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**UNITED NATIONS GENERAL ASSEMBLY FIRST  
COMMITTEE (GA1)**

**The Activities and Impacts of Mercenaries and Private Security  
Companies**

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*“The Security Council expresses its profound concern at the impact of...mercenary activities, on peace and security in West Africa. These contribute to serious violations of human rights and international humanitarian law, which the Council condemns.”*

Security Council Resolution 1467, 18 March 2003

“Today, PMSCs are viewed in some quarters as an indispensable ingredient of military undertakings. Since the end of the Cold War, demand for PMSCs has increased to such an extent that there is now a lively PMSC industry offering an ever wider range of services, with some companies employing well beyond 10,000 staff. In terms of scale and scope of services involved, PMSCs today are a wholly new phenomenon.”

The Montreux Document, 17 September 2008

*“Reaffirms that the use of mercenaries and their recruitment, financing, protection and training are causes for grave concern to all States and that they violate the purposes and principles enshrined in the Charter of the United Nations”*

General Assembly Resolution 74/138, 18 December 2019

“..if one holds his state on the basis of mercenary arms, he will never be firm or secure; because they are disunited, ambitious, without discipline, unfaithful; gallant among friends, vile among enemies; no fear of God, no faith with men; and one defers ruin insofar as one defers the attack; and in peace, you are despoiled by them, in war by the enemy.”

Niccolo Machiavelli's *The Prince*, 1532

## **COMMITTEE BRIEF**

### **Introduction**

Private military companies (PMCs) have become increasingly ubiquitous and utilized worldwide over the past 30 years. States employ PMCs for various military/combat and even civilian administration tasks, but the regulation of PMC activities has been minimal to non-existent. Delegates to the General Assembly First Committee (GA1) must formulate appropriate guidelines for PMCs.

Despite nations celebrating their national armed forces as symbols of state sovereignty and order, globalization and the global war on terrorism's challenge of such sovereignty have led states to turn to mercenaries paradoxically; they historically considered a less reliable and often controversial alternative. Mercenaries have been problematic for centuries due to concerns about their costs and loyalties, illustrated during conflicts like the French-British Hundred Years' War and Italian wars with "free companies," or condottieri, having substantial financial demands while treating civilian populations brutally. In recent times, mercenaries and more modern private military companies (PMCs) have faced scrutiny for their involvement in civil wars and international conflicts, such as those in Sierra Leone, Liberia, Angola, Afghanistan, Iraq, and Ukraine, violating human rights and international laws. PMCs and contractors—exemplified by entities like the Wagner Group in the Russia-Ukraine conflict—face accusations of severe human rights abuses, including extrajudicial killings and torture. Despite this, prosecution for these violations is rare.

Even with such scrutiny, PMCs have also gained vital allies, being recognized as part of the "Total Force" in the 2006 Pentagon Quadrennial Review led by then-US Secretary of Defense Donald Rumsfeld.<sup>1</sup> Even former UN Under Secretary Sir Brian Urquhart—"disheartened at the sorry state of operations in places like Bosnia and the [Democratic Republic of the Congo]"—has suggested PMCs could play a role in securing UN humanitarian operations as they expand their roles to include protecting humanitarian aid workers like UN or non-governmental organization (NGO) employees.<sup>2</sup> The General Assembly First Committee must evaluate the reasons and functions of these private security entities and propose guidelines to prevent their actions from unnecessarily prolonging conflicts and causing further harm to civilian populations due to the impediment their human rights violations pose to global prosperity.

