**Committee:** Special Commission

**Topic:** The Question of Regulating Private Military Contractors in International Conflicts

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**Summary**

Private Military Contractors are privately-owned companies that provide military services to governments and private corporations. Their use has expanded due to evolving security demands, military downsizing, and the complexity of modern warfare. Notable examples include Blackwater (now Academi), DynCorp, and Wagner Group.

Advocates for PMC regulation argue that this ensures they are held accountable for violations of international humanitarian law, which could also improve transparency regarding PMC contracts, funding sources, and operational scope. This could reduce corruption and ensure they act in line with international norms. PMCs have had a notable effect in many areas of conflict, such as in Ukraine and Mali, often not acting with compliance to any framework of rules. Regulation would ensure that a comprehensive legal framework would be established, reducing instances of war crimes and human rights abuses in areas of conflict. This would also stabilize conflict zones by ensuring that only legitimate and vetted PMCs operate, preventing rogue operations from being enacted, thereby reducing a lot of potential damage.

However, there are notable disadvantages to introducing regulation. PMCs often function effectively due to their operational flexibility, which could be hampered by excessive regulation and bureaucratic hurdles. This could mean that conflicts are dragged on unnecessarily, leading to a greater deterioration of life in the war zones. Regulation is also complicated, as many geopolitical conflicts occur across borders, making it difficult to decide the sovereign body of regulation that should be followed. The defence sector is inherently built on competition for innovation, and some argue that over-regulation may stifle any form of innovation, which will limit the availability of any specialised military services.

The regulation of PMCs in international conflicts is a complex and pressing issue, which demands a decisive solution quickly. An ideal solution would involve a unanimous global framework that takes into account legal, operational, and political dynamics, ensuring PMCs contribute positively and innovatively to global security while respecting human rights and international law.

**Definition of Key Terms**

**Private Military Contractors (PMCs):** Privately-owned companies that provide military and security services, including combat, training, and logistical support.

**Accountability:** The obligation of PMCs to be held responsible for their actions, especially concerning violations of international laws and human rights.

**Legal Oversight:** The process of monitoring and enforcing laws and regulations applicable to PMCs to ensure they comply with international and national legal standards.

**Transparency:** The practice of making PMC operations, contracts, and funding sources open and accessible to public or governmental scrutiny.

**State Sovereignty:** The authority of a state to govern itself and control its military operations, including the regulation of PMCs operating within its borders.

**Jurisdiction:** The legal authority under which PMCs operate, often complicated by international borders and overlapping legal systems.

**International Humanitarian Law:** A set of rules that seek to limit the effects of armed conflict, protecting civilians and those no longer participating in hostilities.

**War Crimes:** Serious breaches of international humanitarian law, including acts committed by PMCs that violate the laws of war.

**Operational Flexibility:** The ability of PMCs to adapt quickly to changing military and security needs without bureaucratic restrictions.

**Political Will:** The determination of governments and international bodies to establish and enforce regulations governing PMCs.

**Background Information**

PMCs emerged as a significant force in the post-Cold War era when many countries reduced the size of their standing militaries. The privatization of military functions allowed states to address security challenges more flexibly and cost-effectively. PMCs provide services such as armed security, operational support, intelligence gathering, and military training. Their rise has coincided with an increase in global conflict zones where traditional military forces are stretched thin, requiring an external solution.

The modern PMC industry gained prominence during conflicts like the Gulf War and the wars in Iraq and Afghanistan. Companies such as Blackwater, DynCorp, and the Russian-based Wagner Group have become household names due to their involvement in combat zones. PMCs have supported both state and non-state actors, sometimes operating in legally ambiguous conditions.

The international community has struggled to establish clear legal guidelines for PMCs, as current international law was designed with state militaries in mind. This regulatory gap has led to instances of alleged human rights violations, war crimes, and questionable political influence. Efforts like the Montreux Document, a non-binding international agreement, have sought to outline best practices, but binding international regulations remain elusive. Therefore, a decisive solution requires the following factors to succeed:

**International Law**

Current international laws like the Geneva Conventions lack explicit provisions for PMCs, and the Montreux Document offers non-binding guidelines but lacks enforcement mechanisms. The issue is that national laws vary widely, creating inconsistencies in how PMCs are regulated, therefore requiring a global cohesiveness.

