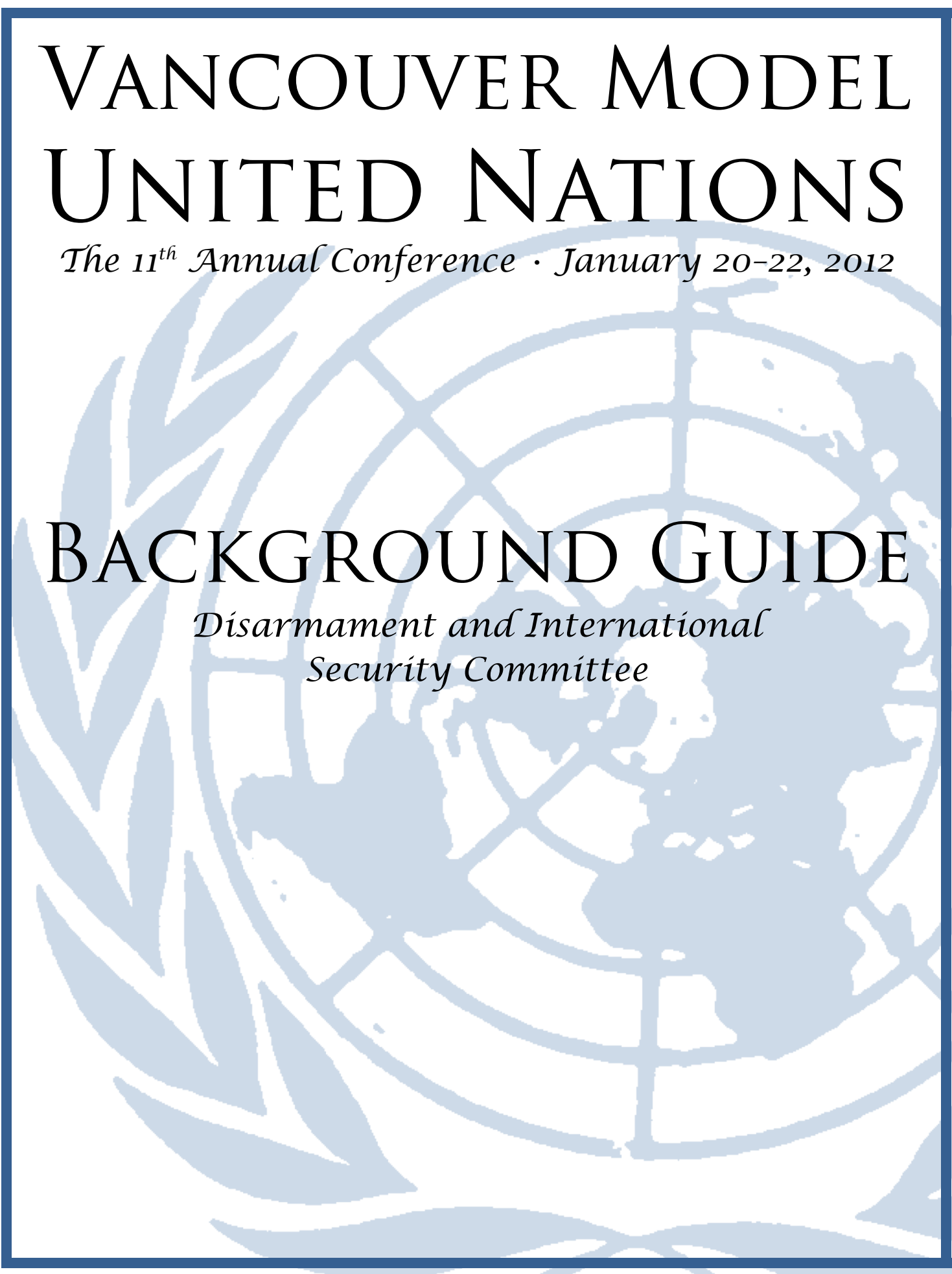


VANCOUVER MODEL UNITED NATIONS

The 11th Annual Conference · January 20-22, 2012

BACKGROUND GUIDE

*Disarmament and International
Security Committee*





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Dear Delegates,

I am David Choi and I will be serving as the director of the Disarmament and International Security Committee this year at VMUN 2012. I have been involved in Model United Nations for five years and have taken a liking to the combination of interpersonal skills and knowledge of the world it requires. I also have a history with DISEC, having served as an assistant director in the committee last VMUN, and as a delegate three years previous. This year, I am taking up the mantle of Director as well as the Undersecretary General of Information Technology and through these positions hope to make this year's VMUN the best yet.

