**Forum:** General Assembly 1

**Issue:** Private Military Contractors in Conflict Zones

**Student Officer:** Leen Kasir

**Position:** Chair

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**Introduction of the Committee:**

The General Assembly First Committee, also referred to as GA1, is a committee that addresses issues regarding disarmament and international security. The UN General Assembly first committee deals with issues and international challenges that threaten peace and can disrupt the global community. The UN committee, therefore, tends to work closely with the disarmament committee in evaluating all methods to bring peace to pressing issues. The committee was the first to create a resolution of the general assemblies concerning: “Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy” passed in 1946, in order to maintain the usage of Atomic Energy that had recently been discovered and monitor any problems that could be created through it. They continuously work on resolving issues to work towards the greater goal of establishing peace.

**Introduction of the Topic:**

As history has proved to all nations, conflict and human history seem to have a very close relationship, and where there is conflict, there are private military contractors (PMC) who leech off the conflict for profit. After the many years of colonization, countries were finally getting their freedom back, but the years that followed that freedom were full of PMC who would buy their way into these healing and growing countries. PMCs are companies that supply governments with professional services that are inextricably related to conflict; they are the corporate progression of the long-established mercenary profession. They provide a wide range of services, including tactical combat operations and strategic planning, as well as logistical and technical support. As of March 2011, the number of private military companies in Afghanistan had nearly exceeded the number of US troops. Private contractors outnumbered American troops by roughly 20,000 insurgents in Iraq, where the combat campaign ended in August 2010. Demand for private military services is expected to rise in the near future, and PMCs will continue to have an impact on international security and stability as a result. Because these businesses are now unregulated and unregulated, they are prone to crises, such as the 2007 Nisour Square shootings by Blackwater guards. The unbridled growth of PMCs in recent decades has severely hampered the world's ability to resolve conflicts. PMCs are a big issue because they pose a threat to state sovereignty by jeopardizing the state's role in overseeing its military forces. They also have significant legal concerns that must be addressed. During the conflicts in Iraq and Afghanistan, the percentage of America's military forces that were privately contracted increased to 50%, compared to 10% during WWII. As a whole slew of erstwhile governmental tasks, including education, policing, and prison operations, became privatized, these mercenaries in other countries also aid in drug and human trafficking, as well as other humanitarian disasters.

**Timeline:**

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| *Year of Event*  | *Description of Event* |
| 3000 BC | “Armies for hire” used in Ancient Rome and Egypt for empires to hire during conflicts and war. |
| 1941 | Captain David Stirling founded the Special Air Service (SAS) to combat the Germans. The service’s unconventional methods created favourable results that remained a British Institution after the war. |
| 1967 | Stirling went on to form WatchGuard International, the first 20th century private military company. Members from the SAS were hired to train the armies of the Persian Gulf sultanates. |
| 1989 |  A treaty named “The International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries” was formed; however, most of the Member States revoked this Convention, and this Convention is still not referenced vigorously after all this time. |
| 1990 | The migration of Western forces that were more than 6 million military personnel increased the number of former soldiers wanting to be recruited as a PMC. Greatly affected units by this migration: the British Special Air Service, US Special Operations Forces, and Canadian Joint Task Force 2.  |
| 1992 | A report claimed that the UN asked the Defense Systems Limited firm to deploy 7,000 over guards. |
| 2004 | Scandals took over as Muslim prisoners reported that they were being tortured by CACI International, US contractor, at the Abu Ghraib prison in Iraq. However, the organization managed to avoid penalty and punishment as they continue to extend contracts with the US that cost up to $23 million. |
| 2005 | Established the United Nations Working Group on the Use of Mercenaries to observe the human rights impact of PMCs. |
| 2007 | Blackwater, a PMC, massacred 17 citizens at a Bagjdad traffic circle. This caused the credibility of PMCs to decline as massive anti-American backlash spread across Iraq by people of the nation. |
| 2012 | Global Policy Forum, a non-profit organization, is committed to hold international forums accountable. International forums include the UN, WHO, ILO, etc... |
| 2015 | $274 billion were distributed to federal contractors by the headquarters of the US Department of Defense. This amount was around 7% of all federal spending. |

**Current Issues:**

The increasing use of PMCs, particularly in socio politically unstable areas and in light of recent instances, highlights the need for more effective control. PMCs, both local and international, are clearly influencing the evolution of modern warfare, particularly given the lack of existing oversight. In modern warfare, a greater dependence on PMCs gives companies more leverage and presence in overseas battles. However, in many cases, the use of PMCs has a military gain in the form of fewer soldiers being lost. Training and other services supplied by PMCs are also extremely beneficial to many third-world and developing countries. Past and current hostilities within their countries should be evaluated, as well as the development of PMCs and civilian repercussions.

