

Background Guide

15th Annual AUSMUN



First General Assembly (GA1)

Welcome Letter from the Director of Research



Greetings fellow delegates,

It's a pleasure to see you attending the American University of Sharjah's 2022 Model United Nations Convention (AUSMUN 2022). As the age-old adage goes, "with great power comes great responsibility," as delegates of nations at the world's largest international forum, you have a heightened degree of power and responsibility. Not only do you have a say in shaping solutions for the world, and bringing glory to your country, but also the pressure of ensuring that those solutions are pragmatic, feasible, and effective in solving the issues you have set to resolve. Not only do you have a space at the international platform, but also the responsibility to ensure that you set an apt example of your nation for the world to see.

With that being said, I wish you all the best for your preparations and I am really excited to see what your wonderful minds and enthusiastic selves come up with in the committee rooms. Finally, also remember that your responsibilities include having fun and making the best of your time at AUSMUN 2022!

Best Regards,
Mohammad Amaan Siddiqui
Director of Research - AUSMUN 2022



Welcome Letter from the Dais

Dear delegates,

Welcome to AUSMUN 2022!

It is our honor to welcome you to the First Committee of the United Nations General Assembly (GA-1). This committee, also known as the Disarmament and International Security Committee (DISEC), is the primary panel for the consideration of matters of global security within the United Nations. Formed in 1945, it also serves in an advisory capacity to the UN Security Council. GA-1 is also able to make recommendations for resolutions on matters of peace and security as well as budgets and their use.

The 193 member states meet every year in October to discuss matters of importance that generally fall into 2 categories. Firstly, matters pertaining to weapons, such as nuclear weapons, weapons of mass destruction, and other conventional weapons. And secondly, conferring potential regulations for private sector companies, that provide assistance and training to military and security services. This background guide serves as the first step of your research before the conference. We are looking forward to meeting all of you in February.

Regards,

Samarth Rai, and Huzaiifa Masood, Chairs, GA1-1

Chris Khattar and Omar Khamkhoyev, Chairs, GA1-2

Nidhi Kothari, Research Assistant, GA1-1

Maisha Tasnia, Research Assistant, GA1-2

Special credit for contribution to the guide: Abdullah Shakil

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Welcome Letter from the Dais

Contact Information

Please note that the General Assembly First Committee (GA1) at AUSMUN 2022 has two sections: section 1 and section 2. Remember to cross check your email to confirm which section you are allotted in.

The topic and the background guide for both sections are the same, but the email where you must submit your position papers, draft resolutions, or carry out any form of communication with the chairs is different.

GA1 Section 1 Email: ga1ausmun2022@gmail.com

GA1 Section 2 Email: ga1.2ausmun2022@gmail.com

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Overview of the Committee



History

The First Committee of the United Nations General Assembly is the Committee for Disarmament and International Security (DISEC). In the past, several issues regarding security and global peace were overlooked. For instance, terrorism, conflicts between states, arms possession and, various more. Therefore, this committee was created to address “Disarmament, global challenges, and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime.”

Relevance

The General Assembly serves as the main policymaker of the UN. They discuss, debate and recommend solutions to the various issues mentioned above. This committee also works in tandem with the United Nations Disarmament Commission and the Conference on Disarmament, which meets in Geneva.

Structure and Functions

First, there is a general debate, wherein the committee decides on which topics will be covered. This is followed by a stage of thematic discussions, and the process is concluded with action on drafts.

As enshrined in the United Nations (UN) Charter, all member states and observers of the UN are permitted to be a member of DISEC. The First Committee may pass resolutions by a two-thirds majority, recommending that member states take specific or general actions. As a General Assembly committee, it does not have the power to pass binding resolutions, nor does it have the power to sanction.

Over the years, attempts have been made to streamline the Committee’s work, with a focus on reorganizing its agenda and enhancing its work structure. In 1993, during the Assembly’s 48th session, the item “Rationalization of the work and reform of the First Committee’s agenda” was added to the Assembly’s agenda. Following that, the Assembly concentrated on increasing the effectiveness of the First Committee’s working methods. The Secretariat issued a report summarizing those opinions at the 59th session, in response to a request from the Secretary-General to seek Member States’ comments on increasing the efficacy of the First Committee’s working methods.

