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Disarmament and Security Committee (DISEC)



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Disarmament and Security
Committee
(DISEC)
Background guide

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Introduction to the Committee

The Disarmament and International Security Committee (DISEC) is the first committee of the United Nations General Assembly (UNGA). DISEC is responsible for various mandates of the UN; famously dealing with nuclear proliferation and conventional weapons. DISEC has been instrumental in resolution passing on matters of direct conflict as well as broadly acts as the United Nations (UN) ground for international peace and deterring conflict¹.

In this committee, we will be looking into its other mandates; namely those concerning regional disarmament and global security. The aim of your committees is to analyse the nuances of the de facto states and the UN response to their emergence, as well as on the ethics and repercussions of private military action during the conflict. Both topics raise questions about global peace and call for a new response to changing times.

Delegates will engage in meaningful discussion on these topics, bearing in mind the situational issues of today's era, and calculate the united response to these issues.

History of the Committee

The United Nations was established in 1945 as an arbiter of peace and international security, in order “to establish friendly relations” amongst the then post-WWII countries². The General Assembly (GA), established under Article 3 of the UN Charter, is vital to the way the UN operates today. It acts as a platform for international discussion and provides an arena for member nations to resolve the plethora of world issues.

Due to its overarching mandate surrounding issues of all types, the GA, under Article 22 has the ability to “establish such subsidiary organs as it deems necessary for the performance of its functions”. It was under this power that the Disarmament and International Security Committee

(DISEC) was established as the first committee of the UN. International security is the founding tenet of the UN, and therefore the role of DISEC as the GA's committee for international security is crucial to the UN overall. In 1978, in a special session of the GA, the UN established the "disarmament machinery", of which DISEC is a part of³. The Conference on Disarmament (CD), and the Disarmament Commission (DC) were two other components established in 1978. Both the conference and commission report to DISEC while providing grounds for further discussion on nuclear disarmament and additional discussions on regional disarmament "as necessary". The Committee conventionally meets every September to debate, discuss and draft resolutions over a 2 month period in regards to its diverse mandate⁴.

Regarding its purpose, DISEC splits up its agenda into "thematic clusters": nuclear weapons, weapons of mass destruction, conventional weapons, outer space, regional disarmament and security, as well as other disarmament measures and international security³.

As a part of the GA, DISEC allows for all 193 member states to contribute as voting members. Unlike the Security Council, it acts as an egalitarian platform to discuss matters of international security. DISEC also cannot rely upon direct UN military support, and therefore leans on international cooperation for resolution implementation. Its resolutions build peace and security by consensus and agreements, as opposed to by force. In its history, it has implemented approximately 50-70 resolutions annually- passing over 50% unanimously³.

Topic A: Security of Emerging/de facto States

Statement of the Problem

De facto/emerging states, also known as unrecognised or contested states are entities or a defined group of bordered individuals with some semblance of autonomous governance and sufficiency. Distinctly, de facto states are often in tension or in conflict with the countries from which they emerge and therefore don't receive international recognition or independence. With constant

challenges to their existence and conflicting territorial claims, de facto states and their respective security have become an important issue in maintaining global peace⁵.

The UN currently has no official list or document that highlights all de facto states. This makes it hard to determine which states require security or implement any UN resolutions concerning the topic. The UN maintains this position since there is little consensus on state recognition⁶. As an example, South Ossetia may be a de facto state as it is recognised by some countries globally. Yet, Georgia claims it as a part of its own sovereign territory- making it difficult to determine who may receive the assistance of the UN⁷.

Furthermore, it is unclear to what extent the UN should communicate with de facto states. Since by definition de facto states are *not* recognised by the UN, the security of these states must stem from mutual compromise on upholding international peace and security. Disputes also arise as a consequence of an indeterminate view on the legitimacy of these countries. An example of this is Kosovo, a de facto state currently recognised by 97 UN member states. UNSC resolution 1244 established UN governance over the region, and Kosovo is able to participate in various organizations including the IMF and World Bank. However, Serbia remains insistent on Kosovo being a part of its own sovereign territory, with the Global Peace Index describing social and regional security and border conflict within the region being prominent issues⁸.

