

Background Guide

Disarmament and International Security Committee

 **GatorMUN XVII**

Dear Delegates,

My name is Blake Repp and I will be your Director for the Disarmament and International Security Committee. I am currently a sophomore at the University of Florida, majoring in Political Science with a certificate in International Relations. Overall this will be my fifth GatorMUN, competing for three years in high school, and now serving as a Director for a second time. Along with my experience in high school, I have traveled and competed on the college circuit at the highest level. MUN has quickly become one of my favorite aspects of my college life and continues to shape my interests in my life choices.

In this committee, you all are tasked with researching and debating two topics, The Use of Children in Combat, and The Role of Private Military Corporations in Armed Conflict. Both of these topics are central to the main goals of DISEC, mainly relating to that of creating a secure and peaceful environment for states to exist in. For the first topic, delegates will be expected to entertain ideas on how to end the recruitment of child soldiers, how to reintegrate former child soldiers back into society, and how to hold both state and non-state actors accountable for the use of children in combat. Regarding the second topic, delegates will be expected to discuss the viability of regulation relating to private military corporations, how to hold private military corporations accountable for their actions, and the legality of the enlistment of private military corporations in armed conflict. Both of these topics will expose delegates to different aspects of international disputes. They will bring to light the untold stories of conflicts that delegates may not have been aware of prior to this committee.

As a delegate who has competed in numerous General Assembly committees, I know the quality of debate and ideas that each of you will bring to the table. I look forward to the opportunity to oversee debate throughout the course of the weekend. Remember that in DISEC resolutions are not binding, and therefore, any resolutions must be seen as suggestions to the UN Security Council or UN Secretariat rather than legislative action. I will be looking for this within your resolutions during committee, so please research past actions that DISEC has affirmed to ensure that during committee you are writing resolutions in the proper format. Remember that for this committee, position papers are required, and **MUST** be turned in electronically by email to GatorMUN@gmail.com before the date listed on the GatorMUN website.

Thank you all for participating in DISEC at GatorMUN XVII, I am very excited for this weekend, and I look forward to meeting you all, along with listening to your debate throughout the conference.

Best of luck to you all,

Blake Repp

Director, DISEC

Quorum

A majority of voting members answering to the roll at each session shall constitute a quorum for that session. This means that half plus one of all voting members are present. Quorum will be assumed consistent unless questioned through a Point of Order. Delegates may request to be noted as "Present" or "Present and Voting."

Motion to Open Debate

This opens the floor for debate, allowing other points or motions.

Motion to Set the Agenda

This motion determines the order in which the topics of a committee will be debated. Permission to speak will be accorded to one speaker for and one speaker against, and a two-thirds majority is required for the motion to pass.

Motion to Open the Speaker's List

Opening the Speaker's List requires a simple majority to pass. A delegate may only be present on the Speaker's List once, but may re-enter after he/she has spoken. If the Speaker's List expires, debate then closes.

Motion to Set Speaking Time

Speaking Time must be indicated by this motion from the floor before any members of the body may speak on the Speaker's List. This motion must also accompany any motion for a Moderated Caucus. In a Motion to Set Speaking Time for the formal Speaker's List, a delegate may also specify a number of questions or comments to automatically affix to the Speaking Time. These designated questions or comments may also have Speaking Time or Response Time (in the case of a question) limits, but these are not required. The Director may rule any Motion to Set Speaking Time dilatory. This motion requires a simple majority. Any delegate may make this motion between formal speakers in an effort to change the Speaking Time.

Motion to Close the Speaker's List

The Speaker's List may be closed upon a motion from the floor. Permission to speak will be accorded to one speaker for and one speaker against, and a two-thirds majority is required for the motion to pass.

Motion to Suspend the Rules for the Purpose of a Moderated Caucus

This motion must include three specifications:

- a. Length of the Caucus
- b. Speaking time, and
- c. Reason for the Caucus.

During a moderated caucus, delegates will be called on to speak by the Committee Director. Delegates will raise their placards to be recognized. Delegates must maintain the same degree of decorum throughout a Moderated Caucus as in formal debate. This motion requires a simple majority to pass.

Motion to Suspend the Rules for the Purpose of an Unmoderated Caucus

This motion must include the length of the Caucus. During an unmoderated caucus, delegates may get up from their seats and talk amongst themselves. This motion requires a simple majority to pass. The length of an unmoderated caucus should never exceed twenty minutes.

