

Forum: Disarmament and International Security Committee (GA1)

Issue: The Role of Civilian Companies in War

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Introduction:

In recent years, the question of whether civilian companies should have a role in the war has been raised more than ever. As firms play a bigger part in conflicts, governments are forced to take action sooner to avoid possible consequences. Civilian companies in war present themselves in many forms, some examples are Private Military Companies (PMCs), Private Security Companies (PSCs) and technology firms. A majority of these companies hold the main intention of monetising warfare. This brings up the ethical issue of whether benefiting from crises should be a legitimate means of making profit.

The number of private companies sticking their hands in the market grows by the year. The ratio of the number of private military contractors to the number of US soldiers had increased from 1:1 in 2009 to 3:1 in 2017, and is predicted to be worth over USD 366 billion by 2028. Even technology companies such as Starlink have shown interest in conflict areas in the recent Russia-Ukraine conflict.

This issue is of utmost importance, as technology is advancing rapidly. As companies gain access to the latest technologies ranging from lethal autonomous weaponry to AI weapons, these companies will play a bigger role in global politics. If regulations stay the way they currently are, it is predicted that Private Companies will have as much influence over a conflict as a nation's military.

While reading further, delegates are encouraged to look at both the ethical aspect of the situation as well as their countries' interests.

Definition of Key Terms:

1. **Privatisation** - Privatisation is “when a government-owned business, operation, or property becomes owned by a private or non-governmental party” (Investopedia). In this case, it defines the transfer of the government’s duties in regard to the military to the private sector.
2. **Private Military Company (PMC)** - Private Military Companies are “independent corporation that offers military services to national governments, international organizations, and substate actors” (Britannica). They are the biggest part of civilian companies in war.
3. **Private Security Company (PSC)** - Private Security Companies bear great resemblance to their more volatile counterparts. These firms mainly offer “defensive services, intended to protect individuals and property” (Law Insider).
4. **Mercenary** - A mercenary is “any person who is specially recruited...to fight in an armed conflict [or] is motivated to take part in the hostilities essentially by the desire for private gain” but is “neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict [and] is not a member of the armed forces of a [relevant] party” (UNHRC)
5. **Unlawful Combatant** - The term unlawful combatant is used to refer to an “individual who belongs to an armed group, in a context where either the individual or the group do not fulfil the conditions for combatant status” (International Committee of the Red Cross). These conditions were outlined by International Humanitarian Law in a list of treaties including the Geneva treaty.
6. **Contracting States** - States or parties that hire a private company
7. **Conflict Areas** - Conflict areas are regions where the “use of armed force between two or more organised armed groups” (International Committee of the Red Cross) is prevalent. This includes war, civil wars, political unrest, etc.

Background Information

History of private companies in war

Privatisation of military powers dates back to the 12th century, with 'the Anarchy', a civil war between England and Normandy. The armies of both sides were known to have hired mercenaries, but the English were infamous for turning to mercenaries to compensate for the English army's weaknesses. The largest mercenary group participating in the conflict were the "Dogs of War" that associated with the English. Similar groups of mercenaries were used in France, Italy and other European nations throughout the 12th to 14th centuries.



Depiction of the 12th century mercenaries fighting in the 'Anarchy'

Modern PMCs trace back to the Cold War. This and other cases of private firms being involved in crises will be discussed below.

Cold War era

The Cold War is often considered the start of firms being involved in modern war. Experts trace the origins of these firms to a group of ex-special airforce service veterans, a sector of the Royal Air Force, who formed a company known as WatchGuard International. The PMC was first contracted to investigate on the Royalists, forces of the Mutawakkilite Kingdom of Yemen. Eventually, the company gained ties with the Iranian government and was hired to work in Sierra Leone and Zambia. Most of the work done in the African subcontinent was training of personnel and advising attorneys on safety concerns. Most of the work done by PMCs was passive and didn't directly impact a conflict, an aspect of PMCs that wasn't necessarily true in following years.



British PMC Watchguard International lead SAS founder David Stirling

PMC presence in Iraq and Afghanistan

One of the most famous accounts of private military involvement in conflicts was the war against terror. According to the US Congressional Research Service Report, from 2007 to 2018, over 50% of military personnel in Iraq and Afghanistan, were private military personnel. The PMCs in the region originated from US, the UK, Russia, and China. There have been reports of over 60 to 140 companies, with around 25,000 troops participating in the conflict. The ability of contacting states to regulate these companies was scrutinised after PMCs were known to raid poppy fields across Afghanistan. Countries hired PMCs with the main intention to bring further stability to the coalition's attacks in an unstable region.

