

Model United Nations of Hamburg 2015, 1<sup>st</sup> Committee, Main Chair

**Forum:** 1<sup>st</sup> Committee of the General Assembly

**Issue:** Discussing the issue of Private Military Companies (PMC)

**Student Officer:** Berit Feddermann, Gymnasium Meiendorf, Hamburg, Germany

**Position:** Main Chair of the 1<sup>st</sup> Committee

---

### **Description of the Issue:**

In international relations Private Military Companies (PMC, also called Private Military and Security Companies PMSC) have become a very important topic. In recent years it has become more likely to use them. They are commissioned by private persons, firms and especially by countries. Even the United Nations use the service of PMCs for example if they can't trust the local Police of countries such as Afghanistan or Somalia. Critics believe that the use of PMCs could change the perceived neutrality of UN field operations around the world, also because the use of PMCs is prohibited by the United Nations Mercenary Convention. But others think that the use of PMCs is faster, cheaper and better because they can provide easily available, well-trained and well-equipped personnel.

The main problem is that the personnel of Private Military Companies have been involved in a row of human rights violations such as the abuse and torture of detainees, killings of innocent civilians, destruction of property, sexual harassment and rape, human trafficking and weapons proliferation. These scandals highlight the risk and the potential for misconduct in the industry. Unfortunately there is no mechanism to hold PMSCs accountable for their actions or behavior under national or international law. Although there is a multitude of national and international laws which should regulate the use of private armies such as the Montreux Document (2008), the existing legislation does not work with modern PMCs because it fails to deal with the issues related to its use such as but not limited to high costs and the neutrality for example of NGOs. Also the definition of mercenary is sometimes imprecise and ambiguous or the documents are non-binding. The only way to control the increasing prevalence of private armies in the world will be to establish binding oversight bodies and mechanisms. This will be very difficult because of the definitional discrepancies between countries.

### **Background information:**

In the history of armed conflicts it was common practice to hire mercenaries but the modern PMCs trace their origins back to a group of ex-SAS British veterans in 1965. They founded *WatchGuard International* as a private company which could be commissioned for security and military purpose. To bolster falling conventional military budgets after the Cold War many



Sir David Stirling, an SAS veteran, founded a PMC in the 1960s.

Western countries began to rely on the services of Private Military Companies, so their number and size have grown dramatically. Private Military Companies provide armed security services such as logistical support, security for government personnel and reconstruction projects, training military and security personnel and operating and maintaining weapons systems. Due to the fact that wars have changed from wars about areas to asymmetric warfare the number and size of Private Military Companies will increase. The US State Department is reportedly planning to more than double the number of its private security guards.

## **Blackwater**

*Blackwater USA* is one example for a Private Military and Security Company. It was founded in 1997 by Erik Prince and Al Clark and is located in the U.S. state of North Carolina. In its tactical training facility, which is the world's biggest more than 40,000 people from other agencies are trained per year. Around 90% of its revenue is based on government contracts and *Blackwater* calls itself "The most comprehensive professional military, law enforcement, security, peacekeeping, and stability operations company in the world".



## **Action Taken:**

In 1989 the General Assembly passed resolution 44/34, the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries*. But some countries have not signed it yet, especially nations which are most likely to use PMCs.

In 2000 the *Military Extraterritorial Jurisdiction Act (MEJA)* was created and later expanded in 2004. It allows contractors supporting the Defense Department mission abroad to be punished for crimes which would be penalized with more than one year of imprisonment in the United States. But *MEJA* does not regulate the global PMC industry. First only individuals can be punished so it doesn't help when companies act illegally. Also *MEJA* does not regulate the increasing global presence of PMCs.

In 2008 the government of Swiss and the *International Committee of the Red Cross* tried to ensure that human rights norms and international humanitarian law were followed and perpetrators were held accountable for violations. Because of this they created the *Montreux Document*.

Two years later the *International Code of Conduct for Private Security Service Providers (ICoC)* was negotiated. The ICoC was created after years of diplomatic negotiations to define industry rules and principals based on human rights and international humanitarian law. The signatory companies (over 600 in 2013) commit themselves to follow human rights and international humanitarian law while providing security services. Also the ICoC contains important provisions on the appropriate use of force and prohibits certain

activities such as torture, discrimination and human trafficking.

To ensure that the ICoC was adhered to the International Code of Conduct Association ICoCA was launched in September 2013. But currently the oversight mechanism is inadequate.

Unfortunately most of the action taken was either infeasible or of limited efficacy sometimes because certain rules were non-binding, not every company had signed them or there was no oversight organ.

### **Timeline of Events:**

1989 The GA passed resolution 44/34

2000 MEJA was created by the United States

2003 The Iraq War began

2004 Four Blackwater Agents hung in Fallujah

2010 Creation of the ICoC

2013 Creation of ICoCA

### **Definition of important key terms**

SAS British veterans

The Special Air Service (SAS) is the British Army's most renowned special forces unit

### **Questions for the Delegate:**

- Did your country sign any documents like the *United Nations Mercenary Convention*? Was your country involved in the preparation of any international agreements on PMCs?
- Are PMCs based in your country (i.e. do they have their company headquarters in your country)?
- Does your country employ any Private Military Companies?
- Have any Private Military Companies been operating in your country?  
If so how did your government react to that?

### **Sources:**

<http://www.corpwatch.org/section.php?id=210>

Model United Nations of Hamburg 2015, 1<sup>st</sup> Committee, Main Chair

[https://en.wikipedia.org/wiki/Private\\_military\\_company](https://en.wikipedia.org/wiki/Private_military_company)

<https://www.globalpolicy.org/pmscs/50208-contractor-misconduct-and-abuse.html>

<https://www.globalpolicy.org/pmscs.html>

<https://www.globalpolicy.org/pmscs/50211-regulation-and-oversight-of-pmscs.html>

<https://www.globalpolicy.org/pmscs/50192-countries-in-which-pmscs-operate.html>

<https://www.globalpolicy.org/pmscs/50167-europe-and-north-america.html>

<https://www.globalpolicy.org/pmscs/50155-somalia.html>

<https://www.globalpolicy.org/pmscs/50109-afghanistanpakistan.html>

<http://en.wikipedia.org/wiki/Academi>

<http://listverse.com/2014/01/07/11-frightening-facts-about-private-military-companies/>

[http://www.icoca.ch/en/the\\_icoc](http://www.icoca.ch/en/the_icoc)

<http://www.eliteukforces.info/special-air-service/>

### **Useful links:**

<http://www.amnestyusa.org/our-work/issues/military-police-and-arms/private-military-and-security-companies>

<https://www.globalpolicy.org/pmscs/50225-pmscs-a-the-un.html>

[http://psm.du.edu/national\\_regulation/united\\_states/laws\\_regulations/](http://psm.du.edu/national_regulation/united_states/laws_regulations/)

<https://www.eda.admin.ch/eda/en/fdfa/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/international-code-conduct.html>

<https://www.academi.com/>

<http://www.un.org/documents/ga/res/44/a44r034.htm>

[https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg\\_no=XVIII-6&chapter=18&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=XVIII-6&chapter=18&lang=en)