

**Forum:** Disarmament and International Security Committee (DISEC)

**Issue #1:** Measures to Address the Potential Implementation of Regulatory Measures for the Usage of Private Military Contractors

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## Introduction

Since its establishment, the Disarmament and International Security Committee has strived to address armament challenges and find solutions to fulfill the need for a safer, more secure world. Unfortunately, some of the issues being tackled present polarizing viewpoints. Measures to address the potential

implementation of regulatory measures for the usage of private military contractors is a contentious issue that affects nations differently with its consequences. "Private military companies are businesses that offer specialized services related to war and conflict, including combat operations, strategic planning, intelligence collection, operational and logistical support, training, procurement, and maintenance." (Geneva Centre for the Democratic Control of Armed Forces). Private military contractors, or PMCs, are the personnel these companies hire. The first official Private military contractors are meant to be hired due to their combat and operations logistic expertise. The services they provide are wide-ranging, as mentioned before. It can range from merely setting up training courses for a nation's military personnel to composing a squadron of highly trained soldiers. This issue is being debated because while often utilized by influential groups such as the United States, Russia, the United Kingdom, or even the United Nations, there is no denying that the usage of private military contractors has become increasingly controversial as time has gone on. While there are clear benefits to using private military contractors, there are also condemnable outcomes that affect and strain civilians' lives and diplomatic relationships between nations. Countries such as Sudan, Iraq, and Libya (where PMCs are present) have all faced several issues regarding PMCs. Some problems are lack of application of the law, judicial jurisdiction, further conflict escalations, challenge of state sovereignty, and the compromise of state control over its security. All the complications stated can and have led to concerning issues such as food security, forced displacement, etc. While it is no secret that private military contractors can be utilized to strengthen a nation further and potentially mediate and solve conflicts, complications with private military contractors may also arise, pushing the idea of peace and stability further away. Thus, addressing the potential implementations of regulatory measures for using private military contractors will ensure that while a powerful tool, it will not be abused and disrupt peace.

## Definition of Key Terms

**Private Military Contractors (PMC)**- Personnel hired by private military companies to carry out services related to war and conflict.

**Private Security Providers/Contractors**- Commonly used term for private military contractors.

**Private Military Companies**- Private companies that offer armed conflict services to non-state actors, national governments, and international organizations.

**Mercenaries**- A private, professional soldier hired and paid to engage in armed conflicts and serve in a foreign army.

**Military Outsourcing**- When the military hires an outside party to perform the tasks that customarily the soldiers themselves would perform.

**Civil-Military Relations**- The relationship between civilians and the military authorities, as well as between the military and government.

**Plausible Deniability**- An ability that allows the deniability of being involved or having any knowledge about an action or decision.

**Mission Creep**- The unplanned expansion of a mission/objective.

**Proxy Warfare**- A conflict between smaller powers supported by larger ones where the external (larger) powers each have the smaller ones representing their ideologies.

**War Crimes**- An action carried out during wartime that violates the international laws of war.

**International Humanitarian Law**- A set of principles that are instilled to regulate the effects of armed conflicts and for the protection of those who do not take

part in the fighting.

## General Overview

### Brief Background

Using private military contractors (PMCs) has seen significant changes over time. Gaining popularity and playing a huge role since the post-Cold War, PMCs provide armed combat, security, logistical support, and advisory roles in various environments, from conventional warfare zones to humanitarian emergencies. However, over the years, using PMCs has been heavily criticized for many things, especially the ability to use plausible deniability, which occurs in a lack of legal or state accountability when misconducts arise, such as human rights abuses. Despite UN efforts to resolve this problem, challenges remain in ensuring PMCs are ethical.

### Plausible Deniability

The proliferation of Private Military Companies (PMCs) in modern warfare raises ethical and legal concerns. Their unclear status under international humanitarian law and profit-driven nature, which often involves violence and conflict, have sparked criticism. Unlike traditional military personnel, PMCs have plausible deniability, the ability to deny being involved or having any knowledge about an action or decision, in this case, an army decision taken by a country. Since PMCs operate outside the direct oversight of states or organizations, this allows PMCs to operate with a lack of responsibility. This can lead to a perceived lack of adherence to military laws, as they are not subject to the same legal frameworks as regular soldiers, who can face court-martial for violations. Governments can hide their direct involvement in potentially heinous or controversial military actions by utilizing PMCs for specific tasks. This separation allows governments to pursue strategic military objectives without committing

their military forces or risking political clashes. PMCs operate under a veil of

confidentiality, protecting the government from public scrutiny and international criticism as the world continues to see.