The Committee has adopted its program of work and timetable for the upcoming session under the item “Revitalization of the activity of the General Assembly” since the 60th session.

Each General Assembly member will have one vote.

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Overview of the Committee



Substantive Voting

The General Assembly must make crucial decisions with a two-thirds majority of the members present and voting. A majority of the members present and voting shall decide on other questions, including the determination of further categories of questions to be decided by a two-thirds majority. These questions include: recommendations on the maintenance of international peace and security, the election of non-permanent members of the Security Council, the election of members of the Economic and Social Council, the election of members of the Trusteeship Council, the admission of new Members to the United Nations, the suspension of membership rights and privileges, and the expulsion of members.

Funding

The General Assembly is primarily funded by its member states. Under Article 57 in 2002, the sum paid by each member is determined by examining their GDP (Gross Domestic Product), cost of peacekeeping operations and the cost of international tribunals.

Along with the funds from member states, the committee has an additional 24 investors, the 4 main investors being; Initialized Capital, Institutional Venture Partners, Advance, and Prudential Financial. This committee raised \$148.7 million funds on January 29th, 2018, through corporations and private businesses.

The Administrative and Budgetary Committee of the United Nations General Assembly allocates funds for political affairs, international justice and law, development cooperation, humanitarian aid, support services, and capital expenses, all of which contribute to the General Assembly's work in the international community. The budget for 2016-17 is expected to be about \$5.4 billion.

DISEC will be able to contribute to the UN's and international community's efforts to promote the 2030 Sustainable Development Goals (SDGs), particularly goal 16: "Promote peaceful and inclusive societies for sustainable development, provide access to justice for all, and build effective, accountable, and inclusive institutions at all levels."

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Summary and History of the Issue

In 1945, J. Robert Oppenheimer led an undercover project to design and build an atomic bomb in Alamogordo, New Mexico (The Manhattan Project, n.d.). The project was labeled “The Manhattan Project” and consisted of over 120,000 employees that undertook research and experimentation. By the summer of 1945 on July 16th, they readied themselves to detonate the bomb, however, did not anticipate the extent of it. It blew away civilians’ houses 100 miles away and created a large mushroom cloud in the atmosphere above. They did not predict the severity nor the vastness of the after-effects of the bomb, remnants of radiation and debris left behind. The world had entered the nuclear age.

A nuclear weapon is an explosive device that uses the energy released by the splitting of atoms to cause a powerful blast. The vehicle that can deliver a nuclear attack is also referred to as a nuclear weapon (such as an aircraft or a mobile ground launch vehicle). The explosive device becomes deadlier by the use of an Intercontinental-ballistic missile (ICBM), which is a rocket capable of carrying a warhead at least 5,500km with the longest ranging ICBM reaching 16,000km, capable of delivering the warhead almost anywhere in the world (Cheng & Mosher, 2020).

Apart from direct destruction to life and property, the radioactive fallout from testing and use of these weapons harms life and Earth’s climate. For instance, the detonation of nuclear bombs in Hiroshima and Nagasaki in 1945, killed around 226,000 people (Kimball, n.d.). The bombs created a supersonic shockwave resulting in extremely high winds wrecking the cities’ buildings and infrastructure. Due to the bomb’s heat, the cities’ temperature reached over a million degrees Celsius, burning every flammable substance and giving flash burns to the citizens within 15 km of the bomb radius. These were the repercussions of countries having nukes in possession. Therefore, testing and stockpiling these weapons are a threat to virtually every country in the world and must be restrained.

As a country develops this weapon, it conducts tests and later accumulates large quantities as the production continues, this is known as stockpiling. The possession of nuclear weapons, testing, and stockpiling has worried the international community and thus certain treaties have been enacted. The following timeline highlights the major events regarding the issue.

