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COUNTRY: Australia

COMMITTEE: DISEC

ISSUE: The legal violations of PMSCs and their threats directed towards human rights.

Private Military Security Companies also known as PMSCs are trained squads that are referred to as “Self-defense” teams. Even though a PMSCs job could vary, the main services PMSCs often provide training, intelligence gathering, logistic support, and so on. As can be understood from it’s description they defend people that cannot defend themselves in a certain situation. Thus, the main reason for a PMCS’s involvement would directly be related to threats concerning both parties rather it be with weapons or physical actions. Considering such facts, countries must be careful before cooperating with PMSC and must be straight with the legal procedure of the work they will let the PMSC do, so that the company won’t be able to violate human rights or the gathering of the Geneva Convention as well as the the International Traffic in Arms Regulations (ITAR). However, throughout history some countries have taken a far more relaxed approach to the matter, resulting in serious consequences. The most known of all are “America and Russia” with both of their comments on the matter being dismissive about the deaths and severe injuries they caused with the PMSC they brought in along their armies. For example “Blackwater”, a PMSC in America that murdered the lives of unarmed civils in Iraq or the “Wagner Group”, a PMSC from Russia that burned houses, colleges and cars of civilians as well as engaging in violent repression against opposition forces, that also resulted in many lives ending brutally and unjustly. Hence, we as the delegation of Australia believe that PMSCs are helpful if they are strictly regulated by the government so that such relentless outcomes doesn’t occur.

United organizations and other organizations have done many conferences and reports about the matter. First things first the United Nations (UN) has done many conferences about the topic, focusing on the use of PMSC by the U.S. and their compliance with international law (2010, A/HRC/15/25), the “Working Group” and how PMSC should be held accountable for their actions and be regulated stronger (2014, A/HRC/27/50) and the rise in human rights violations committed my PMSCs and the national legislations adopted to provide remedies for the victims of poorly regulated PMSCs (2022, UN News, “Rise in mercenary forces trigger ‘rampant’ human rights violations”). Secondly, the European Union (EU) has also recognized and talked about the issue as well, stating the need for a “comprehensive regulatory framework” whilst relying on their service(European Parliament – DCAF Study) and thirdly, The North Atlantic Treaty Organization (NATO) has also done reports and analysis about the issue, acknowledging the challenges posed by the companies and suggesting a need for “international responses” (2009, NATO – Thematic Bibliography, NO. 6/2010). NATO also conducted a report on the future security provocations concerning PMSC, encouraging “strategic planning” (2017, NATO ACT – SFA 2017 Report) and avowed the importance of addressing emerging outbreaks in security, though not having specific discussions about the roles of PMSCs the concepts covered gives an idea on the path NATO decided to take about future security concerns (2024, NATO’s July 2024 Washington, DC Summit: In Brief).

Australia has shown where they stand on the issue many times via attending conferences, finalizing documents and becoming part of associations. Australia has always supported humanitarian and human rights laws especially in contexts where PMSC were violating the already established rights. First and foremost, Australia promoted respect for humanitarian and human rights laws especially in contexts of PMSCs operated in armed conflicts, thus injuring and killing unarmed civils and was one of the 17 original stated that finalized the Montreux Document and the International Committee of the Red Cross (ICRC) (2008, the Montreux Document) though this document wasn’t totally binding, it served as a reference for stated to develop serious regulations and policies regarding PMSC. Australia also supported the establishment of a “global oversight mechanism” that would monitor the activities of PMSC, thus Australia became a founding member of the International Code of Conducts Association (ICoCA) to ensure PMSCs would act in compliance with international humanitarian and human rights laws (2013, International Code of Conduct for Private Security Service Providers). In brief, Australia doesn’t have an issue with relying on PMSC if they are closely and strictly monitored, hence the lives of many humans won’t be in significant danger.

Security is essential for our lives both to live and feel safe, but for such security to exist within and outside a country’s borders, one needs an army and maybe even companies that could help with conflicts that rise along the path. Even though the military and the PMSC could cooperate to provide safety, PMSC must be regulated strictly to ensure that the rights of the humans on the opposing end of the spectrum don’t get violated. Considering such activities may rise in unmonitored PMSCs, we must have thorough legal procedures regarding the scenarios in which a PMSC violates the rights talked about. This way countries would be more likely to investigate the actions of PMSC that work with or in their country’s borders. We also could start funds and charities to support families that have been treated unjustly by the PMSC, raising the crowd’s attention and making the struggles of them visible to the ones that are unaware, giving the struggling and possibly grieving families a chance to tell their story to the world. Considering that in a crisis of sorts, countries would have to act upon the points talked about above, fast (at most two months) to make sure that anybody who had a hand in this can be trialed whilst the company (or the country) can be faced with procedures like reparations, indemnifications, and so on. As the delegation of Australia we believe the issue could have less severe impacts to the lives of people if we were to apply given suggestions that regard countries and PMSCs. We are ready to cooperate with other delegations to ensure a change in this issue at hand.

References:

1. *International Code of Conduct for Private security service providers*. (n.d.). <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/international-code-conduct.html>
2. "NATO’s July 2024 Washington, DC Summit: In Brief." *Congress.gov*, Library of Congress, 17 Nisan 2025, <https://www.congress.gov/crs-product/R48121>.
3. *THEMATIC BIBLIOGRAPHIES: PRIVATE MILITARY AND SECURITY COMPANIES (PMSCS)*. (2010, June). NATO Multimedia Library. <https://www.nato.int/structur/library/bibref/them0610.pdf>
4. *Rise in mercenary forces trigger ‘rampant’ human rights violations*. (2022, September 22). UN News. <https://news.un.org/en/story/2022/09/1127171>
5. *Human rights law*. (2024, June 25). International Committee of the Red Cross. <https://www.icrc.org/en/law-and-policy/human-rights-law#:~:text=International%20humanitarian%20law%20(IHL)%20and,in%20peace%20and%20in%20war>.
6. (*The Montreux Document in a Nutshell*, n.d., pp. 0–6)
7. DCAF – Geneva Centre for Security Sector Governance, Valdés Argüelles, C., Rousseau, J.-M., & Cheong, S. (2024). Private military and Security companies (PMSCs). In G. Manea & K. Storr (Eds.), *SSR Backgrounder Series* [Report]. DCAF. <https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_BKG_26_PrivateMilitarySecurityCompanies.pdf>