

VESMUN X

THE FUTURE
BEGINS HERE AND
NOW

SECURITY COUNCIL



TOPICS

- IMPACT OF PRIVATE MILITARY
SECURITY AND CONTRACTORS
ON GLOBAL SECURITY

- OPEN AGENDA

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1. Welcoming Letter

Dear Delegates,

It is an honor for us, Sofia Montoya and Mariana Valencia, to be presiding over the tenth iteration of the United Nations Security Council in VESMUN. With the highest esteem we welcome you to this year's version, which is one we hold very close to our heart, since it is the tenth anniversary of our Model of United Nations. Therefore, we hope each and every one of you will give the best of yourselves and truly prepare to uphold the name of your delegation.

We expect very well prepared delegates, who are willing to find assertive solutions towards the world's greatest issues whilst adhering to your nation's foreign policy, customary and international law, which is a responsibility that shouldn't be taken lightly. We invite you to trust your capacities and show throughout the committee that to solve the world's greatest issues, a detailed recipe of teamwork, dialogue and knowledge is more than enough.

We wish this experience to be amazing and fulfilling to you all, the activity of assisting MUN's isn't more than a way to amplify your knowledge surrounding the world and its problems, opening your mind in order to eradicate ignorance. The United Nations exercise has gone from being a simple academic activity that was reflected in three days of debate, to be a lifestyle that encompasses passions; opening doors to a world full of learning, reflections and knowledge, as well as an opportunity to make good friends and relationships.

In all that we can serve you, here we are to solve your doubts and provide you with the best accompaniment.

Sincerely,

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2. Introduction to the Committee

The Security Council is one of the six main organs of the United Nations. It was officially created on October 24th, 1945, following the ratification of the UN Charter. In San Francisco 1945, 51 countries signed the United Nations Charter, which agreed to a more unified, diplomatic, and peaceful world, therefore agreeing to create an additional branch of the organization called the Security Council (UNSC).

2.1. Committee's Historical Context

The Security Council held its first session on January 17th, 1946, at Church House, Westminster, London. Consequent to the importance they saw on the council, the UNSC took a permanent settlement at the UN headquarters in New York City. Since then, establishing peaceful and long-lasting bonds between nations has been the council's priority. One of the main terms for creating the United Nations during the San Francisco Conference was that the principal founding members, which were the nations that came out victorious from World War II (WWII), were to have some privilege inside the organization. This privilege was, thereafter, to be known as the veto power. The Security Council became the only institution inside the United Nations able to submit entirely legally binding resolutions for all its members, therefore having a fundamental role in developing international relations.

2.2. Committee's Objectives

The primary purpose of the UNSC is to maintain international peace and security by taking the lead in determining any threat to peace or act of aggression. It recommends terms of settlement and can take direct measures to enforce peace and security, ranging from economic sanctions to

international military action. Following this purpose, the Council establishes UN Peacekeeping Operations throughout the globe and commands Special Political Missions. Additionally, the Council strives to develop friendly relations among countries based on human rights and peoples' self-determination, reaching worldwide cooperation to find solutions to different international challenges, promoting human rights, and being the center where nations can coordinate actions.

2.3. Committee's Members

After World War II, the five main Allied powers (who had won the War) were established as the Council's Permanent members. They were the most powerful, the most economically and politically stable nations at the time. Until now, these nations remain practically the same (the People's Republic of China took the place of the Republic of China in 1972 and Russia took the seat of the USSR in 1991), taking up $\frac{1}{3}$ of the Council seats. This means the Structure of the Council is as follows: 5 Permanent Members (with veto power):

- French Republic
- Russian Federation
- The United Kingdom
- United States of America
- People's Republic of China

Followed by ten non-permanent members, chosen by the General Assembly for two years (those elected for a term would not be re-eligible for a consecutive term.) The Council strives towards having equal representation in itself, which is why the ten non-permanent members are chosen based on world regions, Africa (3 representatives), Asia (2), Latin America (2), Western Europe,

and others (2), Eastern Europe (1). This division system does not always satisfy or correctly represent many points of view in the International Community.