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Timeline	
Year	Event
1945	First Nuclear test by the USA on 16th July Nuclear bombs dropped on Japan
1949	First nuclear test by the USSR
1952	First Nuclear test by the UK
1959	International Atomic Energy Agency (IAEA) to encourage nuclear power research and its safe use
1960	France tests its first atomic bomb
1961	USA and USSR developed ICBMs and Nuclear submarines USSR test Tsar Bomba- most powerful nuclear test conducted so far
1964	China tests its first nuclear bomb
1968	Via the UN, the US and USSR propose the NPT- the treaty on nonproliferation of nuclear weapons
1969	Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean. Latin American which is South American and countries until and including Mexico, to become first populated region free of Nuclear Weapons
1972	US and USSR agree to limit the production of Nuclear Weapons
1996	CTBT- Comprehensive Test Ban Treaty introduced
1998	India and Pakistan conduct series of nuclear tests
2006	NK after withdrawing from NPT conducts its first nuclear test
2017	9 countries with 16,000 nuclear bombs TPNW - Treaty on prohibition of nuclear weapons voted by 122 countries

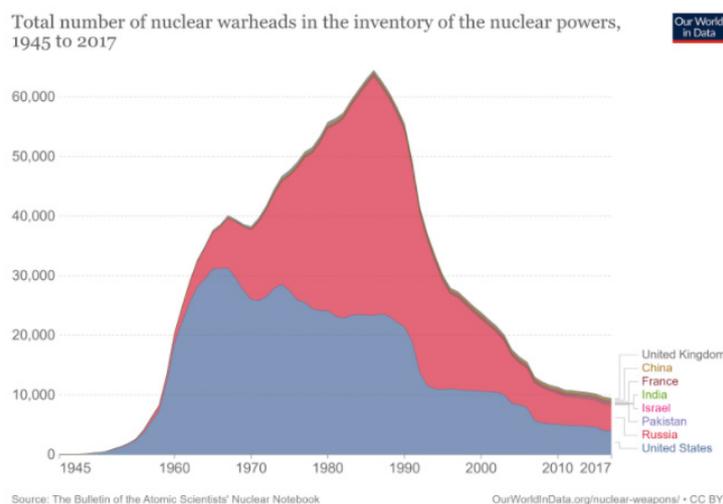
(Pfeiffer, 2020)

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Key Issues

The dangers of nuclear weapons stem from their very existence. It has the potential to wipe out large populations as well as severely impact the environment. For instance, it produces fierce radiation contaminating air, soil, and the tides. The consequences of producing these weapons outweigh even the minor benefits it possesses. Hence, multiple treaties prohibit the testing and stockpiling of nuclear weapons.

Firstly, the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) established in 1968, focuses on the disarmament of existing warheads and forbids the manufacture of additional nuclear weapons. There are approximately 13,000 nuclear warheads stockpiled between several countries as of early 2020, with Russia in the lead with 4,000 warheads, followed by the US, which possesses 3,800 warheads. Subsequently, India, and Pakistan, both being non-signatories of the NPT (The Nuclear Non-Proliferation Treaty, 1968) have almost 300 combined (FAS, 2020). France and the United Kingdom have made efforts to reduce their stockpile, now standing at approximately 200 warheads (The French, 2008). China is the only nuclear-weapon state that seems to be increasing its stockpile, standing at 350 warheads as of 2020 (China's Nuclear Inventory, 2021).



(Roser and Nagdy, 2013)

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Key Issue 1

The global stockpile poses a threat to global security due to the threats of misuse or accidental detonation. An apt example of this would be on January 24th, 1961 in Goldsboro, North Carolina. A B-52 aircraft was carrying two nuclear weapons and on impact, one of the bombs broke apart, causing severe damages to the city (Weaver, 2014). Furthermore, there is the threat of intentional detonation, which may provoke a global nuclear war, leading to a downfall of events and costing several innocent lives. It is certain that with the possession of these weapons, Mutually Assured Destruction is inevitable.

Key Issue 2

Whether the detonation is accidental or intentional, the entire country undergoes several economic, social, and political changes. The cost of recovery such as reconstructing public infrastructure and propagating financial markets would require large sums of funds from the government. Moreover, a nuclear weapon detonation can devastate key industries in a country and disrupt the entire supply chain, leading to high costs for these businesses. They would be forced into bankruptcy, inciting a decrease in GDP (Gross Domestic Product) for the entire economy. Consequently, with this depreciation in GDP, citizens can no longer afford the goods and services they were previously able to, resulting in a decline in living standards and expectancy. A bomb blasting can also lead to the loss of several skilled workers such as doctors and researchers leading to an industrial brain drain, which is when skilled workers exit an industry completely.