### **The Scale of the Phenomenon**

While Private military companies (PMCs) have generated significant media headlines across the globe, from Eastern Europe to the Middle East, Africa, and Latin America, the scale of the industry is underreported. The industry's growth in visibility and profitability over the past decade is evident, with companies like Academi (formerly Xe Services and Blackwater) from the U.S. employing personnel from various countries, including Chile and Colombia or British companies using Nepalese Gurkhas to provide force protection in Iraq. Some countries have taken steps towards regulating groups: Concerns raised by the reputation of the previously named Executive Outcomes led South Africa's Parliament to pass legislation banning South African Defense Forces (SADF) soldiers from being deployed abroad. Similarly, the Colombian

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<sup>1</sup> Jeremy Scahill, *Blackwater: The Rise of the World's Most Powerful Mercenary Army* Nation Books New York 2007 p. xviii.

<sup>2</sup> Lorenzo Tondo et al., "Alleged Wagner Group Fighters Accused of Murdering Civilians in Ukraine," the Guardian. May 25, 2022.

government issued arrest warrants for mercenaries accused of training the demobilized AUC, a right-wing paramilitary group linked to military leaders and wealthy landowners.<sup>3</sup>

Russia has also become a hub for PMCs, with estimates pointing towards having 27 active PMCs, with Wagner Group having approximately 50,000 personnel fighting just in Ukraine.<sup>4,5</sup> A similar pattern was present during the Iraq War, as there were over 180,000 security contractors with limited supervision, at least 30,000 armed.<sup>6</sup> Apart from concerns regarding war crimes and civilians, the contractors themselves face increasing dangers, with hundreds killed and thousands wounded or experiencing mental health issues, raising concerns about the lack of adequate post-service care for these contractors as “once home, they are not eligible for care in the military or V.A. (Veterans’ Administration). And, unlike troops, they are not routinely evaluated for mental or stress disorders after their tours.”<sup>7</sup>

### **Why Hire Contractors?**

The rise of PMCs and security contractors has been accompanied by controversies, prompting governments, corporations, and UN officials to justify their consideration of PMC hiring. This phenomenon aligns with the post-Cold War era and the 1990s global trend of outsourcing and privatizing government functions. Notably, following the 1991 Gulf War, then US Secretary of Defense Dick Cheney commissioned a study advocating the effectiveness and cost efficiency of PMCs, exemplified by Brown & Root’s role in constructing Camp Bondsteel in Kosovo.<sup>8</sup> The proponents argued that PMCs can offer essential military functions more efficiently than traditional procurement procedures.

PMCs and security contractors have sometimes achieved the desired outcomes despite being costly. Examples include the Croatian military’s training by Military Professional Resources Incorporated (MPRI), leading to a successful campaign in 1995, and the roles of PMCs in enabling governments in Angola and Sierra Leone to maintain control over valuable resources. PMCs have expanded their functions to include intelligence gathering, as seen with British-based Aegis Defence Services Ltd. providing briefings on violence levels in Iraq.<sup>9</sup> The demand for PMC services notably surged after September 11, 2001, prompting an “unprecedented scale of outsourcing and privatization” overseen by then-US Secretary of Defense Donald Rumsfeld, securing contracts with companies such as Dyncorp and Academi to protect U.S. facilities.<sup>10,11</sup>

PMCs, serving both constructive and destabilizing roles, are frequently employed to save or destabilize governments, act as force multipliers, and reduce dependence on national militaries. Instances such as the Philippines, where over 130 private armies were estimated in

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<sup>3</sup> *BBC News*, “Colombia seeks Israelis’ arrests” April 4, 2007.

<sup>4</sup> SAUVAGE, Grégoire. “Private Russian Military Companies Are Multiplying – and so Are the Kremlin’s Problems.” *France 24*. FRANCE 24, July 16, 2023.

<sup>5</sup> PBS NewsHour. “What to Know about Russia’s Wagner Mercenaries as They Threaten to Leave Ukraine’s Front Line.” *PBS NewsHour*, May 5, 2023.

<sup>6</sup> T. Christian Miller, “Private contractors outnumber US troops in Iraq” *Los Angeles Times* July 4, 2007.

<sup>7</sup> James Risen, “Contractors Back from Iraq Suffer Trauma from Battle” *The New York Times* July 5, 2007.