### **Proxy Warfare**

Proxy warfare can be defined as a conflict between smaller powers supported by larger ones, in which the external (larger) powers each have the smaller ones representing their ideologies. Private Military Companies (PMCs) have become extremely useful in facilitating proxy warfare due to their ability to operate semi-autonomously and align with various actors' interests. Proxy warfare is widespread and can be seen currently in situations such as the Syrian conflict. PMCs have been deployed by regional and international powers to back various factions, such as the government of Russia. Around 2,500 Wagner contractors reportedly operate in Syria, clearly fighting on Russia's behalf.

Similarly, in Yemen, the Saudi-led coalition is suspected of using PMCs in its military actions against the Houthi rebels, showcasing the everyday use of these private entities as proxies in current conflicts. As a result, lasting peace and stability move farther and farther out of reach because of proxy warfare, which ultimately provides countries a way to push their political agendas without any apparent involvement or punishment under international law. PMCs are made to assist and bolster a country/government's military, not to violate humanitarian law and discreetly fight wars. Proxy warfare is a serious ethical conflict that raises questions on whether PMCs should be legal.

## **Major Parties Involved and Their Views**

### **United States of America**

Using private military contractors is legal in the United States and is consistently used in conflict times. Some of the biggest private military companies originated in the United States, a notable example being Black Water, now known as

Constellis. Around 180,000 private military contractors were deployed by the US during the Iraq conflict, and during the Afghan conflict, 16,000 (Abass and Abass). This means  $\frac{1}{4}$  armed personnel in Iraq and Afghanistan were US private military contractors (Swed). While it is clear to the world that the United States uses private military contractors in times of conflict, they release only limited information about their usage of PMCs.

## **Russia**

Russia's use of private military contractors (PMCs) is characterized by controversy. While the use of PMCs is illegal under Article 359 of the 1996 Russian Criminal Code (Doxsee), Russia continues to use PMCs to further its proxy warfare in places such as the Middle East and Africa. The Wagner Group is a Russian private military company that emerged in 2014 during Russia's annexation of Crimea and has since operated in Syria and at least a half dozen African countries (Rampe). As stated before, although the usage of PMCs is illegal, Vladimir Putin himself said, "the state fully provided for maintenance of the entire Wagner Group." On June 23, the Wagner group revolted against the Russian government and military and returned to and invaded Russia. The next day, they withdrew. Since then, the founder of the Wagner group was reported to have died in a plane crash. Instead of dissolving and punishing members of Wagner, Putin ordered the Wagner fighters to sign an oath of allegiance to the Russian state.

## **Nigeria**

Nigeria is an excellent example of a country that has utilized PMCs cautiously

and with good intentions. One of the most notable reasons for Nigeria's usage of PMCs has been the Boko Haram conflict, an Islamic movement aimed at overthrowing Nigeria's government. The Nigerian government also believes in hiring PMCs primarily for cost-effectiveness, political expediency (because PMCs

are not affiliated with the government or military), and to improve national security (Klaassen). Between 2017 and 2018, Nigeria had a private military company train many of its Special Forces personnel of the Nigerian Air Force in counter-terrorism, asymmetric warfare, and airport security.

## **Syria**

In a brutal civil war since 2011, by 2015, the Syrian government was on the brink of defeat from its enemies, which included non-state actors such as US-backed rebels, Kurdish freedom fighters, ISIS, and many other Islamic jihadist groups. Realizing that the Syrian regime was depleted and on the brink of collapse, Russia came to the aid of the Syrian government by sending several PMCs to the country, including the Wagner Group. At its peak, the Wagner group had over 5,000 soldiers in Syria. It quickly earned a reputation for committing war crimes and other atrocities, such as beating Syrian army deserters with a sledgehammer and filming the acts to intimidate others. In a controversial act, Syria agreed to give Wagner 25% of the proceeds from any oil and gas fields it captured from ISIS. Many question whether incentivizing PMCs with a revenue share is ethical. Following the 2023 Wagner revolt, many Wagner soldiers were absorbed and assimilated into Redut, another Russian-backed PMC. Ultimately, the use of PMCs in Syria greatly influenced the outcome of the Syrian civil war, and many question whether such usage complied with international laws.

