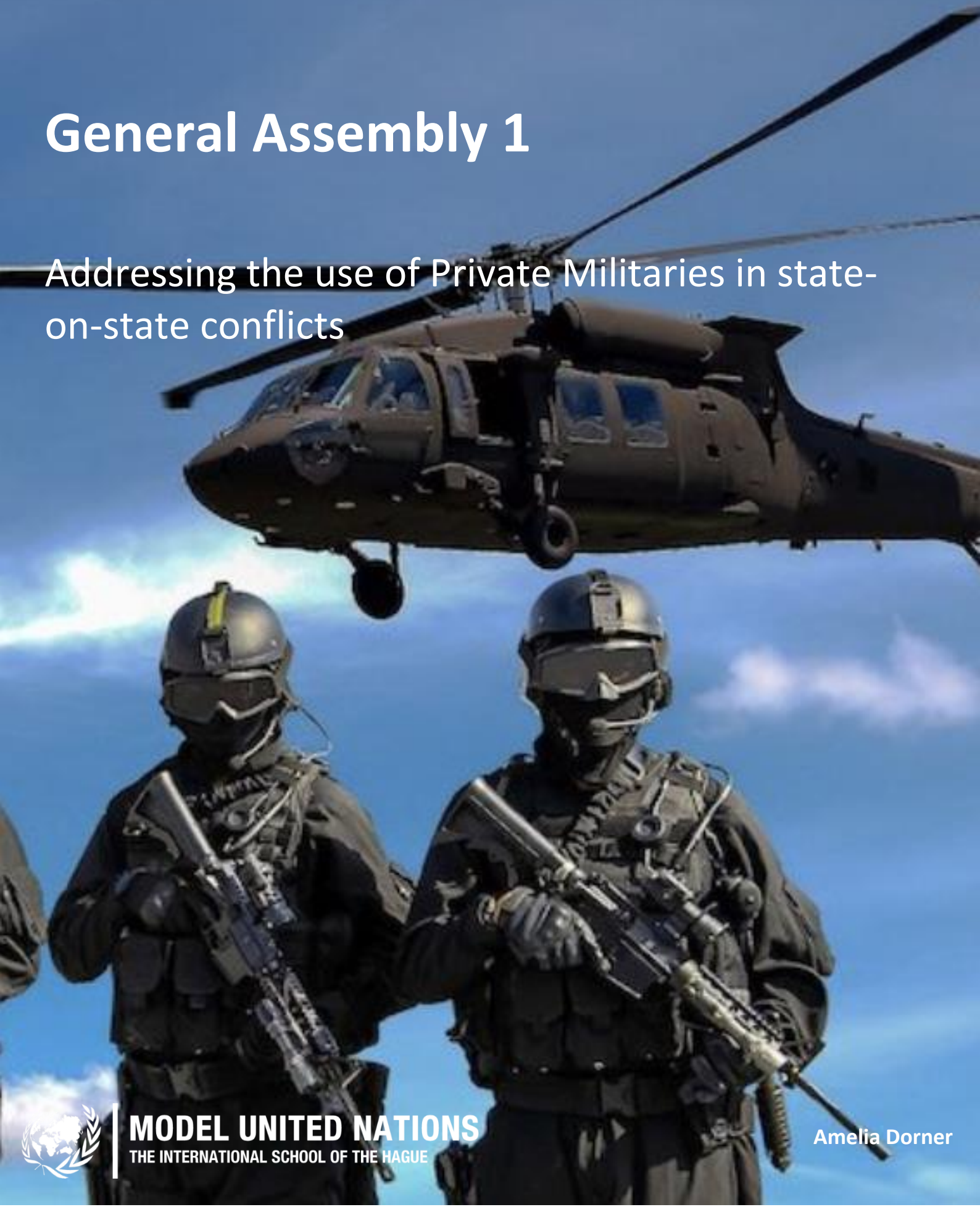


# General Assembly 1

## Addressing the use of Private Militaries in state-on-state conflicts



<b>Forum</b>	General Assembly 1
<b>Issue:</b>	Addressing the use of Private Militaries in state-on-state conflicts
<b>Student Officer:</b>	Amelia Dorner
<b>Position:</b>	Deputy Chair

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## Introduction

The use of private military companies (PMC) in state-on-state conflicts has become an increasingly large issue over time. PMCs are independent corporations offering military services to national governments, international organizations, and substate actors and are becoming crucial parties in conflicts all over the world. Specializing in providing combat and protection forces, PMCs as opposed to the traditional route of state armed forces being in charge of military operations are becoming used more frequently. However, the use of PMCs has brought up ethical, legal, and strategic concerns over the whole world.