The Trusteeship Council was the UN organ responsible for declaring state independence, as well as providing a framework on the security of de facto states. However, as the council has not been called upon in over 20 years, the UN now relies on a case by case assessment of each de facto state, with no framework to guide discussion on security and de-escalation within the region. This leads to states like Kosovo being ascribed several freedoms, while other states like South Ossetia remain in tension and dispute⁹.

Ultimately, the problem of security in pertinence to the UN stems from a compounding effect of a lack of definition on what de facto states are, disputes over claims regarding de facto states, and an unclear framework on de-escalation and resolution for such states.

History of the Problem

The distinction between a 'state' and a 'de facto state' stems from the degree of recognition granted. Both often share a unified population, a regional body of leadership, and a varying degree of control over the territory. However, de facto states are distinct as many remain unrecognised by all countries. This impedes their ability to stay secure and sovereign.

The emergence of 'de facto' states dates back to the foundation of countries in the first place. By definition, many countries were at some point de facto states- establishing a monopoly over power within a territory and conducting trade with some entities. However, discussion of de facto states in a modern context arose in conjunction with the UN; at the end of WWII⁵.

De facto states often emerge out of violent conflict or ethnic divisions. At the height of WWII, almost all parts of the world were engaged in such disputes. In particular, the Russian revolution and the annexing of Eastern Europe set the stage for various ethnic groups to begin their bid for independence.

One of the most significant historical events that led to the establishment of many de facto states was the collapse of the Soviet Union. When the Soviet Union expanded towards the southern border of Europe and Asia, it invaded various countries that were ethnically distinct. Unifying these regions together set up the state divisions for the rise of emerging states down the line¹². After the collapse of the Soviet Union, many de facto states emerged in that region. For instance, in Georgia, a civil war sparked between the ethnically distinct territories of South Ossetia and Abkhazia from 1991-93. Ossetians have remained culturally distinct from Georgia and tied to the Russian Federation.

Nevertheless, as an assertion of dominance, Georgia revoked the autonomy given to South Ossetia by the Soviet Union before its collapse. South Ossetia declared independence in 1991, and after a civil war and Russian support, it acts as a de-facto state that maintains close ties with Russia and its allies¹³. Similarly, Abkhazia is culturally different to Ossetian and Georgian individuals, yet remains politically linked to Russia and South Ossetia¹⁴.

Emerging states are slightly distinct from de facto states for the simple reason that they encompass a far broader range of states. Not to be confused with economically emerging states, many “emerging” states may not have international recognition from any country. Consequently, the security of these states is almost more important, as they are conflict-ridden and in need of de-escalation. Unlike de facto states, there is no clear or definitive list of emerging states. Many rebel groups control territory, many nations exist within countries, and various parties attempt to declare independence¹⁵.

Historically, emerging states often arise from conflict or political distinctions. For example, Transnistria is an emerging state currently unrecognised by all, yet it has deep historical roots for its autonomy. In 1940, the Moldovan Soviet Socialist Republic was established by the USSR. Maintaining autonomy for over 50 years, the collapse of the Soviet Union led to a breakaway of Moldova and Romania. The Moldovan Soviet Socialist Republic vied for separatism to merge with Russia, hoping that Moldova would merge with Romania. However, as Moldova declared independence, a conflict arose within the region until 1992, when a ceasefire was called. Transnistria then evolved into what is closer to a de facto state, though this was more recent (and is expanded upon below)¹⁶.

For some emerging states, historical context often splinters the bid for emergence in the first place. Both Catalonia and East Ukraine serve as examples of this. Although Catalonia has become increasingly pro-independence in recent times, historically, the bid for Catalan independence has been a topic that divides opinions for the people. The idea stemmed from regionalist movements in

the 1850s and took flight before the Spanish Civil War. However, General Francisco Franco abolished Catalanian autonomy, stifling the idea until he died in 1971. Before the modern Catalanian movement, referendums within the region always showed that the public cared more about its autonomy than it did about independence. In that sense, Catalonia aimed to become a de facto state before it ever tried to become an independent one¹⁷.

