

BACKGROUND GUIDE

UNITED NATIONS GENERAL ASSEMBLY

*Role of Private Military Contractors in areas of terrorism and Sustainable Policy Reforms.*

**LETTER FROM THE EXECUTIVE BOARD**

Greetings Delegates,

Welcome to the simulation of the United Nations General Assembly at Utopia Model United Nations, 2016. We hope that this academic simulation enriches your public speaking skills and makes you aware about a pressing and extremely relevant issue which is affecting the rights of people around the world.

Delegates are expected to arrive in committee with in- depth knowledge of the topic that would enable them to accurately represent their country’s position and discuss feasible solutions and applications for the topic. It is extremely important for delegates to have a deep understanding of their country’s policy and that delegates represent their nation’s government and not themselves. Innovative solutions that go against said policy will not be very helpful. That said, delegates are encouraged to explore many options.

To help with research, we suggest that you divide the agenda into sub topics and ask yourself questions about the agenda. Making a flow chart for the same would also help. Look at the agenda through different aspects for a thorough understanding of the same. Please ensure that the argument you make is substantiated by research and is NOT research itself. Be creative, analyze and don’t hesitate to think out of the box!

We would be using UNA USA Rules of Procedure for this simulation. You may consult the following for any queries:

http://www.unausa.org/global-classrooms-model-un/how-to-participate/model-un-preparation/rules-of-procedure

We would like to wish all the delegates best of luck for the conference.

Regards,

Executive Board

 **INTRODUCTION**

The General Assembly is one of the six main organs of the United Nations, the only one in which all Member States have equal representation: one nation, one vote. All 193 Member States of the United Nations are represented in this unique forum to discuss and work together on a wide array of international issues covered by the UN Charter, such as development, peace and security, international law, etc. In September, all the Members meet in the General Assembly Hall in New York for the annual General Assembly session.

The General Assembly subsidiary organs are divided into five categories: committees (30 total, six main), commissions (six), boards (seven), councils and panels, working groups, and "other".

The main committees are numbered, 1–6:

1. The First Committee: Disarmament and International Security (DISEC)

2. The Second Committee: Economic and Financial (ECOFIN)

3. The Third Committee: Social, Cultural, and Humanitarian (SOCHUM)

4. The Fourth Committee: Special Political and Decolonisation (SPECPOL)

5. The Fifth Committee: Administrative and Budgetary and general

6. The Sixth Committee: Legal.

**UNGA: DISEC**

The First Committee deals with disarmament, global challenges and threats to peace that affect the international community and seeks out solutions to the challenges in the international security regime.

It considers all disarmament and international security matters within the scope of the Charter or relating to the powers and functions of any other organ of the United Nations; the general principles of cooperation in the maintenance of international peace and security, as well as principles governing disarmament and the regulation of armaments; promotion of

cooperative arrangements and measures aimed at strengthening stability through lower levels of armaments.

The Committee works in close cooperation with the United Nations Disarmament Commission and the Geneva-based Conference on Disarmament. It is the only Main Committee of the General Assembly entitled to verbatim records coverage.

**Private Military Contractors:**

Definition:

A private military company (PMC) is a private company providing armed combat and/or security services. They are one type of private security companies. PMCs refer to their staff as "security contractors" or "private military contractors". Private military companies refer to their business generally as the "private military industry" or "The Circuit"

The International Committee of the Red Cross defines PMCs or PMSCs (Private Military and Security Companies) as;

PMSCs are private business concerns that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, the provision of armed guards and the 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. Since the end of the Cold War, demand for PMSCs has increased to such an extent that there is now a major PMSC industry offering an ever wider range of services, with some companies employing well beyond 10,000 staff members.

