Regulating the Use of Private Military Contractors

DISEC
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I. INTRODUCTION

Dear members of the Disarmament and International Security Committee,

During this debate, you, as representatives of a country, will be dealing with a topic of major importance: Regulating the Use of Private Military Contractors.

The debate requires a vast set of skills such as diplomacy, your power of analysis, innovative ideas, persuasiveness and above all, your willingness to reach a viable resolution to the topic. We, as your staff, encourage you to put forth these abilities throughout the debate, ensuring that your high standards and your maturity during the discussion of these issues will enhance the outcome of our committee.

Welcome to the Olinca Model United Nations (Olinmun) 2020.

Yours sincerely,

Carolina González Suástegui
*Head of the Committee*

Luzmila Betancourt Vazquez
*Chair*

Ivo Occeli Baez
*Moderator*

Santiago Arancibia Aragon
*Deputy Chair*

NOTE: We highly recommend you to thoroughly read the following document, as well as the Delegate Handbook, which we hope will be useful in order to have an overview of the topics we will be debating and crucial information about the rules of procedure.
II. OVERVIEW

A. Committee’s Background

The General Assembly was established in 1945, after the end of World War II, under the Chapter IV of the United Nations Charter. Due to the fact that it is one of the main organs of the UN and that in it a wide variety of topics is discussed, it has been vital to subdivide it into six committees.

The Disarmament and International Security Committee (DISEC) is the First Committee of the General Assembly. This Committee is located in New York, United States; inside the main headquarters of the UN. DISEC deals with topics related to global issues, disarmament and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime. Such topics are discussed based on Article 11, Chapter IV of the UN Charter, which established that “The General Assembly may consider the General principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armament.”

All member nations have equal voting rights on resolutions apart from observer nations. A resolution is approved when a simple majority votes in favor.

B. DISEC Achievements

The first resolution by DISEC was created in 1946 as a result of the then recent events in Hiroshima and Nagasaki in order to address international concerns for the “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy.”
Another achievement of great importance has been the successful promotion, enforcement and verification of the Treaty on the Non-Proliferation of Nuclear Weapons.

Moreover, it has established Nuclear Weapons Free Zones in Antarctica, Latin America, the South Pacific, Africa and Central Asia. As well as the Partial Test Ban Treaty, which bans the testing of nuclear weapons in outer space and underwater.

III. REGULATING THE USE OF PRIVATE MILITARY CONTRACTORS

A. Historical Background

The use of private military companies (PMC) is as old as war itself, with ancient Romans hiring soldiers to increase their armies. In modern history, the United States of America is one of the main countries hiring private military companies, with 50% of their armed forces privately contracted, despite being the country with the strongest army in the world.

Many governments have chosen to outsource parts of the military area to lower prices through market competition. According to Peter W. Singer, author of “Corporate Warriors: The Rise of the Privatized Military Industry”, PMC have increased in number after two historical events:

- The end of the Cold War: its end started a decline in the number of troops needed by armies.
- Warfare becoming more chaotic and dynamic: the violence on regional conflicts plus the availability of deadlier arms and the menaces in cybersecurity.
In international peacekeeping operations of today, private military companies occupy an equal position with regular armies, and such military corporations will play an increasingly important role in armed local conflicts and wars in the future. As of today, after the experiences in Afghanistan and Iraq, the existence of PMC influences the course of events, and sometimes they take on most of the functions of police and army.

**B. Current Situation**

Private Military Contractors are companies that provide security and protection, through bodyguards and trained agents to other companies and even governments in exchange for money. PMC play a major role in the fields of gathering intelligence, training security ambitions, technical and technological support and transporting needs in conflict zones and all around the world.

Mainly the US-based firms along with private military contractors from the UK are serving all around the world, especially in conflict zones in Africa, the Middle East and Afghanistan. In this topic there is another point of debate, which is its relation to mercenaries or if PMC are mercenaries themselves. Most of the time, the relation between PMCs and mercenaries or freelance soldiers fighting for money, is questioned by global public opinion. They have become polemical as a result of their participation in the protection of territories that are currently inside of an armed conflict zone, which has led them to be considered unlawful combatants.

