FORUM: Disarmament Commission
QUESTION OF: Measures to Regulate the Transnational Operability of Private Military and Mercenary Entities Across Eastern Europe
MAIN SUBMITTER: United States of America
CO-SUBMITTERS: Algeria, Argentina, Australia, Poland, Chile, Japan, France, Mexico

Noting the extensive use of private military companies, such as the Wagner Group, by Russia to expand its influence,

Mindful that it is easier for a country to deny responsibility of private military companies compared to their own armed forces,

Understanding that Eastern European countries' constitutions and laws strictly regulate private military companies or just make them illegal,

Recognizing that the usage of private military companies has become embedded in national security strategies,

Emphasizing the lack of dependency and accountability of private military companies,

Bearing in mind the lack of countries accepting the United Nations International Convention against the recruitment, use, financing and training of Mercenaries,

Bearing in mind the non-binding guidelines of the Montreux Document to the states that have accepted it,

Noting with deep concerns that the EU has stated that the usage of private military companies may support authoritarian governments especially in fragile states,

Stressing the fact that the usage of private military companies and mercenary entities across East Europe relies on exploiting legal gray zones,

Concerned by the potential violations of International Humanitarian Law and the difficulties of holding Private Military Companies (PMCs) and mercenary entities accountable for their transnational activities,

Recognizing the need for stronger international cooperation, transparent registration, and clear State responsibility to regulate PMC operations and protect civilians,

Understanding that the difference between PMCs and Mercenaries lies in the legal status, organization, scope of work, and the accountability of these groups,

1. <u>Recommends</u> the establishment of an extensive national registration and licensing framework for PMCs and mercenary entities operating within or across national borders though ways such as but not limited to:

a. Encouraging Member States to establish national registration systems for PMCs operating within their territories, requiring companies to submit and government to verify:
    i. The official legal name, country of incorporation, and registered headquarters of the company,
    ii. Information regarding the company's ownership, senior executives, directors, and beneficial owners,
    iii. A description of the military, security, logistical, intelligence, or training services provided by the company,
    iv. The total number of employees and contractors involved in its operations,
b. Establishing an International Registration and Transparency Mechanism to improve information-sharing between participating Member States by:
    i. Requiring PMCs seeking to operate internationally to register their intended countries of operation and disclose relevant contracts,
    ii. Creating an international database containing registration information submitted by PMCs, with non-sensitive information accessible to participating Member States,
    iii. Requiring Member States to notify relevant participating States when a registered PMC commences operations within their territories,
c. Urging Member States to adopt common licensing requirements for PMCs conducting operations outside their home State by:
    i. Requiring PMCs to obtain authorization from both their home State and the territorial State before commencing operations,
    ii. Requiring licensing authorities to assess information such as the company's record of compliance with international law,
    iii. Prohibiting PMCs from conducting activities beyond the scope of their approved licenses without obtaining additional authorization;

2. Calls upon member states to ensure that PMCs and mercenaries receive proper training before deployment, including:
    a. Education on international humanitarian law and human rights:
        i. The protection of civilians during armed conflicts,
        ii. Geneva convention,
    b. Training on professional responsibilities:
        i. Lawful use of force,
        ii. Reporting incidents of war crimes to national organizations;

3. Calls upon member states to strengthen accountability measures for PMCs by:
    a. Requiring companies to:

i. Report serious incidents involving alleged violation of applicable laws,
ii. Corporate with lawful investigations,

b. Encouraging national authorities to:
i. Give suspensions or permanent discharge to soldiers,
ii. Find who was given the order for the operation,
iii. Investigate whether incidents lead to manslaughter or war crime,

c. Assessing State's relationship with the PMC based on:
i. The provision of government funding or other financial support,
ii. The provisions of weapons, ammunition, military equipment, intelligence, transportation, or other operational resources,
iii. The existence of State-issued operational instructions,
iv. The level of government control and supervision over the PMC,

d. Affirming that states cannot evade international obligations by transferring military or security functions to private entities,

e. Helping governments interact with Mercenaries and PMCs in an ethical and/or legal way by:
i. Reducing confusion of what constitutes as a mercenary or PMCs and what they do by clearly defining what they are and also what actions that they do,
ii. Giving guidelines for how sovereign states should interact with both mercenaries and private military companies so that there will be fewer violations of international humanitarian law (IHL) and human rights law;

