Military and Security Companies*, DCAF Occasional Paper no 15 (2008).
12. Ruggie J., *Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework*, UN, 2011, available at: www.ohchr.org/Documents/Issues/Business/A-HRC-17-31_AEV.pdf (22/05/2013).
13. Singer P. W.*, Corporate Warriors: The Rise of the Privatized Military Industry*, Cornell University Press, 2003.
14. Supreme Court Of The United States, No. 10–1491, Esther Kiobel, Individually And On Behalf Of Her Late Husband, Dr. Barinem Kiobel, Et Al., Peti-Tioners V. Royal Dutch Petroleum Co. Et Al., On Writ Of Certiorari To The United States Court Of Appeals For The Second Circuit, April 17, 2013.
15. The Alien Tort Statute, 28 U.S.C.§ 1350

16. The Geneva Convention (III) relative to the Treatment of Prisoners of War, Geneva, 12 August 1949.
17. The Protection of Victims of International Armed Conflicts (Protocol I), 8 June 1977.
18. The Protocol Additional to the Geneva Conventions of 12 August 1949
19. Tonkin H., *State control over private military and security companies in armed conflict*, Cambridge University Press, 2011, pp. 123-260.
20. United Nations Human Rights Committee, General Comment 31, paragraph 8, United Nations doc. CCPR/C/21/Rev.1/Add.13 (2004).
21. Urbina R. M., Judge of Federal District Court, Memorandum of Dismissal of Charges against Blackwater Guards, December 31, 2009.