

Committee: Special Political & Decolonisation Committee (GA4)

Issue: Mitigating the growing trend of privatised military in the service of UN Member States

Student Officer: Athina Ntosta

Position: Co-Chair

PERSONAL INTRODUCTION

Dear delegates,

My name is Athina Ntosta, and I am a student at the American Community Schools of Athens, known as ACS. I have the utmost honour of serving as a co-chair in the Special Political and Decolonisation Committee (GA4) in the 7th American College of Greece Model United Nations (ACGMUN) conference. 2024 will be my fourth year of participating in MUN conferences, and it has been an amazing opportunity to meet great people, explore my interests, and familiarise myself with real-world issues. MUN has helped me improve my public speaking, collaborative skills, and connection with the world. I sincerely hope that after participating in the GA4 of this year's ACGMUN, you will share and understand my passion for these conferences.

The purpose of this study guide is to provide a solid understanding of the matter, however there is no specific information on each delegation's perspective. To produce plausible and fruitful clauses and debate, please do your own additional research. If you have any questions regarding the study guide or the general topic, please do not hesitate to reach out to me via email at ntostaa26@stu.acs.gr.

Looking forward to working with you all,

Athina Ntosta

TOPIC INTRODUCTION

Private Military Companies (PMCs), which may also be referred to as Private Security Companies, are corporate entities that offer specialised services related to conflict and war, identified by two key features: their organisational structure and motivation. PMCs are often businesses built on corporate structure and provide their services because of the motivation of profit rather than political gain. Their potential clients include states, NGO's, international organisations, multinational corporations, humanitarian and development agencies, and individuals. They can be found offering their services all around the world, since more than 150 companies cooperate and are found in over 50 countries today.

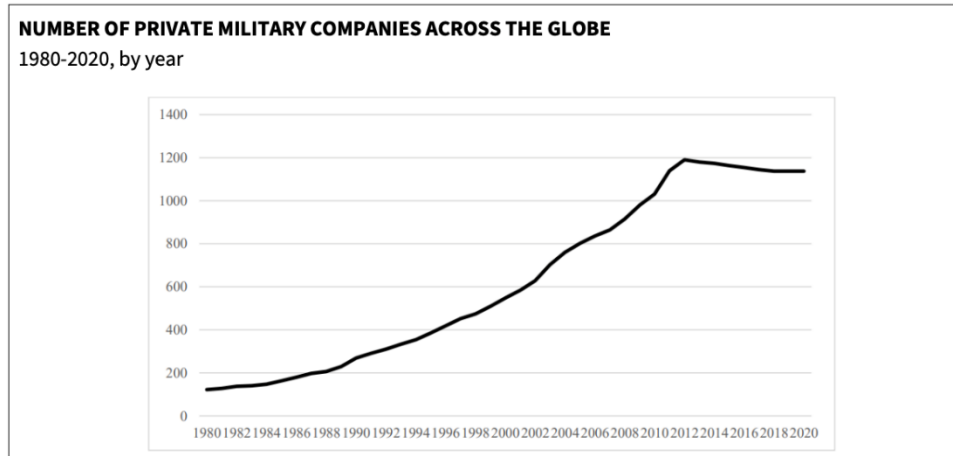


Figure 1: The Number of PMCs Around the Globe by Year¹

PMCs can be contracted by clients for a variety of reasons: in the case of states, to make up for the capacity of that nation, and in the case of other groups to help or protect them in a dangerous environment they may be involved in. They have also been known to be used for private purposes by individuals or groups, such as a government overthrow or protection while taking part in illegal activity. For example, a PMC by the name of Wagner Group has played a big role in the Russian-Ukraine conflict as an ally of Russia. They have been involved since 2014, when the conflict began and when the Wagner Group emerged, and now still operate as mercenaries in Ukraine along with other regions such as Syria. However, the Wagner Group claimed that they are being mistreated and questioned the invasion, and started on what they called a “march for justice” on Moscow. According to the leader of the Wagner Group, there was no true justification for Ukraine’s invasion; it was based on lies. Eventually, an agreement was made with the help of neighbouring country Belarus, and the Wagner Group was not prosecuted. This event shows the dangers of the lack of specified guidelines for the operation of PMCs.