**Human Rights**

Cases of human rights abuses, such as the 2007 Nisour Square massacre involving Blackwater, highlight accountability concerns. International courts struggle to prosecute PMC-related crimes due to jurisdictional issues and non-binding laws.

**Political Influence**

PMCs often operate in regions with valuable natural resources, raising concerns about conflicts of interest. Some PMCs have been accused of furthering political agendas for client states. Private political influence is largely a negative aspect, but it is otherwise unclear where to draw the line.

**Ethical Concerns:**

PMCs offer specialized skills and rapid deployment capabilities, however these impede with ethical concerns, as profit motives conflict with humanitarian principles.

**State Sovereignty**

PMCs can bolster national security but may also undermine state sovereignty if not carefully controlled. Countries with weak governance risk becoming overly reliant on PMCs, potentially destabilizing their governments and national agendas.

**Global Regulatory**

Establishing a binding international treaty with enforcement mechanisms will be imperative. Creating an international PMC oversight body an standardizing licensing and operational procedures globally will be key to ensure better transparency and scrutiny of PMCs, to ensure compliance with guidelines.

**Major Countries and Organizations Involved**

**United States:** The U.S. is one of the largest employers of PMCs, with companies like Academi and DynCorp playing major roles in conflicts in Iraq, Afghanistan, and Africa. U.S. laws like the Military Extraterritorial Jurisdiction Act aim to hold contractors accountable but face enforcement challenges.

**Russia:** Russia's Wagner Group has been active in several conflict zones, including Syria, Ukraine, and Africa. The Russian government has been accused of using PMCs to advance its geopolitical agenda while maintaining plausible deniability.

**United Kingdom:** British PMCs such as G4S and Aegis Defense Services have operated globally, often under UK government contracts. The UK has introduced domestic laws regulating private security exports but lacks comprehensive international regulation.

**African Countries:** Several African states, including Nigeria, Libya, and the Central African Republic, have used PMCs to combat insurgencies and stabilize conflict zones. Limited government oversight and fragile institutions increase the risks of abuse and dependency on PMCs.

**Middle Eastern Countries:** Countries like the UAE and Saudi Arabia have employed PMCs for internal security and military campaigns in the region. This has raised concerns about human rights abuses and lack of transparency.

**United Nations (UN):** The UN has addressed the use of PMCs through initiatives like the Working Group on the Use of Mercenaries. UN peacekeeping missions sometimes coordinate with PMCs for logistics and security, though this practice is controversial.

**International Committee of the Red Cross (ICRC):** The ICRC has advocated for strengthening international humanitarian law concerning PMCs. It played a key role in drafting the Montreux Document, outlining legal obligations and best practices.

**African Union (AU):** The AU has engaged in discussions on controlling PMCs due to their involvement in African conflicts. Regional initiatives aim to reduce reliance on foreign contractors through strengthened local forces.

**Non-Governmental Organizations (NGOs):** Groups like Amnesty International and Human Rights Watch monitor PMC activities and advocate for stronger international oversight, in favour of protecting unalienable humanitarian rights.