**HISTORY OF THE USE PRIVATE MILITARY CONTRACTORS –**

When the Cold War ended, the dynamics of the global geopolitical atmosphere changed. Large standing armies became dinosaurs and millions of soldiers spilled into the world marketplace. The end of the South African apartheid regime coupled with the withdrawal of Cold War support from African countries spawned a new generation of mercenary activity on the continent. The Cold War's end also ended the polarized nature of the world and left many governments weak and neglected by countries that had needed them in a larger strategic battle. This atmosphere is similar to times when hired military services flourished and weak governments relied on their expertise. In America, Pentagon generals were recognizing the eminent downsizing of the military and Military Professional Resources Inc. was formed. They would soon operate in the Balkan wars, as would DynCorp and Halliburton. Their roles were different though. MPRI was contracted to train the Croatian fighting force while DynCorp and Halliburton were hired for facilities maintenance services. The nineties also saw the rise of a South African/ Great Britain based firm, Executive Outcomes, which would pave the path, in many ways, for the reputation of the modern private military service provider. They were active throughout Africa and greatly influenced by mineral and oil extraction companies. They were operated mostly by officers from the recently dissolved Aparthied regime, and they hired soldiers used before in southern African wars of independence. At their height midway through the decade they were capable of fielding over 1,000 soldiers into battle. Over 90 companies all together were active in Africa in the nineties. Aside from the Balkans and Africa, PMCs like AirScan and Defense Systems Limited were used in Colombia by oil firms to protect lines from attack while others, like Dyncorp, have been contracted in Plan Colombia to fight the War on Drugs. Sand line International had contracts in Papua New Guinea and Sri Lanka. MPRI even developed their contract to run ROTC recruiting stations on over 200 US college campuses. The status of the personnel of PMSCs in an armed conflict is determined by international humanitarian law, on a case-by-case basis, in particular according to the nature and circumstances of the functions in which they are involved. Unless they are incorporated in the armed forces of a State or have combat functions for an organized armed group belonging to a party to the conflict, the staff of PMSCs is civilians. Accordingly: they may not be targeted; they are protected against attack unless and for such time as they take a direct part in hostilities. If, however, the staff of PMSCs carry out acts that amount to taking a direct part in hostilities: they lose protection from attack during such participation; if captured they can be tried for merely participating in hostilities, even if they have not committed any violations of international humanitarian law.

**CURRENT SCENARIO**

The UN has been closely following mercenarism since the wars of decolonization in Africa. In 1989, the General Assembly passed resolution 44/34, the International Convention against the Recruitment, Use, Financing and Training of Mercenaries. The convention only entered into force in 2001. To this point UN efforts to regulate the private security industry have been largely inadequate, mainly due to the fact that the nation’s most likely to use PMSCs, including the US, have not ratified the Convention.

Although the UN Working Group on the Use of Mercenaries has been extremely critical of private security contractors, the UN is increasingly turning to PMSCs in its missions abroad. Private contractors have not been used in combat roles, but UN reliance on these firms is growing as its personnel become increasingly targeted in zones of conflict. In countries like Afghanistan and Somalia, the UN is weary of relying on local police forces, and therefore resorts to private contractors to protect its personnel and facilities.

Legitimate concerns have been raised that the use of PMSCs to provide protection for UN staff may create conditions where personnel are *more* vulnerable to attack. Nevertheless, this trend has grown over recent years and is a cause for concern. This trend could eventually challenge the perceived neutrality of UN field operations around the globe. As the U.N. prepares to expand its operations in Afghanistan, it is in talks with a British security firm to send in scores of additional Nepalese Gurkhas to the country to protect them. The embrace of a private security contractor marks a shift for the United Nations, which has relied on governments to supply peacekeepers to protect U.N. staff. In Iraq, the U.N. used a contingent of Fijian peacekeepers for protection. But it has accelerated its move toward hired guns in Pakistan since the Taliban launched an October attack against a U.N. residence, killing five U.N. employees, including two Afghan security guards, and triggered the withdrawal of U.N. personnel from the country. The U.N.’s top security official, Gregory Starr, the former head of U.S. State

Department Security, has also been advocating an increase in the use of private security firms in Pakistan. Those officials will return along with an additional 800 U.N. staff that have been budgeted for the Afghan mission. The latest drive has been led by Starr, who relied heavily on private security contractors to protect American diplomats in Iraq and Afghanistan. Starr who joined the U.N. last May, once defended the security company Xe Services, formerly known as Blackwater USA, following allegations that it

killed Iraqi civilians. “Essentially, I think they do a very good job,” he told Reuters in 2008.

In present-day America, mercenaries have consolidated into one of the strongest institutions in the United States: the corporation. Mercenaries adapted to changing trends in statecraft and warfare by merging into corporate entities under the title of private military companies, or PMCs. America, the country with the strongest national military, is oddly the largest customer of PMCs. According to the Congressional Research Service, roughly 10% of America’s armed forces were privately contracted during WWII, but during the wars in Iraq and Afghanistan, the proportion has grown to a staggering 50%. This past July, the Trump administration confirmed America’s affinity for PMCs when the president’s advisers recruited Erik Prince, the founder of Blackwater Worldwide security firm, and Stephen Feinberg, owner of the military contractor DynCorp International, to draft alternative military strategies in the Middle East that rely primarily on private contractors. The exponential growth of private military firms warrants careful historical and present-day inspection. PMCs emerged out of America’s dynamic military priorities and still deserve a place within America’s military operations, but the unchecked expansion of PMCs in recent decades has produced severe limitations upon America’s ability to resolve conflicts.