My staff and I have chosen what we believe to be interesting and engaging topics that are important in the political climate of the world. The first topic, responses to the Arab Spring, involves dozens of countries and raises many important issues. Harsh condemnations of the violence lead to questions about sovereignty of nations and social media's role in organizing the protests demands policies regarding the Internet. Formations of the response will help in bringing stability to the Arab World and therefore to the world as a whole. The second topic, regulation of Private Military Companies, is similarly important. Lacking much regulation, they are not beholden to any specific government and have been involved in scandals. In the Arab Spring, they have caused both stability through creating order and chaos through illegal acts.

Of particular note to research is the first topic of the Arab Spring. Private Military Companies have established literature about them that can be found in the bibliography of the backgrounder, but revolutions have constant updates. A successful delegate will need to keep track of current events in both legislation and in the countries affected. We, the staff of DISEC, wish you the best of luck in your research and look forward to meeting all of you. If you have any questions or concerns, please do not hesitate to contact me.

Sincerely,

David Choi

Director of the Disarmament and International Security Committee and
Undersecretary General of Information Technology

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Topic B: Controlling Private Military Companies

Introduction

As the modern era was beginning, war was waged primarily by armies of nationalistic, trained soldiers under a single flag.

Occasionally, mercenaries were used, but they were never prominent during these times. Within the last few decades, however, these bands of mercenaries have consolidated into large private corporations that wield immense power (similar to how labour unions wield much greater power than individual labourers). Comprising groups of soldiers, these organizations currently provide military and security



services throughout the world. They have operated in wars (including the Libyan Civil War taking place in the Arab Spring), served as security guards, trained military personnel, and more. And this isn't an insignificant phenomenon; it has been estimated that there is one contractor for every ten military personnel.¹

As with most things, these organizations, called private military companies (PMCs), have both positives and negatives. One advantage is that they allow non-governmental organizations access to a military, if they are able to afford the services. Humanitarian organizations can, and often have, temporarily hired military personnel without the need to set up long-term militaries.² They can also aid governments in their conflicts as supplemental forces or act where governments are unable to. However, there have also been many instances of atrocities committed by PMCs like the Abu Ghraib incident. These incidents can often counteract the stabilizing force that PMCs are often supposed to provide. Despite this, regulation of private military companies remains vague and ill-defined, as the companies are often able to make use of loopholes in the law to avoid prosecution. The goal of DISEC will be to provide greater regulation of PMCs while maintaining all their benefits.

Historical Analysis

Origins

The first private military company was LOGCAP, created in 1985, but it received little recognition. PMCs only rose to prominence after the end of the Cold War. The completion of the Cold War led to a massive demobilization of militaries, which created both a glut of available, trained soldiers due to the discharge of six million military personnel (much of the staff of private military companies was recruited during this

¹ "Corporate Warriors: the rise of the privatized military industry"

² <http://www.odi.org.uk/resources/download/2844.pdf>

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time) and a growth in the demand for private military companies (with rapidly escalating conflicts in less developed countries).³ PMCs would go on to play a large and somewhat controversial role in these future conflicts.

Angola

The first PMC to rise to prominence was Executive Outcomes (EO). This South African company was hired in 1993 by the Angolan government to fight against the United States and South African backed UNITA party (which refused to accept the 1992 election results). In this conflict, EO managed to play a pivotal role and severely weaken UNITA.⁴ They were able to accomplish this as they had more advanced technology and better-trained staff than the Angola military. The private military company's actions were praised by the Angolan government, and several contracts were awarded to them. However, EO is believed to have unnecessarily escalated the war due to their interests in Angola. They had established a diamond mining industry in Angola and were paid in shares of a diamond company. They intended to end the war as quickly as possible, with little regard for Angolan life, in order to protect their industries. With better regulation, Executive Outcomes's use of force could potentially have been minimized and the casualties lessened.⁵

Sierra Leone

Executive Outcomes was also a major player in the Sierra Leone Civil War that began in 1991. Their purpose was to fight against the chief insurgents, who called themselves the Revolutionary United Front (RUF). In this, EO was exceedingly successful. They began operations in 1995, at the price of \$1.8 million per month paid by the IMF. They were told to attack the RUF, build up support for the Sierra Leone government, and take control of the diamond mines. This highly trained and technologically advanced force was able to quickly achieve all three of their given objectives within a little more than a year. They forced the RUF to admit defeat and sign the Abidjan Peace Accord in 1996. However, in 1997, the government was ordered to decrease spending by the IMF. As a result, EO, with a \$35 million dollar price bill at that point, was ordered to pull out. With the private military company gone, RUF led another coup against the failing government. Though Executive Outcomes was effective, it was an expensive option that, because of minimal supervision, led to effects reminiscent of foreign occupation: severe dependence issues.⁶

