Delhi Public School Whitefield Model United Nations 2024

DISARMAMENT AND INTERNATIONAL SECURITY COMMITTEE

DISEC

Agenda: Discussing the need for a Legal Framework Regarding PMCs

CONTENTS

LETTER FROM THE EXECUTIVE BOARD

Greetings Delegates,

It is our high privilege and esteemed honor to welcome you to The Disarmament and International Security Committee (DISEC) of Delhi Public School Whitefield Model United Nations 2024. We hope you understand the significant role you play as a member in this influential committee and that our objective is primarily to ensure that you consider this an amazing learning experience which hones your leadership skills, while having fun all the way through. We look forward to having you in our committee and hope that you find this background guide helpful for your extensive research. The content given in the background guide is a compilation of various credible sources, in addition to the knowledge of the Executive Board and does not, in any way, reflect the personal opinion of the members of the Executive
Board.

Further, please note that this background guide is designed to give you a description of the topics and the committee. This guide is not intended to represent exhaustive research on every facet of the topics. We encourage and expect each delegate to fully explore other topics than the ones mentioned in the guide and be able to identify and analyze the intricacies of the issues.

Lastly, please feel free to reach out to us and we will do our best to help you out. Good luck and
godspeed.

Yours Sincerely,
The Executive Board

Shloak Gupta   **Mr. Sarkar**
Co-Chairperson   Co-Chairperson

RULES OF PROCEDURE

Rules of procedure refer to the formal conduct delegates are expected to maintain during the conference.
It is essential to adhere to the rules and maintain decorum for the smooth flow of the committee.

For this conference, we will be adhering to the UNA-USA format of rules of procedure.

Begin formal session

How to raise it?
The delegate of "your allotted country" puts forward a motion to begin the formal session.

Setting the Agenda

How to raise it?
The delegate of "your allotted country" puts forward a motion to set the agenda as "Agenda of the committee"

Roll Call

How to raise it?
The delegate of "your allotted country" raises a motion to begin a roll call. When your allotted country is called upon during the roll call, you have two options either say "present and voting" or simply say "present".

(Note: If a delegate says "present and voting", they cannot abstain from voting on the resolution at the end of committee.)

General Speaker's list
Committee generally begins formal debate by starting the 'GSL' (General Speaker's list).
It serves the purpose of allowing a delegate to express their stance on the agenda. A GSL is non-exhaustive.

How to raise it?
The delegate of "your allotted country" puts forward a motion to set the agenda as "Agenda of the committee"

Moderated Caucus

This motion can be raised when the committee wants to debate on a specific topic.

How to raise it?
The delegate of "your allotted country" raises a motion to suspend formal session/debate and move into a Moderated Caucus on "topic" for the time period of "x" minutes allotting "x" minute per speaker.

In case a delegate does not get recognized to speak, a delegate can send in your point through substantive chit.

Format of substantive chit:
Substantive chit
To: Executive board

From: Delegate of "your allocated country"

points

Unmoderated Caucus

This motion is proposed when delegates wish to discuss the status of the committee among themselves and further evaluate their next actions.

How to raise it?
The delegate of "your allotted country" raises a motion to suspend formal debate and move into an unmoderated Caucus for the time period of "x" minutes.

Points

1) Point of Parliamentary Enquiry

This point is raised by a delegate to clarify anything regarding the rules of procedure or to know the status of the committee (For example: to know which delegate is speaking next/ if the EB is accepting more speakers)

How to raise it?
The delegate of "your allocated country" raises a point of a parliamentary enquiry.

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2) Point of Personal Privilege

This point is raised by a delegate to address a personal issue. (For example: to ask another delegate to repeat a point they made in their speech/to be excused from the committee)

How to raise it?
The delegate of "your allocated country" raises a point of personal privilege

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3) Point of Order

This point can be raised by a delegate to point out logical or factual inaccuracies in the speeches of other delegates.

How to raise it?
The delegate of "your allocated country" raises a point of order, Factual inaccuracy/ Logical Fallacy (either one).

4) Point of Information

This is raised when a delegate wants to ask questions about another delegate's speech.

How to raise it?
The delegate of "your allocated country" raises a point of information

If you asked a question and are still not satisfied with the answer, you can raise a follow-up question right after the delegate answers.

How to raise it?
The delegate of "your allocated country" wants to raise a follow-up question

(Note: This point can be denied if the Chairperson feels so).