Figure 1. Wagner Soldier, thetimes.co.uk

PMCs are relevant due to the market for them. In terms of states, PMCs are used to compensate for the lack of national capacity. PMCs can offer high-tech skills that are otherwise not trained due to affordability or unattractive job areas. In other instances, PMCs are also a substitute for non-existent capacity. As an example, the president of Congo-Brazzaville hired the Israeli firm Levadan in 1994 allowing him to create a new force to replace military units loyal to the former president. Other types of groups use PMCs in dangerous environments and individuals and groups may use PMCs for illegal or crossing the line such as overthrowing the government or protecting illegal activity.

Over the years, many uses of PMCs have caused concerns. From the US using PMCs in the Iraq war, to the UAE depending greatly on PMCs in the conflict in Yemen and The Russian Federation's use of PMCs in the war in Ukraine. PMCs enable countries to carry out otherwise

criminal activities and thus PMCs have been held in the past, responsible for abuses of human rights. If the use of mercenaries continues, wars won't be controlled by countries but by the wealthiest individuals or companies. It could be a world where Elon Musk could easily hire a mercenary to assassinate any individual that opposes his company or ideas.

## Definition of Key Terms

### Private Militaries

Private militaries are defined as companies providing military services for financial gain. Also referred to as security contractors or private military contractors.

### Mercenary

Mercenaries are hired professional soldiers that fight for any group or state without any regard for what the issue is or the political interests. They join the military conflict for personal profit and are not concerned with ethics.

### Coalition Provisional Authority

The Coalition Provisional Authority was a transnational government established in Iraq by the U.S.-led multinational force after the invasion of the country in 2003.

### Cold War

The Cold War was an ongoing rivalry that developed after the second world war between the US and The Soviet Union.

## General Overview

### History of PMCs

The use of private militaries dates back as far as the 18th century. The East India Company had an army in the 18th and 19th centuries. However, after that period for the majority of the 20th century, the use of PMCs was disapproved and was limited to governments and their states. Following the Cold War, this changed and PMCs became popular with some making a name for themselves such as Sandline International (United Kingdom) and Executive Outcomes (South Africa). Since the United Nations Mercenary Convention has banned the use of mercenaries as of 2001.



Services provided by PMCs are considered mercenary activity. However, the US rejected this notion and along with China and Russia, did not ratify this convention.

### Structure of PMCs

PMCs can be distinguished based on their organizational structure and motivation. PMCs are registered as businesses with corporate structures and provide services for profit and not for political reasons. They can range from small consulting firms to huge transnational corporations. Today over 150 companies offer services in more than 50 countries. Terms such as mercenaries and private security companies (PSCs) are often used interchangeably with PMCs.

### PMCs vs. state militaries

The advantages and disadvantages of comparing PMCs to state militaries demonstrate why countries use and rely on PMCs. The first is cost. PMCs create jobs and can employ employees that are often paid less as a PMC salary can range from 400-1000 USD a day. Depending on the situation governments may also not have to provide benefits such as pensions, health care, and insurance as these are included in contracts. PMCs can also increase force size much quicker without the cost of long-term military capacity maintenance or buyouts. Lastly, by completing essential non-combat missions PMCs allow armed forces to focus on core missions. Furthermore, there are several advantages that PMCs have been argued to have over regular forces. Including, being rapidly deployable, lessening public concerns about the use of force, and by acting as a counterweight to the local military in states with weak political institutions. Alternatively, PMCs are motivated by profit and are thus less dependable and committed, employees are outside of the military chain of command, and contracts can not predict all contingencies thus reducing combat flexibility and compromising their abilities. Lastly, non-combat personnel may lack the cross-training that can become useful for military capacity in times of need.

