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NATO CHAIR REPORT



TOPIC: PROMOTING TRANSPARENCY AND RISK REDUCTION

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# **Introduction**

Security is integral in ensuring well-being in our lives. The purpose of NATO is to foster well-being, freedom, and security of member nations within the alliance, politically and military wise. NATO is one of the key promoters of democracy when it comes to enabling members to consult, and cooperate while building a collective defensive security stance to solve some of the world’s crises.

Similarly, NATO is also committed to solving global crises and disputes in a peaceful manner. Although NATO has often seeked out peaceful preventative, and diplomatic measures, NATO has the right to carry out military action based on their crisis-management operations. These measures are usually discussed and carried out on a case by case basis and mandated under the collective defense clause under Article 5 of the Washington Treaty, or under a United Nations mandate. Although NATO is an intergovernmental alliance, operations can be carried out by single parties, in cooperation with other states, or with NGO’s transnationally.

The idea that transparency is a factor for peace, and as a security building measure. The UN previously stated that ‘transparency in armaments can help determine if excessive or destabilising accumulations of arms is taking place”. However, there are inherent limitations in regards to disclosure that don’t allow the potential of attaining full transparency in regards to the military area. Many member states, especially those who are non-democratic, lack proper mechanisms for declaration of military data to achieve universal participation in this regard.

Previously in 2014, NATO took a large step in disclosing interagency budgets, such as individual audit reports of NATO entities and related statements. Since the 2014 NATO Wales Summit Declaration, the alliance committed to publicise a number of additional documents that show it’s internal financial regulations and accounting principles within the alliance. However, states previously found that NATO did not have a basic information disclosure policy that lead to the Netherlands’ national audit office to create a website in order to promote the transparency, and accountability of NATO.

National militaries continue to receive a substantial amount of financial support from their government as geopolitical conflicts continue to arise. However, as international and domestic conflicts develop, countries, and alliances such as NATO continue to use private military contractors to remain a low profile while fighting battles in conflict zones. The rise of non-state militants within blurred legal statues poses a threat to civilians.

# **Key Terms**

**Accountability**

* Answerability, blameworthiness, liability; an expectation of account-giving. In governance, the term is central in discussions that pertain to problems that occur in the public, nonprofit, private (corporate), and state contexts.

**Transparency**

* The characteristic of being able to see through, or past. A quality of being able achieving items without secrets.

**Private Military Company (PMC)**

* A company that is unrelated to any governmental agency and is private that provides similar services as to those of governmental military, security, and police forces.

**Private Military Contractors**

* The phrase interchangeable with ‘Private military company’. These individuals are staff who work within the agencies.

**Civilian**

* An individual who is not associated with any armed service of it’s nation.

**Geneva Conventions**

* The Conventions are comprised by 4 treaties that encapsulate the fundamental standards of humanitarian treatment in war, while simultaneously defining the basic rights of prisoners of war and protection that civilians should have in a war-zone.

**War Crimes**

* A term that indicates the acts performed during war that violates common, and international regulations and conducts of war.

# **Background Information and Key Areas to Consider**

**Freedom of information, and NATO’s budget**

As of current, the countries with freedom of information laws or similar information laws stands at about 93. WIthin intergovernmental institutions, there are extremely little cases despite some institutions having a decent form of an administrative framework. This framework looks at facilitating public information requests, such as ones from the European Union, the Council of Europe, the World Bank, and many more. As NATO is an alliance of a larger scale, the importance of security demands for NATO to be subject to scrutiny and inspection. However, the public (mainly auditors), cannot do so without an annual budget, making it hard to grasp the proposals that seek to be implemented within the Alliance.

The costs of NATO, in terms of implementing its policies, and activities are met by receiving funds from a common funding pool and participation in NATO led operations. Member states can make direct contributions to the pool as regulated by the internal budgetary process previously approved by a cost-sharing formula based on the state’s gross national income. Within the common funding pool, there are 3 budgets- a civil, military, and Security Investment. The latter is dedicated to fund all NATO installations and facilities.

Although the NATO website discloses some of the actual budget amounts and the processes that lead to it, there are no specifics in regards to member state contributions. This proves to be an issue considering that contributing to NATO-led operations is where the money gets spent if assuming that member states incur independent deployment costs when funding for forces for operations. As an example, the NATO mission in Kosovo had military forces and assets that were procured independently by each state. According to the US congressional Research Service, the US contributed about 25% to the NATO budget, allowing for experts to assume the annual NATO expenditure to be around 2.5 billion Euros.