4. Encourages member states to conduct regular inspections of private military companies operating within their territories to ensure compliance with national and international laws, including:
a. Reviewing company operations through:
i. Checking compliance with regular reports,
ii. Examining employee training and safety records,

b. Addressing identified violations through:
i. Requiring companies to correct identified issues,
ii. Employing re-education systems,
iii. Establish contractual requirements for compliance with International Humanitarian Law (IHL);

5. Requests States to establish national oversight systems for PMCs operating within their territory or jurisdiction, such as but not limited to:
a. Designating a national authority responsible for regulating, licensing, and supervising PMCs,
b. Requiring the designated authority to conduct compliance reviews assessing:

i. Whether the PMC remains within the activities permitted by its license,
ii. Whether personnel are receiving appropriate training concerning IHL and applicable national law,
iii. Whether the PMC is fulfilling its reporting and transparency requirements,
iv. Whether credible complaints of civilian harm or unlawful conduct have been addressed,

c. Requiring PMCs to retain personnel, contract, location, and incident records for a period set by national law,
d. Encouraging States to suspend a PMC's authorization while a serious allegation is being investigated when there is a credible risk of continued unlawful activity;

6. Supports increased international cooperation and information-sharing concerning the transnational activities of PMCs and mercenary entities, such as but not limited to:
   a. Establishing regular consultations between participating States concerning:
      i. Newly registered PMCs,
      ii. Suspended or revoked PMC licenses,
      iii. PMCs operating in multiple jurisdictions,
      iv. Significant allegations of IHL violations,
   b. Encouraging States to notify other relevant States when a PMC under their jurisdiction:
      i. Begins operations in another State,
      ii. Has its operating license suspended or revoked,
      iii. Is under investigation for serious violations,
   c. Developing common guidelines for mutual recognition of PMC licenses and compliance records,
   d. Holding annual meetings to review PMC regulations and recommend updates based on new forms of cross-border military activity;

7. Calls for sovereign states to cooperate internationally to take legal action and accountability over PMCs and Mercenaries in ways such as signing and ratifying, accessing, or succeeding conventions; like the International Convention against the Recruitment, Use, Financing, and Training of Mercenaries; in order to but not limited to:
   a. Protect sovereign state’s national authority and strength by not sharing their authority and strength with other non-governmental people, groups, or companies,
   b. Ensure that proper legal measures against PMCs and mercenary entities are enforced across transnational operations by:
      i. Encouraging the state where an alleged violation occurred to investigate when credible evidence is presented and having relevant states cooperate in these investigations by providing the necessary and relevant information,

ii. Applying administrative measures for violations such as written warnings and mandatory corrective measures, suspensions of operating license, and or permanent revocation of operating license for severe or repeated violations;

8. Urges the member states to impose target sanctions on PMCs or individuals found for serious violations in order to reduce the chance that those violations happen again, encourages member states to collaborate on the restriction of arms sold to PMCs, in ways such as but not limited to:
    a. Tracking the large movement of arms in relation with PMCs by:
        i. Utilizing databases such as the Illicit Arms Records and tracing Management System (iARMS) to track large movements of arms that are suspected to be in,
        ii. Communicating with modern armament manufacturers in an attempt to increase transparency over the volume and model of weapons being sold,
        iii. Tracking financial transactions and receipts of arms manufacturers,
    b. Aiding vulnerable nations through the education of police and militaries on the monitoring of the mobilization of illegal weapons across borders by PMCs by:
        i. Informing them of the transferring methods typically utilized by PMCs,
        ii. Informing them on customs inspection methods and strategies,
        iii. Punishing sellers who are confirmed to be selling weapons through the use of fines and incarceration;

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