Motion to Suspend the Meeting

This motion is in order if there is a scheduled break in debate to be observed. (ie. Lunch!) This motion requires a simple majority vote. The Committee Director may refuse to entertain this motion at their discretion.

Motion to Adjourn the Meeting

This motion is in order at the end of the last committee session. It signifies the closing of the committee until next year's conference.

Motion to Table the Topic

If a delegate believes that the flow of debate has become stagnant, he/she may make this motion. To Table the Topic is to halt debate on the present Topic, save the speakers' list and all draft resolutions, and move on to the next Topic on the Agenda. The delegate making this motion may also choose to specify a previously tabled Topic. This motion requires a two-thirds vote to pass. The Topic may be returned to at any time by tabling the present Topic and adding the phrase "for the purpose of returning to Tabled Topic _____," to this motion. If no Topics have been previously tabled, debate must follow the established Agenda. This motion is to be used sparingly.

Points of Order

Points of Order will only be recognized for the following items:

- a) To recognize errors in voting, tabulation, or procedure,
- b) To question relevance of debate to the current Topic or
- c) To question a quorum.

A Point of Order may interrupt a speaker if necessary and it is to be used sparingly.

Points of Inquiry

When there is no discussion on the floor, a delegate may direct a question to the Committee Director. Any question directed to another delegate may only be asked immediately after the delegate has finished speaking on a substantive matter. A delegate that declines to respond to a question after a formal speech forfeits any further questioning time. The question must conform to the following format:

Delegate from Country A raises placard to be recognized by the Committee Director.

Committee Director: "To what point do you rise?"

Country A: "Point of Inquiry."

Committee Director: "State your Point."

Country A: "Will the delegate from Country B (who must have just concluded a substantive speech) yield to a question?"

Committee Director: "Will the Delegate Yield?"

Country B: "I will" or "I will not" (if not, return to the next business item)

Country A asks their question (it must not be a rhetorical question.)

Country B may choose to respond or to decline. If the Delegate from Country B does not yield to or chooses not to answer a question from Country A, then he/she yields all remaining questioning time to the Committee Director.

Points of Personal Privilege

Points of personal privilege are used to request information or clarification and conduct all other business of the body except Motions or Points specifically mentioned in the Rules of Procedure.

Please note: The Director may refuse to recognize Points of Order, Points of Inquiry or Points of Personal Privilege if the Committee Director believes the decorum and restraint inherent in the exercise has been violated, or if the point is deemed dilatory in nature.

Rights of Reply

At the Committee Director's discretion, any member nation or observer may be granted a Right of Reply to answer serious insults directed at the dignity of the delegate present. The Director has the ABSOLUTE AUTHORITY to accept or reject Rights of Reply, and the decision IS NOT SUBJECT TO APPEAL. Delegates who feel they are being treated unfairly may take their complaint to any member of the Secretariat.

Working Papers and Draft Resolutions

Once a Working Paper has been submitted, approved, distributed, and formally introduced to the body, it can and will be referred to as a "Draft Resolution." In order for a Working Paper to be submitted to the Committee Director, it must be in correct format and bear the names of a combination of a number of Sponsors and Signatories necessary to introduce, as determined by the Committee Director.

Sponsors are the writers of the Working Paper, and agree with it in its entirety. They should be able to vote 'yes' for the paper during voting procedure. Signatories are those delegates interested in bringing the Working Paper to the floor for debate, but do not necessarily agree with its contents.

A delegate can motion to discuss the working paper during a moderated caucus or unmoderated caucus. A delegate can also motion for an author's panel, which is essentially a moderated caucus moderated by the authors. It is the chair's discretion on the maximum amount of authors allowed on the author's panel.

Friendly Amendments

Friendly Amendments are any changes to a formally introduced Directive that *all* Sponsors agree to in writing. The Committee Director must approve the Friendly Amendment and confirm each Sponsor's agreement both verbally and in writing.

Unfriendly Amendments

Unfriendly Amendments are any substantive changes to a formally introduced Directive that are not agreed to by all of the Sponsors of the Directive. In order to introduce an Unfriendly Amendment, the Unfriendly Amendment must have the number equivalent to 1/3 of Quorum confirmed signatories. The Committee Director has the authority to discern between substantive and nonsubstantive Unfriendly amendment proposals.