If a delegate wants to ask a question through chit, you can use this format:

POINT OF INFORMATION
TO: Delegate of "country you want to question"
VIA: Executive Board
*FROM: Delegate of "your allotted country" * *state the question***

Resolution or reso, contains all the solutions that the committee wants to introduce in the form of a formal document that will be discussed and put to vote in front of the committee. If passed, this acts as a set of suggestions and recommendations to those who agree with it on the issue at hand.

Sponsors are those who have majorly written the resolution, whose countries must agree withevery clause, and who would be answering the questions based on the resolution. The number of sponsors is usually kept between 2 and 4, this will be informed to the committee on the day of the conference.

Signatories are those who would like to see the resolution discussed in front of the committee. A signatory does not necessarily agree with the resolution, just wants to see it be debated. A delegate can be a signatory to more than one resolution. Resolutions must have at least 1/3rd of the committee's strength as signatories to be able to present them to the committee.

An amendment to a resolution is in the form of an edit, addition, or deletion to the resolution that has been presented to the committee. This is usually sent to the chairs after the resolution has been discussed and through a motion, the committee is in an amendment session. If more than 1/3rd the number of a resolution's total number of operative clauses are accepted as amendments, the resolution will be scrapped. When an amendment is presented to the chairs, the sponsors of the resolution will be given the option to either accept it as friendly or unfriendly. A friendly amendment is automatically accepted, and the content that was aimed to be changed, added or deleted is done as such. An unfriendly amendment means that the committee will vote, to decide whether or not the change shall be made. This is done through a simple majority vote.

1) (To introduce Resolution) the delegate of "your allotted country" would like to raise a motion to introduce *RESOLUTION NAME*

2) (Amendments) the delegate of "your allotted country" would like to raise a motion to move
into the amendment session for *RESOLUTION NAME*

3) (To vote on the resolution) the delegate of "your allotted country" would like to raise a motion to table the*RESOLUTION NAME* for the voting procedure.

Resolution Format
(Name of resolution)
Sponsors:
Signatories:
Topic: XYZ
Committee name,

(Preambulatory Clauses)
1. Every preambulatory clause ends with a comma (,)
(Operative clauses)
1. Every Operative clause ends with a semicolon (;)
2. Every sub-clause to a resolution should end with a comma (,) till and unless it is the last sub-
clause to the main clause, it shall end with a semicolon (;)
3. Every main clause before starting with a sub-clause should have a colon (:)
4. Full stop at the end of the resolution.

Voting

Voting is of 2 types, procedural and substantive. Procedural voting requires a simple majority, which is set at 50%+1 of committee strength. For example, if a committee has 100 people, the simple majority is set at 51 votes. Procedural Voting is used in cases such as voting upon motions. Substantive voting requires a 2/3rds majority. This is primarily used in voting upon a resolution. For example, if a committee has 100 members, the majority will be set at 67 votes.

Press Conference

The questions may range from matters of foreign policy, the agenda itself or controversial actions by the respective nations of the delegates, with the intended purpose being to test the depth of the research and knowledge of the delegates.

Directives

From: Name of portfolio/ portfolios

To: Portfolios to whom the directive is being addressed to

Type: Individual or Joint (if more than one portfolios are involved)

Status: **Covert/Overt directive.** (Details of a covert directive will remain a secret. The delegate will know if the directive has passed or failed if it is incorporated in the committee through crisis updates. The name of the senders and the content will not be revealed to the committee.)

Objective: Briefly include the key message/purpose of the directive

Plan of Action: Explain in detail the exact actions, steps to be taken. Give precise and to-the-point instructions.

Outcome: Briefly explain the immediate expected outcome of the directive.

INTRODUCTION TO THE COMMITTEE AND AGENDA

The Disarmament and International Security Committee (DISEC), also known as the First Committee of the United Nations General Assembly, is one of the six main committees of the United Nations General Assembly. Its mandate is to deal with disarmament, global challenges and threats to peace that affect the international community, and to encourage the development of norms and policies to promote international security and stability. The committee addresses a range of issues related to disarmament and international security, including nuclear disarmament, the regulation of conventional weapons, disarmament of non-state actors, terrorism, cyber security, and the prevention of the proliferation of weapons of mass destruction. It also focuses on promoting cooperation among nations in the areas of disarmament and international security, and the implementation of existing international treaties and agreements related to these issues.