Historically, de facto states rise from conflict and ethnic contentions, which lead to demands for independence or autonomy. However, as their history remains tied to their independence goals, their security is vital as the tensions between de facto states and their parent states can escalate to conflict. There are other examples of historical de facto states; the above discusses events of historical significance that led to their foundation and the conflicts surrounding some of them. Research should be done to decide a country's position and the de facto states it cares about.

Current Situation

Almost all de facto states have recently revived their bids for independence and recognition. New conflict in Eastern Europe and Central Asia and movements for independence in Catalonia raise the concern of security and de-escalation, all while having no recognition for these states.

After the first establishment of de facto states in Central Asia, these states have become a tool for Russia's aggression and gain in recent times. South Ossetia maintained close ties to Russia after it gained autonomy. These relations jeopardised the security of its people in 2008 when Russia chose to invade Georgia. South Ossetia is noted as the instigator of the 2008 invasion, which Russia used to justify engaging in widespread land and sea attacks on Georgia¹⁸. A ceasefire was negotiated in 2008, though the area remains in conflict today as troops mobilised in the area as recently as April. NATO and a large portion of the West have slammed Russia for its actions in Georgia and South Ossetia. After this, though, Russia and South Ossetia began discussing the merging of territories as South Ossetia would withdraw from Georgia and into Russia.

This indicates a position similar to Transnistria, where it may be preferable to de-escalate entirely by moving towards unifying with a different parent state. In 2015, Russia and South Ossetia merged all their defences, and the South Ossetian military became a strategic component of the Russian military. The Russian government also commits to paying state workers salaries of the South Ossetian government per the North Caucasus Federal District¹⁹.

Some de facto states have evolved into near functioning members of international relations. However, their unrecognition by key actors bars them from joining the UN, which raises the question of how effectively the UN can enforce security measures and prevent conflict within such regions.

An example of this is Kosovo. Today, it is estimated that Kosovo is safer than about half the world's countries- ranking 86th on the Global Peace Index²⁰. Kosovo maintains close trade relations with approximately half the world and participates in organisations outside of the UN, including the IMF and World Bank, for aid and development. Kosovo declared its independence in 2008, and it remains unique as the only de facto state to declare itself unilaterally independent after the Soviet collapse and gain recognition from a majority of states. However, much of the East refuses to recognise Kosovo, possibly due to their ties to Serbia and Yugoslavia. This bars Kosovo from joining UN discussions, although it is occasionally invited as an observer state²¹.

Another example of a de facto state with large recognition and observer status is Palestine. The very prominent conflict between Israel and Palestine has seen recurring escalation within the area. In May 2021, over 500 people were wounded, and at least 84 people were killed as the conflict escalated further. The security of both Palestinians and Israelis is of pertinent discussion, especially when both states have various countries that do not recognise them²². The UN has passed over 131 resolutions on the topic, and Palestine serves as a key example of a de facto state where de-escalation and security enhancements should be discussed²³.

Over time, many emerging states have evolved into de facto states with increasing autonomy and control over their territory. However, with zero recognition, it is important to discuss further UN steps. In recent times, Transnistria has engaged in negotiations with Russia, Romania, and Moldova to establish autonomy over its government, police system, law, national anthem and constitution. However, under Moldovan law, the country is still categorised as a special zone¹⁶. While this may depict Transnistria as an autonomous and free de facto state, the Freedom House Press describes Transnistria as being non-free; restrictive of political rights and civil liberties²⁵.

In recent times, alliances between emerging states have begun to form. South Ossetia, Transnistria, Abkhazia, and Artsakh have formed the Community for Democracy and Rights of Nations, or the 'Commonwealth of Unrecognised States'. All four de facto states affirm their independence mutually, though very few UN countries affirm those rights as well. The de facto states utilise this alliance to draft peaceful solutions to their various conflicts, such as the Georgian-Ossetian conflict, and ratify commitments for the welfare and security of their citizens²⁶.