In August 2016, the Pentagon announced that Six3 Intelligence Solutions, a private intelligence company recently acquired by California Analysis Center Incorporated (CACI), which was implicated in the Abu Ghraib scandal, had won a $10 million no-bid army contract to provide intelligence analysis services inside Syria. They were to work alongside the roughly three hundred US troops fighting against the so-called Islamic State and to depose Russian-backed Syrian leader Bashir al-Assad. CACI embodies two trends that have gravely hindered democratic political development in the United States over the last generation: an incestuous relationship between military contractors and government officials who end up serving on the executive boards of companies they dole out lucrative contracts to; and the ability of the same companies to finance political campaigns, which curries them favor alongside their lobbying efforts. These tendencies have helped to entrench a system of military-Keynesianism and resulted in an irrational foreign policy that fuels the global political instability that politically connected companies profit from.

**LEGAL STATUS OF PMCs**

 **Customary international laws**

*Laws of War: Laws and Customs of War on Land (Hague IV); October 18, 1907*

*ARTICLE 4*

STATEMENT

Prisoners of war are in the power of the hostile Government, but not of the individuals or corps who capture them. They must be humanely treated. All their personal belongings, except arms, horses, and military papers, remain their property.

*ARTICLE 6*

*STATEMENT*

*The State may utilize the labour of prisoners of war according to their rank and aptitude, officers excepted. The tasks shall not be excessive and shall have no connection with the operations of the war. Prisoners may be authorized to work for the public service, for private persons, or on their own account. Work done for the State is paid at the rates in force for work of a similar kind done by soldiers of the national army, or, if there are none in force, at a rate according to the work executed. When the work is for other branches of the public service or for private persons the conditions are settled in agreement with the military authorities. The wages of the prisoners shall go towards improving their position, and the balance shall be paid them on their release, after deducting the cost of their maintenance.*

*ARTICLE 17*

*STATMENT*

*Officers taken prisoner shall receive the same rate of pay as officers of corresponding rank in the country where they are detained, the amount to be ultimately refunded by their own Government.*

**CONVENTION OF GENEVA AND UN**

**Geneva Conventions**, a series of international treaties concluded in Geneva between 1864 and 1949 for the purpose of ameliorating the effects of war on soldiers and civilians. Two additional protocols to the 1949 agreement were approved in 1977.

The development of the Geneva Conventions was closely associated with the Red Cross, whose founder, Henri Dunant, initiated international negotiations that produced the Convention for the Amelioration of the Wounded in Time of War in 1864. This convention provided for (1) the immunity from capture and destruction of all establishments for the

treatment of wounded and sick soldiers and their personnel, (2) the impartial reception and treatment of all combatants, (3) the protection of civilians providing aid to the wounded, and (4) the recognition of the Red Cross symbol as a means of identifying persons and equipment covered by the agreement.

The 1864 convention was ratified within three years by all the major European powers as well as by many other states. It was amended and extended by the second Geneva Convention in 1906, and its provisions were applied to maritime warfare through the Hague conventions of 1899 and 1907. The third Geneva Convention, the Convention Relating to the Treatment of Prisoners of War (1929), required that belligerents treat prisoners of war humanely, furnish information about them, and permit official visits to prison camps by representatives of neutral states.

Because some belligerents in World War II had abused the principles contained in earlier conventions, an International Red Cross conference in Stockholm in 1948 extended and codified the existing provisions. The conference developed four conventions, which were approved in Geneva on 12, 1949:

(1) The Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field

(2) The Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea

(3) The Convention Relative to the Treatment of Prisoners of War

(4) The Convention Relative to the Protection of Civilian Persons in Time of War.

**CASE STUDIES**

**1) Sandline affair**

**THE Bougainville Crisis was the biggest conflict fought on the soil of Papua New Guinea since World War II.**

It came about as a result of landowner grievances over unequal distribution of wealth and large amount of environmental damage caused by the mining giant, Rio Tinto.

As a result of relentless rebel activities on Bougainville, the PNG government under Sir Julius Chan resorted to hiring Sandline mercenaries of the Executive Outcome Company, the latter being a sub-contractor of Sandline International. There were several reasons for this including Chan’s desire to restore order in Bougainville, to reopen the copper mine and to remove rebel leaders. The explosive nature of the Bougainville crisis had taken Papua New Guineans and Bougainvilleans by surprise. The war worsened resulting in the loss of thousands of lives and the destruction of assets and property.

