

High School Model United Nations 2009

GA I (DISEC) – The Question of the Role of Private Military

The purpose of this paper is to provide insight to the role and perception of Private Military. I will briefly discuss their historical role in combat and the arguments for and against their wider implementation.

Private military is essentially divided between Private Military Companies (PMCs) and Private Security Companies (PSCs). While the latter are concerned primarily with providing security to a person, group, or location, the former are engaged in active combat roles, including training and offensive operations. Historically, PSCs have been used by humanitarian organizations to protect their workers in hostile areas; also, globalization has resulted in PSCs being contracted by multinational corporations (MNCs) to protect their work sites in areas of instability. Alternately, PMCs have contributed to active roles, especially with training, logistics and surveillance.

The crux of the controversy surrounding private military is the issue of their accountability. There is skepticism that, because they exist outside the boundaries of international law, they hold little responsibility for the damage they might inflict in order to get a job done. It has been argued that the use of private military (where national military involvement would have been denied by the UN) represents a subversive foreign policy without the responsibility of contributing national troops, and this can see foreign policy objectives pursued at the expense of humanitarian aims. The perception of private military as careless mercenaries stems from the conflicts in Angola and Congo in the 1960s, where they were criticized for acting outside the rules of warfare. Another critique holds that private military provides only a 'band-aid' solution – they go in and win the war, but when they leave, the situation returns to its previous instability. Critics ultimately call for the regulation of private military, which may ultimately be beneficial, despite the problems in their aforementioned assumptions.

The UN positions on mercenaries and PMCs have contributed to the controversy over the legitimacy of PMCs. The UN Mercenary Convention (1989) defined the term to include any person not a member of a nation's armed forces specially recruited to fight in an armed contract, among other items. This definition has been notably problematic because it requires the presence of a profit-motive, which consequently cannot be proven in a court of law. Nonetheless, International law forbids mercenaries or other 'irregular bands'



unassociated to national armies from acting in states. Notwithstanding the debate over classifying PMCs as mercenaries, the UN has continually disapproved of using PMCs in its missions. Kofi Annan declined a British report advising a PMC-UN operation; further, in 2007 after an incident in Iraq involving Blackwater Corp. employees, a UN study concluded that PMCs were engaged in military activity, thus acting as mercenaries and illegal under International law.

The nature of the UN definition makes it difficult to classify PMC employees as mercenaries, for they must fit into several categories. Under International Humanitarian law, operatives without a combat role are considered civilians and therefore illegal to target; operatives with a combat role forsake the protection that a civilian status entails. Under International law, states are responsible for the PMCs that they contract, which gives incentive to responsible use. Nonetheless, the fact that nationals of a country openly engaged in a conflict are not considered mercenaries under international law makes it difficult to persecute negligent companies. Furthermore, weak governments who depend on services of private military might find themselves reluctant to hold it accountable.

Supporters of private military argue that they have a high stake in accountability. Like any business, PMCs rely on their reputation to secure future contracts – thus, it is in their best interests to be responsible. Such companies are distinguished from mercenaries in that they are not simply for sale to the highest bidder. It must also be noted, however, that not all PMCs have the permanence that Western companies like DynCorp do, therefore challenging this defense for accountability. Traditionally, PMCs work only with nations who have responsible human rights records or are otherwise internationally opposed. PMCs have proven successful, efficient, and cost-effective. In Sierra Leone, it might be argued that private military has proven its worth; while at the same time international efforts have been less successful and more expensive. However, allegations of sex trafficking during the Balkan War by PMC employees have tainted their image in the international arena. Supporters of private military argue that it is unconscionable that the international community does not realize the benefits that private military can offer. Even if relegated to logistics and surveillance, PMCs allow national militaries to be concerned entire with the primary object, knowing their supply lines are secure. Furthermore, the fact that highly trained operatives are willing to contribute to humanitarian causes when nations are increasingly reluctant is worth consideration.



The case for regulation of PMCs is strong, and should be considered in any debate. Regulation would set guidelines for the industry, clearing up the discrepancy between them and mercenaries. This could potentially allow a more effective and respectable industry, rather than one which is looked upon skeptically as it is now. Proposals have included licenses in contracts outlining legitimate and illegitimate activities; a voluntary code of conduct to which they would be held accountable; holding PMC operatives to the same standard as military personnel. These are all options which could be explored in an attempt to regulate private military.

Were the issue of regulation to be resolved, it is possible that PMCs will take a larger role in international peacekeeping and protecting humanitarian initiatives. By establishing boundaries in which PMCs can operate, it would end the uncertainty about their accountability and their potential to turn mercenary. The successes of PMCs in Sierra Leone, the Balkans, and Colombia should be considered with the greater scope of international peacekeeping. If regulated and kept accountable, PMCs could prove a vital tool to maximizing results with the resources available to the UN. Nonetheless, any resolution would have to ensure that human rights and international law are not sacrificed in order to create more cost-effective intervention.

Research Links:

I used a number of online journal articles found through the U of A library database. They can be found through: www.library.ualberta.ca/databases (Search: Military. Access the Link that says: "Military Library FULLTEXT see Military and Government Collection). NOTE: This requires a CCID. Students may be able to obtain day passes to online collections by speaking to the librarians in Rutherford Library on campus.

Brayton, Steven. "Outsourcing War: Mercenaries and the Privatization of Peacekeeping"

Brooks, Douglas. "The Business End of Military Intelligence: Private Military Companies"

Brooks, Doug. "Messiahs or Mercenaries? The Future of International Private Military Services"



Bures, Oldrich. "Private Military Companies: A Second Best Peacekeeping Option?"

Jackson, Paul. "War is Much Too Serious a Thing to be Left to Military Men"

Kwok, James. "Armed Entrepreneurs: Private Military Companies in Iraq"

http://www.fco.gov.uk/resources/en/pdf/pdf4/fco_pdf_privatemilitarycompanies

<http://www.icrc.org/web/eng/siteeng0.nsf/html/pmsc-faq-150908>