Now, with reference to the agenda at hand, the need for relevant legal architecture applicable to Private Military Companies (PMCs) is crucial for ensuring the smooth execution and management of their operations. PMCs are private entities that provide military services to governments, corporations, and other organizations. They operate in various contexts, including conflict zones, peacekeeping missions, and humanitarian operations. However, their legal status and the regulatory frameworks governing their activities are often unclear and inconsistent.

Challenges in PMCs:

PMCs face several challenges in their operations, including:

1. **Lack of Clear Legal Framework:** The legal status of PMCs is often ambiguous, leading to confusion and uncertainty about their roles and responsibilities.

2. **Regulatory Gaps:** There are significant regulatory gaps in the laws and international agreements governing the activities of PMCs, which can lead to inconsistencies and conflicts.

3. **Accountability and Transparency:** PMCs are often criticized for their lack of accountability and transparency in their operations, which can lead to human rights violations and other ethical concerns.

4. **International Cooperation:** PMCs operate across international borders, which can create challenges in coordinating their activities with local authorities and ensuring compliance with international laws and regulations.

Importance of Relevant Legal Architecture:

Given these challenges, it is essential to have a relevant legal architecture that is specifically designed for PMCs. This legal framework should address the following key aspects:

1.Clear Roles and Responsibilities: The legal architecture should clearly define the roles and responsibilities of PMCs, including their scope of operations, the services they provide, and the standards they must adhere to.

2. Regulatory Compliance: The legal framework should ensure compliance with relevant international laws and regulations, including human rights and humanitarian law.

3. Accountability and Transparency: The legal architecture should ensure accountability and transparency in the operations of PMCs, including reporting requirements and mechanisms for investigating and addressing complaints.

4. International Cooperation: The legal framework should facilitate international cooperation and coordination among PMCs, governments, and other stakeholders to ensure consistency and effectiveness in their operations.

The need for relevant legal architecture applicable to PMCs is crucial for ensuring the smooth execution and management of their operations. This legal framework should address the specific challenges and requirements of PMCs, including clear roles and responsibilities, regulatory compliance, accountability and transparency, and international cooperation. By implementing such a legal architecture, PMCs can improve their operations and ensure that they are operating in a manner that is consistent with international laws and regulations.

As delegates in DISEC, you have the unique opportunity to represent the diverse interests and perspectives of your respective nations. Through diplomatic dialogue, negotiation, and the formulation of comprehensive resolutions, we can collectively address the challenges posed by PMCs and work towards creating a safer and more secure world. We encourage you to engage in active discussions, propose innovative solutions, and foster cooperation among member states.

By leveraging your expertise, analytical skills, and diplomatic acumen, we can chart a course towards addressing the problem at hand.

INTERNATIONAL AND REGIONAL FRAMEWORK, AND RELEVANT LEGALITY:

The existing international and regional framework for regulating private military companies (PMCs) is complex and evolving, with a mix of international laws, treaties, and voluntary initiatives:

International Legal Framework

1. International Humanitarian Law: PMCs operating in armed conflict situations are subject to the rules of international humanitarian law, which indirectly regulates their activities through the imposition of a strict disciplinary regime. However, there are gaps and ambiguities in how these laws apply to PMCs.

2. Human Rights Law: The activities of PMCs must comply with international human rights law, particularly regarding the use of force, detention, and treatment of civilians. States have a duty to ensure PMCs respect human rights.

3. UN Working Group on Mercenaries: This UN body has called for stronger regulation of PMCs, viewing them as a threat to state monopoly on the use of force.

Regional Frameworks

1. Montreux Document: This non-binding agreement, endorsed by over 50 countries, provides guidance on the legal obligations of states in relation to the activities of PMCs.

2. International Code of Conduct for Private Security Service Providers: This industry-led initiative establishes voluntary standards of conduct for PMCs, but lacks enforcement mechanisms.

The Montreux Document and the International Code of Conduct for Private Security Service Providers (ICoC) are two key initiatives aimed at regulating the private security industry and ensuring compliance with international humanitarian law and human rights law. Here are key points about these documents:

Montreux Document

• **Purpose:** The Montreux Document is an intergovernmental document that aims to promote respect for international humanitarian law and human rights law whenever private military and security companies (PMSCs) are present in armed conflicts.

• **Content:** The document contains two parts. Part one clarifies states' existing obligations under international law related to PMSCs, including their duties to ensure respect for international humanitarian law and protect human rights. Part two gathers good practices related to the regulation of PMSCs by states, including determining which services may or may not be contracted out to PMSCs, requiring appropriate training, and adopting measures to improve supervision, transparency, and accountability.