With the impact of Russian policy, this has finally awaken long asleep European members of NATO to halt the decline of military spending that has lasted for decades. Experts estimate that 16 of the 28 member states will increase military spending in order to combat the rising Russian military doctrine that includes the use of the usages of nuclear weapons at the beginning of a war.

**Human rights violations as a result of the usage of PMCs**

PMCs carry little to no political baggage when looking at casualties and fatalities, which are inevitable consequences of war. PMC fatalities are inconsequential from governments; however, military fatalities can pose as future liabilities for the state. Military fatalities have a rising trend to dissipate in regards to public support for military campaigns as the public begins to become aware of the apparent problem of human costs in conflicts. An example of such would be in 2008 when there were over 4000 military fatalities in Iraq caused by the US military.

To contrast that, contractor fatalities often go unknown to the public and do not pose the same risks in comparison to those suffered by the military. Little to no states publicise contractor statistics, and all information usually remains confidential and internal to PMCs and is rarely to never publicised. Thus, the deployment of contractors in replacement of the military is often favourited by governments in order to prevent a calamity caused by public uproar in regards to mission related fatalities.

As listed out by previous reports from NGOs such as Amnesty International, Iraq and Afghanistan have PMCs that outnumber those of military personnel. The US has outsourced its military through the use of PMCs, consequently resulting in PMCs committing numerous human rights violations. According to those reports from Amnesty International, these violations include the inhumane torture, firing, killing, sexual abuse, rape, human trafficking of civilians and the mass accumulation of weapons as a result of participation in these rendezvous.

Despite numerous reports, governments and the alliance have failed to fully tackle the issue and have only addressed these allegations in speeches and official reports. Presidencies, such as ones from the US have failed to instigate siginificant change in legislations and policies regarding the regulation of PMC’s. In the context of Afghanistan, as a result of the lack of US and NATO forces, Afghanistan’s domestic security apparatus and militant extremism serves as an invitation for PMCs to join. Historically, PMCs trace and join operations in which they focus their resources and expertise to combat anti-government, and factions of insurgency only at the behest of states that lack the proper resources to control and manage the situation.

**Crisis Management**

As one of NATO’s fundamental tasks, it involves military and non-military measures in order to fully tackle the entire spectrum of crises. This is traditionally one of NATO’s strengths based on previous history, and has proven to have management procedures and a strong military command structure.

Since the creation of NATO, it’s largest responsibility has been to prepare for any invocations of Article 5- this was done so following the Al-Qaeda terrorist attack on the US on September 11, 2001. After the alliance proved that the attack came from abroad, the council considered such an act that was covered by Article 5. Member nations contributed into measures that were put into place after such to prevent attacks, which includes Operation Active Endeavour in the Mediterranean. Some of the non-Article 5 crisis management responses have included the involvement in the former Yugoslavia in 1992 after the Cold War.

There is some legal basis in the acceptance for NATO to use force. France has been insistent on giving the UNSC the primary role to authorise any action of force, while the US stated that NATO should be allowed to impose its forces at any time. Because of Kosovo, the alliance remains divided on future precedents.

# **Guiding Questions**

1. Should countries, coalitions, and alliances be legally able to source and use PMCs?
   1. If so, how should countries determine the appropriate amount? Based on the fatality? On a case-by-case basis?
2. Should the alliance be held liable if not disclosing all of its financial budget?
   1. If so, would member states be allowed to withhold the information from the public?

3. With threats such as nuclear weapons from Russia, how should member states deem appropriateness on increasing transparency in regards to military spending and the use of PMCs to fight off the rising threat?

# **Key Parties Involved**

Russia

* Russia and NATO have long had conflicts of interests despite the halt after the Cold War to continue a push on the arms control treaty such as the Treaty on Conventional Armed Forces in Europe. In early 2014, tensions arose because of the Ukrainian crisis and Russia’s decision to annex Crimea. As a result, co-operations have long halted.

United States

* The US has long been one of the largest contributors to NATO’s budget despite Trump conceding out of major agreements since the end of the Obama administration. The US has also rejected the UN’s classification of PMCs as mercenaries, and is not a signatory on the United Nations Mercenary Convention (UNMC). US is the biggest supplier of PMCs however is hard to be held accountable for its actions.