### Dangers of PMCs

Due to the structure of PMCs, some challenges occur in terms of accountability of their actions. PMCs are often hired to take illegal actions due to jurisdictional issues and legal grey areas making holding them accountable is more complex than a traditional state military. PMC operations are also done in a secretive nature with little transparency. As a result, there have been several incidents in the past where PMCs have crossed a line and broken human rights or normal laws.



### *Nissour square massacre*

In 2007 a scandal arose regarding the PMC Academi, known as Blackwater at the time. Blackwater was founded in the US as a private security company offering training support to law enforcement, military organizations, and the justice department. During the war in Iraq Blackwater was hired to protect officials, security guards, military installations, and more. On September 16, 2007, a convoy of Blackwater contractors was guarding State Department employees who were entering a crowded square near the Mansour district of Baghdad. Versions of what occurred varied with Blackwater employees claiming they were attacked by gunmen and had to respond while other witnesses including the Iraqi police reported that the Blackwater employees opened fire first. The gunfight lasted 20 minutes with the consequences of the death of 20 Iraqi civilians. Iraqi Prime Minister at the time Nouri al-Maliki referred to the killings as a crime and reacted by pulling Blackwater's license to operate in Iraq. However, Blackwater had no license to operate in Iraq and due to the clouded legal status of the contractors resulted in the possibility of them being considered as exempt from Iraqi law. This was due to a mandate left over from the Coalition Provisional Authority (Singer).

### *DynCorp Sex Trafficking*

In 1999 the U.S.-based PMC DynCorp faced allegations of involvement in human trafficking along with the sexual exploitation of women and girls in Bosnia. This was based on the fact that several DynCorp personnel were implicated in facilitating prostitution and engaging with minors in a sexual manner.

### *CACI international Interrogation*

In 2004 a PMC called CACI International was hired to provide interrogation services at the Abu Ghraib prison during the Iraq war. Several CACI employees were accused of torture, abuse, and mistreatment including physical and sexual abuse and humiliation. 13 years later and 9 years after filing a suit in federal court a group of former Iraqi detainees were able to make a case before a judge and claimed that contractor CACI International was part of the blame. Even military police officers also on trial for their actions at Abu Ghraib testified that CACI employees were the ones who instructed them to abuse prisoners. Due to immunity claims and jurisdictional issues courts ended up dismissing some of the cases against the





company by victims of abuse. While the company was not held accountable, some individuals involved were charged and convicted for their actions.

### Russia vs Ukraine War

Currently, PMCs and mercenaries are coming into the spotlight once again with the war in Ukraine. Ukraine is reportedly a breeding ground for Russian PMCs and is likely to be a catalyst for bloodshed throughout the world. Moscow is reliant on PMCs due to the supply of low-cost and low-footprint forces which could be catastrophic for civilian populations where Russian PMCs do business. Specifically the Wagner group, The Russian Federation's largest PMC which before the Ukraine invasion in 2022 mostly operated in the countries Ukraine, Africa, and Syria. The leader was Yevgeny Prigozhin, a Russian oligarch and mercenary chief. Moreover, the war has also enabled other PMCs as well as new PMCs to form. One is Convoy or Gazprom, a Russian oil company that also has multiple PMCs. However, the Wagner group was getting to a point of being so large and powerful it began to threaten to withdraw its mercenaries which would damage the Russian military. On top of this, some say that Moscow is encouraging the creation of new PMCs to dilute the Wagner group's power.

