

Forum: General Assembly 1

Issue: Regulating the Prevalence of Private Military Contractors and Organized
Crime Militias in Latin America

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Introduction

The region of Latin America has persistently been riddled with crime and conflict. As crime rates grow by nearly 30% annually, the region has seen an increase in drug-related violence and organized crime, however Latin American nations are yet to curb such dangerous growth. Underdeveloped, and with high rates of corruption, the international community has observed that the governments of the region are unequipped to deal with the issue alone. It is for this reason that Latin American countries have increased their reliance upon the private military industry and militias

The services of the private military industry are cheap, short-term resolutions to crime in the region, something which governments have identified to be what the region needs currently. However, the damage which has been done to Latin America by private military organizations is profound. Without any regulations on the state's behalf, the militias and private military corporations utilized by the governments of Latin America have spun a complicated web of organized crime and contraventions to international and national law. As PMCs willfully murder citizens, destabilize governments and front for clients hoping to contravene international law in Latin America, their influence only continues to grow. Militias have played a critical role in facilitating organized crime in the area throughout the region while operating as an unregulated armed force that, according to an Al Jazeera report, "makes their own laws".

As this issue is brought to light, the international community has failed to act. Although it has expressed a desire for regulations to be placed upon such armed forces, there is disagreement as to

how this can be done. Documents which may pertain to the issue have been dismissed for their supposedly unrealistic regulations and suggestion. Therefore, in order to safeguard international security in the face of the threats posed by unregulated armed organizations, its important that the international community works towards resolutions with the stances of key parties in mind.

Definition of Key Terms

Criminal Gang

A group of criminals with centralized authority formed to procure profit or further a political ideology through criminal activity. In the context of Latin America, criminal gangs are typically led by and consist of low-class citizens with the intention of generating profit through theft, extortion, killings and kidnapping. Criminal gangs typically lack a transnational means to generate profit, but are still widespread throughout Latin America.

Drug Cartel

A conglomerate of drug trafficking organizations created to reduce competition and stabilize national and transnational drug trafficking organizations. Cartels hold significant influence over important land and maritime trading routes to smuggle drugs and normally acquire funds from drug sales, extortion, racketeering and loansharking. Drug cartels are mainly concentrated in Latin America, with the Mexico-based Sinaloa Cartel being the most dominant over Central America, Argentina, Peru, and Paraguay

International Committee of the Red Cross

The ICRC is a Swiss humanitarian institution with the primary goal of securing civilian safety in conflict. Although it is not directly affiliated to the United Nations, all parties to the Geneva Conventions have given the organization a mandate to protect victims of armed conflict.

Latin America

A geographic region characterized by the predominance of Romance Languages associated with Latin, including Spanish, Portuguese and French. The region's constituent nations, in alphabetical order, are: Argentina, Bolivia, Brazil, Chile, Colombia, Costa Rica, Cuba, the Dominican Republic, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Mexico, Nicaragua, Panama, Paraguay, Peru, Uruguay and Venezuela. Despite the cultural ties shared by the nations of the region, there is no single intergovernmental organization which represents the entire region, however, the Pacific Alliance, Mercosur and the Organization of American States are the most pertinent.

Merida Initiative

The Merida Initiative is a foreign-aid plan enacted by the United States targeted towards solving drug violence in Mexico. The United States sent financial and military aid, which came in the form of PMCs operating at the US-Mexico border. To ensure the general safety of Mexico's populace, the government ensured that PMCs would operate under the purview of local forces as a regulation.

Mercenary

An individual who engages in military combat for profit under the purview of a government or non state actor. The United Nations, under the 1986 Mercenary Conventions, has proposed a definition of a mercenary, however, it is not widely accepted due to its ambiguity.

Militia

A non-state military force which consists of civilians with limited military training that is used to complement the activities of a national military. Many militias, especially in underdeveloped nations, operate with some degree of disobedience to national law. This is a result of the weak enforcement which such governments can place upon criminal activity, causing many militias to form into vigilante groups.

Non-State Actor

A body which holds significant political influence over a region, nation or locality but lacks any

affiliation to a country or state. Most nations hold registries of significant NSAs in their nation and can classify NSAs as peaceful or Violent Non-State Actors (VNSAs).

Organized Crime

A category of crime involving well-structured, centralized network of individual and collective criminals and criminal organizations established with the purpose of engaging in criminal activity in order to generate profit or spread an ideology. Organized crime can exceed international boundaries and typically involves drug trafficking, racketeering, financial crime, and forms of violence.