As for the current state of emerging states, those vying for autonomy as opposed to independence, Catalanian protests, and the Spanish Crisis of 2018 rose to significant prominence. After a majority referendum showed that Catalonians wanted independence, the Spanish government attempted to block their vote in the election. They launched an "all-out legal offensive", including taking over the finances of Catalonia, seizing posters, and distributing propaganda within the area. As well, the government detained various local leaders. Tensions reached a boiling point when the Spanish stormed the Catalanian government on the grounds of illegality. This led to mass protests, being described as the "worst in history" for Spain²⁷.

Furthermore, the Spanish government's protests and usage of force threaten the safety of civilians and risk escalation. Russia reported on the whole incident as "illegal", affirming support for Spain. Alternatively, some Western leaders spoke out in support of the referendum, or at the very least, condemned the escalation efforts of the Spanish government²⁸.

In recent times, de facto states have become integrated into a more globalised system, and states like Kosovo can act almost independent of their parent states. However, conflict still plagues many states and threatens the peace and stability of these regions. Changing views and shifting perceptions of the public further influence the direction the states choose to pursue in the long term, be it protesting for independence in Catalonia, or striking a deal for autonomy and maintaining peace within the region.

Relevant UN Actions

The United Nations has been instrumental in declaring the global position on certain de facto states, acting as a temporary governance system and an arbiter of conflict when it comes to de facto states.

Georgia and its conflicts: The UN has adopted over 32 resolutions regarding Abkhazia. It has affirmed the right for the state to gain maximum autonomy. Resolution 1716 told Georgia to de-escalate troops within the region, and various resolutions called for a peaceful resolution to be reached between the two countries. The UN has adopted UNSC resolutions implementing Russia as a peacekeeper, though, with Russian aggression within the region, it is unclear as to what extent this would be effective²⁹.

Kosovo: In 1999, under the provisions of the UNSC Resolution 1244, the UN established the United Nations Interim Administration Mission in Kosovo (UNMIK). UNMIK has remained an active presence within the state, with intentions of ensuring a “peaceful” and “normal” life for its citizens. While its role is relatively minor now, as Kosovo has become more independent and is gaining recognition from an increasingly large number of countries, it still serves as a line of communication and stability within the Western Balkans³⁰.

Palestine/Israel: The Israeli-Palestine conflict is one that goes beyond Palestine’s goals of legitimacy. The UN has adopted over 130 resolutions on the topic. Most ‘deplore’ the various acts

of armed conflict within the region. UNGA resolution 67/19 provided Palestine with observer status within the UN, which has allowed for it to engage in various discussions on the global stage and speak about the conflict overall. Yet, even resolutions as recent as this year don't provide enough to prevent armed conflict, which continually breaks out³².

Historic Dissolutions: In the past, the UN has helped merge de facto states with their parent states to prevent further conflict. For instance, in the Republic of Serbian Krajina(RSK), a then de facto state within Croatia, the UN sent the UN Protection Forces to maintain control over the region³³. However, after Croatia stormed the state, the UN drafted a compromise. A small part left unseized, which the UN Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium(UNTAES) until it drafted the Erdut Agreement in which the remaining territory was peacefully reintegrated. Many East European and North African states relied on UN support to peacefully reintegrate or fairly govern their de facto states³⁴.

Catalonia and Emerging States: After the Spanish government detained Catalanian separatists, the UN was urged to provide a response. In a report and subsequent resolution in 2019, the UN Working Group on Arbitrary Detention demanded that Spain released the detained Catalonians and declared the Catalanian separatists as "political prisoners"³⁵. The Spanish ambassador to the UN in Geneva called for the UN to change this report, as it was shown that many of the members who worked on it had ties to the lawyers of the detained³⁶. In June 2021, the leaders were pardoned and eventually freed³⁷. In East Ukraine, pro-Russian Separatists helped incite a Russian invasion into the territory. The UN has responded through various resolutions, including UNGA resolution 68/262, which affirmed the UN commitment to territorial integrity in Ukraine. This came after the annexation of Crimea, a former conflict zone between Russia and Ukraine³⁸. Recently, external organisations like NATO have found moderate success in deterring Russian aggression, as in April 2021, Russia pulled back 100,000 troops from the region³⁹.