PMCs operate in multiple UN member states, yet the legislation concerning their activities is slight. Since PMCs offer a variety of services there is an ambiguity around determining whether PMCs are recognised as combatants, and this ambiguity often result in immunity agreements between PMCs and the contracting states. This immunity creates the fake impression that said PMCs have a right to violate general laws because there are few specified guidelines for their situations.

DEFINITION OF KEY TERMS

Privatised Military Company (PMC)

¹ Ori Swed, Daniel Burland, ‘The Global Expansion of PMSCs: Trends, Opportunities, and Risks’, Publication for UN-OHCHR, <https://www.ohchr.org/sites/default/files/Documents/Issues/Mercenaries/WG/ImmigrationAndBorder/swed-burland-submission.pdf>.

“Private Military Companies are corporate entities which are paid to provide military services. These services can be wide-ranging and include specialist tasks such as strategic planning, intelligence, investigation, land, sea or air reconnaissance, flight operations of any type (manned or unmanned), satellite surveillance and intelligence, any kind of transfer of knowledge with military application, and material or technical support to traditional armed forces.”²

Security contractors

Security contractors, or private military contractors, are people who work under a private military company

Revolution in Military Affairs (RMA)

The term refers to a fundamental change (revolution) in warfare and military affairs, specifically the inclusion of new and developing technology such as satellite imaging and drones.

Globalisation

In the context of PMCs, the term “globalisation” refers to a specific branch of it: military globalisation. Military globalisation is the global strategic unification through alliance systems and power projection through deployed military bases and installations.

BACKGROUND INFORMATION

Emergence of PMCs

First emerging during the Cold War, private military contractors have played big roles in multiple international and national conflicts over the past few decades. They were brought around by situations such as structural changes in the economy of countries, a huge number of retired soldiers, and privatisation efforts of multiple states’ economy policies, but their permanence was solidified by many results of wars and technological advancements.

After the Cold War, problems such as terrorist groups, revived tensions, and failed states surfaced, all of which created a vacancy for PMCs to fill. The stocks of military hardware and thousands of discharged soldiers that were left behind in the aftermath of the Cold War allowed the newly created PMCs to get cheap military equipment and human resources. These easily gained resources helped PMCs quickly fit into the mercenary role that had been created for them because of the security gap after the war. Globalisation and an increase in international trade exchange led to a need for further protection and security around trading

² "The Business of War – Growing risks from Private Military Companies." Council of the European Union, 31 Aug. 2023, www.consilium.europa.eu/media/66700/private-military-companies-final-31-august.pdf.

goods and areas related to the goods each state was trading, such as mines, related infrastructure, corporations, etc.

Additionally, the realm of warfare was opened to even small companies because of the technologies it relies on. Biotechnology, microelectronics, programming, etc., are all specialties of civilian companies with employees that specialise in the fields; the same fields which are gaining increasing importance in warfare because of high-tech and financial engineering solutions that are used in conflict. This is especially relevant considering the recent Revolution in Military Affairs, which has brought many modern technologies developed by civilians into the battlefield. As these companies have the resources needed for modern-day war, even they are enabled to run warfare campaigns.

Variations in the Structure of PMCs

As PMCs exist and are registered all around the globe, their structure and organisation vary. There are three main models which have been identified by the Research and Analysis Team of the EU General Assembly: the South African Model, the US Blackwater Model, and the Wagner Model.

First and foremost, the South African Model is primarily based on how the company Executive Outcomes (EO) used to function; it has been described to work similarly to traditional mercenaries. It is a private army gaining finances from the resources of the country it operates in, and it conducts autonomous military campaigns. For example, in 1996 Executive Outcomes supported the government forces of Sierra Leone, and partially paid for this with diamond concessions.

Moreover, the US Blackwater Model, based on the PMC that is now known as Academi, has a more entrepreneurial approach. PMCs such as this one works in collaboration with a powerful state, strengthening and integrating within its armed forces. In 1989-1993 the US government made significant cuts to its army's budget, cancelling expensive equipment programs, and reducing the general number of soldiers. To allow the remaining military to focus on combat, the Department of Defence subcontracted civilian companies to work with the army, mostly in logistical areas.

Lastly, the Wagner Model takes a completely differing approach to its activities. These PMCs operate without distinct establishment or legality, and often do not follow international humanitarian law or look out for and respect the human rights of citizens. They may operate by themselves or in cooperation with a large power, and often act, as was defined by the EUA&R Team, as a paramilitary criminal group in order to achieve their goals.

