

**Committee: DISEC 2**

**Topic: The question of private military contractors**

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## Summary

Private Military and Security Companies (PMSCs) function as independent contractors offering military training and specialised security services. Often referred to as "mercenaries," they form a substantial \$100 billion industry. The United Nations General Assembly (UNGA) characterises them as the contemporary evolution of the historic mercenary profession. PMSCs' roles can be ambiguous, and they have been utilised across all continents except Antarctica by over 50 Member States. While they present a cost-effective asset for states, they frequently operate beyond the jurisdiction of domestic legal authorities.

## Definition of Key Terms

**Private military company** – a private company providing armed combat or security services for financial gain.

**War crime** – a serious violation of the laws and customs applicable in international armed conflict, within the established framework of international law.

**Special operations forces** – military units trained to conduct special operations. A lot of private military companies are hired to conduct special operations.

**Logistics** - The aspect of military operations that deals with the procurement, distribution, maintenance, and replacement of material and personnel.

**Non-governmental organisation** – a group that functions independently of any government. Most private military companies are non-governmental organisations and therefore are technically independent of any government.

## Background Information

The emergence of modern PMSCs in the early 1990s can be attributed to three interrelated factors. First, the end of the Cold War led to reduced military budgets globally, prompting governments to seek more cost-efficient alternatives for maintaining their presence abroad. Second, the withdrawal of Western troops and the resulting instability shifted warfare from institutionalised to market-based, leading states to outsource tasks to various actors, including PMSCs. Third, gradual reliance on privatisation and outsourcing, driven by financial feasibility, established a need for PMSC.

Private forces in the military have become a big business. Recent years have seen major mercenary activity in Yemen, Nigeria, Ukraine, Syria, and Iraq. Many of these for-profit warriors outclass local militaries. Countries are currently hiring mercenaries from all over the world secretly to fight wars and special operations to undertake. On a sub note, oligarchs and people who are involved in organised crime tend to dabble in buying in private military contractors to do their 'dirty work'.

Private military contractors have been viewed more in the public eye due to the acts of the Wagner group, particularly in Ukraine. The Wagner group has been hired by Russia to fight in Ukraine and has conducted several independent operations. However, the problem with Wagner is that they have been committing war crimes in Ukraine and since they are a PMC, they aren't subject to the rules that are enforced in organisations like the Russian army. This has caused for many to call for the regulation, or the outright banning of PMC's.

## Major Countries and Organisations Involved

### European Union

The European Union expresses concern about unregulated private military entities and supports the need for an international regulatory framework. They also advocate for a non-discriminatory approach to cover all businesses globally. Furthermore, they often emphasise the importance of a level playing field, accountability, and respect for human rights.

## **Pakistan**

They acknowledge the need for clear regulation to prevent private military and security companies from engaging in State functions. Pakistan also calls for accountability mechanisms and distinguishing between private military and security companies. The nation of Pakistan also supports the incorporation of foundational principles of international humanitarian law.

## **Switzerland**

Switzerland commits to respecting international humanitarian law and human rights by private military and security companies. They would support a non-binding instrument to complement existing legal frameworks, including the Montreux Document and the International Code of Conduct.

## **United Kingdom of Great Britain and Northern Ireland**

The United Kingdom recognises the value of private military and security companies in various contexts. The United Kingdom also advocates for strong accountability and monitoring, believes a non-binding instrument would enhance adaptability, and emphasises domestic regulation.

## **United States of America**

The United States supports a non-binding framework to reinforce existing initiatives. They also often highlight the need to differentiate between private military and security companies and mercenaries. They constantly stress the importance of addressing gaps in national regulatory frameworks.

## **Russia**

Being hirers of a private military organisation themselves, the Wagner group, Russia raises concerns about the categorisation and lawfulness of private military and security companies. Calls for clarity on their legal status and opposes adopting a legally binding regulation due to unresolved issues.

## **Mexico**

Mexico believes that pre-existing agreements are sufficient enough for tackling the issue and question the idea that a binding agreement needs to be made, signed and ratified.

## **Timeline of Events**

**1960s:** The concept of PMSCs begins to emerge, with companies offering specialised security and military services to governments and corporations.

**1970s:** PMSCs become more prominent in providing security for shipping and maritime activities, particularly in response to piracy and maritime terrorism threats.

**1980s:** PMSCs play a role in conflicts such as the Falklands War (1982) and the Gulf War (1990-1991) by providing logistics, security, and other services to military forces.

**1990s:** PMSCs are increasingly utilised by governments for peacekeeping missions, humanitarian operations, and post-conflict reconstruction.

**2000:** The UN establishes the Panel on United Nations Peace Operations (also known as the Brahimi Report), which highlights the need for enhanced capabilities to address new challenges in peacekeeping, including utilising PMSCs.