Plan Colombia

A foreign-aid plan enacted by the United States in 1999 directed to combating drug cartels and left wing insurgencies in Colombia. The initiative was a key factor in the destruction of such sectors in organized crime, however, the military-aid sent by the United States came primarily in the form of PMCs.

Private Military Company (PMC)

A privately-owned company which provides military services to its clients, which typically include national governments, international organizations, and non-state actors. PMCs normally equip their clients with trained personnel for combat engagement and less frequently, training operations. The increased need for militarism following the Cold War led to the emergence of PMCs, which mostly operated in nations affected by the Cold War itself. Currently, PMCs are mostly hired due to their low cost relative to national military forces and the ease of deployment due to the lack of bureaucracy associated with their usage.

War Crime

As defined by the 1949 Geneva Conventions, a war crime is a type of crime which is a direct violation of the Laws of War stipulated by the ICC. War crimes can provide grounds

for individual criminal activity and entail actions such as willful killing, torture and pillaging.

Key Issues

Threats Posed by PMCs and Militias

The necessity for the regulation of PMCs and militias has arisen from their threats to the national security of numerous nations in which PMCs and militias operate on the behalf of governments. Nearly untouched by international legislature due to their privatized nature, the political and humanitarian implications of the usage of PMCs and militias is a growing matter of concern. Operators working within PMCs and militias cannot be physically distinguished from the armed forces of a government conducting an operation using the units. However, international law does not recognize operators from PMCs and militias as unified with their governmental clients. In turn creating an international grey-area in terms of accountability for breaches of international law and serving as a groundwork for concern regarding the growth of PMCs and militias.

Potential to Commit War Crimes

Seeing as only individuals directly affiliated with the military or government of a nation or non-state actor recognized by the United Nation can be indicted for a war crime, PMCs and militias cannot be legally accused of war crimes. In turn, there have been numerous incidents where operators from such organizations have contravened international law without punishment or indictment. Not only have governments been accused of ordering PMCs to violate international law with impunity, such actions have been conducted under dubious circumstances numerous times. For example, PMCs operating for the US as part of Plan Colombia in 1999 had conducted espionage and killed dozens of civilians in rural Colombia. Specific details are classified by the American government due to the sensitive nature of such information.

Usage by NSAs

PMCs are also known to provide security services to numerous NSAs, including corporations and

other such organizations. This has often been viewed as a means for NSAs to conduct illegal activity (murders, theft, extortion etc.) while using PMCs as a front to do so without legal accountability falling on the NSA itself. This practice is extremely common in Latin America, a region rich in natural resources for corporations to extract, often illegally or questionably. For example, a PMC had killed two environmental activists in Peru's Yanacocha mine while providing security services for a joint venture between corporations and the World Bank in 2006. With similar incidents occurring afterwards in Ecuador, Guatemala and Chile, it can be said that the use of PMCs by NSAs is a dangerous prospect.

In Latin America, other non-corporate NSAs have also utilized PMCs to conduct military operations. Most recently, in 2020, a group of Venezuelan defectors from the Maduro government had planned an operation (Operation Gideon) to topple Maduro's regime as part of a coup. They had contracted an American PMC and worked with them to plan the operation, choosing to enter from sea. However, the group was caught and imprisoned by Venezuelan authorities. The means by which the PMC in question was used is a clear violation of Venezuela's sovereignty and territorial integrity, demonstrating how PMCs can be used by an NSA in a manner which contravenes international and national laws.

Degradation of National Sovereignty and Self-Sufficiency

Nations to which PMCs and militias are sent are typically politically unstable, with a dangerous mix of state and non-state actors. The lack of centralized authority in combat-zones therefore allows PMCs and militias to amass political influence in combat-zones through their line of work, in turn destabilizing a government's grasp over their territory. Since governments calling upon the support of such organizations cannot be held legally accountable for their actions, PMCs and militias are typically used as fronts for such governments to push foreign policy in failing or politically unstable states. In Latin America, such trends can be observed in the nations of Colombia and Haiti. As part of Plan Colombia, the Colombian government's authority over how it could handle the activity of insurgencies was completely undermined by the United States using PMCs to combat such forces. Furthermore, the worsening humanitarian situation in Haiti exacerbated by the recent earthquakes and epidemics has required the Haitian government to provide PMCs with near-full access to law enforcement. With only ten thousand police-officers in a country of ten million, PMCs have nearly replaced state-operated law enforcement initiatives with little to no regulations on the state's behalf.