**Timeline of Events**

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| **Year** | **Event** | **Description** |
| 1648 | Treaty of Westphalia | Established the modern state system, delegitimizing mercenary use. |
| 1856 | Paris Declaration on Privateering | Banned privateering in naval warfare among major powers. |
| 1949 | Geneva Conventions Adopted | Set international laws of war, but did not address PMCs. |
| 1989 | UN Convention on Mercenaries | Prohibited mercenary use but lacked broad international adoption. |
| 1990s | Post-Cold War Conflicts | PMCs rose during wars in Africa and the Balkans. |
| 2003 | U.S.-Iraq War Begins | PMCs like Blackwater played a key role in U.S. operations. |
| 2007 | Nisour Square Massacre | Blackwater contractors killed civilians in Iraq, raising accountability concerns. |
| 2008 | Montreux Document Adopted | Provided non-binding guidelines on PMC regulation. |
| 2014 | Russian Annexation of Crimea | Wagner Group gained prominence in Ukraine. |
| 2022 | Wagner Group in Ukraine and Africa | Expanded PMC influence amid global conflicts. |

**Relevant UN Treaties and Events**

**Geneva Conventions (1949) and Additional Protocols (1977)**

The Geneva Conventions set international humanitarian law standards for armed conflicts, including the treatment of combatants, prisoners of war, and civilians. Although PMCs are not explicitly mentioned, their activities in conflict zones must comply with these laws.

**UN Mercenary Convention (1989)**

Formally known as the International Convention against the Recruitment, Use, Financing, and Training of Mercenaries, this treaty criminalizes mercenary activities, including recruitment and financing. Since PMCs can be perceived as modern mercenaries, some argue the convention applies to them.

**Montreux Document (2008)**

Although not a binding treaty, the Montreux Document outlines best practices for states hiring PMCs. It emphasizes adherence to international humanitarian law.

**UN Working Group on the Use of Mercenaries (2005-present)**

Relevance: This body monitors the use of mercenaries and PMCs and advocates for clearer international regulations. It has urged the creation of a binding treaty on PMCs. Progress has been slow due to differing national interests and reliance on PMCs by major powers.

**Previous Attempts to Solve the Issue**

There have been numerous previous attempts to resolve the issue, such as in the Geneva Conventions (1949) alongside its Additional Protocols (1977), the UN Mercenary Convention (1989), the Montreux Document (2008), initiatives by the Organization of American States (OAS), the US Military Extraterritorial Jurisdiction Act (MEJA) laws, the International Code of Conduct for Private Security Providers (ICoC) and the UN Working Group on the Use of Mercenaries (2005), all aiming to closely monitor mercenary groups and to collaborate in building a cohesive framework for ensuring private defence agencies are able to function effectively, whilst also protecting the basic humanitarian rights of civilians.

However, progress has been slow and unfruitful. This mainly boils down to a lack of comprehensive treaty building due to clashes between international and national incentives, as well as many military powers choosing to oppose any such establishment of law and existing regulations often suffering from feeble punitive measures.

**Possible Solutions**

Delegates should consider modifications and improvements to our pre-existing international frameworks designed to restrain and monitor PMCs as it is likely these will be the foundation upon which this issue is tackled. Delegates should also be mindful of the vast political fragmentation of incentives across many different global nations. For example, the United States and the United Kingdom are more active in seeking a moderation between free mercenary activity and civilian rights, whereas many nations in the Middle East tend to support a more militaristic approach and are solely in favour of the free use of mercenaries regardless of civilian protest. Therefore, in order to reach a consensus, it requires a balance of negotiation and weighing up all possible alternatives that satisfy as many member states as possible, all of which hold very different sovereign perspectives towards PMCs.

When thinking of solutions, delegates should also consider those affected by the PMCs and often how best to help civilians caught at the very grassroot levels of conflict. This can be seen with many humanitarian NGO’s and organisations, who seek to act as an external body of protection for people’s basic human rights and needs. Therefore, it may be beneficial to consider unique perspectives that allow PMCs to peacefully coexist with NGO’s, such that private military innovation is unharmed whilst civilians are still able to receive vital medical treatment and food aid during times of crisis.

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**Useful Websites**

International Committee of the Red Cross: <https://www.icrc.org/>

Montreux Document Forum: <https://www.mdforum.ch/>

Global Policy Forum: <https://www.globalpolicy.org>

International Code of Conduct Association: <https://www.icoca.ch/>

Human Rights Watch: <https://www.hrw.org>

Stockholm International Peace Research Institute: <https://www.sipri.org>