Plagiarism

GatorMUN maintains a zero-tolerance policy in regards to plagiarism. Delegates found to have used the ideas of others without properly citing those individuals, organizations, or documents will have their credentials revoked for the duration of the GatorMUN conference. This is a very serious offense.

Motion to Close Debate and Voting Procedures

A motion to close debate may only pass with a two-thirds majority. Once this motion passes, and the committee enters Voting Procedure, no occupants of the committee room may exit the Committee Room, and no individual may enter the Committee Room from the outside. A member of the Dias will secure all doors.

Once moving into voting procedures chair can only accept these motions:

- A point of order to correct an error in procedure
- An appeal of the decision of the chair
- A motion for division
- A motion for roll call vote
- A motion for adoption by acclamation
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No talking, passing notes, or communicating of any kind will be tolerated during voting procedures.

Each Draft Resolution will be read to the body and voted upon in the order which they were introduced. Any Proposed Unfriendly Amendments to each Draft Resolution will be read to the body and voted upon before the main body of the Draft Resolution as a whole is put to a vote. The Committee will adopt Directives and Unfriendly Amendments to Directives if these documents pass with a simple majority. Specialized committees should refer to their background guides or Committee Directors for information concerning specific voting procedures. Unless otherwise specified by the Secretariat, each Committee may pass as many resolutions as it agrees are necessary to efficiently address the Topic

Delegates who requested to be noted as "Present and Voting" are unable to abstain during voting procedure. Abstentions will not be counted in the tallying of a majority. For example, 5 yes votes, 4 no votes, and 7 abstentions means that the Directive passes.

Roll Call Voting

A counted placard vote will be considered sufficient unless any delegate to the committee motions for a Roll Call Vote. If a Roll Call Vote is requested, the committee must comply. All delegates must vote: "For," "Against," "Abstain," or "Pass."

During a Roll Call vote, any delegate who answers, "Pass," reserves his/her vote until the Committee Director has exhausted the Roll. However, once the Committee Director returns to "Passing" Delegates, they must vote: "For" or "Against."

Voting with Rights

During a Roll Call vote delegates may vote "For with Rights" or "Against with Rights." Delegates will be granted 30 seconds to explain their reasons for voting for or against a draft resolution. This time will come after the tabulation of votes.

Delegates should use this option sparingly. It is meant for delegates who feel that their vote may seem off policy, despite it being correct. The acceptance of rights is up to the director's discretion. If a speaker goes off topic during their allotted time the director will rule their speech dilatory and move to the next motion in order.

Accepting by Acclamation

This motion may be stated when the Committee Director asks for points or motions. If a Roll Call Vote is requested, the motion to Accept by Acclamation is voided. If a delegate believes a Directive will pass without opposition, he or she may move to accept the Directive by acclamation. The motion passes unless a single delegate shows opposition. An abstention is not considered opposition. Should the motion fail, the committee will move directly into a Roll Call Vote.

Creation of DISEC

After the cessation of World War II, the world's states needed a way of negotiating and responding to security threats that were brought up by the war. This dilemma ended up being what created the United Nations, and DISEC as the first General Assembly Committee. As one of the six main General Assembly committees, all 193 UN member states can attend meetings of DISEC.

DISEC was created through the establishment of two sub-bodies, the Disarmament Commission (UNDC) and the Conference on Disarmament (CD). The Disarmament Commission meets yearly in New York for three weeks hosting both plenary meetings and as individual groups. The Commission's work is usually divided between two working groups, with each discussing issues relating to disarmament, one of these groups always discusses Nuclear Disarmament. While the Commission isn't part of the UN formally, it still reports to the General Assembly on an annual basis, and their budget is included in that of the UN.

In terms of DISEC as a committee, the work of DISEC usually begins in late September and ends by November, during this time the work of the body is split into three stages: general debate, thematic discussions, and action on drafts. During the conference, we will be following a similar schedule. During the stage of general debate, the committee discusses its agenda items for around eight days. Following the general debate, there are thematic discussions on the seven thematic clusters of DISEC, which are as follows: nuclear weapons, other weapons of mass destruction, outer space (disarmament aspects), conventional weapons, regional disarmament and security, other disarmament measures and international security. Finally, the last stage is when resolutions are voted on and debated.