Corruption

With nations such as Nicaragua, Haiti and Venezuela scoring extremely poorly in the Transparency Institute Corruption Index, an index detailing the level of governmental corruption in nations, Latin America is one of the world's most corrupt regions. Such a trait carries forward to militias in an extremely concerning manner. When called upon by governments, militias can be illegally paid by individuals and organizations to accomplish a goal which falls outside of government interests. Latin American militias have utilized their powers to engage in highly illegal activity with connections to organized crime groups, especially drug cartels and local gangs. Such practices are highly prevalent in the country of Brazil, wherein "police militias" employed to quash gang-activity are utilized by organized crime syndicates to authorize the trafficking of contraband (drugs, illegally mined minerals, etc.) through areas patrolled by said militias. Furthermore, these militias are highly supported by the Bolsonaro government due to the President's strong stance against gang-activity. This, alongside the stockpiling of illegal armaments, are the primary means by which the activities of a militia can constitute organized crime.

Inefficiency

PMCs work in relation to contractual obligations proposed by a client, however, the work of PMCs in combat-zones is loosely regulated by nations employing such firms. Therefore, the means by which PMCs may conduct an operation can potentially jeopardize the achievement of an operation's long term objective. Referring to the aforementioned situations in Haiti and Colombia, public perception of governments hiring PMCs to operate in such areas had declined significantly. Perhaps the most

prevalent case of this issue occurred in the 2003 Iraq War, where PMCs hired by Iraq to provide security to the Abu Ghraib prison committed numerous crimes against humanity directed towards prisoners. The United States, nor the PMCs involved, were indicted of any crime by the International Criminal Court or International Court of Justice. The issue of Brazilian police militias is also pertinent to this specific discussion. Although they have combatted gang violence, they are used to enable the movement of drug cartels within the areas they patrol, causing an increase in drug-related crime in the area.

Challenges in Regulation

Every issue faced by the world is multi-dimensional, and the United Nations exists to find and mediate a compromise between all parties involved in a solution. As nations increase their reliance on PMCs, the industry is expected to grow by 8% annually in Latin America, however, PMCs and militias can pose a risk to the security of such nations. To mitigate this risk, the interests of PMCs must be accounted for, and these interests typically manifest themselves in the form of challenges

Job-Security and Economic Output

It is commonplace that regulations set by governments on corporate entities typically reduce the economic output of a corporation since regulations regularly stipulate the allocation of finances into initiatives which do not aid in the generation of profit. In the case of PMCs regulations would heavily harm the industry as a whole. With further regulations PMCs would be forced to raise prices and potentially lay-off individuals to cope with economic downturn. The former situation would be extremely harmful to the growth and favorability of PMCs as they are only utilized for their low costs relative to the deployment of national military forces.

Privatized Nature

The powers vested in the United Nations by the United Nations Charter specifically state that the United Nations cannot interfere in corporate activity. It is this loophole which allows PMCs to operate freely without any interruptions from intergovernmental organizations. Seeing as PMCs are outside of the United Nations' legislative grasp, the United Nations can only discuss the activities of PMCs without taking any action towards solving any problems. To elaborate upon this point, it is highly unlikely that nations will agree to the placement of regulations. Referring to the 1986 United Nations Mercenary Conventions, the lack of signatories revealed that most nations were unprepared for the placement of regulations, therefore showing that such nations may not be complacent with regulations on PMCs and militias.

Resource Availability

The use of PMCs and militias to substitute law-enforcement authorities and militaries is a purely

financial decision. The scale of crime in Latin America compared to the resources available to local law enforcement is an extremely concerning factor to the crime rate in the region. Militias and PMCs are a short-term fix to this issue, and to place regulations upon them would be to the detriment of the government and the law-enforcement system as a whole. This would require militias to allocate more finances towards fulfilling the requirements stipulated by governments, as discussed above while also causing governments to consume finances. With regulations in place, the resources governments would require in order to enforce said regulations (auditing bodies, work salaries etc.) would be profound, and given the situation that Latin American governments cannot adequately finance local law-enforcement, it would be difficult for countries to bring regulations on PMCs and militias into fruition. The governments of Brazil and Haiti are perfect examples of poor resource availability for law-enforcement and would therefore suffer heavily from the implementation of regulations on PMCs and militias

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Major Parties Involved and Their Views

United States of America

The role played by PMCs and militias in the United States is profound and characterized by little regulation. In recent years, American foreign interventions in Colombia, Mexico, Iraq, and Somalia have relied heavily upon PMCs and militias. The competitive pricing of PMCs and militias has always incentivized the United States to call upon their services in times where American military forces are not

completely expendable. Considering the impact regulations may have on the price of PMCs and militias, the American government has consistently deplored the implementation of regulations on such organizations.