Deployment of PMCs in conflict settings

Iraq as an Example³

³ Tracol, Clement. "Private Military Companies in the Contemporary Security Context." *E-International Relations*, 21 Dec. 2012, www.e-ir.info/2012/12/21/role-for-private-military-companies-in-the-contemporary-security-context/.

Private military companies' involvement in Iraq can be taken as a strong example of how PMCs function in a real-life conflict. This situation is a good one to consider when trying to understand the modern workings of PMCs, since it was the first time in modern history that a conflict with western militaries involved needed private actors to permit a country's services to work to the best of their abilities. In Iraq, many PMCs worked alongside US military forces, and played a crucial role in the actual war. They were not directly involved in any combat operations, but some companies were fighting on the frontline or would become involved in direct combat during ambushes or if they were directly confronted by enemy fighters. Other than these unusual situations, PMCs in Iraq performed two types of activities: armed and unarmed. Armed services included personal security details, site security of places such as government buildings, constructions sites, houses, etc., and convoy security. On the other hand, unarmed services were centred around managing command/control through communication centres, gathering and analysing intelligence, and security training. In general, the PMCs provided domain logistics, aerial intelligence, and technological support.

Sierra Leone as an Example⁴

According to Tracol Clement, author of *Private Military Companies in the Contemporary Security Context*, this case is proof that "the dynamic of the market. Is likely to locate provider of security only where solvent clients are or where client's assets are." In 1991 Sierra Leone was undergoing expected crisis as a postcolonial African state, facing civil war and instability. The two main groups involved were named the Revolutionary United Front (RUF) and the National Provisional Ruling Council (NPRC), each with their own troops. They consistently fought, and in 1994 the RUF gained notable battles against government forces. By the start of 1995, rebel troops had managed to acquire important mining sites in Sierra Leone and continued their advance on the capital Freetown (which, at the time, was still held by the NPRC).

NPRC had previously tried to work with Ghurkha Security Guard, a PMC based in Jersey, but they failed in resisting RUF troops which led to the search for further help. The NPRC hired Executive Outcomes in March 1995 to train its army and conduct offensive missions against RUF troops. After a few months of contract, EO along with paramilitary groups loyal to the NPRC and the regular Sierra Leone army drove rebel troops out of Freetown, secured the mining assets, and effectively achieved military success to the RUF. In November of 1996, the two groups negotiated in Abidjan. EO contract was terminated in January of 1997, after 21 months of operation.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

⁴ Tracol, Clement. "Private Military Companies in the Contemporary Security Context." *E-International Relations*, 21 Dec. 2012, www.e-ir.info/2012/12/21/role-for-private-military-companies-in-the-contemporary-security-context/.

United States of America (USA)

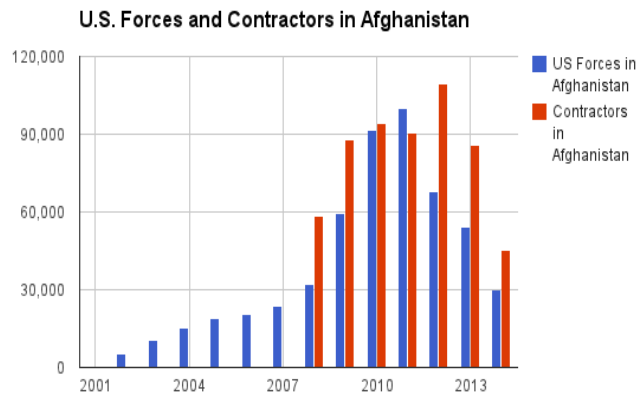


Figure 2: U.S. Forces and (Security) Contractors in Afghanistan

The United States has worked closely with multiple PMCs, employing them to help with war efforts. PMCs have been working for the US for decades; contractors such as Blackwater (now known as Academi) were employed in Iraq in the early 2000's and are now being used in conflict regions such as Syria and Afghanistan to replace the US's own retracted military presence. The United States do not have any unified laws on PMCs, and therefore no exact guidelines on what can and cannot be done regarding private military contracting within the US borders.