## **Libya**

Russia has deployed PMCs, specifically the Wagner group, to Libya to support

General Khalifa Haftar, his Libyan National Army (LNA), and the Tobruk-based government. Since 2017, Wagner has played a significant role in advising and facilitating Haftar's actions. By 2020, Moscow had dispatched 800-1,200 PMC personnel to strategic locations in Libya, including training sites, forward bases, and critical infrastructure, helping Haftar's campaign and serving Russian

interests. These PMCs have been crucial in advancing Russia's foreign policy, military goals, and economic interests in Libya. Russia has aimed to enhance its influence by supporting Haftar through PMCs, thus shaping the conflict and positioning itself strategically. Unfortunately, Libyan Civilians have suffered from human rights abuses by PMCs.

## Timeline of Events

### Date Description of Event

401 BC	The use of mercenaries by Cyrus the Younger in his work "Anabasis" is described by the Greek historian Xenophon.
359 BC	Phillip II of Macedon employed mercenaries in his army, including the famous Sacred Band of Thebes.
1415	A private army known as the Swiss Guard was established to protect the pope, a role that is still served today.
1500	The Italian city-state frequently employs mercenary companies known as condottieri.



1918	Crimea Operation: The Russian army carried out the operation by hiring several private military contractors.
1961	President Dwight D. Eisenhower speaks on the growing influence of the "military-industrial complex."
1989	Increased usage of PMCs instead of traditional military forces due to the Cold War and the war's end.
1991-2002	Sierra Leone Civil War. South African PMC with heavy artillery was hired to defeat rebel groups.

2001-2021	In the war on Afghanistan, U.S. contractors grew from 0% to 56% of personnel (more than half the force).
2003-2010	During The War on Iraq, U.S. contractors increased from 4% to 53% of personnel (at least one private contractor for every U.S. Army soldier on the battlefield).
2007	160 billion dollars spent by the United States on private military contractors.
2014	Escalating conflict in Ukraine sees the involvement of private military companies such as the Russian-backed Wagner group.
2015	Wagner Group became involved in the Syrian conflict, supporting the Assad regime against opposition forces and ISIS.
2017-2024	American private military companies Blackwater (now known as Academi) and DynCorp continue operating in

	conflict zones such as Afghanistan, Iraq, and Syria.
2022	Wagner Group is actively involved in the ongoing civil war in Sudan, supporting the Rapid Support Forces.
2023	Wagner Group founder Yevgeny Prigozhin leads a failed mutiny against the Russian military leadership.

## UN Involvement, Relevant Resolutions, Treaties and Events

### International Humanitarian Law (IHL)

International humanitarian law, often referred to as the law of war, is a set of laws that are instilled to regulate the effects of armed conflicts and protect

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those who do not take part in the fighting (International Committee of the Red Cross). The IHL is based on international treaties, including the Geneva Conventions. The IHL emphasizes how military actions must not cause excessive loss of civilian life and damage to civilian property. The damage done must be proportional to the military advantage sought. The IHL applies to private military companies/contractors regardless of status. The status of private military contractors under IHL is determined on a case-by-case basis (International Committee of the Red Cross). Violations of IHL are considered war crimes and may be enforced by the International Criminal Court.

### Montreux Document

The Montreux Document, released in 2008, is a legal document on International Legal Obligations that gives an outline of the obligations that States have regarding the activities of PMCs (Montreux Document Forum). 59 countries, including the United States, China, and the European Union, endorsed the Montreux document. The Montreux document confirms that International

Humanitarian Law (IHL) will be applied to the activities of PMCs during armed conflict. While the Montreux document is not legally binding, it emphasizes the state's responsibility to determine whether PMCs comply with international legal obligations and encourages states to cooperate by sharing information and exchanging best practices.

### **Resolution 74/138**

On December 18th, 2019, Resolution 74/138, titled “Use of mercenaries as a means to violate human rights and impede the exercise of people's right to self-determination.” was adopted by the General Assembly of the United Nations. This resolution aims to address the effects of mercenaries on peoples' right to self-determination and to strengthen the international legal framework for the recruitment, financing, and training of mercenaries (Seventy-Fourth

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Session Agenda Item 69 Right of Peoples to Self-Determination). In the resolution, PMCs are discussed in the context of mercenary-related activities as they speak about their impact on human rights, particularly in armed conflicts, and express concern about the lack of accountability for violations committed by PMCs. States are encouraged in this resolution to consider ratifying the International Convention against the recruitment, use, financing, and training of mercenaries to address PMCs' activities.