This viewpoint is exemplified by its policy regarding the use of PMCs. American PMCs have consistently operated with little to no regulation in combat-zones. The excessive cost of deploying national military can be avoided by the usage of PMCs, and as a nation which is extremely active in foreign interventions, it is important for the United States to minimize the financial consequences of their military actions. By minimizing government involvement in the sector, the United States essentially aims to reduce the outflow of finances for both parties. This has, however, led to American PMCs killing, torturing and pillaging in combat-zones. From the Nissour Square Shooting in Iraq, where the PMC Blackwater killed 17 civilians, to Plan Colombia, where minors were sexually abused, and rural workers were tortured by American PMCs. Furthermore, the United States has utilized militias previously. It has provided them with armaments to patrol domestic areas. However, they have illegally stockpiled these armaments on numerous previous instances.

The United States, as a country founded upon libertarian principles, has previously lobbied against corporate regulation on such matters. It was a key opponent to the 1986 United Nations Mercenary Conventions due to the ambiguity and ineffective nature of the regulations suggested, which were essentially prohibiting the use of PMCs. The stake which the United States has in the issue is to be considered, if regulations were to be put in place on an international basis, the comeuppance the United States would have to provide to the parties it's PMCs have affected would be profound. This shows that the United States is an advocate for the separation of PMC from client, believing that the client of a PMC should not be responsible for its actions

Given the detriments of the extremely relaxed American policy on PMCs, and the backlash received by the nation, the American government has advocated for accountability to be placed upon PMCs rather than nations. It has seen a recent shift in its policy towards PMCs as it has attempted to address the humanitarian implications of PMCs through national legislature and international collaboration. Essentially, the United States is beginning to promote the use of PMCs in a manner which is not detrimental to standards of law. By approving documents such as the Montreux Document, it has been laying a foundation for domestic legislature which ensures PMCs do not violate international law. Furthermore, the United States has funded the solutions proposed by the ANSI/ASIS Commission on Standards, which involves audits on PMCs conducted by independent groups to safeguard humanitarian security in relation to PMCs. Therefore, the viewpoint of the United States is one which favors the use of PMCs under a standardized set of regulations which strictly pertain to the negative impacts that PMCs may have on

international law.

Mexico

The Mexican government has been a nation in which PMCs have operated, and it has employed a unique approach to mitigating their threat. As part of the Merida Initiative, the United States had sent numerous PMCs to the Mexico-US Border in order to reduce rates of drug violence. At the time, Latin America was experiencing the human rights abuses committed by American PMCs in Colombia, so to maintain order, the Mexican government had set a precedent for Latin America in regulating PMCs. By mandating PMCs to work under the purview of Mexican authorities (militaries, paramilitaries, and police) the government was able to ensure the safety of their people through regulations. Authorities had been consulted on the standards to set for PMCs, and in turn, unnecessary violence was avoided. Furthermore, Mexico had previously hosted numerous militia groups, especially in underdeveloped and rural areas. The government had concerns regarding the lack of regulations which were set on the groups yet understood their civilian-vigilante sentiment. Therefore, the Mexican government began an initiative to recruit members of such groups into the newly formed Rural Federal Forces branch of the Mexican military, effectively allowing independent armed forces to fall under the government umbrella.

Brazil

Brazil has always suffered from a dangerously high level of crime, and although it has taken initiatives to halt this, corruption, funding, or lack thereof, and the scale of crime have prevented the nation from doing so. The Brazilian government, has, however, found a cheaper option in the form of “police militias” in rural areas with little to no police in the area. Being favored heavily by Jair Bolsonaro, the nation’s president, the government has been enabling such groups to act without regulation. This has led to higher rates of corruption due to reasons mentioned above; however, it has allowed the militias to exact justice upon criminal gangs. The independence given to these militias by Brazil has demonstrated how the current government has taken a position against the implementation of regulations on PMCs and militias.