Russian Federation

Russia was rather late to the trend of privatising state violence, due to internal resistance and the economic hardships of the post-Soviet Union state, yet currently there are thousands of PMCs operating in the country. Used to guard infrastructure, provide protection to VIPs, and other private uses, they operate despite not being able to be established legally in the Russian Federation. In the Russian constitution it is specifically stated that all matters regarding security and defence belong only to the state, and therefore it is illegal to establish PMCs on Russian territory. However, private armed forces and security foundations are allowed for state-run enterprises, which creates a loophole for Russian citizens to work for PMCs. The PMCs can also be registered abroad and operate inside Russia, which would not go against Russian law.

South Africa

In apartheid South Africa (1948-1990's) PMCs were established and operated, sparking the begin of international concern about privatised militarisation on the African continent. However, none of these PMCs continued, as regulations against them were quickly created. In 2001 South Africa passed the Private Industry Security Act 56, which intended to provide regulations to PMCs and the private security industry in general. In 2006, Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 (Mercenary Act from here on) passed; it was an act to completely prohibit mercenary

activity. Under the Mercenary Act, no one within South Africa, or elsewhere, could assist/serve a party to an armed conflict or in a regulated nation.

The Wagner Group

The Wagner Group is commonly thought to be registered in Russia as a PMC but is in fact not registered there or anywhere else in the world—by technicality, the Wagner Group does not exist. It was founded by Dmitry Utkin, a veteran of two wars who quit service in 2013 and joined a Security company by the name of Moran Security Group, participating in a failed operation in Syria. A year later, he left and established the Wagner Group. From 2014 to 2015, Wagner Group operatives participated in operations in Ukraine, and are thought to have collaborated with the Russian State since due to their legal ambiguity mentioned above, their existence does not technically go against the Russian constitution like other (Russian-registered) PMCs would. The private company even shared a military base with a brigade (the 10th Separate Special Purpose Brigade of Russia's GRU); the base is operated jointly and contains both Wagner barracks and GRU facilities. Wagner Group has also participated in multiple smaller-scale operations in countries such as the Central African Republic, Mali, etc.

Academi

Academi, an American private military contractor former known as Blackwater and then Xe Services, was founded on December 26, 1996. The company has provided security services to the US federal government, working with the Central Intelligence Agency (CIA) since 2003. Originally, Blackwater USA was formed by former Navy SEALs officers to provide support in training law enforcement and military officers. Later, Blackwater Security Company (BSC) started getting contracts, especially with the CIA; they were responsible with protecting the CIA headquarters and assisted in the US invasion of Afghanistan. In 2007, Blackwater USA changed to Blackwater Worldwide, and in 2009 it became Xe Services LLC which would have a stronger focus on training aspects rather than security. A year later the company was sold to USTC Holdings and later became Academi. In 2014, it merged with Triple Canopy to become Constellis Holdings, Inc., which now operates as a larger private military contractor, still based in the United States and involved in US politics and diplomacy.

Executive Outcomes (EO)

In 1989, a PMC by the name of Executive Outcomes (EO) was formed by a former special forces officer in apartheid South Africa. Many former members of elite South African units were recruited to join EO units, which had extremely specific structures and functions. This company worked for countries such as Sierra Leone against the Revolutionary United Front and Angola in exchange for mining allowances and used weapons such as attack helicopters while engaging in direct combat. In 1998, it had to dissolve because of newly passed South African laws banning private armies. However, it was recently reestablished in 2020, but will not operate in South Africa, blaming the alleged “media hypocrisy” towards the original EO's actions.

TIMELINE OF EVENTS

Date	Description of event
1989	Executive Outcomes is founded
December 25 1991	The Cold War comes to an end
December 26 1996	Blackwater USA is founded
14 February 2002	Private Industry Security Act 56 of 2001 comes into operation in the Republic of South Africa
8 June 2004	United Nations Security Council Resolution 1546 is adopted by the Security Council
12 November 2007	Prohibition of Mercenary Activities and Regulation of Certain Activities in Country of Armed Conflict Act 27 of 2006 is assented to by the President of the Republic of South Africa
16 December 2008	United Nations Security Council Resolution 1851 is adopted by the Security Council
2014	First appearances of the Wagner Group
4 July 2017	European Parliament passes (2016/2238(INI)) on private security companies
2020	Executive Outcomes (re-established) is founded
25 November 2021	European Parliament passes (2021/2982(RSP)) on the human rights violations by private military and security companies

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

- United Nations Security Council Resolution 1546 (S/RES/1546), Adopted by the Security Council at its 4987th meeting, on 8 June 2004⁵
- United Nations Security Council Resolution 1851 (S/RES/1851), Adopted by the Security Council at its 6046th meeting, on 16 December 2008⁶

⁵"Resolution 1546." *UNSCR - Search Engine for the UN Security Council Resolutions*, www.unscr.com/en/resolutions/doc/1546.