Northern Cyprus: The first state within the Central Asian/European cluster to begin fighting for independence, Northern Cyprus claimed its independence in the 50s. However, the UN has not given Northern Cyprus legitimacy, utilising UNSC resolution 550 among others to urge leaders to “not recognise” the de facto state⁴⁰. It also condemned Turkey’s attempts to provide arms and “interfere” with UN Peacekeeping Forces stationed there previously as a contradiction to UNSC resolutions. The UN has maintained this position, in 2021 calling for a reversal of Turkish Cypriot actions in Varosha, a conflict zone⁴¹.

The UN actions on the various emerging and de facto states vary significantly depending on the state, its recognition, and the degree of autonomy it has. The ultimate goal of the UN is to de-escalate and maintain peace, though the methods by which this has been done vary widely. Be it maintaining direct oversight over a government or calling for de-escalation; the UN has a variety of methods that it deems fit on a case by case basis. There is no framework by which the UN determines its needs.

Proposed Solutions

As can be seen above, solutions generally encompass three broad categories. Before that, though, important questions as to what constitutes a de facto state and emerging state, as well as an emerging state, must be resolved.

The UN currently defines a state under the Montevideo Convention of 1933. A state is a territory that has “a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.” However, there is a dispute over whether a state needs to be recognised to constitute a state. This is the clash of the declarative theory of statehood (states can exist independent of total recognition) and the constitutive theory of statehood (states require recognition from all). Taking a firm position on what defines a state, guided by either theory, can help formulate a clause on what a de facto state really is⁴².

The first solution is to force UN consensus on all de facto states. This would mean that either on a case by case basis or on a framework developed when developing a definition, to declare whether a state is de facto, legitimate, or not a state at all. This has been done in the past with South Ossetia. Developing certain exemptions or rules to deal with conflict could also be important within a productive resolution. That is to say, determining to what extent the UN can deal with de facto states to provide security and support within the region would help better enforce the decisions made by the UN.

The second solution may be to call for peace talks or de-escalation in areas of significant conflict. The UN has established interim forces and delegated countries to lead peace talks in the past, as well as negotiated ceasefires in parts of East Europe and North Africa. Continuing to build on these past UN actions in areas of conflict, especially with resolutions that highlight how these peace talks would occur and who would oversee them, would bring clarity to the current process. Delegates can explore how peace was negotiated in the examples above and explore UNHRC or UNGA resolutions that deplore conflict or condemn states for aggression.

The third solution for de-escalation is a bit more scarce in its application. While DISEC cannot directly call for UN Peacekeeping Forces or UN intervention, the committee can urge consideration of intervention to be discussed by the UNSC. This has been done in the past with Northern Cyprus, where UNGA resolutions deploring Turkish aggression evolved into deploying Peacekeeping Forces within the UNSC. Delegates would have to determine where such a solution is applicable or whether it should be considered at all.

There are other solutions not mentioned that delegates may consider. These are the most commonly adopted by the UN when it comes to de facto states in the status quo.

Questions a Resolution Must Answer

- How do unrecognized states interact with the international system of sovereign states?
- What are the strategies available for dealing with unrecognized states? What can we offer as a solution to ongoing conflicts in unrecognized states?
- How do we strike compromise on the international stage for unrecognized states?
- To what extent can the UN intervene and govern these autonomous states? Does a bid for autonomy work better, or does independence yield a better solution?