*Responsibility and Accountability*

In light of recent events, the call for action and regulation has grown in popularity around the world. The attribution of accountability has grown increasingly complicated as former governmental functions have been transferred to PMC providers. Because many military interventions take place in countries with high levels of corruption, there is a significant lack of openness in the system as a whole, which generates chances for corruption. These issues are exacerbated by the fact that governments increasingly outsource contractor selection, administration, and control to huge corporations, who then subcontract some of their work to smaller firms. This results in extensive, opaque chains, and responsibility is only restricted to the first subcontractor, putting even greater burden on the system. This strategy only serves to erode political and legal accountability, especially since many countries and international organizations refuse to assume responsibility for subcontractors. Furthermore, even in circumstances involving serious violations of basic laws and human rights, PMC personnel have repeatedly demonstrated their ability to avoid prosecution. This is partly due to a political aversion to PMC accountability, but it's also attributable to a variety of legal anomalies in international law that allow PMCs to avoid punishment.

*Non-Direct Conflicts*

Although PMCs are most commonly used in ongoing wars, their use in non-direct conflict scenarios is on the rise as well. Other areas where PMCs are active include technological innovation in the security sector, such as drone and weapon development, as well as countering terrorism and enhancing cybersecurity. Using PMCs to meet military requirements is a cost-effective approach for countries who lack the resources to aggressively battle the world's new and evolving dangers. Furthermore, Non-Governmental Organizations (NGOs) frequently engage PMCs, particularly in instances involving access to risky war zones. PMC contractors are recruited by NGOs to ensure the success of humanitarian operations. They are primarily responsible for serving as security. However, there is still a significant lack of transparency and accountability, as well as significant difficulty in monitoring PMC actions. It's also worth noting that PMCs with a spotty record, such as those who have been accused of human rights violations or abuses in the past, may be contacted and hired by NGOs, whether consciously or unknowingly.

*Illicit Arms Trade Involvement*

Due to their ambiguous legal status, PMCs in conflict zones have been discovered to evade national sanctions and embargoes, contributing to illicit business and trafficking. While it is illegal for large firms and governments to sell specific weapons to certain states, regions, or groups, there are few rules prohibiting private contractors from reselling these weapons in conflict zones. The general lack of supervision and monitoring measures, as well as corruption and the lack of clear worldwide standards for the training and screening of PMCs and their personnel, worsen the problem.

**Past Actions:**

Previously, the UN was adamantly opposed to the use of PMCs, referring to them as mercenaries. Given the importance of PMCs in United Nations peacekeeping activities, it has recently toned down these concepts. The international community has attempted to govern the actions of PMCs through national legislation and international accords, but these efforts have finally failed to adequately regulate their activities.

*DSL and the UN*

According to reports, the United Nations asked Defense Systems Limited to deploy 7,000 over guards to secure assistance convoys in a war-torn Somalia in 1992. This procedure has the potential to be both enormously costly and extremely dangerous. DSL declined the contract due to fears about potentially deadly clashes with insurgents or antagonistic citizens, as well as the potential for catastrophic consequences. The UN engaged four security corporations, including DSL and DynCorp, to provide services for the peacekeeping mission in Bosnia and Herzegovina in the same year. These four-year contracts covered roughly 2,000 individuals and mostly concerned providing security at border crossings where conflicts were regular, as well as other high-risk activities. However, shortly after deployment, a major scandal involving DynCorp personnel surfaced. They were working as police officers for the United States but also for the United Nations at the time. The personnel were discovered to be involved in sex trafficking and organized prostitution, which was shocking. This controversy caused the United Nations a great deal of humiliation, and it epitomized the instability in peacekeeping that contributed to a significant decrease in operations in the mid-1990s. The United Nations has deployed a large number of peacekeepers to Iraq to provide security. Since the Taliban launched an attack on a United Nations residence in October, which resulted in the deaths of five U.N. employees, including two Afghan security guards, and the departure of U.N. troops from the country; this has increased its approach toward hired guns in Pakistan. In 1998, before the official launch of the United Nations peacekeeping mission in Sierra Leone, LifeGuard and DSL were contracted to defend UN assistance efforts in Sierra Leone. Even with the company's ethically problematic activities, the United Nations engaged Lifeguard to safeguard Freetown's facilities. Lifeguard allegedly offered a military transport helicopter as well as security for UN officials' homes and offices.