International Code of Conduct for Private Security Service Providers (ICoC)

Purpose: The ICoC is a multi-stakeholder initiative that sets out human rights principles and good industry practices directly applicable to private security companies (PSCs).

• **Content:** The ICoC contains a set of principles and standards that PSCs must adhere to, including the prohibition of torture, the protection of civilians, and the respect for international humanitarian law. The code also establishes a governance mechanism, the International Code of Conduct Association (ICoCA), which oversees compliance and provides a framework for addressing grievances and ensuring accountability.

Relationship between the Montreux Document and the IcoC

• **Complementarity:** Both documents share the principle objective of enhancing compliance with international humanitarian law and human rights law. While the Montreux Document focuses on the role of states, the ICoC focuses on the industry itself. The two documents are complementary, and states can draw on both initiatives to regulate the private security sector effectively.

• **Synergies:** The Montreux Document and the ICoC can be used together to create a more comprehensive regulatory framework. States can include ICoCA membership in their national authorisation or hiring processes, and the principles of the ICoC can complement or even be an essential component of a state's effort to regulate PSCs in accordance with Montreux Document good practices.

Implementation Challenges

• **Effective Implementation:** Despite the potential synergies between the two documents, effective implementation remains a challenge. States may need to strengthen their national licensing systems, and the industry may need to improve its compliance with international standards.

• **National Authorisation and Hiring Processes:** States can include ICoCA membership in their national authorisation or hiring processes to ensure that PSCs adhere to the principles of the ICoC and the governance mechanism established by the ICoCA.

CASE STUDIES

1. Case Study 1: Blackwater (Now Academi)

Background:

Blackwater, founded in 1997 by Erik Prince, gained notoriety during the Iraq War for its operations under U.S. government contracts. Initially tasked with providing security for U.S. officials and facilities in Iraq, Blackwater quickly expanded its role, becoming involved in offensive operations beyond its contracted scope.

Misuse:

a) Nisour Square Massacre (2007): One of the most infamous incidents involving Blackwater occurred in Baghdad's Nisour Square. Blackwater guards opened fire on civilians in a busy intersection, resulting in the deaths of 17 Iraqi civilians. The incident sparked international outrage and led to accusations of excessive use of force and disregard for civilian lives. The guards claimed they were under attack, but subsequent investigations and trials revealed discrepancies in their testimonies.

b) Legal and Ethical Concerns: The Nisour Square massacre brought attention to broader issues surrounding PMOs, including lack of accountability and oversight. Critics argued that PMOs like Blackwater operated in a legal grey area, often shielded from prosecution under U.S. law due to contractual agreements with the government. This raised concerns about impunity and the potential for abuse when PMOs are not held to the same standards as regular military forces.

c) Impact on Perception of PMOs: The Blackwater incident significantly damaged the reputation of PMOs globally. It underscored the risks of outsourcing military functions to private contractors without adequate regulatory frameworks in place. The event prompted calls for stricter oversight of PMOs operating in conflict zones.

2. Case Study 2: Executive Outcomes

Background:

Executive Outcomes (EO) was a private military company founded in South Africa in the early 1990s. It gained prominence for its involvement in conflicts across Africa, particularly in Angola and Sierra Leone, where it operated under contracts with governments and private interests.

Misuse:

1. Angola Conflict (1993-1996): EO's involvement in the Angolan Civil War exemplifies the ethical challenges associated with PMOs. EO deployed military personnel to assist the Angolan government in fighting UNITA rebels. While EO claimed to bring stability and protect civilians, critics argued that its actions prolonged the conflict and exacerbated human rights abuses. There were allegations that EO engaged in operations that benefited its corporate interests rather than achieving sustainable peace.

2. Influence of Corporate Interests: EO's operations highlighted the intersection of corporate profit motives and military action. Critics accused EO of prioritizing financial gain over ethical considerations, operating as a mercenary force rather than a legitimate extension of state authority. This raised questions about the role of profit-driven PMOs in conflict resolution and their potential to perpetuate instability for financial gain.

3. Legacy and Regulatory Response: The activities of EO contributed to international discussions on regulating PMOs. The Angolan experience underscored the need for transparency and accountability in contracting PMOs for military operations. It prompted efforts to establish international guidelines to govern the conduct of PMOs and mitigate their potential for misuse in future conflicts.