Bloc Positions

Bloc positions are largely determined by the conflicts that become the most relevant within the committee. The area with the most de facto states remains Central Asia and Eastern Europe. Commonly, many de facto states have backing from either Russia and its allies towards the East, or Western Europe and its allies. As such, delegates may want to consider an **East vs West** bloc split. There are quite a few exceptions to this, however. Catalonia and Spain have a more splintered division, with many Western countries condemning the Spanish actions, while many Eastern countries do the same. Ultimately, bloc splits will be determined by what de facto state conflicts become the most relevant within the committee, as well as by what solutions are supported by various actors (no conflict vs peace vs UN troops).

Suggestions for Further Research

<https://carnegieeurope.eu/2018/12/03/introduction-strange-endurance-of-de-facto-states-pub-77841#:~:text=Abkhazia%2C%20Transdnistria%2C%20and%20northern%20Cyprus%20will%20be%20called%20de%20facto,legal%20authority%20in%20that%20territory.>

<https://academic.oup.com/isq/article/61/2/337/3078982>

Topic B: The use of private militaries in international conflict

Statement of the Problem

Private military companies (PMCs) specialize in providing combat and protection forces, ranging from small-scale training missions to soldiers equipped with weapons. Private forces have controversially been seen as emerging threats or benefiting alternatives to numerous states. Acting as an intermediary between employed soldiers and governments seeking services, the agreement over private militarization exists for international conflict deterrence. However, the usage of PMCs has become a polarizing and inherent topic within the international community¹.

The practice of warfare – particularly used by non-governmental organizations – outside of UN regulations has become part of a wider trend. Operated by multinational firms and international organizations, PMC's are not just limited to security: Intelligence, transportation of infrastructure, and protection of people, services, and goods are on the frontier demand of these private corporations. PMCs provide services to replace or support an army or armed group to enhance effectiveness in conflict. They are most commonly used when businesses feel as if they cannot fully rely on state security forces for their protection².

PMC employees are not recognized as military or armed force soldiers. These employees carry the difficulty of determining whether the targets and places they protect are used for military purposes, or whether the people themselves are linked or engaged in armed conflict. Hence, as a part of the International Humanitarian Law principles, PMC employees are to not be placed in ambiguous military situations³.

The legitimacy of PMCs is altered according to national and international consensus based on inappropriate use or status quo of PMCs. As the state operating private militarization is held accountable for its regulations, the United Nations does not interfere with state sovereignty and does not enforce its prohibition. During the Thirty-Fifth Annual Ditchley Foundation Lecture the

former UN Secretary-General, Kofi Annan, considered engaging private firms to separate refugees in the Rwandan refugee camps in Goma, but held back as “the world may not be ready to privatize peace.”⁴

Established treaties, particularly under the Geneva Convention of 1949, reflect tension risen from the unclear definition and boundaries behind the prohibition of outside governmental militarization. However, it is important to note that these treaties do not prohibit its use. Although some organizations view Military Professional Resources Incorporated, Group4, and Control Risk Group, to name some, as mercenaries, governments, particularly western states, do not, as long as they provide legitimate security to states⁵.

History of the Problem

Before 1945, countries that allowed the use of mercenaries indicated their support of a belligerent regime. Therefore, the Hague Convention in 1907 prohibited PMC installments on national territory to prevent neutral countries from being involved in international disputes⁶.

In 1949, Article 47 of the Geneva Convention implemented provisions on mercenaries. Yet, this only happened after the 1960 decolonization period, where the international community only reaffirmed Article 2(4) of the United Nations Charter as a response to PMC defense during war liberations in Africa⁷. In 1972, the OAU Convention advocated for the elimination of mercenaries. States were now responsible for punishments, and out-of-line cases that occur within their jurisdiction⁸. Eventually, in 1977 the “Convention on the Elimination of Mercenaries in Africa”⁹ and the 1989 “International Convention against the Recruitment, Use, Financing and Training of Mercenaries” were implemented by the UNHRC¹⁰.

However, they mostly were not entered into force until 2001, with the main problem being the tardiness of nations using PMCs to ratify the convention¹¹. In 2007, The General Assembly was “alarmed and concerned at the danger that mercenaries constitute to peace and security in

developing countries, in particular Africa and small states.” In fact, the only African state that has a regulated framework is South Africa with the promulgation of the Prohibition of Mercenary Activities in 2006¹².