2.4. Voting Process

Each member of the Security Council has a vote. The Council's procedure decisions will be taken into account with a minimum of 9 affirmative votes ($\frac{3}{5}$ of the quorum). This type of voting, for issues regarding the commission's functioning, is known as procedural voting and does not take into account the veto power. On the other hand, the decisions concerning "other matters," also known as substantial matters, will be taken into account with a minimum of 9 affirmative votes, including the affirmative votes (or abstention) of all five permanent members. The five permanent members possess the power to veto any resolution passed inside the Council. This type of voting procedure, also known as constitutional voting, takes place for most of the substantial decisions taken by the Council, with some accountable exceptions.

More punctually, the UNSC can investigate any situation that might lead to international disputes and formulate structured plans for its solving. It may call upon members to apply sanctions, take military action, or stop aggression. Within its functions, it is that the Council may grant jurisdiction to the International Criminal Court to work inside any territory if it deems it necessary, even if the state did not ratify the Rome Statute. It can recommend to the General Assembly the Secretary General's appointment, and along with the Assembly, it elects the judges of the International Court of Justice. The Security Council takes the lead in determining the existence of a threat to peace or an act of aggression and usually, before taking measures, recommends the parties involved in the dispute to cease their hostilities.

1. Military (Observers, peacekeeping forces, interventions, etc).
2. Economics (Embargoes, financial penalties, investment restrictions, etc).
3. Diplomatic (Dissolution of diplomatic ties, removal of embassies, etc).

3. Topic 1: Impact of Private Military Security and Contractors on Global Security

3.1. Introduction to the Topic

International peace and security is an ever-evolving matter that can be studied under any eyes and “determined” over any as well. World peace and conflict are states that can change drastically in a matter of seconds, by the choice of some, and the opinions of thousands of others, but overall they are, by obvious means, something that involves everyone. However, armed conflict is an aspect that must be evaluated individually. This is defined as “*a contested incompatibility that concerns the government and or territory where the use of armed force between two parties, of which at least one is the government of a state, results in at least 25 battle-related deaths in one calendar year*” (UNDP). The presence of this concept directly impacts the state of peace of a place where such actions are identified, however this is not uncommon; all over the world daily, dozens of armed conflicts and other violent events take place, these usually are part of a larger international relations problem.

As a result of always being present, such events usually bring with them great global awareness, including contemporary security scholars from a range of theoretical disciplines who have sought to engage with the PMSCs, many posing serious questions regarding the capacity of the PMSCs to contribute to international security. However, thus far critics have generally failed to undertake any cross-theoretical assessment of the PMSCs as a contributor to international security, with the

vast majority of existing literature falling foul of a clear polemical bias either in favour of one particular theory of international security, or otherwise in general opposition to the PMSCs as a security actor.

After understanding the positive effects of PMSC's, there must also be an understanding of the downsides and negative effects they bring. With a private military firm, it is possible to eliminate any shortcomings through contractual provisions, by carefully picking a military service provider or devising a development plan for the armed forces, or via some liability regulations that also govern the scope of democratic supervision. Others, however, emerge freely of any government-linked actions or it is not in the interest of policymakers to combat them anyhow. These include:

(i). Destabilizing effect on international ties, as Henry Kissinger, a top U.S. diplomat, puts it, these rely upon a rivalry between civilization centers, with one being keen to dominate another, whereas there is no will to restrain one's missions. Quite the opposite, the race is underway to construct the most effective armed forces in a fairly dynamic world. In such circumstances, there are no reasons to curtail the destabilizing role of private military companies, as this would require both international deals and adequate tools to execute them.

(ii). Weak state dependence, with no clear-cut and far-sighted vision of the world order, nor are there any bodies and institutions that could bring peace to the world's outer edges, or sacrifice their people's lives to salvage other populations. A reverse trend is on the rise, with U.S., British or Australian governments assigning such missions to specialized private military companies.

(iii). Possible illegal operations. Some investigative journalists claim that this possibility is both theoretical, and practical. No government will voluntarily give in without a global agreement.