Switzerland

Switzerland has been the leading nation in placing regulations upon PMCs on an international scale. While the nation itself has banned the use of PMCs and mercenaries, it has also spearheaded key frameworks in the international regulation of PMCs. Doing so in collaboration with

the ICRC, drafting documents such as the International Code of Conduct for Private Security Providers and Montreux Document. The Swiss government has hoped to set precedent in the field of PMCs, therefore, it is expected to uphold and bring forward the efforts it has taken to regulate the activities of PMCs in order to mitigate their threat to nations and individuals.

International Court of Justice

The ICJ is currently the primary platform which nations can use to dispute the actions of other governments in the form of cases. It has a responsibility to uphold standards of international law in order to safeguard international security and peace. Currently, the ICJ has no legislature on PMCs and militia due to their privatized nature, however, it has set legal precedent on the use of PMCs. In the 1986 Case Nicaragua v. United States, the Nicaraguan government had accused the United States of violating Nicaraguan sovereignty through the funding of insurgent militias. The *contras* had been “hired” by the United States through the provision of finances to destabilize the socialist government while committing violations of human-rights. The insurgents, known as the *contras* had, therefore, served as a militia being called upon by a government’s military without formal affiliations to. The ICJ had ruled in favor of the Nicaraguan government, stating that the use of militias to conduct violations of human rights was in violation of international law. This, in turn, had set a legal precedent for the ICJ to follow as it had placed the accountability for the actions of a militia onto the nation utilizing the services of the militia in question. Although this is not codified in international law, the ICJ does operate based off precedent, therefore, showing that the court believes a militia should be considered an affiliate of the government utilizing its services.

European Union

In 2018, the Third General Assembly had convened to discuss the impact of PMC groups on humanitarian affairs. The Working Group had employed an approach to the issue which was focused upon regulations. The delegation of the European Union had noted concern for PMCs if such regulations were to be approved by governments, stating that “the industry is an essential service provider” while noting the contribution PMCs could provide to SDG 17. Numerous PMCs are based in member states to the European Union due to their openness to the industry. Countries such as France have criticized the use of PMCs to violate human rights, although French PMCs have done so in the past, French law outlaws such practices

for PMCs in order to ensure an amicable means for PMCs to operate in combat zones.

Development of Issue/Timeline

Date	Event	Outcome
1924	Mexico integrates militias in rural areas into the Rural Defense Corps	The Mexican government is given the ability to regulate the work of such militias while providing a basis for accountability due to an affiliation with the state
1965	British SAS Veterans form WatchGuard International – the first PMC, operating mostly in the Middle East and Africa	The relatively low cost of WatchGuard International’s services compared to national military incentivizes the hiring, and in turn, the creation of PMCs.
1986	ICJ rules in favor of Nicaragua in Nicaragua v. United States, proposing punishments to the United States for its use of militias to violate human rights and destabilize the Nicaraguan government	Legal precedent is set for the ICJ to make governments accountable for the actions of organizations they fund

2000	Plan Colombia is initiated by the United States as PMCs begin deployment into Colombia	American PMCs contravene numerous human rights while fighting against insurgent groups due to a lack of regulations put in place by Colombia
1986	The General Assembly proposes the 1986 Mercenary Conventions, prohibiting the use of PMCs and mercenaries for ratifying states	Most member states do not ratify the document, showing a significant demand for PMCs in military operations
2001	The Merida Initiative is put forward by the United States and accepted by Mexico subject to regulations on PMCs being sent by the United States	PMCs operate within their mandate in Mexico without contravening local laws, demonstrating the importance of regulations upon PMCs
2006	The PMC Forza, hired by a joint mining venture led by the World	A key issue in the use of PMCs by NSAs is highlighted in Latin

	Bank to provide security to Peru's Yanacocha mine, kills two activists protesting against the dubious environmental practices in the mine	America, urging nations to ensure NSAs do not use PMCs for illegal purposes in order to deny accountability
2008	The Montreux Document is proposed to countries by the ICRC and Swiss government	A groundwork for regulations on PMCs is laid and accepted by 56 nations, reducing the overall risk of PMCs violating laws

