

DISEC

Disarmament and Security Briefing Paper

Zain Hasan Matthew Wong

**HABSMUN 2024**

# The Question of the Impact of Private Military Security Contractors on Global Security

## Historical context

Private Military Security Contractors (PMSC) have grown to prominence in recent decades, as they have been actively used in most major conflicts. PMSCs are independent corporations that offer military and security services via private contracts, to state and non-state actors alike.

PMSCs now provide a wide array of services once solely performed by national forces, including armed security, protection of sites and individuals, weapons operation, prisoner detention, and training of local security personnel. They are a part of the growing privatised military industry. A major growth in their usage came after the end of the Cold War, where countries like the USA and UK cut their military budget resulting in parts of the military no longer being supported - this was made worse by the concurrent collapse of the Soviet Union which meant PSMCs were able to hire people with ease. The successful operations by private military companies like Executive Outcomes in Africa, and MPRI and Brown & Root during the Kosovo War, demonstrated their capabilities and paved the way for increased privatisation and outsourcing of military and security functions once primarily handled by national militaries. While the US first contracted a PMSC in the 2000s, the biggest increase to demand would come from the Afghanistan and Iraq wars. This led to a huge increase in the presence of PSMCs and paved the way for PSMCs to be used in many of the major conflicts in the 21st century.

## Key issues

### Lack of accountability and oversight

PMSCs often operate in legal grey areas, not subject to the same codes of conduct and accountability structures as national militaries. They may carry out missions in secret, with little transparency or oversight from government bodies. This lack of accountability raises serious concerns, as PMSCs have less incentive to adhere to international norms regarding use of force, protection of civilians, human rights, etc. Without proper oversight, they can potentially act with impunity even in cases of misconduct or overuse of force. It is therefore hard to make sure they act within the International Humanitarian Law (the leading doctrine which establishes how the effects of war can be mitigated)

### Lack of transparency

The contracting processes and day-to-day activities of PMSCs are often secretive, hidden behind claims of corporate confidentiality, but their role in security provision means the public has a right to information about their actions. This lack of transparency makes effective legislative and public oversight extremely difficult. It allows PMSCs to escape accountability for

potential wrongdoings. Greater transparency requirements are needed to shed light on PMSC dealings and ensure they align with democratic values and human rights norms.

### Ethical issues

Unlike military personnel, PMSC employees may lack thorough training and vetting on battlefield ethics, escalation of force, and international rules of engagement. Their conduct is shaped by commercial incentives rather than institutional codes of honour. The profit motive could lead some contractors to cut corners ethically, for example using unwarranted deadly force more often to get the job done, thereby not following International Humanitarian Laws. Such conduct endangers human rights and civilian lives, and it delegitimizes the role of security forces in public eyes. More regulation is needed to hold PMSC staff to stringent ethical standards.

### Reliance on PMSCs / Proliferation concerns

As states increasingly rely on PMSCs for military and security functions, it undermines their monopoly on legitimate force, a cornerstone of sovereignty. The growing privatised security industry also allows more actors to wage shadow wars by proxy, with less direct responsibility. Both dynamics risk spirals of instability and conflict over the long-term, as more entities gain access to private military capability. This proliferation should be checked by strengthening state security institutions and limiting PMSC roles that fundamentally should remain public. The foundation of a PSMC is one where it relies on conflict to survive, so sometimes it is not in the best interest for PSMC to seek peace and stability. A state's goal of peace is not the same as PSMC's goal for money.

## Legal Frameworks

### Geneva Convention and Protocols

“The Geneva Conventions and their Additional Protocols are international treaties that contain the most important rules limiting the barbarity of war.” (ICRC)

It should be noted that oversight and enforcement of these obligations on PMSCs has been inconsistent. This accountability gap is concerning given the rapid proliferation of PMSCs, as it means their conduct in the field could potentially undermine norms meant to limit human suffering in conflict. You may want to bring this up in your resolution.