<sup>8,12</sup> Chalmers Johnson, *The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic* Henry Holt & Company New York 2004 p. 143.

<sup>9</sup> Steve Fainaru and Alec Klein, “In Iraq, a Private Realm of Intelligence-Gathering” *Washington Post* July 1, 2007.

<sup>10</sup> Jeremy Scahill, “Bush’s Shadow Army” *The Nation* April 2, 2007 p. 11.

<sup>11</sup> Ron Nixon and Scott Shane, “Panel to Discuss Concerns on Contractors” *The New York Times* July 18, 2007.

2010, highlight their diverse applications.<sup>12</sup> The controversy surrounding PMC engagement has prompted calls for transparency and accountability, especially in the US, where concerns about deploying armed contractors domestically have led to demands from Congress and civil society. The global deployment and training of PMCs, exemplified by South Africa and the hiring of Chilean commandos, have become contentious political issues, raising questions about accountability and liability. Additionally, corporations engaging PMCs for security purposes, as historically observed with the Pinkerton security company, are facing increasing scrutiny and legal challenges, particularly regarding previous associations with paramilitaries in Colombia like the Revolutionary Armed Forces of Colombia (FARC).<sup>13</sup> This multifaceted landscape underscores the complexities and ethical considerations surrounding using PMCs in various geopolitical contexts.

### **Criticisms of Private Military Companies (PMCs)**

Concerns surrounding PMCs are multifaceted, encompassing cost, accountability, public perception, human rights abuses, and potential profit-driven compromises. Criticisms often center on the expenses of employing contractors who operate independently of national military jurisdictions. The lack of transparency and accountability to citizens of the employing countries further raises apprehensions. Negative perceptions persist around the concept of "soldiers for hire," and instances of human rights violations by PMCs can damage the reputations of contractors and the nations engaging in their services. Additionally, the immunity from prosecution for such abuses poses ethical challenges.

A growing concern is the potential for PMCs to prioritize profit maximization over standards, especially with the substantial number of private contractors involved in past conflicts like Iraq or more recent ones like Ukraine. As countries scale down direct military involvement, there are apprehensions that PMCs might become preferred substitutes, potentially compromising standards by hiring less qualified candidates. Governmental and customer vigilance is crucial to preventing fraud and overbilling by PMCs, as exemplified by audits revealing overbilling by KBR during the Iraq War.<sup>14</sup> The entry of new firms into the PMC sector and the search for lucrative contracts raise further challenges for clients, affected civilian populations, and PMC employees.

The previous conduct of PMCs, particularly in Iraq and Afghanistan, faced widespread condemnation, including accusations of improper conduct, disregard for local populations, and instances of weapon use without due empathy. The abuses extend to the treatment of detainees and prisoners, as seen in the infamous Abu Ghraib prison scandal involving US-based PMCs.<sup>15</sup> Critics argue that inadequate oversight has contributed to instances where contract employees were improperly placed in positions of authority. Violations of PMC contracts, such as the case of Xe/Blackwater contractors in Fallujah, underscore the need for stricter oversight and accountability measures to address the complex challenges associated with the use of PMCs.<sup>16</sup>

### **UN Actions**

As military and security matters lie at the heart of the US's mission, the UN must

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<sup>12</sup> The Economist, "Guns and goons" January 7, 2010.

<sup>13</sup> BBC News, "Chiquita sued over Colombia role" June 7, 2007. <http://news.bbc.co.uk/2/hi/business/6732739.stm>

<sup>14</sup> BBC News, "US army ends Halliburton oil deal" December 31, 2003.

<sup>15</sup> Ellen McCarthy, "Changes Behind the Barbed Wire" Washington Post December 13, 2004.