The use and recruitment of mercenaries is legally forbidden by the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries. A mercenary is defined as any person who is specially recruited locally or abroad in order to fight in an armed conflict. Recruitment of people, for a private gain, is also forbidden. According to the 1989 International Convention, people who are not members of any armed forces of a party to the conflict are considered mercenaries, and mercenaries should be considered an offence to all states, therefore they should be prosecuted or extradited. However, only 35 countries ratified the convention,
which entered into force on October 20, 2001. The countries with large militaries, especially the United States, Russia and the United Kingdom, have not ratified it because of their active use of PMCs.

The industry is worth $100 billion and has grown exponentially, especially after the 9/11 attacks, due to their strong relations with politicians. Still, there is a significant difference between them: mercenaries are banned by international laws while PMCs are considered legal.

In recent years, PMCs have expanded considerably and have become a very profitable business and industry in many parts of the world, which has already created profits of millions of dollars.

Because of all the reasons stated above, it is of great importance to discuss the regulation that the use of these companies should have, in order to become more stable, effective and productive.

To do so, it is important to take into account the Montreux Document on Private Military and Security Companies and the regulations that the ASIS Commission on Standards has already proposed. On one hand, the Montreux Document is an intergovernmental effort for promoting respect for international law and human rights law whenever private military and security companies are present in armed conflicts. On the other hand, the ASIS Commission in 2018 is a series of guidelines consensus-based within the global security community (ASIS is the world’s largest association of security management professionals and is a 28-member commission).

IV. KEY POINTS OF DEBATE
- **United States:**
  The United States of America is the country with the strongest national military. According to Global Research, the US now spends over $300 billion annually on private contracts. The US dependency on private contractors was high during Afghanistan's occupation. One of the reasons for using mercenaries is because they are in a “grey” zone when it comes to governments denying casualties or wartime acts.

- **Russia:**
  Russian PMCs are involved in the Syrian war on the side of President Assad. Russia’s PMCs industry is not very large, yet it is extremely active. The Wagner Groupe, one of Russia’s biggest PMC are more mercenaries than PMCs. Most of Russia’s contractors are more inclined to taking part in direct combat and less focused on providing logistics and other support services. Russian PMCs are not legalized yet, making it easier for the government to deny responsibility for any actions done internationally.

- **United Kingdom:**
  Since 2004, the British state has spent approximately 50 million pounds annually on mercenary companies. G4S is UK’s biggest private military company and it provides operational support to the British army in Afghanistan. Britain fights terrorists in Middle East or pirates in the horn of Africa with its PMCs.

- **Impacts of War Privatization on Human Rights:**
  Private military corporations can fall into three types of categories: military providers, military consulting and military support. Only military provider firms engage in actual combat and in command and control operations. The US company AirScan, for example, provides military surveillance services, often directly in combat zones. In a largely political movement against the West, a detailed definition of the term “mercenary” was negotiated in the context of the decolonization movement, and its
regulation was introduced in the 1977 Protocol Additional to the 1949 Geneva Conventions.

- **Montreux Document:**
The Montreux Document is the first document of international significance to define how international law applies to the activities of private military and security companies (PMSCs) when they are operating in an armed conflict zone. International law does apply to PMSCs and there is not a legal vacuum concerning their activities. It is a practical and realistic contribution which aims to promote respect for international humanitarian law and human rights.

- **Oversight and Transparency:**
One of the most difficult challenges related to the use of PMCs is the issue of oversight and transparency. Issues of mismanagement can range from financial wastefulness to serious casualties. While military officers control the actions of military personnel and government civilians, their control over individual contractor personnel is less clear. Military personnel are subject to criminal punishment if they disobey an order, whereas the responsibilities of contractors are set in a fixed written contract.

Several firms have been accused of overcharging for their services. The growth of the PMC industry also reduces the overall strength of the US military as experienced soldiers are drawn to jobs in private security firms, with some offering former Army Green Berets and Navy Seals up to four times the US military salary.
V. ANNEXES

A. List of Countries
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13. Iraq
14. Israel
15. Mexico
16. Myanmar
17. North Korea
18. Russian Federation
19. South Africa
20. South Korea
21. Sweden
22. Thailand
23. Ukraine
24. United Kingdom
25. United States of America
B. References


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