In the efforts of standardizing conduct in International Humanitarian Law and Human Rights protocols the Swiss Federal Department of Foreign Affairs and the International Committee of the Red Cross (ICRC) initiated a Martinez Document on International Legal Obligations and Good Operation of Private Military and Security Companies During Armed Conflict, endorsed by 54 states and three international organizations as of 2008¹³. These conventions and protocols are to regulate the relationship between states concerned with international violence.

Africa now faces the use of proxy forces in PMC form from Russia. The Russian Wagner Group has fought with PMCs in Eastern Ukraine and against Syrian opposition forces during the Syrian Civil War. The Wagner Group provides additional Russian security for Russian businesses. Russia has contracted PMCs across Sudan, Libya, Madagascar, and Mozambique. With Libya as an exception, PMC forces operate without heavy military equipment. Instead, they train local forces and protect Russian affairs at all costs¹⁴. But Russia has employed PMC forces to advance Ukrainian and Syrian interests and thus is dependent on negotiated settlements while having PMC resources outside of just their territory.

Current Situation

The discussion on private militia lies with the limited power external forces outside of a nation's territory have over such decisions. The IHL can only serve to monitor armed conflict and decrease its potential inhumane operations¹⁵. PMCs have begun to shape modern warfare, creating a greater advantage and presence for foreign conflicts.

Weaponry and military equipment remain accessible and often exclusive to PMC forces, rather than military forces. The Russian intervention in Libya signifies the will and capacity of any nation to intervene with heavy equipment that is beyond their supposed control¹⁶. A major lack of transparency is prominent within the private sector, making it more likely for there to be corruption, and thus create further military intervention. Due to unclear legal status, PMCs in conflict areas can contribute to illicit arms trading and trafficking¹⁷. This can interfere with the set of ground rules in conflict zones.

Currently, PMCs are prominently located in Afghanistan, Iraq, and Pakistan. Similarly, western governments have increased private contractors for domestic purposes, to ensure PMC availability if there were to be international conflict¹⁸. But, with an overly flexible amount of regulations and loopholes in international law, this committee must find ways to address these concerns.

International conflict with PMCs needs to be regulated with appropriate oversight, monitoring mechanism, and ultimate international comprehension.

Relevant UN Actions

In the past, the United Nations firmly labeled PMCs as mercenaries. Yet, through peacekeeping efforts, they have become indispensable. Progress is still to be made both through national legislation and international agreements.

The UN Mercenary Convention: The United Nations adopted The International Convention against the Recruitment, Use, Financing and Training of Mercenaries in 1989, created to address concerns on “the order and integrity of the State and the impact of peace and security.¹⁹” The issue still lies in its exact definition and the entailment of certain PMC activities, but its ratification from all member states is not complete. PMCs and their employees must be motivated to take part in hostilities for private gain, they must not be a member of a nation’s regular armed force group and they cannot express ties to either warring party involved²⁰.

Expressed by the Secretary-General, “use of mercenaries as a means to violate human rights and to impede the exercise of the right of peoples to self-determination.²¹” Any state will be denounced that “persists in, permits or tolerates the recruitment of mercenaries.²²” Alongside these verbal resolutions, a United Nations Working Group on the Use of Mercenaries has been implemented for human rights monitoring of PMCs in 2005.

The UN Working Group presented by the Head, Gabor Rona, has determined that “60 states from all regions of the world, shows that there are more regulatory gaps than good practices in national laws concerning the industry.” Thus urges nations to establish a comprehensive, legally binding instrument to regulate private military while acknowledging the effectiveness of the Montreux Document as explained earlier²³.

Proposed Solutions

It is important to note that concerns arising from the distinction or similarity of mercenaries and PMCs, make private militia prone to missed guidelines and misunderstandings. The United Nations Mercenary Convention outlines clear instructions for users and by labeling PMCs as mercenaries, the private militia can be regulated much more regularly, and safely²⁴.