<sup>16</sup> Jeremy Scahill, Blackwater p. 227.

respond to emerging military and security trends as quickly and effectively as possible. Questions relating to the conduct of mercenaries and PMCs are no exceptions. In 1980, the General Assembly (UNGA) created a Working Group to draft an international covenant on the training and use of mercenaries. In December 1989, the General Assembly delegates forwarded the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries to their respective countries for signature or ratification. After the 22<sup>nd</sup> ratification in late 2001, the Convention entered into force and has been ratified by thirty countries with an additional ten signatories. While the entry into force of the Convention was a welcome development in international law, the most effective enforcement of the Convention will only occur once it has been ratified by all UN member states.<sup>17</sup> While the Convention is the most important international agreement addressing these issues, it has been noted that “one of the Convention’s limitations is that PMSCs [Private Military Security Companies] and their employees fall into a gray area which the Convention does not specifically cover. This demonstrates the need for appropriate national regulation, control, and monitoring of these security companies to guarantee State responsibility for the effective protection of human rights.”<sup>18</sup> Recent resolutions have sought to tackle this issue as 2019’s Resolution 74/138 incorporated PMSCs into the Convention’s focus apart from just mercenaries and requested the established Working Group to analyze and report on the activities of such groups.<sup>19</sup>

The UN maintained for 20 years the position of Special Rapporteur on the Use of Mercenaries, but this position was replaced in 2005 by the UN Working Group on the Use of Mercenaries as a means of violating human rights and impeding the exercise of the right of people to self-determination, under the supervision of the Commission on Human Rights (UNCHR).<sup>20</sup> The Working Group issues annual reports on the activities of mercenaries and PMCs. It visits countries to determine if the activities of mercenaries constitute human rights violations in those respective countries. During July 2007, the Working Group conducted a country visit, traveling to Chile, noting Chile’s appropriate referral of cases to its court system but also remarking on the need to continue confronting these issues.<sup>21</sup> In February 2007, the Working Group released the report on their country visit to Honduras, noting, with enthusiasm, that “there seems to be no authority with any control over these companies’ actions, which pose a serious threat to the general public and law and order.”<sup>22</sup> In 2010, the

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<sup>17</sup> United Nations General Assembly. “International Convention against the Recruitment, Use, Financing, and Training of Mercenaries A/RES/44/34.” 4 December 1989.  
<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Arms%20A%20RES%2044%2034.pdf>

<sup>18</sup> United Nations General Assembly. “Report 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 A/HRC/4/42.” 7 February 2007.  
<https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F4%2F42&Language=E&DeviceType=Desktop&LangRequested=False>

<sup>19</sup> United Nations General Assembly. “Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination A/RES/74/138.” 18 December 2019.  
<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N19/426/54/PDF/N1942654.pdf?OpenElement>

<sup>20</sup> Commission on Human Rights resolution 2005/2.

<sup>21</sup> United Nations Commission on Human Rights. “United Nations Working Group On Use of Mercenaries Concludes Visit to Chile.” 16 July 2007.  
<https://www.ohchr.org/en/statements/2009/10/united-nations-working-group-use-mercenaries-concludes-visit-chile>

<sup>22</sup> “Report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the

Working Group began “drafting a possible new legally binding instrument that aims to set minimum global standards for States to regulate private military and security companies’ activities at the international level.”<sup>23</sup> These attempts can be seen in more recent reports describing visits to Somalia, Honduras, and European Union institutions, particularly looking at PMSCs and how they can be “broadly deleterious to the security situation in the country.”<sup>24</sup>

National and regional bodies are also engaging in consultations and deliberations to improve existing legislation governing the actions of PMCs or, in several cases, to establish the first relevant legislation for the interested states. In September 2006, 17 states agreed to formulate improved recommendations “to control private military and security companies”; this concord has come to be known as the Montreux Agreement and resulted from the efforts of these 17 countries and the International Committee of the Red Cross (ICRC).<sup>25</sup> In October 2008, the experts for the Regional Consultation for Eastern Europe and Central Asia met in Moscow and elaborated a draft convention for regulating the activities of PMCs. As national and regional governing agencies enact stricter controls over PMCs, litigation and prosecution for human rights abuses must be addressed comprehensively and systematically.