### *Wagner group revolt*

This all took a turn on the 23rd of June 2023 when the Wagner group publicly accused The Russian Federation's military of attacking their camp and killing their men. Prigozhin vowed to retaliate with force stating: "There are 25,000 of us and we are going to find out why there is such chaos in the country," he said. Prigozhin said the "evil" of Russia's military leadership "must be stopped" and to do so his Wagner mercenary force will lead a "march for justice" against the Russian military. For months before this incident, there had been tension between Wagner and The Russian Federation's Ministry of Defence over the manner that the war in Ukraine had been fought. The Wagner Group crossed the border into Ukraine on the 24th of June as Prigozhin said his men were ready to go "all the way" against the Russian military. However, within the same day, the office of President Alexander Lukashenko of Belarus made a deal with Prigozhin in an effort to de-escalate the situation. Prigozhin went to live in Belarus with no charges against him while soldiers who did not participate in the



march were offered military contracts. Consequently proving the risk of utilizing PMCs as a state due to their unreliable loyalty.

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RUSSIA-UKRAINE WAR

### Wagner Group's revolt against Russia

On June 24, Russian mercenary fighters from the Wagner Group took control of Rostov-on-Don, one of Russia's largest cities and were making their way to Moscow before their leader Yevgeny Prigozhin ordered them to return to base to avoid bloodshed. Putin described the actions as an act of treason.



Figure 2. Wagner Groups Revolt, aljazeera

## Major Parties Involved

### United States

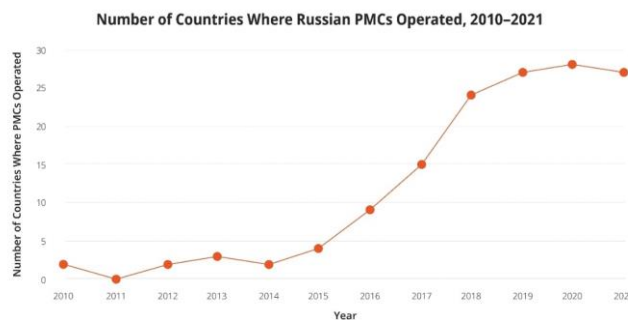
The United States is a major country and contributor to the ethical issues surrounding The USA has utilized PMCs many times in the for their personal gain. The US used PMCs such Blackwater (Acedemi) in the Iraq and Afghanistan wars, or for aid in the operations occurred in Africa in the 1990s. The 1989 International Convention Under the Recruitment, Use, Financing, and Training of

Mercenaries states that the use and recruitment of mercenaries are legally forbidden however this convention was only ratified by 35 countries and the United States withheld from the treaty. Due to the loopholes created by the use of PMCs the United States government is able to increase military presence without the knowledge of the American public.

### The Russian Federation

The Russian Federation publicly employs PMCs for various reasons. Since 2015 The Russian Federation has increased its use of PMCs for foreign policy and illegal warfare driven by its goal to expand its influence after annexing Crimea in 2014 as well as aiding the war occurring in Ukraine. The Russian

Federation's president Vladimir Putin uses PMCs because of the advantage that their casualties aren't counted towards the official war dead which can help maintain support for the war. In March of 2023, the law prohibiting the discrediting or scrutiny of the Russian Armed Forces was expanded and now includes "mercenaries and volunteers". The consequence for the first offense is \$650 for



SOURCE: Data compiled by CSIS Transnational Threats Project.

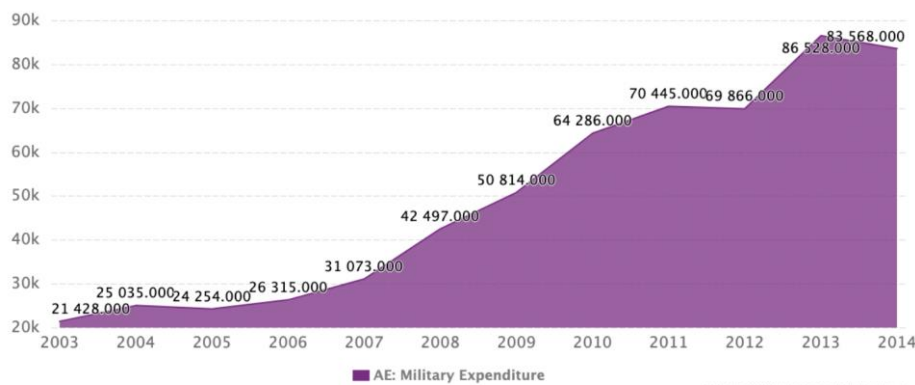
Figure 3. Graph of number of countries where Russian PMCs operated, CSIS Transnational Threats Project



individuals and \$6,500 for organizations while a repeat offense can mean up to 15 years in prison. The Russian Federation is among the largest militaries that did not ratify the notion of PMCs being considered as mercenary activities.