Key Issue 3

The testing of nuclear weapons has a long-term effect on the environment and global security. The National Resources Defense Council approximates that the yield of atmospheric tests for radiation alone equals 428 Megatons, which is equivalent to over 29,000 Hiroshima-size bombs ("General overview of", n.d.). The environmental effects rely on several factors such as; the site of detonation, the type of weapon, and its size. With the detonation of a nuclear warhead, radionuclides (atoms that emit radiation as they undergo radioactive decay) are dispersed into the atmosphere and the earth. As these are tested at designated sites, the threat to humans is usually due to the radiation (Report, n.d.). The shock waves produced by this radiation can rupture eardrums and lungs, cause casualties due to flying debris, and several more (National Research Council, 2005). Hence, it is imperative to downsize the production and testing of nuclear weapons.

Key Issue 4

Nuclear testing is also detrimental to global peace and security as it may incite other nuclear states to hasten and boost their nuclear programs, further breaking treaties and increasing the threat to peace. The U.S. government, for example, considers 'power competition'(countries contend to demonstrate their authority globally) a means for rivalry with other dominant and competent countries (Bin, 2020). One way they do this is by displaying their influence over nuclear weapons. It is of utmost importance to promote dialogue to prevent competition and manage these countries to avoid treaties being broken.

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Previous Attempts to Resolve the Issue

The United Nations has attempted to resolve the issue of stockpiling and testing nuclear weapons in the 1968 Treaty, “Non-Proliferation of Nuclear Weapons Treaty” (NPT). Since its signing, it has been the most widely used international security agreement (NTI, 2001). This treaty forbids non-nuclear-weapon states from producing nuclear weapons. However, five countries were exempted from the NPT, these countries are France, the Russian Federation, China, the United Kingdom, and the United States (NTI, 2001). Some states such as India, Israel, South Sudan, and Pakistan still possess nuclear weapons, and never joined the NPT (NTI, 2001). The UN held a conference to review the NPT in 1995, in which state parties agreed to extend it and also to include the Comprehensive Test Ban Treaty (CTBT), which prohibits the production of fissile materials and progresses in reducing nuclear weapons worldwide. Moreover, the Comprehensive Nuclear-Test-Ban Treaty (CTBT), has been signed by 182 countries, forbidding the testing of nuclear weapons. The last confirmed report of a weapons test was in 2017 when North Korea announced that it had successfully detonated a nuclear device underground (BBC, 2017).

The NPT also included the Middle East resolution (1995), which called for all Middle East states to adhere to the NPT, and for actions to be taken in order to achieve a region free of weapons of mass destruction (Resolution, 1995). On July 7, 2017, the UN held a conference where they adopted the “Prohibition of Nuclear Weapons Treaty” (United Nations, 2021). Although none of the states that possessed nuclear weapons signed this treaty, its passage is a step in the right direction.

Non-Governmental Organizations also have an active role. Amnesty International has released statements opposing the stockpiling and testing of nuclear weapons and has been monitoring the implementation of the treaty (Amnesty, n.d.), while the Red Cross and the Human Rights Watch have also been advocating for the prohibition of nuclear weapons and raising awareness on the humanitarian consequences of them (Red Cross, n.d.).

Topic I: Threats to Global Security from Stockpiling and Testing Nuclear Weapons

Questions a Resolution Should Address

1. How to determine if treaty guidelines on the banning of testing are being followed?
2. What can be done about the effects of past nuclear tests? Is there a way to involve all countries in the treaties?
3. How can we move forward with the efforts to decrease global nuclear weapon stockpiles?
4. The Iranian nuclear deal and its effects.
5. The role of China, Russia, Pakistan, and India in the stockpiling efforts.
6. The potential responses to nuclear tests and threats.
7. The economic effect of stockpiling efforts.