### **Unleashing the "Dogs of War:" PMCs in Africa**

PMCs in Africa have a contentious history, marked by notorious incidents involving mercenaries like Bob Denard. Denard played a prominent role in Comoros, staging coups and raising suspicions of acting on behalf of the French government.<sup>26</sup> The emergence of PMCs like Executive Outcomes (EO) and Sandline in the 1990s intensified their involvement in brutal civil wars in Angola and Sierra Leone. EO, founded by former South African Defense Forces members, notably influenced conflicts in Angola, showcasing the complex relationships between PMCs, governments, and rebel factions. Sandline's involvement in Sierra Leone, along with the legal distinctions it sought with EO, led to investigations and controversies.<sup>27</sup> Many African countries rely on PMCs to protect political leaders or fight in conflict, with Wagner Group working on Mali, Mozambique, Sudan, Central African Republic, and Libya. Apart from Wagner, American companies make up one of the most significant percentages of PMCs present, with companies like Academi (previously Blackwater) and CACI also committing human rights violations by firing at Iraqi civilians. Other current PMCs operating in Africa include French Secopex, British Aegis Defence Services and G4S, Ukrainian Omega Consulting Group, South African Dyck Advisory Group, and German Xeless.<sup>28</sup>

### **Ending a Rebellion or Leading a Coup? The Case of Sandline in Papua New Guinea**

The tiny Pacific country of Papua New Guinea rarely attracts much outside interest, apart

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exercise of the right of peoples to self-determination: Mission to Honduras” February 20, 2007 p. 15.

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/109/69/PDF/G0710969.pdf?OpenElement>.

<sup>23</sup> UN News Centre, “UN body urges support for treaty regulating private military, security companies” April 30, 2010.

<sup>24</sup> United Nations Commission on Human Rights. “Mercenarism and private military and security companies.” April 2018. <https://www.ohchr.org/sites/default/files/MercenarismandPrivateMilitarySecurityCompanies.pdf>.

<sup>25</sup> “The Montreux Document,” Eidgenössisches Departement für auswärtige Angelegenheiten EDA, September 17, 2008, <https://www.eda.admin.ch/eda/en/home/foreign-policy/international-law/international-humanitarian-law/private-military-security-companies/montreux-document.html>.

<sup>26</sup> BBC News, “French mercenary absent at appeal” June 6, 2007.

<sup>27</sup> 5 Pelton, Licensed to Kill p. 256-271.

<sup>28</sup> Antonio Cascais and Reliou Koubakin, “Mercenary Armies in Africa.” Deutsche Welle. April 15, 2022. <https://www.dw.com/en/the-rise-of-mercenary-armies-in-africa/a-61485270>

from Australia's long-standing quest for resources and stability in neighboring countries. Heavily dependent on copper mines on the island of Bougainville, some 800 miles from the capital, Port Moresby, the government of Papua New Guinea (PNG) has been in a precarious state ever since the secessionist Bougainville Revolutionary Army (BRA) emerged in the 1980s and took control over the copper mines. In January 1997, Prime Minister Julius Chan hired Sandline to train the Papua New Guinea Defense Force (PNGDF). Still, it was evident from the contract terms that Sandline was expected to do much more than just train the PNGDF for a new assault on Bougainville. Prime Minister Chan deputized Sandline's personnel, most of whom were contractors from Executive Outcomes (EO), "special constables," meaning that they had "the legal authority to carry weapons, arrest local citizens, and act forcibly in 'self-defense'" (to be interpreted by the firm itself).<sup>29</sup> The highly lucrative contract, worth at least \$36 million with purported mining concessions as an additional incentive for Sandline, quickly became public knowledge, forcing Chan's resignation and the hasty departure from the country by the Sandline/EO contractors. Sandline's commander, Tim Spicer, would be detained on a minor charge to ensure his testimony. British intervention on Spicer's behalf would allow him to exit the country quickly. The Bougainville crisis illustrates the complex dynamics involved when separatist movements challenge central government authority over resource-rich regions. Delegates could cite the Sandline affair as an example of the unintended consequences that can arise when governments hire private military companies to handle internal security operations. This case underscores the need for inclusive political solutions when addressing self-determination claims rather than relying predominantly on military force.