Landmark Resolutions have been passed by DISEC for nearly 75 years, here are a few that are of great importance to the UN and the international community:

1. Resolution 1 (I): The very first General Assembly resolution, entitled "Establishment of a Commission to Deal with the Problems Raised by the Discovery of Atomic Energy," was adopted as a recommendation by the First Committee on 24 January 1946, in London.
2. Resolution 1378 (XIV): The very first General Assembly resolution that was co-sponsored by all Member States at that time.
3. Special sessions on disarmament (resolutions and decisions adopted at the 10th, 12th and 15th special sessions of the General Assembly).

The Evolution of DISEC

It has been nearly 75 years since the creation of the United Nations and DISEC and since then the world and the international community has faced major changes in the landscape of international relations, and the evolution of new technologies in warfare that have made discussions of disarmament and international security a primary focus. Since the beginning, the main focus involved nuclear weapons, but now we have continuously progressed towards more modern issues to discuss alongside the threat of nuclear weapons. As stated before, nuclear weapons are talked about every time the body meets, but this conversely also allowing the general assembly to discuss issues like cyberwarfare or drone warfare. As new technologies are continuously created for use in warfare, it is the responsibility of DISEC to investigate these technologies to determine

regulations on their uses. Another topic of concern is the arms trade, which is something that can be discussed within both of the topics that are associated with this committee at GatorMUN.

DISEC has been seen to be one of the most important bodies of the United Nations, and assists the international community in many ways. Primarily, DISEC helps alleviate tensions between states, as it provides a forum for states to engage in discussions relating to disarmament. DISEC is also able to set a precedent on several issues relating to disarmament, though its own actions by suggesting actions to the Legal Committee. Furthermore, DISEC is one of the key UN organs that communicates with the Security Council.

Topic 1: The Use of Child Soldiers in Combat

Introduction

Over the course of history, various cultures have been seen to involve children in military campaigns. Thousands of children participated in all sides of World War I and World War II, under combat roles, support roles, tactical advantages, and even propaganda. Children are undoubtedly easy targets for military recruitment due to their susceptibility to influence compared to adults. In some cases, children are forced to join, but more often than not, children choose to join military organizations to escape poverty, or for the military to provide maturity. The Convention on the Rights of the Child (CRC), which created a UN human rights treaty, defined a child soldier as someone under the age of 18 who is associated with military organizations, such as state armed forces and non-state armed groups. Although the CRC was passed in 1989, the enlistment of child soldiers continues and has become more prevalent as the rise of non-state armed groups continues. Children who do survive combat frequently suffer psychiatric illnesses, poor literacy, behavioral problems, and an overall lack of education that puts these children at a high risk of poverty and unemployment in adulthood.

The main issue with the use of children in combat is not that of states, but that of non-state actors. As previously stated, the current upswing in the amounts of non-state armed groups has led to a massive number of children being recruited for their causes. Additionally, attacks by non-State armed groups has had a severe impact on children in countries such as Afghanistan, Iraq, Somalia and the Syrian Arab Republic, Nigeria and in neighboring countries. On top of this, many of these countries have used children for tasks including forcing them to be suicide bombers. The number of violations committed by organization such as Al-Shabaab, Boko Haram, ISIL, and the Taliban alone have totaled to the deaths of more than 6,800 children. Responses to the actions of these groups led to high levels of child casualties, mainly owing to their cross-border nature and presence in densely populated areas.

Why is this a problem?

To begin, I want to provide a testimony from a child recruited by the Cambodian armed forces in the 1990s:

"I joined because my parents lacked food and I had no school... I was worried about mines but what can we do—it's an order [to go to the front line]. Once somebody stepped on a mine in front of me—he was wounded and died... I was with the radio at the time, about 60 meters away. I was sitting in my hammock and saw him die... I see young children in every unit... I'm sure I'll be a soldier for at least a couple of more years. If I stop being a soldier I won't have a job to do because I don't have any skills. I don't know what I'll do..."

This excerpt does an excellent job of explaining such a common phenomenon to this problem and dives right into the root of where the issue begins. Using child soldiers is done for the actor's gain, not the child, and makes the child think they are either a part of something bigger or offering the child something that cannot be obtained elsewhere.