⁶"Resolution 1851." *UNSCR - Search Engine for the UN Security Council Resolutions*, www.unscr.com/en/resolutions/doc/1851.

- Draft of a possible Convention on Private Military and Security Companies (PMSCs) for consideration and action by the Human Rights Council prepared by 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, drafted 13 May 2011⁷

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

European Parliament resolution of 4 July 2017 on private security companies (2016/2238(INI))⁸

The European Parliament resolution of 4 July 2017 addresses the regulation and oversight of private security companies. Some key points include risk communication (with regard to the Wagner Group's dreadful actions), strict provisions and transparency. This document emphasises the need for PMCs to be overseen to be used effectively and morally and suggests contracting guidelines for private security contractors.

European Parliament resolution of 25 November 2021 on the human rights violations by private military and security companies, particularly the Wagner Group (2021/2982(RSP))⁹

This resolution addresses the multiple human rights violations by unregulated PMCs, focusing on the Wagner Group's recent activities. The resolution condemns the crimes committed by the Wagner Group, and related private military groups in various flashpoints around the world. The resolution encourages governments to ensure strict provisions in contracts with foreign PMSCs for military assistance and security services. These provisions should focus on compliance with international humanitarian law, democratic oversight, and accountability.

African Union Policy Framework on Security Sector Reform¹⁰

Clause 4, specifically sub-clause f provides specifics on the components of the security sector according to the context of each nation, including non-States Security Bodies such as PMCs. Clause 20 specifies the stance of the African Union on PMCs and their use by Member States and/or other nations.

POSSIBLE SOLUTIONS

Creation of a Licensing Regime

⁷ "Draft of a Possible Convention on Private Military and Security Companies (PMSCs) for Consideration and Action by the Human Rights Council /." *United Nations Digital Library System*, May 2011, www.digitallibrary.un.org/record/707162?ln=zh_CN.

⁸ "Private Security Companies." *European Union Law*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017IP0289>.

⁹ "Human rights violations by private military and security companies, particularly the Wagner Group." *European Union Law*, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021IP0482>.

¹⁰ "AFRICAN UNION POLICY FRAMEWORK ON SECURITY SECTOR REFORM." www.peaceau.org/uploads/au-policy-framework-on-security-sector-reform-ae-ssr.pdf.

Currently, there is no license required to fund or start a PMC, allowing these companies to engage in activities that would be considered illegal due to the ambiguity surrounding the companies' existence. A licencing regime that would require individuals/companies to have a license for contracts with military forces/security services would allow states to regulate the actions of PMCs, especially contracts with foreign governmental powers. Separate governments should specify and outline what activities PMCs can engage in and what services they may provide, creating guidelines and reason for a company's license to be revoked if they provide anything other than the outlined services.

Encouraging a Regulatory System specific to each Member State

The existence of different PMC structures, especially when considering varying legislation and levels of involvement each Member States' government has regarding PMCs, makes it difficult to create a framework that would apply to all situations. Therefore, each Member State must develop a regulatory system specific to their nations' involvement with PMCs.

Forcing PMCs to be transparent on their activities

Due to legal loopholes and lack of legislation surrounding PMCs, these bodies have found ways to perform acts that would be illegal for anyone outside of their special position. PMCs' lack of transparency allows them to conduct illegal operations that may violate human rights or international law, without intergovernmental organisations being aware of it. By mandating that private military contractors be transparent on all their contracts, missions, and any other operations, their activities can easily be overseen and therefore further human right and international law violations can be prohibited.

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¹¹"Blackwater's Rich Contracts" The New York Times - Breaking News, US News, World News and Videos, 3 Oct. 2007, <https://www.nytimes.com/2007/10/03/opinion/03iht-edblack.1.7733227.html>.

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