### **"There's Not a Whole Lot of Jobs Out There for People Trained to Kill"<sup>30</sup>**

No analysis of private military companies (PMCs), security contractors, and modern mercenaries would be complete without examining the human beings who choose this line of work. Security contractors are primarily drawn from the pools of experienced former military personnel found worldwide, many of whom have served in special forces or elite combat units in their home countries. There are also large numbers of former police officers. These ex-soldiers and police officers often find that they cannot adequately support themselves and their families on their relatively low wages as private security guards. Having already acquired valuable skills and experience, with those costs overwhelmingly borne by their respective home countries' governments, these well-trained individuals may seek far more rewarding, challenging, and dangerous work as employees of PMCs. When American, British, and South African security contractors working for Aegis, Xe/Blackwater or DynCorp can earn upwards of USD 1,000 per day, compared to less than USD 30,000 annually as private security guards in their respective home countries, the financial incentives to work for PMCs are made readily apparent. These extremely lucrative contracts do not always extend to contractors brought in from other countries, such as the former Colombian and Chilean commandos hired by Xe/Blackwater to work in Iraq. Many of these commandos, known as Third Country Nationals or TCNs, who hail from such diverse countries as Chile, Fiji, and Nepal, earn only fractions of what their American, British, and South African counterparts receive. *The Economist* reported in 2004 that "Iraqis get \$150 a month, 'third-country nationals' 10-20 times as much, and 'internationals' 100 times as much."<sup>31</sup> Given the dangerous nature of the work and the fact that many of the TCN contractors

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<sup>29</sup> P.W. Singer, *Corporate Warriors* p. 194.

<sup>30</sup> Katy Helvenston, mother of Scott Helvenston, *Frontline: Private Warriors* June 21, 2005

<sup>31</sup> *The Economist*, "The Baghdad boom" March 25, 2004.



have been injured or killed, this massive differential in pay has led to resentment and tensions. The families of contractors who are American citizens and are killed in Iraq may apply for death benefits from the Defense Base Act (DBA). They may be eligible for death benefits from the PMCs if the companies choose to offer and honor such benefits.

### **"No Justification"**

The controversial actions of Xe/Blackwater contractors in Iraq, including the Nisour Square Massacre—a shooting in Baghdad with contractors killing 17 Iraqi civilians, including children—raised ethical and legal concerns. The incident led to a ban on Xe/Blackwater's operations in Iraq, illustrating the complex relationship between PMCs, host nations, and international law.<sup>32</sup> While the contractors faced legal repercussions in the U.S., the dismissal of indictments highlighted challenges in prosecuting private security contractors for human rights abuses during the Iraq War. Furthermore, four of the employees involved in this massacre and tried for crimes were pardoned by then-U.S. President Donald Trump, suggesting a lack of accountability for PMCs' human rights violations.<sup>33</sup>

### **Mercenaries for Darfur?**

PMCs are increasingly integrated into all aspects of military and security issues and policies, and UN operations are no exception. P.W. Singer, writing in 2003, noted that “current UN operations increasingly make use of support sector firms for logistics, air transport, demining, and security consultation.”<sup>34</sup> This trend has only accelerated over the past four years as the privatized security industry has grown exponentially, and PMCs have sought increasing business opportunities. Max Boot, a member of the Council on Foreign Relations, argues that PMCs such as ArmorGroup, Blackwater, and DynCorp can legitimately point to their more substantial logistical and military capabilities than many UN member states, even some of the countries who routinely contribute soldiers and police to UN peacekeeping operations. “Hired guns could be ... effective in stopping the campaign of rape, murder, and ethnic cleansing carried out by the Sudanese government and the Janjaweed militia.”<sup>35</sup> Singer illuminates the central issue at the heart of this debate. “The critical question, however, is that even if the firms might be more efficient than UN operations, PMCs that depend on conflict and insecurity for their revenues might have a more tangible interest in sustaining that conflict than resolving it.