2010	The Haitian government hires numerous PMCs to substitute aid workers and police forces after the recent earthquake	Haiti's control over its law enforcement sector is weakened, but its financial burden is slightly alleviated
2012	The ANSI-ASIS PSC.1-2012, a document seeking to adapt the Montreux Document in the United States is approved	PMCs operating for the United States are effectively put under regulations and audits, causing them to no longer contravene laws
2018	The Third General Assembly convenes to discuss the impact of PMCs and mercenaries on humanitarian law	The committee expresses the importance of PMCs in national economies while advocating for regulations, the Cuban delegation had also prepared to draft a resolution
2020	Silver Corp USA, a PMC contracted by Venezuelan defectors, launches Operation Gideon, an attempt to overthrow Nicolas Maduro in a coup	All participants are captured by Venezuelan authorities, with the event highlighting a critical means by which PMCs can destabilize a government

Previous Attempts to Solve the Issue

1986 United Nations Mercenary Conventions

The United Nations General Assembly, in 1986, had put forward the 1986 United Nations Mercenary Conventions, hoping to regulate the private military at an international scale. The

document had provided a definition of a mercenary, which was made an umbrella term to include PMCs, mercenaries, and any other bodies which may be sent by an organization to participate in a conflict without formal affiliation to any parties in the conflict. Alongside this, the conventions had outlined the means by which a mercenary can destabilize a government and violate international law. Most importantly, the conventions required all signatories and ratifying states to prohibit the use, financing and training of bodies the United Nations may consider to be a mercenary.

The document was met with extreme international disdain, with a mere 35 states choosing to ratify the conventions due to numerous concerns. Firstly, the definition of a mercenary provided was extremely vague. Although the definition did, technically, classify employees of a PMC as mercenaries, it did not specifically state that all PMCs had employed mercenaries. This ambiguity also led nations to reject the notion that the use of mercenaries should be prohibited. This was because nations did not want to be internationally prosecuted for use of PMCs, to abandon PMCs as a whole, governments would have to increase spending towards national military and defense forces, which would cause extreme financial loss. Overall, the conventions were extremely ineffective in regulating the activities of PMCs, but managed to highlight the issue in the international community,

Montreux Document

The Montreux Document is currently the most widely accepted document on regulations to be placed upon PMCs. It was drafted by the ICRC and Swiss government in 2008 and set a groundwork for countries to regulate the prevalence of PMCs in their nations and operations. The document acknowledges the separation of PMC from client, yet also requires ratifying parties to do everything in their power in order to ensure PMCs do not violate humanitarian and international law. Furthermore, it provides a basis for financial penalties which can be put upon PMCs which contravene any laws. Alongside measures for contracting states, the document stresses upon the means by which home states which PMCs are registered in can regulate the activities of PMCs, especially through the suggestion of penalties and possible regulations which can be applied on a national level.

The Montreux Document was a partial success. Although the document did not procure a sufficient number of ratifying states (56), the solutions it provided were realistic and appropriate to the situation at hand. The Document relied on the implementation of legislature on national levels and provided a framework by which countries could draft protocols to regulate PMCs effectively. The document identified the importance of national legislature considering that international bodies

cannot regulate corporation unlike legislature passed by sovereign governments. A major incentive, which led nations favoring the use of PMCs such as China and the United States was the separation of PMC from client. This idea allowed governments to avoid international prosecution for the actions

of PMCs not fully affiliated with the government themselves, therefore reassuring users of PMCs that they would not be accountable for such issues, but still have to do everything in their power to ensure PMCs do not contravene any laws. One factor which may have led certain nations to reject the document is the 7th article. The article set a list of parameters which may make a government accountable for the actions of a PMC they hiring, including a PMC being supervised by a state military official, evidence of communications requiring a PMC to contravene international law and other such factors. This led many nations, such as the Russian Federation, to lobby against the Montreux Document in order to avoid international prosecution.

Mexican Rural Defense Corps Militia Integration

Latin American nations have consistently faced issues with law-enforcement in rural areas, which has in turn led to the formation of militias in such areas. These militias have been historically unregulated, yet effective in patrolling rural areas. As a response to this, the Mexican government, in 1924, had created the Rural Defense Corps, which integrated members of such militias into a body affiliated with the Mexican government itself to establish centralized authority over vigilante groups. The role played by the Rural Defense Corps was monumental in the sense that it allowed Mexico to govern rural areas where crimes, especially those related to drug-trafficking and theft were prevalent. With over 14,000 members currently, the Rural Defense Corps have played a key role in the Mexican Drug War. The gradual decrease of drug violence in the area can be partially attributed towards the role of the Defense Corps in surveying drug-trafficking hotspots for criminal activity.