Licensing

Without proper administrative tracking, there is a clear lack of international regulations indicating the need for proper licensing. PMC contractors can better fit UN established guidelines while upholding state sovereignty. This relates to the legality and capacity of PMCs to be contracted by the United Nations for peace enforcement and peacekeeping operations. In addition, countries must urge employees and personnel to be trained within human rights and humanitarian law standards.

International Understanding

Through mutual comprehension and problem-solving, PMC use can be properly followed and executed. The acknowledgment and effort in finding solutions and procedures in which most nations will comply and ratify are of utmost importance. Particularly, when being confronted with situations outside of a nation's jurisdiction and international conflict rises, soldiers' orders, practices, and decision-making need to be respected and adhered to. Nations are then able to detect any inhumane acts and what is to be seen as boundary-crossing.

Investigation and Accountability

Without infringing on state sovereignty, states must find ways to consult and reflect on the United Nations if danger rises from PMCs during international conflict. For effective oversight and suitable formats, awareness and education of member states on PMCs and their operations should be guided. This would bring effective preparation for nations that may be intertwined in international conflict for future reference and are deliberating the use and probable causes of private militia in foreign territory.

Questions a Resolution Must Answer

- What are the implications of PMC operations in foreign land?
- If PMCs were to be classified as mercenaries would this affect the way they operate and its view?
- In what ways can PMCs be kept accountable for damages, conflicts and boundary infractions?
- How can UN Peacekeeping forces help regulate PMCs without intruding in state sovereignty?
- What would occur if PMCs were to be eradicated?
- What are some of the advantages and disadvantages of nations establishing their own PMC services?

Bloc Positions

In this committee, blocs will most likely be determined by the nation's stance and acceptance as well as willingness to use PMCs in combat. Therefore as some nations are pro-contractors, some are also known to be anti-contractors. Weighing the pros and cons as well as the degree of state support or threat perceived by PMCs will determine this.

Countries that support PMCs will seek the appropriate employment of soldiers. As profit can be made within this private sector, nations in favour of PMCs will go to greater extents to fulfill their requirements and plans²⁵. Another point is that there is less bureaucracy involved, and thus if a PMC is to be commended, the approval process requires fewer people and therefore will be done more efficiently. These nations believe in the logistical, security, and intelligent protection, gatherings, and benefits that PMCs offer.

In opposition, anti-contractor nations believe in the threatening role PMCs have on state sovereignty as states cannot oversee all armed forces in international conflict. This can also relate to the powerful influence from multinational corporations in the third world, the illegality from private companies that are secretly dismissed or neglected. Lack of regulations provides a greater space for PMCs to practice misconduct. In 2004, the conservative faction from the German Parliament submitted their concerns of "lead[ing] to a fundamental shift" between the country's armed forces and government. Such views relate to the concern of military weakness from the pivot and dominance of private corporations²⁶.

Suggestions for Further Research

Apart from considering current news reports relating to any past use of private militia and the UN's stance on Mercenary with PMCs, consider the following links for further information on the topic:

<https://www.un.org/press/en/2018/gashc4246.doc.htm>

<https://www.un.org/disarmament/>

<https://www.un.org/disarmament/convarms/salw/programme-of-action/>

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/Mercenaries.aspx>

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22081&LangID=E>

Closing Remarks

We hope this background guide has given a slight understanding of de facto states and private military during international conflict. This guide is supposed to provide a starting point to understanding the background and direction of this committee. That being said, we have no doubt you will excel in your research and country representation. Through your ingenuity, hard work and creativeness we hope to hear engaging and appealing stances, and resolutions.

Please reach out to us as your committee directors as well as any other member of the Secretariat and the organizational team if any concerns arise. We prioritize the experience and journey that will transcend for over two weekends, and we want you to make as many connections and gain as much knowledge as possible. We are very much looking forward to seeing you in April, and exploring the numerous possibilities and discussion subtopics in this General Assembly.

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