Largely due to the severe lack of knowledge on the applicability of private contractors in peacekeeping operations, it is still unknown what capabilities PMCs would be able to promote towards the success of peacekeeping operations. According to many experts, the services provided by PMCs largely mirror those that fall under the mandate of peacekeeping operations, including logistical and military support to governments dealing with rival factions and violent conflict. But, while there are fundamental differences between UN peacekeepers and PMCs, there are considerable similarities. These competencies could enable peacekeeping operations to conduct more effective programs and provide greater security for the target

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<sup>32</sup> Matt Apuzzo, “Blackwater Guards Found Guilty in 2007 Iraq Killings,” New York Times, 22 October 2014. <https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html>

<sup>33</sup> Laurel Wamsley, “Shock And Dismay After Trump Pardons Blackwater Guards Who Killed 14 Iraqi Civilians,” *The New York Times*, 23 December 2020.

<https://www.npr.org/2020/12/23/949679837/shock-and-dismay-after-trump-pardons-blackwater-guards-who-killed-14-iraqi-civil>

<sup>34</sup> P.W. Singer, *Corporate Warriors* p. 183.

<sup>35</sup> Max Boot, “A Mercenary Force for Darfur” *Wall Street Journal* October 25, 2006.

citizens. While these companies have long been associated with security concerns, they can also provide vital services, including training and intelligence support, especially when states are unwilling or unable to contribute forces themselves.

### **Conclusion: A Way Forward?**

Since private military companies and security contractors will continue to comprise a crucial and dynamic element of global security issues for years to come, the rules governing the contracts and conduct of PMCs and security contractors must be made clearer. While individual businesses and their industry representatives frequently resist national and international regulation, PMCs wishing to substantiate their claims that they act responsibly might bolster their respectability by adhering to stricter regulation. Additionally, “if regulation encouraged the development of a reputable private military sector, this could be of benefit to international organizations, NGOs, and on occasion, sovereign governments.”<sup>36</sup> Effective resolution of the potentially conflictual relationships between PMCs, their customers, and the civilian populations in the countries affected will improve the global security situation for all.

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<sup>36</sup> UK House of Commons, “Private Military Companies: Options for Regulation” February 12, 2002 p. 21.

## **RESOURCE REVIEW**

### **United Nations General Assembly. A/RES/44/34.” 4 December 1989.**

<https://bit.ly/RES4434>

This resolution is one of the most important regarding the topic as it establishes a Convention or treaty—which entered into force on October 20, 2001, and has only been ratified by less than 50 member states—emphasizing the need to prevent and prosecute the recruitment and activities of mercenaries, particularly those violating principles of international law. The resolution defines mercenaries, outlines offenses related to their recruitment and participation in hostilities, and establishes provisions for jurisdiction, extradition, and cooperation among states to combat such activities. Future resolutions follow this Convention’s ideals.

### **United Nations Commission on Human Rights. E/CN.4/RES/2005/2” 7 April 2005**

<https://bit.ly/RES20052>

This UN Human Rights Resolution further highlights the grave concern regarding the use of mercenaries, again condemning their recruitment, financing, and training as a crime threatening people’s human rights and ability to pursue self-determination— “the right to determine freely their political status and to pursue freely their economic, social and cultural development.” The resolution establishes a “Working Group on the use of mercenaries” to address this issue, urging states to take legislative measures to prevent mercenary activities and encouraging cooperation to prosecute individuals involved in such activities through transparent, fair trials. The Working Group provides useful reports to the Human Rights Commission regarding mercenary monitoring, private company activities, and government opinions that can prove helpful to delegates seeking to identify current challenges and proposed action.