Bosnia

After the Bosnian War ended in 1995, there were still some warring factions fighting in the country. Because of this, there were tens of thousands of peacekeepers in Bosnia attempting to maintain order. Many were employed by the well-known American-based private military company. However, what DynCorp is best known for in Bosnia isn't their success as a peacekeeping force, but for child sex slave trafficking. In a sting operation based on reports from several whistleblowers, it was revealed that DynCorp employees were involved in prostitution rings and slave trafficking with girls aged twelve to fifteen.⁷ In response, DynCorp fired the involved employees. However, the employees were not prosecuted; due to loopholes in international treaties, international actions of military contractors could

³ "Oxford Companion to Military History"

⁴ <http://www.wnd.com/?pageId=3290>

⁵ Ibid

⁶ <http://www.sandline.com/hotlinks/20020518-janes/default.html>

⁷ <http://www.rense.com/general28/dyn.htm>

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not be prosecuted. The Pentagon, in response, drafted a proposal prohibiting human trafficking for prostitution by defence contractors in 2005, but implementation was severely delayed by a combination of private military companies.⁸

Iraq

Iraq is where the largest and most well-known controversies involving private military companies have taken place. PMCs were deployed during the recent United States invasion of Iraq and numbered about one hundred thousand people in 2006 (while the American military personnel numbered one hundred forty thousand), divided among companies such as DynCorp, Blackwater, and Kellogg.⁹ For about a year, the often-cited Order 17, signed by an Iraqi government official in the process of leaving office, made private military companies immune to Iraqi laws. Even when this provision was revoked, few people were prosecuted in Iraq for their acts.¹⁰

The Abu Ghraib prison hosted numerous human rights violations in 2004. These included mental abuse, physical abuse, rape, murder, torture, and sodomy committed by members of the United States Army but also by the staff of private military companies CACI and Titan. American soldiers involved in the Abu Ghraib scandal were tried, and have faced sentences ranging from discharge from the military to jail. The same cannot be said of PMC personnel. Though more than a third of the incidents were caused by staff of PMCs, none of them have faced prosecution.¹¹

Blackwater (now rebranded as Xe Services) was a major participant in the Iraq War. They had many failings in Iraq, but their largest one was on September 2007, when their military contractors killed seventeen Iraqi civilians in Baghdad's Nisour Square. The contractors were giving a warning to a suspicious car using stun grenades, when the Iraq army mistook them for enemy combatants and opened fire. The fighting was soon stopped and ceasefires were ordered on all sides, but the private military company employees continued to fire on both civilians and military personnel even though all other participants had stopped. In response, Iraq temporarily revoked Blackwater's license to work in Iraq the next day, but a US court dismissed all charges against those involved.¹² Some employees were fired, but many found work at other private military companies within months.

Yet again, PMCs have been controversial in Iraq for their extreme cost. It was estimated that a Blackwater soldier costs four hundred and fifty thousand dollars per year, six times more than a normal US soldier.¹³ Private military companies are, like most companies, driven primarily by profit instead of the public good. Despite all of these issues, PMCs have been largely successful in their missions. They have a higher success rate in missions assigned to them and, if they were controlled more tightly, might become fully excellent solutions for global problems.

⁸ <http://www.chicagotribune.com/news/nationworld/chi-0512270176dec27,0,1632557.story>

⁹ <http://www.washingtonpost.com/wp-dyn/content/article/2006/12/04/AR2006120401311.html>

¹⁰ http://www.nytimes.com/2007/10/31/world/middleeast/31iraq.html?_r=1&scp=4&sq=order%2017&st=cse

¹¹ <http://www.foreignaffairs.com/articles/60627/p-w-singer/outsourcing-war>

¹² <http://news.bbc.co.uk/2/hi/americas/8436780.stm>

¹³ http://www.washingtonpost.com/wp-dyn/content/article/2007/10/02/AR2007100201037_2.html

Non-Combat Interactions

Private military companies have been largely successful in operation where they haven't been actual combatants; there have been far less controversies over these operations. The operating areas of PMCs often extends to advising, security, and housing. Examples of these activities are leadership and management training (and, more controversially, military training) given to Croatian forces by MPRI in 1994, and Brown & Root doing construction work in 1996 in Kosovo.¹⁴ These are the much less controversial, more common, and less-noticed operations of private military companies.

Current Issues

It is believed that while private military companies can do much good in stabilizing and peacekeeping, they require more regulation. Through loopholes in legislation, they can often completely avoid prosecution. They do not follow the laws of military justice, and individual members can avoid being classified as mercenaries. A few points important in increasing the accountability of PMCs are below.

Definition of Private Military Companies

Private military companies are currently ill-defined, in the opinion of most scholars. PMCs undertake such a wide variety of acts and responsibilities, extending from military training to catering, that makes pinning down what exactly a PMC is very difficult. They are not to be confused with private security companies, which provide protection of individuals; certain military contractors who provide weapons and technology; and mercenaries that work primarily as individuals. DISEC will need to form an operating definition of private military companies.