Blackwater, now known as Academi, was one of the most active private military agencies. The PMC has been the centre of multiple controversies, the most well-known being a conflict on September 16th, 2007. A Blackwater convoy was deployed to a crowded square near the Mansour district in Baghdad, Iraq. Supposedly acting out of defence, the convoy responded by firing at opposition gunmen. The Iraqis claim that the PMCs were the ones who opened fire first. Regardless of the true story, the conflict ended with 20 Iraqi civilians being killed, including the couple and their child.

2022 Russian Invasion of Ukraine

The current situation between Russia and Ukraine has led to the rise of PMCs in the region, with the Wagner Group being a major player in the conflict since the 2014 annexation of Crimea. The military group is rumoured to have tens of thousands of troops, many being highly decorated Russian military veterans. In early 2023, the US labelled this group a “significant transnational criminal organization” after taking into account their presence areas across the Middle East and Africa. The Wagner group has also been accused of multiple war crimes in Ukraine, including murder, torture, rape and robbery of civilians. The Wagner group also attempted a coup against Putin in June 2023.



Russian PMC, Wagner Group, played a significant role in the fall of Bakhmut in Ukraine and many other battles.

Internet provider Starlink has also played a significant role in the conflict. Its CEO, Elon Musk has risen to be one of the largest donors to the Ukrainian war effort and continues to use Starlink to further support Ukraine. In Feb 2022, Starlink agreed to assist by providing free internet to Ukraine and replacing any destroyed internet towers. Starlink is also supporting the war effort directly by providing an encrypted channel between commanders that has proven instrumental in countering the Russians. Ukrainian forces also use the company’s satellites to operate an artillery

strike system. In total, the communications costs Starlink \$20 million per month, and all other war collaborations are worth over \$100 million.



Weaponization of the Starlink network to aid Ukrainian war efforts

Current Situation

Impact of these companies

Below are some specific impacts of private companies and current concerns brought up by governments that need to be taken into account when formulating solutions.

Human Rights and Ethics

Private military corporations have been accused of human rights violations, excessive use of force, and a lack of accountability in a number of high-profile events. These occurrences can harm a country's reputation and raise ethical concerns regarding the deployment of private armies in conflict zones. This has been a big topic of discussion in the current Russia-Ukraine conflict.

Impact on International Relations

Private company engagement in conflicts can weaken diplomatic ties between governments, especially if there are worries about sovereignty violations or the unauthorised employment of private forces in another territory. This is seen recently with US condemning Russia for Wagner's involvement in Ukraine

Lack of Transparency:

Private firms that have the main intention of monetising from conflict won't disclose all information about their plans. Similar to the destruction of poppy fields in Iran, companies still drift from the request of their contracting states.

Impact of Non-PMC Private Companies in War

As mentioned above, private companies in war can take on many forms. Not all of the impact of war is negative, there are a few private companies genuinely trying to aid civilians caught in the crossfire.

Medical Companies:

Medical companies play a vital role in times of war by supplying essential medical equipment, supplies, and innovations. They often establish field hospitals and mobile clinics to provide care to civilians caught in conflict zones. Collaborating with organizations like the UN, they offer aid to affected regions and support logistics for medical supply distribution. Medical companies also provide training, rehabilitation, and disease prevention, contributing to both humanitarian efforts and military readiness in war contexts.

Recently, in 2022, shortly after the Russian invasion of Ukraine, Pharmaceutical companies across the European Union, France in particular took it upon themselves to provide support. This effort is led by a trade union called the European Federation of Pharmaceutical Industries and Associations (EFPIA). EFPIA aids the Ukrainian people by providing free medical supplies and financial support to be distributed by NGOs working onsite.

Telecommunication Firms:

Another variety of private companies benefitting nations facing war is telecommunication companies. Telecommunication companies play crucial roles during wartime by providing secure communication networks for military forces, establishing and maintaining communication infrastructure in conflict zones,

contributing to intelligence-gathering efforts, maintaining civilian communication services, participating in propaganda and psychological warfare, developing cybersecurity measures for protection against cyber attacks, and aiding in post-war reconstruction and recovery. Their contributions range from facilitating military coordination to supporting civilian needs and rebuilding communication systems in war-torn regions.