### United Arab Emirates (UAE)

Over the past two decades the UAE, a small country with a population of almost 1 million has developed the most advanced military within the Arab world by buying billions of dollars worth of weapons and receiving training and security assistance from the US. At the 45th Session of the Human Rights Council in Geneva, the International Institute for Rights and Development gave a statement on the UAE's dependency on mercenaries and PMCs. The UAE has hired thousands of mercenaries on top of deploying private armies with the aim of furthering its geopolitical ambitions within the Middle East. As an example, the UAE hired 30,000 mercenaries from four Latin American countries in which at least 450 of these were deployed to Yemen after being trained by US trainers. Moreover, the strengthening of relations between the US and the UAE added further alarm since it was becoming clear to the rest of the world that the UAE was becoming the US's first choice for the military in the Middle East. This aggravates conflict in the region as well as undermines traditional security alliances such as NATO.



### Switzerland

Switzerland is committed to the responsible use of PMCs. The country has been a part of several important attempts at solving the issue such as the Montreux Document and the International Code of Conduct (ICoC). They are also home to organizations that are focused on improving the use of PMCs such as the Geneva Center for the Democratic Control of Armed Forces (DCAF) which conducts





research and provides policy advice. The Swiss national legislation has also been improved in terms of the regulation of PMCs.

### International Committee of the Red Cross (ICRC)

The International Committee of the Red Cross, also known as ICRC is a humanitarian organization based in Geneva, Switzerland with the aim of ensuring humanitarian protection as well as assisting victims of war or in other dangerous situations. Regarding PMCs, the ICRC is trying to enforce the IHL and promote respect for it. The organization actively participates in discussions regarding the IHL and the regulation of PMCs as well as cooperating with states, international organizations, and civil society actors to ensure that the use of PMCs happens in a responsible manner and is held accountable. On top of this, the ICRC provides direct assistance and protection to affected populations in places where PMCs are operating. Overall, the ICRC has a goal of mitigating the risks related to the implementation of PMCs throughout the world by promoting compliance with the IHL.

### Amnesty International

Amnesty International is a human rights organization. Amnesty strives to bring PMCs violating human rights regulations to justice and improve accountability and oversight within the industry. They raise awareness on the topic and collaborate with other organizations to address the problem as well as research and investigate human rights abuses and violations of regulations.

### Human Rights Watch

Human Rights Watch investigates and reports human rights abuses happening throughout the world. Made up of over 550 people with positions such as journalists, lawyers, and country experts they work together to protect people at risk. They advocate making a change within laws, practices, and policies.

### International Corporate Accountability Roundtable (ICAR)

The International Corporate Accountability Roundtable also known as ICAR is a coalition of over 40 member and partner organizations to end corporate abuse of people as well as the planet. On the board of this coalition are organizations such as Amnesty International, Human Rights Watch, etc. Both Amnesty International and Human Rights Watch are involved in the discussion regarding the regulation of PMCs.



## Timeline of Key Events

Date	Description of event
18th/19th Century	East India Company was a company with an army 250,000 strong (first PMC)
Beginning 20th Century	PMCs were uncommon during this time
1965	The first official PMC established, Watchguard International
26 December 1991	Cold War ends
1999	DynCorp Sex Trafficking violations
20 October 2001	United Nations Mercenary Convention enters into force
2004	CACI International violations of human rights during interrogations
16 September 2007	Nisour Square Massacre
September 2008	Montreux Document ratified
September 2010	The International Code of Conduct drafted
2014	Wagner Group was founded
24 February 2022	The Russian Federation invaded Ukraine
23 June 2023	Wagner Group began march to Moscow
24 June 2023	Wagner Group leader is exiled