**2001:** The UN conducts the Study on the Privatisation of Security in Africa, recognizing the growing use of PMSCs in peace and security operations and discussing the implications of this trend.

**2003:** The UN publishes the Report of the Panel on United Nations Peace Operations (Brahimi Report), which emphasises the importance of strengthening the UN's capacity to manage and coordinate with PMSCs.

**2008:** The UN establishes the Working Group on the Use of Mercenaries as a Means of Violating Human Rights and Impeding the Exercise of the Right of Peoples to Self-Determination. The working group monitors the activities of PMSCs and private security companies.

**2008:** 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 is adopted, outlining guidelines for states in their interactions with PMSCs during armed conflict.

**2010:** The UN issues the International Code of Conduct for Private Security Service Providers, aiming to establish standards of conduct for PMSCs to ensure their operations respect human rights and adhere to international law.

**2010s:** The UN increasingly acknowledges the role of PMSCs in peacekeeping, humanitarian, and stabilisation missions, while also emphasising the need for proper oversight and accountability.

**2016:** The UN's Department of Peacekeeping Operations issues guidelines for the use of PMSCs in UN peacekeeping missions, focusing on ensuring accountability, transparency, and adherence to human rights standards.

**2018:** The UN releases the report "Private Military and Security Companies and Their Impact on Human Rights," addressing concerns about human rights violations and lack of oversight in the operations of PMSCs.

**2020:** The UN continues to address the challenges posed by PMSCs, including ensuring respect for human rights and maintaining accountability for their actions.

## Relevant UN Treaties and Events

### United Nations Mercenary Convention

In 1989, at the United Nations Mercenary convention, the banning of the use of mercenaries was initiated and it entered into force on 20 October 2001. As of August 2021, the convention had been ratified by 37 states, and signed but not ratified by 9 states.

### United Nations Use of Private Military and Security Companies

In 2011 the United Nations Use of Private Military and Security Companies (PMSCs) Practices and Policies report was published, which examines the engagement of private military and security companies by the United Nations and its member states. The report focuses on the practices, policies, challenges, and recommendations related to the use of PMSCs in UN operations. The UN Use of PMSCs Practices and Policies report provides valuable insights into the complexities, challenges, and best practices associated with engaging private military and security companies in UN operations. It emphasises the need for careful oversight, ethical conduct, and alignment with international norms and principles.

### Human Rights Council Resolution 36/11

On 28 September 2017, the Human Rights Council in its resolution 36/11 decided to establish a new open-ended intergovernmental working group, for a period of three years, with a mandate to elaborate the content of an international regulatory framework, without prejudging the nature thereof, to protect human rights and ensure accountability for violations and abuses relating to the activities of private military and security companies.

## Previous Attempts to solve the Issue

### Montreux Document

Resulting from a joint initiative launched by Switzerland and the International Committee of the Red Cross (ICRC), a document which was a reflection of the consensus that international law is also applicable to private military and security companies and that they do not operate in a legal vacuum was

finished in 2008, known as the Montreux Document. It is also a practical and realistic contribution to promoting compliance with international humanitarian law and human rights. The document contains answers to legal questions raised by the use of private military and security companies without creating new obligations. It is not legally binding as such.

### **International Code of Conduct for Private Security Service Providers**

On 9 November 2010, the International Code of Conduct for Private Security Service Providers (ICoC) was published. It is a framework aimed at regulating and guiding the operations of private security companies to ensure that their activities align with human rights standards and international laws. It was developed through a collaborative effort involving governments, civil society organisations, and industry stakeholders. The ICoC encourages PMSCs to engage in responsible business conduct and to uphold ethical standards while providing their services. The implementation of the ICoC involves voluntary commitments by private security companies to follow its principles and to undergo third-party audits to ensure compliance. The goal is to promote accountability, transparency, and respect for human rights within the private security industry, particularly in conflict and post-conflict zones where their operations can significantly impact local populations and stability.

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## **Possible Solutions**

### **Fully abolish these companies**

Many nations don't use private military companies and therefore don't believe in the practicing of hiring them. Also, the horrendous acts of organisations like the Wagner Group in Ukraine have demonstrated the dangers of such organisations. Therefore, a ban on them might be in order.

### **New regulations**

Currently there are some regulations in place surrounding them, but they are few and many nations haven't ratified them. A new binding agreement would go a long way as a potential compromise between more radical sides.

### **Make the organisation part of the nations' army**

Some nations use private militaries in wars and act in conjunction with their respective nations' army. Therefore, making them a part of the nations' army would be a primarily ceremonial act in regard to operations and would subject them to all the other laws and regulations that come with nations' militaries.

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