Recommended Sources for Further Research

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Topic II: The Proliferation and Possible Regulations of Private Military Contractors

Summary and History of the Issue

Private Military and Security Companies (PMSCs), also known as Private Military Contractors polarise – some demonise PMSCs and others believe they will be the future of peacekeeping. Particularly in peace enforcement operations, states are reluctant to send their soldiers. PMSCs could fill the void. In fact, in recent years, the use of private military contractors in armed conflicts has increased considerably. States employ them to support their national armies and intergovernmental organisations such as the United Nations (Karska & Karski, 2014). Historically, however, the UN has not been thrilled about this idea, reasoning that the responsibility to protect must rest with states (Kees, 2011).

Private Military and Security Companies (PMSCs) are independent businesses or contractors that provide military training and/or specialized security services. They offer a wide range of services from tactical combat operations and strategic planning to logistical support and technical assistance. They often adopt the label of “mercenaries” and are part of a \$100 billion a year industry. According to the United Nations General Assembly (UNGA), “They represent, in other words, the corporate evolution of the age-old profession of mercenaries.” In 1989, the UNGA adopted A/RES/44/34, International Convention against the Recruitment, Use, Financing and Training of Mercenaries. Article 1 of this convention extensively defines what it means to be a mercenary; the document also notes that, under international law, “the recruitment, use, financing and training of mercenaries should be considered as offences of grave concern to all States and that any person committing any of these offences should be either prosecuted or extradited.” However, when it comes to PMSCs, the lines tend to be blurred. PMSCs have been used on every continent, bar Antarctica, by more than 50 Member States. While PMSCs have proven to be a valuable and cost-effective resource of Member States, PMSCs often lie outside of the jurisdiction of domestic legal authorities.

There is no single definition of what PMSC means, which results in differing assessments of the size, contribution and consequences of the military and security industry. Commonly, states distinguish between Private Security Companies (PSCs), which provide security and protective services, and Private Military Companies (PMCs), which provide military support and training. However, this differentiation in practice is problematic. Due to mergers and acquisitions, most companies in the sector offer a range of services that is not limited to either security or military purposes, but instead, they perform both. In addition, they often provide relevant technologies as well as general support to national armies. Governments also often distinguish between companies that operate offensively and companies that operate defensively. This is misleading as well. First, the distinction between offensive and defensive military action does not exist in international law – both amount to “participation in hostilities.” Second, in practice, it is not always possible to tell offensive from defensive behavior. Acknowledging this problem, the Montreux Document, signed by 53 states as well as by NATO, the EU, and the OSCE, defines PMSCs as:

“Private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel” (ICRC, 2009).

Topic II: The Proliferation and Possible Regulations of Private Military Contractors

In countries where international interventions are underway, PMSCs are most likely to be employed by governments, international organizations, NGOs, and reconstruction firms. The US government arguably is the largest client, with the number of contractors in Iraq and Afghanistan equaling the number of US Army personnel. Other states, such as but not limited to: Germany, the UK, France, the Netherlands, Sweden, Norway and Poland, also employ PMSCs to support their armies. In addition, international organizations, the UN, NATO, and the EU, increasingly rely on PMSCs for risk assessments, guarding services, logistics, and life support.

There are economical as well as political reasons for this development. States argue that using PMSCs is considerably cheaper than maintaining large armies, where over time, paying for obligations such as pensions and disability benefits and military equipment before and after use may add up (Dunigan, 2011). This is especially true since, after the end of the Cold War, obligatory military service in national armies has increasingly fallen out of fashion, so that national armed forces reduced the number of personnel significantly. Moreover, reduced personnel can also be credited to the severe budget cuts many professional militaries faced all around the world due to the Cold War. States began to contract out their duties to forces that ranged from child soldiers and warlords to PMSCs. Today, many governments experience a lack of personnel and cannot provide sufficient troops to sustain international interventions.

Consequently, tasks such as protecting military or refugee camps, humanitarian missions, and local populations are outsourced to PMSCs. As long-term outsourcing of certain military services becomes the norm, many armed forces no longer have the expertise to maintain and operate advanced equipment. This creates a relationship of dependency between the public and private military sectors.

However, outsourcing state competencies impact political accountability and wrongdoing on PMSCs in most cases goes unpunished. This occurs both because the environment in which PMSCs operate can be challenging to navigate and gaps in existing legislation. This is compounded by the problem of distinguishing the legal operations of PMSCs from prohibited mercenarism (Karska and Karski, 2014).