### **Evaluation of Previous Attempts to Resolve the Issue**

Over the years, numerous attempts have been made to regulate PMCs to solve the issue of PMC misuse. While some tiny steps of progress have been made, several issues still need to be addressed to ensure PMCs are an asset that is used with good intentions and works to protect humanity rather than harming it. Examples of previous attempts to resolve this issue are:

#### **1. International Code of Conduct for Private Security Service Providers (ICOC)**

The International Code of Conduct Association is a nonprofit organization that developed the International Code of Conduct for Private Security Service Providers. As the name suggests, the ICOC is a code of conduct that provides private military companies with ways to ensure their personnel are held up to standards. The code recommends a certification process that evaluates private military companies' capacity to comply with its principles, follow national and international laws and regulations, maintain records, and provide recurrent professional training to personnel.

## **2. UN Working Group on the Usage of Mercenaries**

The UN Working Group on the Usage of Mercenaries was established in 2005 by the UN Commission on Human Rights with Resolution 2005/2 and extended by the Human Rights Council in 2008, 2010, and 2013. The Working Group contains five independent professionals who hold three

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sessions per year, each lasting five working days. The Working Group receives complaints about alleged human rights violations by mercenaries and private military and security companies, then raises concerns with relevant states to seek clarification and remind them of their international obligations.

## **Possible Solutions**

Solutions to the issue of private military contractor usage would be to set regulations on what can and cannot be done. Unfortunately, reaching a consensus is complex, and implementing any regulation would take a lot of work. The UN can create an international regulatory body that oversees PMC activities, ensuring adherence to global standards of conduct and humanitarian laws. This body could develop and enforce a thorough set of guidelines and practices, which member states would be encouraged to adopt and integrate

into their national regulations. Countries could be required to conduct licensing processes, including background checks for PMC firms and their personnel, to ensure that only credible and ethical companies can function. If countries don't adhere to the standards set by this regulatory body, they could be legally prohibited from using or hiring private military services for a set amount of time. Another possible solution is establishing a treaty that implements criteria for countries' usage of PMCs to ensure justice and transparency. Any country not signing the treaty would be legally prohibited from hiring private military services. Budget classification would also be an effective solution; countries would be organized based on international political influence, financial status, and population. This system would ensure that no single country can dominate private military activities.

## **Sustainable Development Goal (SDG)**

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The topic of Measures to Address the Potential Implementation of Regulatory Measures for the Usage of Private Military Contractors connects significantly to several UN sustainable development goals, including the following:

### **SDG #16: Peace, Justice, and Strong Institutions**

The issue of private military contractors relates to SDG #16 because addressing measures to implement regulations on private military contractors is essential for promoting peace, justice, and vital institutions. Effective regulation of PMCs can prevent abuses, ensure accountability, and support establishing more transparent governance systems. Private military contractors often operate in conflict zones, where weak governance can lead to human rights violations and corruption. By implementing regulations, the international community can help uphold the rule of law, protect civilian populations, and contribute to the broader goals of SDG #16

## **SDG #17: Partnership for the Goals**

SDG 17, which focuses on Partnerships for the Goals, is related to the implementation of regulatory measures for the usage of private military contractors because adequate and effective regulation of these entities requires international cooperation and coordination, as private military contractors often operate across multiple jurisdictions and in conflict zones where national regulations may be insufficient. By fostering global partnerships, countries can ensure consistent enforcement of standards. Collaboration can also facilitate upholding regulations that protect human rights and promote the rule of law. Therefore, SDG 17 underscores the importance of a united international effort to manage private military contractors effectively.

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## Appendix

I. A report from the United Nations Social, Humanitarian and Cultural Affairs Committee regarding the correlation between mercenaries and private military contractors and the destabilization of countries to promote the goal of safety and well-being of all people.

A. <https://press.un.org/en/2018/gashc4246.doc.htm>

II. The Center for Strategic and International Studies has an in-depth web page on mercenary activities in several countries. It features a description of PMC characteristics, maps, reports, and examples of PMC abuse, outlining the uses and problems with such uses of PMCs.

A. <https://russianpmcs.csis.org/>

III. "Mercenaries and Private Military Security Companies," a United Nations Human Rights report, focuses on the regulation and impact of private military and security companies (PMCs) in various regions worldwide. The document

highlights the work of the Working Group on using mercenaries and its efforts to address human rights violations associated with PMCs.

- A. <https://www.ohchr.org/sites/default/files/MercenarismandPrivateMilitarySecurityCompanies.pdf>

IV. The article discusses the potential replacement of private military contractors (PMCs) by state-owned military companies (SOMCs), highlighting the significant

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influence of governments on PMCs and the possible benefits and drawbacks of SOMCs. It explains the historical context, the role of governments, and the implications of a shift towards SOMCs, providing an overview of the industry and why PMCs might be a better choice.

- A. <https://www.lawfaremedia.org/article/are-state-owned-military-companies-the-future>