In the context of the Syrian Civil War, telecommunication companies played essential roles by providing civilian communication services, facilitating military coordination and intelligence efforts, supporting international aid and relief operations, overcoming challenges presented by the conflict's disruptions, and contributing to post-conflict reconstruction. This example demonstrates the significant and multifaceted contributions of telecommunication companies in modern conflicts, encompassing both military and humanitarian aspects.

Major Parties Involved and Their Views

United States

The US is the largest contracting state and hosts the largest number of PMCs. It is the home of the largest PMC in the world, the Academi group. It is said that the United States government hires and uses Private companies regularly, and the Department of Defence hires all sorts of contractors, from physicians to mechanics, and almost anything in between. The capitalist nature of the nation makes it extremely easy for such companies to profit and thrive.

Russia

Apart from the US, Russia has also become a major presence in the sphere of PMCs. Many accounts state that Russia is the most reliant on private companies. According to the Congressional Research Report, "Russia utilizes private military companies (PMCs) to project power globally" and goes on to call Russian PMCs a "tool of Russian foreign policy". The Russian PMC and the Wagner group have been accused of many war crimes around the world.

Ukraine

Ukraine throughout the duration of the war has become a victim of the alleged war crimes of the Wagner group. Russia aiding the Wagner group's mercenary-like behaviour has resulted in the death of over 10,000 civilians. The Wagner group has also admitted to throwing grenades at Ukrainian prisoners of war, a direct infringement of the Geneva Treaties. If clear rules aren't established, Ukraine will be one of the multiple nations that suffer from the uncontrolled acts of these PMCs.

Government Bodies

Governments around the world have been the main reason for the steep rise in private companies in war. This is because of the benefits hiring presents compared to sending combatants and personnel. The following are the reasons:

Potential cost savings

Hiring private military companies (PMCs) can sometimes be cost-effective compared to maintaining a standing military force. PMCs operate on a contract basis, allowing governments to avoid the long-term expenses associated.

Specialised expertise

Private companies often specialize in specific areas, such as security, logistics, intelligence, or technical support. This allows governments to have a wide range of personal specialisations for a lower cost than training in separate departments.

Flexibility

Hiring private companies is beneficial in terms of the time taken for personnel to be on the ground. The alternative to this hiring is conscription, which tends to be cumbersome when dealing with situations a short notice

Reduced Political backlash

The general public tends to be more supportive of war efforts when individuals are not conscripted. Hiring allows governments to proceed with their intentions without much friction.

UN Involvement, Relevant Resolutions, Treaties and Events

The Working Group under the UNHRC has been tasked to study the effects caused by the private military. The main focus of this research is to investigate violations relating to the sphere of self-determination committed by PMCs.

- Geneva Convention, August 12, 1949
 - “Geneva Conventions are four treaties, and three additional protocols, that establish international legal standards for humanitarian treatment in war... negotiated in the aftermath of WW2” (Wikipedia). As it stands, private companies are exempted from the regulations of the Geneva Treaties, even when officially affiliated with a combatant state.
 - Was relatively ineffective in directly addressing the topic of private companies because it ignored the clear association between the company and the contracting state. Countries that were partly to blame for any atrocities weren't charged at all.
- International Convention against the Recruitment, Use, Financing and Training of Mercenaries, December 04th 1989, United Nations General Assembly Resolution Number 44/34
 - Unsuccessful in preventing PMCs from participating in conflicts of the 21st century. Most content of the resolution is outdated with significant advancements made post ratification.

Possible Solutions

When addressing issues such as this where there is a vast impact on the political world, it is important to solve root issues as well as combat the outcomes. The issue of private companies in war often stems from the high demand for privatising all walks of life. This privatisation allows the governments to lay off their own responsibilities and neglect the blame. The only way to is to regulate which industries are privatised.

Regulating the contracting of private companies

Creating a new set of regulations to regulate the hiring and use of private companies will be the most agreed-upon solution. As regulations stand at the moment, there aren't fixed laws on what a private company is allowed to do, creating an outline of this will be effective.

Another point of concern is the state of how these organizations must be tried in court if they breach any regulations. In the end, the committee must keep private companies accountable for any misfortune that was caused by their presence. Delegates must decide if it is best to include the contracting state in the charges handed out or not.

Transparency to the United Nations

Delegates could also consider the advantages of countries disclosing the use of private companies. Disclosing could be as small as conforming the use of private companies or could be a more complicated process of disclosing more detailed information. This will bring up issues of privacy but it is up to delegates to find a common ground that meets both personal interests and overall safety.

***Note - With such scenarios, the scope of direct monitoring and peacekeeping is limited. Such solutions must be further developed to consider past failures**

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