(iiii). The international community either tolerates or cannot find a way to enhance security in so-called failed states (Gaza Strip, Lebanon, Syria, Iraq, Afghanistan, Pakistan, Nigeria, Mali, Sudan, Libya, Egypt, Yemen, or Somalia), often plunged in decades-long civil wars or unable to seize control of its whole territory, and with entirely criminalized economies. There, private military companies can benefit from the general turmoil. The market economy, where PMCs play an active role, has no respect for political boundaries, and insofar as there is a fertile ground for private military missions, the industry will seek to grab its chance.

Governments, whether these be democratic or authoritarian, purposefully utilize PMCs as tools for foreign or internal policies, or in the context of economic phenomena, for a variety of reasons: simplified decision-making processes to involve militarily, a kind of substitute for the economy, distancing oneself from their missions worldwide, and the private-like economic effectiveness. As long as the tool is helpful, how it is employed could bring out an array of side effects along with never-before-seen implications.

3.2. Key Concepts

Mercenaries: According to Article 1 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries (RES 44/34) adopted by the United Nations General assembly in 1989,

1. A mercenary is any person who:

- (a) Is specially recruited locally or abroad in order to fight in an armed conflict;
- (b) Is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party;
- (c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
- (d) Is not a member of the armed forces of a party to the conflict; and
- (e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces. (United Nations, 2001)

PMSCs: Private Military and Security Companies, also known as PMCs, are commercial organizations whose employees are paid to carry out military or security duties in cooperation with or in the place of regular military formations.

- **Difference between mercenaries and PMSCs:** Freelance mercenaries were directly contracted by governments, rebel groups, and more generally by whomever could afford it. PMSCs, on the other hand, are legal, corporate entities, which provide a professional service, namely soldiers who are highly-trained, extremely organized, and are deemed to be some of the “leading military experts in the world.” When it comes to their actions and crimes, there is a huge difference in the way they are penalized taking into account the legal framework they are being subjected to. Meaning, mercenaries are banned by international laws while PMSCs are considered legal.

Grey Zone: Activities by a state that are harmful to another state and are sometimes considered to be acts of war, but are not legally acts of war.

Westphalian State System: Term used in international relations, supposedly arising from the Treaties of Westphalia in 1648 which ended the Thirty Years War. It is generally held to mean a system of states or international society comprising sovereign state entities possessing the monopoly of force within their mutually recognized territories. Relations between states are conducted by means of formal diplomatic ties between heads of state and governments, and international law consists of treaties made (and broken) by those sovereign entities. The term implies a separation of the domestic and international spheres, such that states may not legitimately intervene in the domestic affairs of another, whether in the pursuit of self-interest or by appeal to a higher notion of sovereignty, be it religion, ideology, or other supranational ideal.

Bias: The action of supporting or opposing a particular person or thing in an unfair way, because of allowing personal opinions to influence your judgement.

3.3. Historical Background

The use of military force by private-sector organizations is not new. The East India Company, for example, had at its disposal a large army during the 18th and 19th centuries. Private-sector actors also have long helped to maintain the hardware of armies. Yet, for much of the 20th century, the outsourcing of combat functions was disparaged, and the employment of military power was restricted largely to the agencies of the state. This began to change in the post-Cold War era. At the end of the Cold War, the market was flooded with military specialists and surplus equipment.

The Cold War also was followed by the eruption of numerous small wars, especially in Africa. It was in such conflicts that a number of PMSCs, including Sandline International (United Kingdom) and Executive Outcomes (South Africa), made their name.

Nonetheless, PMSCs are highly controversial. Since 2001, for instance, the United Nations Mercenary Convention has banned the use of mercenaries in armed conflict, with the services provided by PMSCs considered mercenary activity. The United States, however, rejected the notion of PMSCs activities as mercenary, and along with other countries with sizable military forces, including China and Russia, did not ratify the convention. Adding to the controversy was the fact that PMSC personnel and support services were not easily distinguished from state or national military forces. As a result, the use of PMSCs provided an opportunity for deniability, allowing states or countries to carry out otherwise criminal warfare activities while holding PMSCs accountable for those crimes. PMSCs, especially those operating in Africa, had been held responsible for abuses of human rights.

