

FORUM: UNSC

TOPIC: Discussing the regulation of private military contractors (PMCs) and their role in conflict resolution

MAIN SUBMITTER: Republic of Equatorial Guinea

CO-SUBMITTERS: Kuwait, Russia, Belgium, Ivory Coast, China, South Africa, US

The United Nations Security Council,

Recognising that without proper regulations, PMCs threaten state sovereignty because they threaten the state's monopoly on "the use of force",

Emphasising that with proper government regulation, PMCs can be beneficial to individual nations' economic development and foreign business cooperation,

Acknowledging that PMCs often help to provide stability and safety to a nation along with jobs and education,

Highlighting the need for PMCs in under-developed countries that cannot afford an extensive military,

Expressing concern over the growing number of armed conflicts in different areas of the globe,

Recalling the recommendations outlined by the Montreux Document, ratified by multiple countries, and further guided by the International Convention against mercenaries,

Acknowledging the lack of adequate, effective and legally binding regulations on PMCs,

Reaffirming the need for all parties in armed conflict to respect the humanitarian principles of humanity, neutrality, impartiality and independence in the provision of humanitarian assistance, including medical assistance,

Noting with satisfaction the creation of The International Code for Private Security Service (ICOC), which successfully provides a non-legally binding framework for PMC accountability,

1. Recommends that PMCs be required to have government consent to be situated in their country in ways such as nations coming to a consensus on what the PMCs will be doing in order to benefit both parties;

2. Encourages stronger cooperative frameworks in which national government, military, and PMCs can safely and moderately discuss the means and limitations of PMCs' participation in conflict in regards to clause 1;

3. Asks for governments to regulate PMCs in ways such as governments being required to know when and where the PMCs are situated and what exactly they are doing;

4. Urges for the regulation of PMCs in order to ensure that:
 - a. They do not step out of line above what they have been brought into a country to do,
 - b. They do not harm or oppress the citizens of the country, and
 - c. That they are beneficial to the host country;

5. Invites all member states to enhance transparency and security on all the actions carried out by PMCs during armed conflicts by measures such as incorporating membership in the International Code of Conduct for Private Security Service Providers (ICoC) as a mandatory requirement in the bidding process for the hiring of PMCs;

6. Proposes the creation of the Military Contractors Assembly (M.C.A.), a U.N. assembly to be held every three months, which shall include all the member states, Private Military Agencies and international non-governmental organizations as observers, that shall:
 - a. set up a coherent and legally binding regulation system aimed at enhancing the safety and transparency of the employment of Private Security Service providers by governments,
 - b. supervise all the private military contractors active in conflict zones,
 - c. provide the U.N. Secretary-General with a detailed and updated report on the situation in war zones in terms of actions carried out by PMCs, and

- d. establish effective, coherent and equal sanctions for the infraction of the M.C.U. regulation, that shall be discussed and confirmed by the Security Council before being applied;

7. Proclaims that all PMCs which possess and/or trade non-conventional weapons shall be further tested by the United Nations Disarmament Committee and coherently sanctioned by the Security Council;

8. Solemnly affirms that U.N. peacekeeping forces shall refrain from resorting to PMCs to protect their personnel and facilities; private contracting companies shall provide the U.N. to a certain degree with:
 - a. unarmed safety service,
 - b. risk assessment, risk management and consultancy,
 - c. military equipment and maintenance, air services, airlift, helicopters, armored vehicles, and
 - d. logistics and construction;

9. Further requests the Secretary-General to brief the Security Council every twelve months on the implementation of this resolution within his annual briefing on the protection of civilians;

10. Confirms the construction of a UN database to ensure proper international regulation of Private Military Groups (PMCs), which shall undertake the following roles:
 - a. Provide a space for Member States may declare the following information on PMCs they are contracting, including, but not limited to:
 - i. PMCs they are cooperating with,
 - ii. The Member State's purpose in this cooperation, and
 - iii. The timeline of the cooperation,

- b. Hold the Member States accountable for any illegality or atrocity committed by the PMC, if those illegalities and atrocities are in the bounds set by the declarations in the database, and
 - c. Provide a space for PMCs to declare the following information on their own operations, including the following:
 - i. The national legal framework they are operating under, along with the approval of the Member State mentioned in the claim, and
 - ii. The timeline, purpose, nature and clients of their operations;
11. Decides that Private Military Groups (PMCs) which are declared to be in active cooperation with a Member State, as stated under Operative Clause 8, be restricted through a prohibition from the following action:
- a. The violation of another sovereign state,
 - b. Attempting, or succeeding changing their borders,
 - c. Attempting, or succeeding to overthrow the legitimate authority,
 - d. Carrying out subversive action against the legitimate authority, and
 - e. Developing, buying or storing Weapons of Mass Destruction;
12. Decides to remain actively seized of the matter.