France

* Although France withdrew from the NATO integrated military command structures in 1966, France has continued to be one of the more committed members in NATO operations. France mostly withdrew from the Kosovo operation in 2014, but continues to stay active in the Afghanistan operation.

Iraq

* Previously, PMCs had immunity from Iraqi laws which allowed PMCs to escape prosecution, despite the law being turned over. In 2007, the Iraqi government prohibited Academi from operating in Iraq as a response to the Academi shootings that occured in that year.

Academi

* Academi was previously a PMC under the name of Blackwater that was founded in 1997, and mainly provides services to the US government on a contract basis and has been hired by the CIA since 2003.

# **Timeline**

|  |  |  |
| --- | --- | --- |
| Date | Place | Event |
| 1953 |  | The first disaster assistance scheme was implemented as a result of the flooding in northern Europe. |
| 1958 |  | Established detailed procedures for member states to coordinate assistance. These procedures were later reviewed again in 1995. |
| 1992 |  | NATO offered assistance when conflict broke out in Yugoslavia. |
| 1995 |  | NATO members agreed to take military action as a result of the violation of exclusion zones in an attempt to end the war in Bosnia. |
| 1999 |  | NATO reiterates the alliances strategic concept released in 1991, and includes crisis management operations for non Article 5 operations |
| 2001 |  | NATO invokes Article 5 as a response to the al-Qaeda attack on the US. |
| 2012 |  | NATO releases a document on strengthening transparency, accountability ,and integrity in the security sector. |
| 2014 |  | NATO released its financial reports, including individual audit reports of NATO. |

# **UN Involvement**

NATO and the UN share a similar commitment in working towards world peace and security. In 2008, both bodies established a framework for consultation and co-operation between the two organisations that aimed to help address threats in a more effective manner. Close cooperation is important in regards to the development of an international “Comprehensive Approach” to crisis management.

UNSC has also previously mandated NATO operations in the Balkans and in Afghanistan. NATO also supports some of UN’s sponsored operations such as African Union’s peacekeeping operations in Darfur, Sudan, and Somalia. NATO has also continued to support UN relief operations. such as the one in Pakistan as a result of the earthquake of 2005.

Resolution A/RES/47/84 created in 1992, includes notable clauses 7 and 10 focusing on the humanitarian assistance that should be provided to the victims of assaults from PMCs. Regardless, it fails to address the necessity of a regulation and accountability system, with the resolution indicating that accountability remains a large issue with PMCs.

# **Clashes**

**Lack of governmental supervision with PMCs**

A key complication in regards to regulation PMCs is the lack of governmental supervision. In global conflicts, such as the ones in Afghanistan and previously in Iraq, it leads to an increased number of crime and human rights abuses that arise from poor governmental control and legal regulations, and supervision. As the government continues to ignore this, PMCs are not controlled by any governing body or law, which allows contractors to freely rape, kill, torture, with no ramifications. As a result, systems should be created to supervise the PMCs and contractors as even a basic framework to monitor the situation has yet to be created.

Similarly, PMCs also don’t have an international classification other than the one defined by the UN. However, not all countries, such as the US, act as signatories to such, which allows the state to define the PMCs actions. With such, there is no clear label that is able to hold PMCs accountable for their treatment towards civilians.

# **Possible Solutions**

Establish similar consensus in regards to transparency

* Member states should reach a consensus on what should be released and what should not, and should be evaluated on a case-by-case basis as civilians should understand some of the internal affairs of the operations, especially in regards to the use of PMCs.

Regulating the use of PMCs

* Member states should reach a consensus on defining PMCs on a legal basis to be able to hold their actions accountable if contractors of a PMC commits a war crime in a jurisdiction or legal body.

# **Further research suggestions**

* <http://natoassociation.ca/private-military-corporations-will-fill-natos-shoes/>
* <https://www.independent.co.uk/news/world/americas/us-politics/donald-trump-nato-article-5-mutual-defence-pledge-alliance-israel-iran-syria-a8355281.html>
* <https://www.brookings.edu/research/nato-the-un-and-the-use-of-force/>
* <https://www.nytimes.com/2016/06/01/world/europe/nato-russia.html>

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