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COMMITTEE: DISEC

ISSUE: Private Military and Security Companies (PMSCs)

Humanity's use and employment of non-state military actors dates back to millennia. Starting from the ancient times and reaching as far as to our day, mercenaries were employed; for instance, Greek and Nubian soldiers served in Egyptian armies during the Late Bronze Age; and notably, during the American Revolutionary War, the British employed Hessian mercenaries to bolster their ranks. (1) However, it wasn't until the conclusion of the Cold War that these methods were used in their biggest scale up to date. The end of the Cold War Era, of which is a milestone of change reducing nations' own military forces and surging widespread privatization, gave rise to the modern PMSCs of our day; which began to fill the void of power left by the now-smaller national armies. Private companies like Executive Outcomes played significant roles in conflicts such as those in Angola and Sierra Leone during the 1990s, providing support in areas like combat and logistics to local forces. (2) The early 21st century saw a never precedented reliance on PMSCs in conflicts like those of Iraq and Afghanistan. Firms such as Blackwater (now regarded as Academi) were contracted for various roles, including security, logistics, and training. However, incidents like the 2007 Nisour Square shooting in Baghdad, where Blackwater personnel killed multiple unarmed civilians have brought to all of our attention the challenges of accountability in PMSC operations. PMSCs have also been active in the continent of Africa; exempli gratia in regions like Libya, the Central African Republic, and Mozambique. Their involvement often included providing security services, training local forces, and participating in combat operations. These activities have raised concerns about their compliance with international laws, of which set the ground for a humanitarian stage, and the potential for worsening of the conflicts. (3) As the state of Libya, we believe that the rapid growth of PMSCs has outpaced the development of pre-existing international legal frameworks to regulate their activities. While initiatives like the Montreux Document provided guidelines, they still do lack the binding enforcement mechanisms necessary for compliance. This regulatory gap, of which can be and is being exploited, poses challenges for ensuring that PMSCs operate within the bounds of international law and respect of human rights. As their roles in global conflicts continue to expand, it is inevitable for international bodies, including the United Nations, to address the challenges they pose to

sovereignty, accountability, and the protection of civilians. (4) As the delegation of the state of Libya, a nation which was and actively is directly affected by the problem at hand, we are fully aware of the importance of the issue and we believe that some immediate steps should be taken in order to combat such a crucial problem. We are open to any and all solution proposals that will come from other member states.

United Nations and some other organizations have done many things about the issue. The Montreux Document, which took effect in 2008 without being legally binding, was a joint initiative by Switzerland and the International Committee of the Red Cross (ICRC). The Montreux Document outlined existing legal obligations and good practices for states concerning PMSCs during armed conflicts. It distinguished the responsibilities of: Contracting States (those hiring PMSCs), Territorial States (where PMSCs operate), and Home States (where PMSCs are based). It has served and continues to serve as a significant reference for states to regulate PMSC activities. (5) In 2017, the UN Human Rights Council established an open-ended intergovernmental working group to develop an international regulatory framework for PMSCs. This group's mandate includes protecting human rights and ensuring accountability for violations related to PMSC activities. In January 2025, PACE (Council of Europe's Parliamentary Assembly (PACE) Resolution) called for enhanced regulation of PMSCs to safeguard human rights and democracy. Among other things, the resolution recommended: Implementing licensing systems, mandating human rights compliance training and establishing transparent accountability mechanisms. (6) UN Mercenary Convention (2001), officially known as the International Convention against the Recruitment, Use, Financing, and Training of Mercenaries; aimed to prohibit mercenary activities. Even though it addressed some concerns related to PMSCs, its scope was limited, and it has only been ratified by a subset of UN member states.

We, the state of Libya, have also contributed to the issue in many ways. Libya has made some international attempts to strengthen the regulation of PMSCs. Most notably, we have participated in the Montreux Document Forum (MDF) for the Middle East and North Africa (MENA) regions. This forum, co-chaired by Switzerland and the International Committee of the Red Cross (ICRC), focuses on carrying out the best practices and legal standards for PMSCs during conflicts with arms. (5) Libya has taken steps to regulate PMSCs by developing legal structures aimed at overseeing our operations. The Geneva Centre for Security Sector Governance (DCAF) maintains a detailed database that includes over 2,000 legal texts providing information about the security sector in Libya. This database provides access to laws

and other legislation relevant to the regulation of PMSCs and the broader security mechanisms. (7) Collaborations with organizations like DCAF aim to enhance the legal and institutional frameworks necessary for overseeing PMSCs. These efforts focus on aligning Libya's practices with international standards and improving mechanisms of accountability. In June 2023, Libya's Government of National Unity (GNU) enforced a major law prohibiting foreign security companies from operating within the country. The Public Facility and Establishment Security Authority (FSA) restricted operations of the current 100 working private security firms to just 18, mandating that all security contracts be managed by locally licensed companies. This move aimed to enhance oversight and reduce foreign influence in Libya's security sector.(8)

Cooperation and coordination are fundamental to our operations; and so are the networks of trust which are born from just systems and clear accountability. However, PMSCs by nature are against achieving these goals as they blur the line between private companies and national entities. We, as the state of Libya, are really alert about this as we ourselves have experienced the involvement of private companies in our conflict; such a one being but not limited to the Russian Wagner Group. One solution in an attempt to address this problem may be to redefine the terms “mercenary” and “Private Military and Security Companies” on more universal and specific terms, of which would aim to address any loopholes currently being exploited upon. Another solution we would like to introduce is to make more instruments like the Montreux Document, but unlike that document we would like for these instruments to be binding – meaning that any signatory states which refuse to comply with the terms would actually be met with penalties from other international entities such an example being but not limited to economic sanctions. Last but not least, we would like for there to be a United Nations oversight on Private Military and Security Companies; like issuing licenses for and before acting on foreign territories. As the delegation of the state of Libya, we believe that this issue should come to an end in order for developing nations’ populations to be kept safe from power vacuums and we are ready for any and all cooperation which will come from other member states.

RESOURCES

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