### United Nations Mercenary Convention

This was essentially designed to outlaw mercenaries. So far 35 countries have ratified this, yet several countries such as Britain, the United States, Russia, France, China, India and Japan

have not signed it. This is most likely due to the benefits that PMSC offers to a country. How would you tackle this issue?

**Some points to consider**

* Does your country have PMSCs or has been in conflict with one? If so, how has it impacted your national security?
* What does your country propose we should do to regulate these companies within the relevant ethical and legal frameworks? What legal frameworks would you suggest?
* How can we improve transparency and oversight over PMSC activities, which are currently harming public trust and human rights protections due to lack of accountability?
* Should states be required to report on PMSC contracting and activities to relevant UN bodies? What steps should states take to monitor PMSC compliance with international law?
* Is there a way to incentivise people to not work for these PMSCs, especially since wages are so much higher in PMSCs?
* How can we affirm state responsibility and authority over the legitimate use of force when PMSCs are carrying out delegated duties? How do we ensure state accountability for PMSC actions?
* Should PMSC be enforced with recruiting requirements, such as no criminal past?

Remember to produce a resolution and a position paper of ~100 words to inform your country’s stance on this Question. There are many more things you can discuss - explore as much as you can and have fun with it!

Other points may not have been written so here are some reading links!! Historical context:

<https://www.chaire-eppp.org/files_chaire/10_14_2009_TCE_paper.pdf>

More general

[The Business of War – Growing risks from Private Military Companies ⸺](https://www.consilium.europa.eu/media/66700/private-military-companies-final-31-august.pdf) [The Rise of Private Military Companies (Part 1/2) - Fair Observer](https://www.fairobserver.com/region/north_america/rise-private-military-companies-01478/) <https://www.britannica.com/topic/private-military-firm>

[The Global Expansion of PMSCs: Trends, Opportunities, and Risks](https://www.ohchr.org/sites/default/files/Documents/Issues/Mercenaries/WG/ImmigrationAndBorder/swed-burland-submission.pdf)

[Private Military Contractors Come with Strings Attached | Belfer Center for Science and](https://www.belfercenter.org/publication/private-military-contractors-come-strings-attached#%3A~%3Atext%3DAfter%20all%2C%20soldiers%20are%20subject%2Cthey%20can%20be%20court-martialed) [International Affairs](https://www.belfercenter.org/publication/private-military-contractors-come-strings-attached#%3A~%3Atext%3DAfter%20all%2C%20soldiers%20are%20subject%2Cthey%20can%20be%20court-martialed).

[International Convention against the Recruitment, Use, Financing and Training of Mercenaries |](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-against-recruitment-use-financing-and) [OHCHR](https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-against-recruitment-use-financing-and)

[Convicts in arms. Russian convicts are now used to fuel the war in Ukraine: the military, the](https://novayagazeta.eu/articles/2022/11/12/convicts-in-arms) [PMCs, and the Kremlin all want to deploy them to the frontlines as cannon fodder](https://novayagazeta.eu/articles/2022/11/12/convicts-in-arms)

[The United Nations Mercenary Convention Bans Killing For Money. So Why Has the UK](https://www.youngfabians.org.uk/the_united_nations_mercenary_convention_bans_killing_for_money_so_why_has_the_uk_refused_to_sign_it) [Refused To Sign It?](https://www.youngfabians.org.uk/the_united_nations_mercenary_convention_bans_killing_for_money_so_why_has_the_uk_refused_to_sign_it)

<https://www.icrc.org/en/document/geneva-conventions-1949-additional-protocols> [International humanitarian law and private military/security companies - FAQ](https://www.icrc.org/en/document/ihl-and-private-military-security-companies-faq)

[EU Operations and Private Military Contractors: Issues of Corporate and Institutional](https://academic.oup.com/ejil/article/19/5/965/505580#7813607) [Responsibility | European Journal of International Law | Oxford Academic](https://academic.oup.com/ejil/article/19/5/965/505580#7813607)

**Good luck, and happy writing!**