The Working Group on Mercenaries, one of the special procedures of the UN Human Rights Council, has been entrusted to monitor the impact of the activities of private military and security companies (PMSCs) on the enjoyment of human rights and to prepare draft international basic principles that encourage respect for human rights on the part of those companies. The number of private security and military companies which operate domestically and internationally is increasing due largely to the outsourcing of governmental functions. They have been operating without proper supervision and accountability in countries with ongoing conflicts, such as Afghanistan, Colombia and Iraq. They recruit former policemen and soldiers from developing

countries as 'security guards', but in fact they are 'militarily armed private soldiers', or mercenaries. Employees of PMSCs have committed serious human rights violations, but have also been subject to abuse by their employers. Member states of the United Nations should identify those military and security functions that cannot be privatised, contracted out or 'outsourced' and should remain a prerogative of the state. New international regulations, most likely in the form of a new UN Convention with an accompanying Model Law, are needed in order to bring PMSCs fully out of the legal 'grey zone' in which they have been operating.

3.4. Current Situation

The rapidly growing presence of PMSCs in armed conflict and post-conflict situations in the last decade brought corresponding incidents of serious misconduct by PMSC personnel. The two most infamous events, one involving the firm formerly known as Blackwater and the other involving Titan and CACI (Consolidated Analysis Center), engendered scrutiny of available mechanisms for criminal and civil accountability of the individuals whose misconduct caused the harm. Along a parallel track, scholars and policymakers began examining the responsibility of states and international organizations for the harm that occurred. Both approaches have primarily focused on post-conduct accountability, of the individuals who caused the harm, of the state in which the harm occurred, or of the state or organization that hired the PMSC whose personnel caused the harm.

As non-state actors, PMSCs are not embraced by traditional state-dominated doctrines of international law. However, international law has itself failed to keep pace with the evolution of states and state-based actors, to which strong Westphalian notions of sovereignty are no longer applicable. It is argued that these structural inadequacies stand in the way of international

regulation of PMSCs, rather than defects in international human rights and humanitarian law per se. By analyzing understandings of legal responsibility, where such structural issues come to the fore, it is argued that, rather than attempting to resolve the essentially ideological dispute about the inherent functions of a state, regulatory regimes should focus on the positive obligations of states and PMSCs, and the interactions between them. Applying the results of this analysis, current and proposed regulatory regimes are evaluated and their shortcomings revealed.

Over the last 20 years the ruthless competition for natural resources, political instability, armed conflicts, and the terrorist attacks of 9/11 have paved the way for private military and security companies (PMSCs) to operate in areas which were until recently the preserve of the state. PMSCs, less regulated than the toy industry, commit grave human rights violations with impunity. The United Nations has developed an international binding instrument to regulate their activities but the opposition of the U.S, U.K, and other Western governments (and from PMSCs, which prefer self-regulation) have prevented any advancement.

Companies in the stability operations industry have been subjected to painstaking scrutiny while critics have ignored the value they bring to contingency operations and government clients. Moreover, the scope of the industry is often overlooked by critics who paint a picture of uncontrollable companies making ridiculous profits. These criticisms are often due to sensationalized reporting, and a significant problem is that reports on criminal activity such as fraud and abuse are exaggerated. In contrast, the far larger problem of waste due to poor client planning and oversight is glossed over. Finally, the article discusses industry self-policing efforts that have emerged to support the use of professional and compliant businesses in stability

operations. Ultimately it is governmental regulatory enforcement and quality contracting practices that will do the most to marginalize unethical companies, reward better firms, and improve partnerships and success rates in stability operations globally.