Are there any benefits to be accrued? There are three primary advantages for states to rely on the assistance of PMSCs. First of all, PMSCs guarantee flexibility. They can rapidly mobilize military forces as there are no political decision-making factors that might cause delay. What is more, they can be as rapidly dissolved as they were mobilised once their service is no longer necessary. In addition to that, PMSCs have a few limitations concerning the nationality of their employees. For instance, Global Risk Strategies hired employees from Fiji who served in East Timor and the Middle East.

Furthermore, PMSCs are often highly specialised and provide services of a manifold nature as mentioned previously in this background guide. As their recruiting databases are for the vast majority composed of retired military and police officers, they can efficiently recruit employees with a specific needed experience. National armies, on the contrary, have more difficulties recruiting personnel with highly specialized experience. Lastly, PMSCs are motivated through a financial incentive. Whilst national armies serve their country, PMSCs work for profits—as they are private, not public entities. When a national army can no longer guarantee reinforcement, it is a viable solution to replace national troops with PMSCs troops and, as a result of this, guarantee further engagement (Piatek, 2017).

Topic II: The Proliferation and Possible Regulations of Private Military Contractors

Key Issues

Private military and security companies (or private military contractors) are legal corporations that provide a professional service, namely troops that are well-trained, well-organized, and regarded as some of the world's "best military experts." (Akcinaroglu, et al., 2012) The corporations act as a middleman between the government and the professional troops, ensuring that the government does not directly contract individual soldiers in the same way that their freelance predecessors did. Diplomatic and reconstruction support, business operations, recuperation, and military and security actions are all services provided by PMSCs.

Key Issue 1 - The Nisour Square Massacre

One of the most important issues that should be considered is the Nisour Square Massacre, this occurred on the 16th of September 2007. Employees of Blackwater Security Consulting which is a private military company contracted by the US government to provide security services in Iraq fired at Iraqi citizens killing 17 and injuring 20 (Tavernise, 2007). Iraqis were upset by the executions, which strained relations between Iraq and the United States. In 2014, four Blackwater employees were tried and convicted in federal court in the United States; one was charged with murder, and the other three with manslaughter and firearms charges; President Donald Trump pardoned all four convicted in December 2020. The convoy was ambushed, according to Blackwater guards, who fired at the attackers in self-defense. The deaths were unprovoked, according to the Iraqi government and Iraqi police investigator Faris Saadi Abdul (Staff, 2007).

Key Issue 2 - Cyber Tracking by Defence Firms

By mining data from social networking websites, a multinational security business has developed software capable of following people's travels and forecasting future behavior. A video obtained by the Guardian shows how Raytheon, the world's fifth largest defense contractor, can harvest massive amounts of information about people from websites such as Facebook, Twitter, and Foursquare using a "extreme-scale analytics" system. In fact using this software it is "possible to gain an entire snapshot of a person's life" (Gallagher, 2013).

Topic II: The Proliferation and Possible Regulations of Private Military Contractors

Key Issue 3 - Torture in Abu Ghraib Detention Center

Members of the US Army and the CIA conducted a variety of human rights violations and war crimes against detainees in the Abu Ghraib jail in Iraq during the early phases of the Iraq War. The US Department of Defense has removed 17 troops and commanders from duty as a result of the events at Abu Ghraib. However, Contractors from the US based private military companies L-3 Services and CACI International, which allegedly were involved in war crimes and act of torture in Abu Ghraib and other detention centers, have never been charged with any crimes.

The failure to prosecute any of the contractors engaged grants them “law of war” protection, allowing them to conduct war crimes, rape, and torture with impunity. Human rights attorneys are now returning to court in an attempt to ensure that the Iraqi victims receive justice. The Department of Justice has thus far failed to prosecute any of the contractors involved, so the only path currently available for any accountability is through these human rights lawsuits. However, after years of litigation, the allegations of torture by contractors in these cases have still never been seriously examined, much less ruled on, by the courts. None of the plaintiffs in any of these cases has yet to have his or her day in court to tell their account of what they suffered (Raymond, 2011).