Regulation of PMCs

Events in Iraq have brought up the question of which countries have the right to prosecute private military companies that have acted illegally. Despite causing casualties and damage in Iraq, private military companies have been tried exclusively in the US. Numerous attempts by Iraqi families to gain reparations for their losses have failed, and there have been numerous calls for justice from the Arab world. Furthermore, one of the most difficult parts of charging a private military company is that they are often hired to perform tasks by states. American PMCs have sometimes escaped prosecution by insisting that they acted under the orders of the US military. Forcing the hiring government to take responsibility is a common tactic used by PMCs. The problem arises when governments, held accountable for PMCs' actions, cannot actually exercise the degree of control over contractors that they do over their own soldiers. DISEC will need to consider the realities of legal accountability for PMCs that operate internationally.

Limits on PMC Operation

Issues about self-determination and the ability for anyone of means to hire them have been raised about PMCs. As proved in countries such as Sierra Leone, companies can have a large influence in the outcome of wars and the future of states. They have mounted coups and saved failing states. Sometimes, PMCs can erode state sovereignty and the ability for a country's people to decide their own state's future. Even if a country has a policy of non-intervention, individual contractors can and have still supplied aid (especially if said contractors are not based in the United States). Additionally, if a private military company can be hired by anyone, small groups of rebels can possibly overthrow entire governments. Military contracting

¹⁴ <http://www.globalsecurity.org/intell/ops/croatia.htm>

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from other countries can pose a serious threat to state sovereignty, which a comprehensive solution should address in some way.

Historical Precedence

There has been little regulation pertaining directly to private military companies; most of the existing documents are addressed at mercenaries.

International Regulation

- Hague Convention of 1907 — This treaty stated that neutral countries should not allow the raising of mercenary forces in their countries. This was one of the first attempts at controlling mercenaries, but it was by no means binding or mandatory.¹⁵
- Amendment to the Geneva Convention Protocol I — This act, also designed to regulate mercenaries in Africa, does not address the use of private military companies by sovereign states.^{16 17}
- United Nations International Convention against the Recruitment, Use, Financing, and Training of Mercenaries — This act, also designed to regulate mercenaries in Africa, does not address the use of private military companies by sovereign states.^{18 19} Many years after its creation, it finally entered into force in 2001.
- General Assembly Resolutions 2131, 2625, and 3314 — These resolutions restrict the raising of mercenary forces by one state to attack another state. They were not aimed at private military companies and do not properly restrict them.²⁰

United States Regulation

- United States Arms Export Control Act — This act, created in 1976, gives the United States the authority to control the export of weapons and defence services. It does not adequately cover the hiring of private military companies by sovereign states.²¹
- United States Uniform Code of Military Justice — This was recently amended in 2007 to allow for the prosecution of PMCs in a contingency operation. Still, US-based military contractors can receive lighter or no sentences.²²

Bloc Positions

Countries using PMCs

These countries greatly benefit economically from having PMCs based within them, and PMCs often wield considerable influence over these governments. They have benefited from them in times when the country could not act for reasons including international treaties, despite there being obvious need for action. There is typically some regulation within these countries, but some countries have none. The

¹⁵ <http://www.icrc.org/ihl.nsf/full/195>

¹⁶ <http://www.icrc.org/ihl.nsf/full/470?opendocument>

¹⁷ <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA440071>

¹⁸ <http://www.un.org/documents/ga/res/44/a44r034.htm>

¹⁹ <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA440071>

²⁰ <http://www.dtic.mil/cgi-bin/GetTRDoc?Location=U2&doc=GetTRDoc.pdf&AD=ADA440071>

²¹ http://www.pmdtc.state.gov/regulations_laws/aeca.html

²² [http://thomas.loc.gov/cgi-bin/query/z?c109:h5122:](http://thomas.loc.gov/cgi-bin/query/z?c109:h5122)

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United States (the largest supplier of PMCs), France, the United Kingdom, the Netherlands, and other countries.

Countries with PMCs Operating in their Territory

These countries have a vested interest in making sure that PMCs are well regulated. They have been useful in these countries, but may have also had negative activities. These countries may also want a lower cost for PMC usage that may come about as a result of hiring. Iraq, Afghanistan (currently the two largest hosts), Colombia, Venezuela, Congo, and other countries.

Neutral Countries

These countries are neutral regarding PMCs, but are usually interested in maintaining human rights; they consist of countries that do not fall into the two above categories

Discussion Questions

1. What are the advantages and disadvantages with private military companies? How can the former be preserved, while minimizing the latter?
2. Who should take responsibility for their actions?
3. Is national sovereignty affected by private military companies?
4. What is a good definition comprised of?
5. Who should control the companies?
6. Should any actions be taken retroactively?
7. In what ways can the companies be held accountable?

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