POINTERS FOR RESEARCH

While researching for a Model United Nations Conference, it is important as a delegate to understand that a well researched delegate always has the edge over their competition, and is more inclined to make better speeches and have a coherent train of thought. With that being said, it is also important to note the quality of your research, and the sources of it. Having fallacious or wrong research will only deduct points from your final tally, and it is necessary to sidestep the enormous chunk of information available, and pick at only what is vital and necessary. Here are a couple pointers you need to keep in mind during your research for DWMUN '24 or for any other future MUN you might compete in:

- Check the index of large documents to find a general gist of what you might be looking for.

- While trying to find documents to defend your country's actions or stance on a particular issue, make sure to always refer to official documentation from your country's government or external affairs/foreign ministry.

- Sources such as NEWS18, CNN, Fox News, Al Jazeera or any other local news will not be accepted.

- Official UN Documents for statistics and figures can be referred to in committee. Some examples are: Journals published by the United Nations Office on Drugs and Crime or any other UN Committee, UN Resolutions, etc.

- Any documentation that possesses a certain threshold of AI generated text will be immediately scrapped by the executive board and further actions will follow.

- Plagiarism will also be dealt with strictly, and will not be tolerated favorably. A Plagiarism threshold limit will also be imposed on documents submitted to the Executive Board. Wishing you the very best for this MUN!

LINKS FOR FURTHER RESEARCH:

1. "The Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict" -
https://www.icrc.org/en/doc/assets/files/other/icrc_002_0996.pdf

2. "UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" -
https://www.ohchr.org/en/special-procedures/wg-mercenaries

3. "International Code of Conduct for Private Security Service Providers" -
https://www.icoca.ch/en/the_icoc

4. "Regulating the Private Security Industry: A comprehensive global study" by the United Nations Office on Drugs and Crime -
https://www.unodc.org/documents/organized-crime/Studies_and_publications/PMSCs/Regulating_the_Private_Security_Industry.pdf

5. "The Privatization of Security: Challenges, Consequences and Policy Implications" by the Geneva Centre for Security Sector Governance -
https://www.dcaf.ch/sites/default/files/publications/documents/DCAF_PP_Privatization_of_Security.pdf

6. "The Regulation of Private Military and Security Companies in International Humanitarian Law" by the International Committee of the Red Cross -
https://www.icrc.org/en/doc/assets/files/other/irrc-863-cockayne.pdf

7. "Mercenaries and Private Military/Security Companies in International Law" by the Geneva Academy -
https://www.geneva-academy.ch/joomlatools-files/docman-files/Mercenaries%20and%20Private%20Military%20Security%20Companies.pdf

8. "The Montreux +10 Conference: Reflecting on a Decade of the Montreux Document" by the Geneva Centre for Security Sector Governance -
https://www.dcaf.ch/sites/default/files/publications/documents/Montreux%2B10%20Conference%20Report.pdf

9. "Private Military and Security Companies and Challenges to Governance" by the United Nations University -
 https://collections.unu.edu/eserv/UNU:5845/pdf11355.pdf

10. "The Regulation of Private Military and Security Contractors in Armed Conflict" by the International Committee of the Red Cross -
https://www.icrc.org/en/doc/assets/files/other/irrc-863-cockayne.pdf

QUESTIONS A RESOLUTION MUST ANSWER:

1. What specific international regulations and licensing requirements should be established for the operation of PMCs to ensure accountability and transparency?

2. What limitations should be placed on the types of activities PMCs can undertake, particularly in conflict zones and sensitive areas?

3. How should PMCs be held accountable for human rights violations and breaches of international law?

4. Which international body or mechanism will be responsible for enforcing the regulations and addressing violations committed by PMCs?

5. What criteria should be established for governments and organizations when contracting PMCs, and what oversight mechanisms should be implemented to monitor their activities?

6. What mandatory reporting requirements should be imposed on PMCs regarding their operations, contracts, and financial activities?

7. What standardized training and codes of conduct should be mandated for PMC personnel to ensure compliance with international humanitarian and human rights laws?

8. What support systems and compliance mechanisms should be put in place to assist PMCs in adhering to the new legal framework?

9. How should mechanisms for redress and compensation for victims of PMC misconduct be structured and implemented?

10. What measures should be adopted to enhance international cooperation and information sharing among states and relevant international organizations regarding PMC regulation?