Key Issue 4 - Private Security Companies in International Waters

In reaction to rising levels of pirate violence off the coast of Somalia, ship owners are increasingly utilizing private military and security firms (PMSCs) on commerce ships. The use of these businesses to defend ships falls into a “legal grey area” on the international level, making regulation and oversight difficult. Some observers have stated that the PMSC uses violence far too frequently rather than following international nonviolent norms to deter pirate attacks. The German government now hopes that a vote at the International Maritime Organization next month would clarify the legal status of PMSCs in international waters.

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Topic II: The Proliferation and Possible Regulations of Private Military Contractors

Previous Attempts to Resolve the Issue

There have been a variety of efforts by the international community to regulate the activities of PMSC's through national legislation or international agreements, but these efforts fall flat and fail to effectively regulate their activities.

Past attempts at regulating private military and security contractors have mostly focused on mercenarism, which is prohibited under international frameworks. There are two international conventions aiming to eliminate mercenaries through the criminalisation of mercenary activities, known together as the mercenary conventions; the International Convention against the Recruitment, Use, Financing and Training of Mercenaries and the then Organization of African Unity - now the AU - Convention for the Elimination of Mercenarism in Africa.

In addition, international humanitarian law (IHL) deals with mercenaries in Additional Protocol I of the Geneva Conventions. Although the definition of mercenaries in all of these documents is very similar, there is an important difference between the mercenary conventions and IHL regarding the consequence of being deemed a mercenary. Provided that states have implemented the required legislation, under the mercenary conventions persons who fulfill the definition of a mercenary can be prosecuted for the crime of being a mercenary. In contrast, under IHL being a mercenary in and of itself does not constitute a crime, however, if captured a mercenary does not benefit from prisoner-of-war status (Cameron, 2006).

Some efforts to regulate the use and ethicacy of PMCs have been attempted at the international level. 40 The International Code of Conduct for Private Security Service Providers (ICOC) of 2010 "established standards that comport with human rights and humanitarian principles." The code contains directives as to how to properly use force and outlaws activities such as torture by PMCs.

The Swiss Government and the International Committee of the Red Cross established the Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict in 2011 in an attempt to encourage PMSCs to adopt "good practices" and adhere to a voluntary code of conduct.

The United Nations adopted the International Convention against the Recruitment, Use, Financing and Training of Mercenaries 1989, which addresses the negative effects that mercenaries have on the order and integrity of the State and the impact on peace and security. It remains limited to the definition of mercenaries and does not include the activities of PMSCs.

Furthermore, 35 States have ratified the Convention, but the majority of Member States have not.

The Commission on Human Rights Resolution 2004/5 extends the mandate of the UN Special Rapporteur and affirms the use of mercenaries to be in violation of the values within the Charter. It also urges Member States to take legislative steps towards protecting their territory against mercenary activities that could threaten the national security of their State

Topic II: The Proliferation and Possible Regulations of Private Military Contractors

The Commission on Human Rights Resolution 2005/2 ends the mandate of the UN Special Rapporteur and establishes a Working Group with the mandate to present proposals on standards to encourage the protection of human rights, to monitor mercenary-related activities, to draft international principles for private companies to follow involved in military services, and to identify the impact of mercenary activities on human rights.

The General Assembly Resolution 62/145 (2008) recognizes and acknowledges the Report issued by the Working Group on the use of mercenaries as a means of violating rights and impeding the exercise of rights of people to self-determination A/62/301. It also affirms the dangers mercenary activities pose to human rights while encouraging Member States to establish regulations for private companies providing military assistance. Furthermore, the resolution calls upon States to investigate the potential for the involvement of mercenaries in terrorist-related activities.

Topic II: The Proliferation and Possible Regulations of Private Military Contractors

Questions a Resolution Should Address

1. What benefits do PMCs provide?
2. Is the use of PMCs ethical?
3. Should states be allowed to utilize PMCs? What are its pros and cons?
4. Is a corporation even allowed to profit on warfare in such a direct way? In this regard, should a corporation be able to fight wars at the behest of the state?
5. What would result from the eradication of PMCs?
6. How would classifying PMCs as mercenaries affect this issue and the way PMCs operate?
7. How can state sovereignty be protected against PMCs?
8. In what way can we hold heads of PMCs responsible for the actions of their soldiers?
9. How can DISEC and the international community regulate PMCs in order to ensure that humane practices are withheld, and rules of war are followed?

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