Before the outbreak of the crisis a series of events took place. There was the November 1988 blowing up of power pylons and other acts of sabotage which led to the shut-down of the mine. As a result of these criminal acts, an order for police to “shoot to kill” was given by then Minister for Police, Paul Tohian. The militants formed the Bougainville Revolutionary Army (BRA) under the leadership of Sam Kaouna and landowners’ spokesperson, Francis Ona, who was very vocal. They stated that they were willing to sacrifice their lives for a worthy cause.

As the rebel activities on Bougainville increased, the PNGDF (Army) was troubled that it was unable to establish a stronghold on the island and soon afterwards a blockade was imposed in an effort to force the militants to surrender. The BRA and other elements declared unilateral independence

and established an interim government in May 1990.This followed the “St Valentine’s Day massacre” which had been carried out by the PNGDF in February 1990 that saw many casualties among militants and civilians. It was during this time that prime minister Chan and his deputy Chris Haiveta became convinced that the only way to defeat the rebel activities on Bougainville was to engage an international mercenary organisation. They believed the proposed operation was a last resort to get back the once wealthy province. The Sandline mercenaries were tasked to “get the criminals,” by which the mercenaries assumed the rebel leaders on Bougainville.

Sandline’s plan was to use helicopters to support and ferry an operational force of contract soldiers to do battle where they would defeat the BRA and force a negotiated settlement. In addition to armed force, the tactics used by the Sandline involved manipulating the media and using psychological warfare on the people of central and south Bougainville. This instigated fear in Bougainville and PNG as a whole. The Sandline deal met opposition from Port Moresby Governor Bill Skate, who described it as “a crazy plan” because it reflected a failure on the part of the PNG government to address the crisis and issues of landowner grievance and environmental damage.

Soon after, in March 1997, the mercenaries were flown out of the country as unrest broke out on the streets of Port Moresby and Prime Minister Chan stepped down. Historian James Griffin also believed that “long unattended corruption issues were seen as the result of Chan being ousted in Parliament”. However, Chris Haiveta stated he had no regrets in signing the Sandline contract as he believed it was the right decision at the time. It was not until 2001 that an official peace agreement was signed by the PNG government and the leaders of Bougainville. The role of the Sandline mercenaries remains a topic of great controversy in PNG.

**2) Blackwater Fallout**

On Sept. 16, 2007, a convoy of Blackwater contractors guarding State Department employees entered a crowded square near the Mansour district in Baghdad, Iraq. But versions of what caused the ensuing bloodshed diverge. Employees from the firm claim they were attacked by gunmen and responded within the rules of engagement, fighting their way out of the square after one of their vehicles was disabled. Iraqi police and witnesses instead report that the contractors opened fire first, shooting at a small car driven by a couple with their child that did not get out of the convoy’s way as traffic slowed. At some point in the 20-minute gunfight, Iraqi police and army forces stationed in watchtowers above the square also began firing. Other Iraqi security forces and Blackwater quick-reaction forces soon reportedly joined the battle. There are also reports that one Blackwater employee may even have pointed his weapon at his fellow contractors, in an effort to get them to cease firing.

Since then, the Iraqi and U.S. governments have launched separate investigations, likely ensuring that the differing versions of the story will never meet. The only thing agreed upon is the consequences: After a reported 20 Iraqi civilians were killed, including the couple and their child, who was subsequently burned to the mother’s body after the car caught fire, the Iraqi government and populace exploded with anger.

Iraqi Prime Minister Nouri al-Maliki called the killings a crime, announcing that his government was pulling Blackwater’s license to operate in Iraq and would prosecute any foreign contractors found to have been involved in the killings. But there were two problems: Despite its mission of guarding U.S. officials in Iraq, Blackwater had no license with the Iraqi government. Secondly, the murky legal status of the contractors meant they might be considered exempt from Iraqi law because of a mandate left over from the Coalition Provisional Authority, the U.S. governing authority in Iraq that was dissolved more than two years prior.

The Blackwater mess has roiled Capitol Hill and shined light on the many questions surrounding the legal status, management, oversight and accountability of the private military force in Iraq, which numbers more than 160,000 — at least as many as the total number of uniformed American forces there.s

**FOR FURTHER READING**

<https://www.globalpolicy.org/pmscs/50442-un-seeks-controls-on-privatearmies.html?itemid=1455>

<https://www.globalpolicy.org/pmscs/50489-recommendations-for-overseeinggovernment-contractors.html>

<https://www.economist.com/business/2013/11/23/beyond-blackwater>

<https://thewire.in/business/is-the-world-ready-for-private-military-companies-as-peacekeepers>

 <http://globalpolicy.org/nations/sovereign/military/2007/0713iraq>.

<https://www.globalpolicy.org/pmscs/51280-the-privatization-of-peacekeepingprospects-and-realities.html>