



# MAX PLANCK INSTITUTE

FOR COMPARATIVE PUBLIC LAW  
AND INTERNATIONAL LAW

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***How do the ILC Articles on State Responsibility Apply to the Privatization of Security and Other New Trends in Warfare?***

**MPIL Agora**

**Wednesday, 17 January 2018, 16:00-17:00, Room 014**

State responsibility is the necessary corollary of international law and the equality of states. Generally, state responsibility is limited to the acts of state organs. There are only limited cases under the ILC Articles on State Responsibility, which allow for the attribution of the acts of private individuals to the state. How can this be consolidated with the fact that many states rely on Private Military and Security Companies (PMSC), not only for the provision of static and mobile security in complex environments, but also in their drone operations and the programming of weapon systems? Frauke Renz argues that these new trends in warfare not only raise questions concerning attribution of acts to the state and due diligence obligations, but further necessitate a debate about the limits to outsourcing of inherently governmental functions.

This presentation will examine a case study of PMSC involvement in drone operations. It will highlight how the acts of PMSC employees can be attributed to the state and whether the contractor's direct participation in hostilities constitutes a violation of fundamental principles of international humanitarian law. Lastly, this presentation assesses the due diligence obligations of contracting states, home states and territorial states.

Based on the case study, this presentation highlights future challenges of applying the ILC Articles on State Responsibility to new trends in warfare.



Frauke Renz is a PhD Candidate in International Law at the University of Bern. She was previously Visiting Scholar at the East-West Center and Visiting Researcher at the Georgetown University Law Center. Her research focus is on new trends of warfare in international law as well as questions of responsibility when transnational corporations violate international legal obligations. She has work experience from the private sector, academia and as independent consultant in China, Europe and the U.S. She is also member of the King's College Centre for Private Security Research, Pacific Forum CSIS Non-Resident Fellow and founder of the consulting firm IR.Asia. She has published numerous papers on the legal status of PMSC, taxation of PMSC and strategic trade controls.

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