## UN involvement, Relevant Resolutions, Treaties and Events

- The use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 7 April 2005 (E/CN.4/RES/2005/2)
- The mandate of 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, 6 October 2022, (A/HRC/RES/51/13)
- Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, 18 December 2019 (A/RES/74/138)
- International Convention against the Recruitment, Use, Financing, and Training of Mercenaries, 4 December 1989 (A/RES/44/34)



- Montreux Document, September 2008
- The International Code of Conduct, 2010

## Previous Attempts to solve the Issue

In 2008 the Swiss government hosted a conference in Montreux Switzerland. The outcome of this conference was the Montreux Document which outlines existing international legal obligations as well as provides recommendations for states on how to effectively regulate and oversee PMCs. 5 years later in 2013 there was a report published named the Progress and Opportunities, Five Years On Challenges and Recommendations for Montreux Document Endorsing States to evaluate the effectiveness of the Montreux Document. The Montreux Document is also not legally binding meaning that even though it exists no country is actually required to adhere to it.

## Possible Solutions

Ensuring that PMCs are not abusing human rights and taking advantage of their power is essential to solving this problem. As apparent throughout this report, many incidents that occur are neglected and dismissed due to the legal grey areas within the legislation. Thus, in order to effectively provide a solution to this problem there needs to be an improvement in the laws both nationally and internationally referencing PMCs.

The international legal framework currently has several loopholes making it easy for PMCs to get away with human rights violations. Consequently, the effort from major countries relevant to the use of PMCs to create a detailed international legal framework that does not contain loopholes or grey areas is crucial. This would hopefully allow more PMCs to be held accountable in the future. Similarly, the problem should also be addressed from a national perspective by strengthening national legislation. This would include adding licensing requirements, a code of conduct, and reporting mechanisms. Furthermore, national legislation should also comply with international law.

On top of this, there need to be practical steps taken to enable accountability more effectively. Currently, conflict regions often lack the necessary infrastructure and knowledge to effectively regulate and oversee PMCs operating within their borders. Thus, a practical step of action would be to train and equip these states to be able to independently handle PMCs. This could be in the form of states in conflict regions that are currently unprepared for PMCs to be trained to have the capability of regulating and overseeing PMCs on their own. This is a more practical solution. To



begin, this can entail investing in capacity-building initiatives which enhance the institutional capabilities of states in conflict regions. Financial support and technical assistance are beneficial to establish specialized agencies or regulatory organizations responsible for overseeing PMCs within the state. These agencies require a legal framework and personnel to effectively regulate the activities of PMCs. Moreover, training programs designed to educate state officials on PMC activities, international humanitarian law, human rights standards, and conflict resolution should be implemented. This could also be an international forum or seminar where governments can share their knowledge and practices.

Finally, an additional major issue regarding the insufficient accountability of PMCs is the lack of transparency that PMCs are required to have. Presently, PMCs have a secretive nature and as a result, makes it difficult to hold them accountable. To solve this, there could be laws in place for what PMCs are required to declare. There could also be agencies or organizations created to monitor the activity of PMCs. These organizations would require the necessary tools to be able to monitor PMCs as well as trained personnel that are educated.



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“Working Group on the Use of Mercenaries.” *OHCHR*, 11 May 2023, [www.ohchr.org/en/special-procedures/wg-mercenaries](https://www.ohchr.org/en/special-procedures/wg-mercenaries).

## Appendix or Appendices

Please find below a list of useful readings:

- <https://www.ohchr.org/sites/default/files/MercenarismandPrivateMilitarySecurityCompanies.pdf>
- <https://archive.globalpolicy.org/pmscs/50225-pmscs-a-the-un.html>
- <https://www.montreuxdocument.org/>



- <https://reliefweb.int/report/world/progress-and-opportunities-five-years-challenges-and-recommendations-montreux-document>
- [http://www.privatemilitary.org/private\\_military\\_companies.html](http://www.privatemilitary.org/private_military_companies.html)
- <https://archive.globalpolicy.org/nations-a-states/private-military-a-security-companies/50192-countries-in-which-pmscs-operate.html>