ANSI/ASIS PSC.1-2012

This document is a management quality standard for PMCs in the United States that is the manifestation of the ideas put forward by the Montreux Document in the country. The document utilizes the services of the American National Standards Association (ANSI) and American Society for Industrial Society (ASIS) to provide certifications auditing bodies for PMCs funded by the United States government itself. The document essentially aims to ensure PMCs operate within their mandate and do not pose a threat to and parties involved in their operations.

Given the heavy involvement of American PMCs in Latin America, and their effects on the humanitarian situations in the area, this is an extremely well-done example of national legislature which can be passed to regulate PMCs. Since the ANSI and ASIS began issuing audits and certificates, there have been no reported violations of international and national law in countries where American PMCs operate. This, considering that American PMCs still operate in Mexico under the Merida Initiative, is a key factor in regulating the prevalence of PMCs in the region. It has effectively reduced the negative impacts of PMCs in Latin America and other regions where American PMCs may operate, therefore providing a basis for how countries can utilize the Montreux Document to safeguard international security.

Possible Solutions

Financial Penalties

One solution to ensure PMCs and militias do not violate any laws is to impose financial penalties on malpractice. Such penalties would invoke a sense of fear into such organizations and in turn disincentivize the violation of laws on the behalf of PMCs and militias. This is because PMCs and militias would want to safeguard their financial assets to procure profit and the possibility of financial penalties would cause such organizations to lose their assets. Financial penalties can be imposed in the form of fines, sanctions or reparations to parties affected by the actions of PMCs.

Use of Legal Precedent

If the human rights of citizens of nations where PMCs or militias operate are violated, it is important to highlight that a case can be put forward to the ICJ. If this is the case, the committee may bring to light that the plaintiff can cite the case Nicaragua v. United States as precedent for the fact that an organization funded by a government to contravene international or national law is a valid reason for prosecution. If this precedent were to be highlighted, it would prevent nations from utilizing PMCs and militias as a front for the violation of law through the use of implementing a valid means for international prosecution and penalization. This would, however, be to the disdain of countries which use PMCs and militias heavily as they advocate for the separation of PMC from client.

Recognition of PMCs as Non-State Combat Forces

Alternatively, to cater to the needs of nations which use PMCs and militias heavily, the United Nations could recognize PMCs as combat forces which are partially affiliated contracting states. This would allow the United Nations to place accountability for contraventions of law upon PMCs, therefore allowing contracting states to avoid persecution. This, however, could be a violation of the United Nations Charter as this would require the United Nations to govern corporate activity, which the United Nations cannot do due to its mandate. Although this could be avoided if PMCs consent to such recognitions, however this is highly unlikely. To avoid this, the International Criminal Court (ICC) could be called upon by the United Nations as its mandate allows it to prosecute individuals over violations of laws. Furthermore, this could create a disconnect between client and PMC which may make it difficult for the United Nations or an international legal body to identify the contractual obligations and orders given to a PMC by a client.

Monitoring PMC and Militia Activity

By monitoring the activities of unregulated armed groups, their threat to the security of a nation is mitigated. If a nation were to put in place regulations, these regulations would be enforced by services which can monitor PMC and militia activity. This allows such organizations to stay within their mandate and contractual obligations in an amicable manner that is further upheld by bodies which closely observe the practice of such groups. Although the availability of resources and willingness of nations to monitor the activities of unregulated armed groups may impede this solution from coming into effect, it will allow penalties to be distributed accurately through a reporting system. Monitoring the activities of PMCs and militias can be done through audits, certification programs and even on an international basis through the use of services from NGOs such as the ICRC or organizations such as the United Nations itself.

Integration of Militias into National Military

Following in the footsteps of Mexico, many Latin American nations can integrate members of militias into associations affiliated with the government directly. The efforts taken by Mexico to do so have shown that this solution can be implemented even in Latin America, where the funding for defense is a critical issue. Integrating militias would essentially allow governments to monitor and regulate their activity, ensuring that they do not engage in illegal activities outside of the government's interest. This solution may be to the disdain of countries such as Brazil and Haiti which rely upon such organizations for their defense forces. However, it is important to highlight that the short-term loss these countries may face by integrating militias into national defense programs is much smaller than the long-term gain, which will manifest itself in lower rates of organized crime on the behalf of militias and national self-sufficiency.

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Appendix

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