The scale of the impact on children was first acknowledged by the international community in a major report commissioned by the UN General Assembly, *Impact of Armed Conflict on Children* (1996), which was produced by the human rights expert Graça Machel. The report was

mainly concerned with the use of younger children, presenting evidence that many thousands of children were being killed, maimed, and psychiatrically injured around the world every year. The issue of child soldiers became a prevalent topic of discussion in the late 1990s, after the publishing of a report commissioned by the UN General Assembly titled, "The Impact of Armed Conflict on Children." The report, produced by human rights expert Graça Machel detailed the concerns surrounding the use of young children in combat, presenting evidence that thousands of children were being killed, maimed, and psychiatrically injured around the world every year.

The Machel report provided a base for further research on the topic and serves as a critical piece in discussions on the issue today. New studies in Uganda found that more than half of former child soldiers showed symptoms of post-traumatic stress disorder, and nearly 9 in 10 screened positive for a depressed mood. In Palestine, it was discovered that children who were exposed to high levels of violence in armed conflict were more likely than other children to exhibit aggression and antisocial behavior. The key point that both of these studies make is that the effects of these impacts on children lead to a high risk of poverty and lasting unemployment in adulthood.

The next issue that has been found is that of what happens during periods of captivity. When armed forces detain children in groups, they are often provided insufficient amounts of food, medical care, and are forced to live under inhumane conditions. More problems arise from this because some children are captured with their families, or due to the actions of a single family member.

In terms of more developed countries, the impacts of the military recruitment process can be felt on older children through adulthood. Many US military training programs attempt to be an "intense indoctrination" into the military, and recruits have to live in conditions of sustained stress. Research conducted on child psychology has found that children are more susceptible to high-stress environments, and can lead to later issues in life such as alcohol abuse and a higher risk of violent behavior.

History

There has actually been a focus placed on this topic for the past 30 years or so, yielding multiple UN resolutions and actions to try and combat the issue. Sadly, many of these actions have failed to solve the problem, as many of the resolutions have had loopholes, some of the offending countries have failed to sign on to the resolutions, along with the growing emergence of non-state groups, have all made these resolutions ineffective.

Convention on the Rights of the Child

The Convention on the Rights of the Child, the Additional Protocols to the 1949 Geneva Conventions, and the Rome Statute of the International Criminal Court all declared that children under 15 years of age may not be involved in direct armed conflict by non-state groups. Today committing such acts are recognized as a war crimes.

The Paris Principles

The Paris Principles define a child associated with an armed force or group as "any person below 18 years of age who is or who has been recruited or used by an armed force or armed group in

any capacity, including but not limited to children, boys and girls, used as fighters, cooks, porters, messengers, or spies.... It does not only refer to a child who is taking or has taken a direct part in hostilities.”

Optional Protocol on the Involvement of Children in Armed Conflict

Many states who have armed forces also have signed the Optional Protocol on the Involvement of Children in Armed Conflict (OPAC) at the Worst Forms of Child Labour Convention, which forbids the compulsory recruitment of children, which are defined as people under the age of 18. OPAC also requires governments that still recruit children to “take all feasible measures to ensure that persons below the age of 18 do not take a direct part in hostilities.” Moreover, OPAC forbids non-state armed groups from recruiting children under any circumstances, but the lack of legal force or reparations backing this up makes the overall effectiveness of OPAC as a whole uncertain.

African Charter on the Rights and Welfare of the Child

This forbids state armed forces from recruiting children under the age of 18 under any circumstances. Most African states have ratified the Charter. There are no ramifications for countries that don't sign on to these conventions.

Status under Geneva Convention

This convention made states that are not a party to OPAC subject to the lower standards. These standards were set by Protocol I of the Geneva Conventions and allows armed forces to use children over the age of fifteen in hostilities, and possibly to use younger children who have volunteered as spotters, observers, and message-carriers.

Key Issues

Human Rights

Clearly, this is a huge human rights issue, and that goes without saying. There are many consequences for children being involved in combat from a young age, many of them concerning psychological trauma or physical injury. As I stated earlier, many child soldiers are recruited through methods of promising a better life, money, and other incentives in order to appeal to their situations. Following recruitment, many child soldiers are unsure of where their futures lie, leading to many of them staying as soldiers. Following the passage of the Convention on the Rights of the Child, utilizing children under the age of 15 in combat is considered a war crime, marking a step in the right direction towards better respect of human rights in these situations. However, this does not change the fact that states will still use children in non-combat roles in the military, and even sometimes those under 15 in actual combat. The human rights issue that exists is mostly as a result of loopholes in existing legislation on the subject. Most of the problems with the Convention on the Rights of the Child lie in the wording. For example, initially, the document was supposed to state that the Parties to the treaty should “take all necessary measures,” which became in the final text, “take all feasible measures,” the issue here is that necessary would mean that parties to the treaty would have to enforce the items detailed in the Convention. However, this insinuates the idea that the provisions are to be enforced if it is reasonable to do so. Along with this, the wording on another clause was changed, opening up the possibility that child volunteers could be involved indirectly in hostilities, such as by gathering and transmitting military informa-

tion, helping in the transportation of arms and munitions, and the provision of supplies.