### **United Nations Security Council. S/RES/1467.” 18 March 2003.**

<https://bit.ly/RES1467>

This UN Security Council Resolution addresses the proliferation of small arms, light weapons, and mercenary activities in West Africa, expressing profound concern about their impact on peace and security. The resolution calls on states in the subregion to implement measures at national, regional, and international levels to combat these issues, emphasizing the need for strengthened cooperation to identify and address illegal arms trafficking and support for mercenaries. Additionally, it encourages the involvement of national commissions and local structures in implementing moratoriums, such as the Economic Community of West African States (ECOWAS) and action plans urging donor assistance, disarmament measures, armament transparency, and prevention of military support for armed groups in the region. Delegates can use this resolution to study previous attempts in dealing with mercenaries, particularly limiting their access to weapons.

### **United Nations General Assembly. A/RES/74/138.” 18 December 2019.**

<https://bit.ly/RES7438>

This resolution builds upon previous mercenary-related resolutions but expands upon the topic by addressing a broader scope, incorporating private military and security

companies and traditional mercenaries as their focus. It emphasizes the evolving nature of mercenary activities and their impact on human rights, calling for renewed efforts by the Human Rights Council's Working Group based on their previous reports. The resolution also highlights the need for international cooperation, urging states to consider acceding to the previously mentioned Convention, emphasizing accountability for violators, and encouraging awareness of the adverse effects of mercenaries and PMCs on peoples' right to self-determination. Ergo, this resolution provides delegates with a more recent insight into the UN's current views and actions towards PMCs.

**United Nations General Assembly. A/78/535.” 17 October 2023.**

<https://bit.ly/RES78535>

This report by the Working Group, being one of the most recent documents regarding the issue, could be used by delegates as it presents a comprehensive overview of the current legal, human rights, and international humanitarian law frameworks concerning mercenaries and PMCs, analyzing regulations on recruitment, financing, training, and use. Furthermore, the working group maps contemporary patterns between PMCs and violations of international law and human rights, fostered particularly by the failure of many states to implement effective measures. As such delegates could examine the current systems and legislation in place to regulate these parties, better understand how current frameworks are failing, and advocate for solutions to these issues, hinted towards in the “Recommendations” section.

**Guiding questions for position papers**

1. What is your nation's stance on the use of mercenaries and PMCs in military operations and security services? Does your nation hire or contract PMCs? If so, under what circumstances? If not, why not?
2. What laws or regulations does your nation have regarding the activities and oversight of mercenaries and PMCs? How does your nation monitor their operations and hold them accountable?
3. Has your nation experienced any negative impacts from the activities of mercenaries or PMCs, either domestically or abroad? What steps has your nation taken to mitigate these impacts?
4. How does your nation view the broader global impacts of widespread mercenary and PMC use? Does your nation support international regulations or a potential ban? What international policies would your nation like to see implemented?

**Guiding Questions for debate:**

1. What is the best way to obtain a far greater number of ratifications to the UN Convention Against the Recruitment, Training, Use, and Financing of Mercenaries? How might the Convention be modified or amended to address the growing phenomenon of private military companies (PMCs)?
2. What national and regional efforts at regulating mercenaries, PMCs, and security

contractors have your government undertaken? Would your government support an international convention designed to regulate the practices of PMCs?

3. Does your country send or train mercenaries overseas? What codes of conduct and/or rules of engagement must they follow when deployed internally? Overseas? What are the legal consequences if these codes of conduct and/or rules of engagement are not followed? Has your country successfully prosecuted any mercenaries or employees of PMCs in recent years?
4. What recourse should customers of PMCs and security contractors have if PMCs and contractors perform poorly or violate the terms of their contracts? How can accountability and transparency be enhanced and improved? How can customers of PMCs, including the UN, improve the cost-effective nature of contracts?