3.5. Cases and Response

The trend in the use of PMSCs began to rapidly increase after 2003, this was mainly due to the wars in Iraq and Afghanistan. It was in conflicts like this that the number of PMSCs individuals started to outweigh the enemy, American Soldiers in this case, giving them a sort of edge over the US. Not long after in 2011, a shrinkage was seen in the industry; nevertheless, the idea expanded rapidly throughout the globe. Subsequently, in the 2000's, approximately 81 countries worldwide were home to at least 1 PMSCs headquarters within their territory.

“The PMSC trend is led by four countries... the United States, the United Kingdom, China, and South Africa. Together these four countries account for about 70% of the entire industry.”
(Swed-Burland, n.d)

United States of America:

Although the United States has established a substantial legal framework to regulate the use of PMSCs, it has been considered ineffective. Some have even seen the use of these companies as a dependency from The US. Private contractors have been in use for quite a long period of time; however, it wasn't until their use escalated in conflicts with Iraq and Afghanistan that the world began to see it as a pressing issue.

3.6. Recommendations from the Chair

After explaining and exposing the situation, we would like each delegation to focus on their point of view, embracing your position with valid arguments and use it to form your own political opinions over the topic.

Since this is a situation each country takes according to their laws and regulations, we invite your delegation to research your nation's PMSCs Regulation Laws, after carefully reading it, you might have a completely different opinion of what should be done, and as a reiteration, we would like diplomacy to carry the committee and its actions. The Security Council's goal is to find an alternative and effective way of solving this conflict, each delegation present in the committee has a key aspect to the conflict, reasoning your presence.

Another aspect worth mentioning after considering the information provided by the guide and the case studies mentioned is, the delegates must be aware of not only the political and economic impact of the presence of PMSCs in a country, but also the International threat to security their operations involve. The Security Council is not a specialized council, which is why all aspects must be considered. Don't be afraid of taking strong and decisive military or political actions to protect the best interests of international peace and security, considering the magnitude and importance of the actions taken by the Security Council on an international scale.

However, if your delegation is still unclear how to take positions over the situation, don't think twice before contacting us, we will do everything in our power to accompany your case and guide it to have the best involvement during the committee.

3.7. Guideline Questions

- How does your government acknowledge PMSC?
- Does your nation regulate the duties and actions of PMSC?
- Where does your country stand on the consequences of reliance on contractors in terms of human rights, legal complication, mismanagement, and accountability?
- What role are PMSCs playing in your country
- How does your country's law regime affect PMSC's operations?

3.8. Useful Links

[The Phenomenon of Private Military Companies in the Military and Power Policies of States in the 21st Century](#)¹

[Private Military Companies and International Security](#)

[The Global Expansion of PMSCs: Trends, Opportunities, and Risk](#)

4. Topic 2: Open Agenda

4.1. Introduction to the Dynamic of an Open Agenda

In this iteration of the UNSC in VESMUN X , the open agenda will begin after the Security Council has finished its usual session regarding Topic I, passing a draft resolution that seeks to resolve the problematic brought to discussion. Later, the committee will enter into a state of crisis. The chair will move along with the reading of an official press release given by the United Nations regarding an ongoing problem which has just surfaced. Meaning, the topic of the open agenda is completely unknown to all delegations until they are given the press release.

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After the reading of the press release, the delegates will be given 15 minutes to acknowledge, investigate the topic and write a 1-minute speech expressing to the whole committee their position and thoughts on the just-exposed crisis. The reading of the speeches will be done in a speakers list, after it concludes, the development of the committee will resume as a normal session of the Security Council.

4.2. Relevant Information

The following is a list of guiding topics that delegates may use to research for the open agenda. It is important to consider that the topic is based on topic one, which is why extensive research must be done on the topic.

5. References

Private Military Companies and International Security

The Phenomenon of Private Military Companies in the Military and Power Policies of States in the 21st Century¹

The Invisible Army: Explaining Private Military and Security Companies

International Convention against the Recruitment, Use, Financing and Training of Mercenaries

The Awakening Of Private Military Companies

Westphalian state system

The Stability Operations Industry: The Shared Responsibility of Compliance and Ethics

Complicity and beyond: International law and the transfer of small arms and light weapons