*UN Mercenary Convention*

The International Convention against the Recruitment, Use, Financing, and Training of Mercenaries was enacted by the United Nations in 1989 to address the multiple harmful impacts that mercenaries have on "state order and integrity, as well as the influence on peace and security." However, it is restricted to the concept of mercenaries and excludes certain features, such as PMC operations. Furthermore, the Convention has only been ratified by 35 states, with the majority of Member States refusing to do so. In other cases, in 2011, the Swiss government and the International Committee of the Red Cross published the Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict as part of an effort to encourage PMCs to participate in "best practices" and adhere to a voluntary code of conduct. The A/RES/44/34 or General Assembly Resolution 44/34, drafted during the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries, is a comprehensive resolution on mercenary activity. This resolution highlights specific characteristics that are thought to be distinctive to mercenaries. Having a large number of PMCs and their employees who meet certain criteria, such as being recruited specifically for an international conflict, having a private interest in warfare, not being a member of a country's regular armed forces, and having no residential or ethnic ties to either party involved in the war. The resolution took effect in October 2001, although it was not ratified by any of the permanent members of the Security Council. In order to discourage their usage, attempts have been made to relate PMCs to the definition of mercenaries. “The Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of peoples' rights to self-determination was established in July 2005 pursuant to Commission on Human Rights resolution 2005/2, and its mandate is continued pursuant to Human Rights Council decision 1/102, ”according to a report by the Working Group on the use of mercenaries, A/HRC/4/42." This resolution included an outline of PMC activities and their current position. Another important UN resolution on mercenaries begins with the phrase "Use of mercenaries as a means of violating human rights and obstructing the exercise of peoples' right to self-determination," as well as a direct condemnation of any state that "persists in, permits, or tolerates the recruitment of mercenaries." The right to be a fighter or a prisoner of war is not granted to mercenaries under this resolution. A UN Working Group on the Use of Mercenaries was established in 2005 to monitor the human rights impact of PMCs, in addition to these strongly worded resolutions.

**Possible Solutions for the Future:**

*International Regulation*

To address this issue, a number of governments have collaborated to develop legislation that will ensure correct use of PMCs. Some of the most common proposals involve regulating PMCs through an international agency such as the United Nations and including PMCs in the definition of "mercenary," making contracting them illegal under international law. One of the biggest problems with attempting to govern through international groups is that there will always be countries that refuse to comply and defend national sovereignty. Furthermore, when it comes to mercenaries, the restrictions that are now in place vary from country to country and are more political suggestions than hard legislation. PMCs are supported by a number of countries that state that we should leave them alone and allow them to function and carry out their responsibilities. They are, after all, in the midst of a war. As rules on PMCs are required, it is clear that this proposal has several faults to be handled right away. Another proposal has been to hold the heads of PMCs accountable in a court, maybe the ICC, for the activities of their soldiers-for-hire, in order to incentivize them to keep their men in line. However, this might be problematic because determining consequences and locating the responsible party can be difficult. Each of these solutions has its own set of issues, such as countries who do not follow the rules of war, thus it is up to the UN to either mitigate these risks or develop new ones.

*Licensing*

Another big issue with PMCs is that they are not subject to international regulations that come with proper authorization. The adoption of PMC registration and licensing procedures could allow the use of private military contractors while adhering to established UN norms and preserving state sovereignty.

*Classification*

The designation of PMCs as mercenaries is another viable option. The United Nations Mercenary Convention lays forth the norms and restrictions that make mercenaries illegal. By recognizing PMCs as mercenaries, we may begin to regulate them as such. For example, their practices must be completely eradicated. Alternatively, this classification could result in an exclusion that is the accepted international PMC practice. Alternatively, this classification could result in an exclusion. The mercenary conventions take into account the acceptable international PMC practice of each country's requirements. This method has the potential to solve this massive problem.

**Conclusion**

Some people despise private military firms, while others see them as the future of the world's peacekeeping forces. 96 As the $100 billion (US) sector looks for a future beyond Iraq, it is beginning to press for a larger role in peacekeeping, particularly in peace enforcement missions where states are hesitant to send their own troops. The UN Assistant Secretary-General for Peacekeeping Operations is not a fan of the proposal, arguing that states must bear the burden of protection; yet, present efforts to regulate the industry must not ignore the firms' objectives. For the time being, regulation can only be effective if the standing of these players under humanitarian law, as well as their existing responsibilities, are broadly known and accepted. Given the far more complicated issues created by the application of international humanitarian and human rights legislation in peace operations, as well as the civilian status of most private military firm employees, this is not a practical solution in the near future.

**Questions to Keep in Mind**

1. What are the advantages and disadvantages of PMCs?
2. How can a state’s independence be safe against PMCs?
3. What would be the outcome/s of eliminating PMCs?
4. How would categorizing PMCs as mercenaries contribute to this issue and the way PMCs work?
5. How can we hold PMCs accountable for the actions of their soldiers?
6. What possible solutions can be implemented on private military corporations in the case of rebel nations?

**Optional Reading**

Arms Control Association Briefing by OHCHR:

<https://www.armscontrol.org/events>

United Nations Office for Disarmament Affairs (UNODA):

<https://www.un.org/disarmament/>

United Nations Program of Action Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects:

<https://www.un.org/disarmament/convarms/salw/programme-of-action/>

United Nations Resolutions on SALW: <https://www.un.org/disarmament/convarms/salw/salw-ga-resolutions/>

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