As it currently stands, OPAC requires governments to demobilize children who have been recruited or used in war and to provide both physical and psychological recovery in the hopes of social reintegration. Under war, civil unrest, armed conflict, and other emergency situations, children and youths are to also be offered protection under the United Nations Declaration on the Protection of Women and Children in Emergency and Armed Conflict. In 2006, the United Nations started the Integrated DDR Standards to accommodate the proper disarmament, demobilization and reintegration of former members of armed groups. One of the key issues regarding reintegration is that of the stigma and resentment within the communities that children return home to. The occurrence of war crimes mostly causes this, but the DDR programs treat each case differently.

As previously stated, one of the main issues with reintegration is that every case is different, and each needs to be investigated before resources are allocated. For example, existing DDR programs in Colombia predominantly focus on protecting former soldiers from each other, rather than addressing the fear and stigma that each group suffers. On the other hand, in Sierra Leone, Reintegration centered on easing former child soldiers back into their communities.

War crimes

International law does not prohibit the prosecution of children who commit war crimes. Still, Article 37 of the Convention on the Rights of the Child limits the punishment that a child can receive: "Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offenses committed by persons below eighteen years of age."

While there are provisions in the Convention on the Rights of the Child to prevent harsh sentencing, there is still debate over whether or not children should be prosecuted for war crimes. An example of this occurred after the Sierra Leone Civil War ended in 2002. The UN mandated the Special Court for Sierra Leone to try former combatants aged 15 and older for breaches of humanitarian law, including war crimes. However, the Paris Principles states that children who participate in armed conflict should be regarded first as victims, even if they may also be perpetrators:

"... [those] who are accused of crimes under international law allegedly committed while they were associated with armed forces or armed groups should be considered primarily as victims of offenses against international law; not only as perpetrators. They must be treated by international law in a framework of restorative justice and social rehabilitation, consistent with international law which offers children special protection through numerous agreements and principles."

The Court ruled in favor of reintegration rather than prosecution, aligning itself with the provisions outlined in the Paris Principles. The first Chief Prosecutor of Sierra Leone perceived the statute was in favor of prosecuting those who recruited the children, as opposed to the children themselves. This event served as a landmark event in terms of the interpretation of these principles and set a benchmark for other courts to adhere to.

Non-State Armed Groups

These include non-state armed paramilitary organizations, using children such as militias, insurgents, terrorist organizations, guerrilla movements, ideologically or religiously-driven groups,

armed liberation movements, and other types of quasi-military organization. The rise of non-state groups has been detrimental to the fight against children in the military. As I stated before, many non-state groups recruit children by promising a better life compared to what they have. As the non-state groups represent themselves rather than a country, they can get away with crimes and other heinous acts that a state would not necessarily be able to do. Most of the time, attention is drawn to non-state groups after a significant event happens, and they get media coverage.

As of 1999, many armed groups have entered agreements to end or reduce the practice of recruiting children to their forces. For example, by 2017, the Moro Islamic Liberation Front in the Philippines had released nearly 2,000 children from its ranks. In 2016, the FARC-EP guerrilla movement in Colombia agreed to stop recruiting children. While this change is positive, some groups still recruit children, and in some cases, the recruitment has picked up its pace. Countries like Afghanistan, Iraq, Nigeria, and Syria have all seen this trend.

Regional context

Areas of Concern

The UN Secretary-General publishes an annual report on children and armed conflict. The 2017 report identified 14 countries where armed groups widely used children during 2016 (Afghanistan, Colombia, Central African Republic, Democratic Republic of the Congo, Iraq, Mali, Myanmar, Nigeria, Philippines, Somalia, South Sudan, Sudan, Syria, and Yemen) and six countries where state armed forces were using children in hostilities (Afghanistan, Myanmar, Somalia, Sudan, South Sudan, and Syria).

Africa

Central African Republic

Historically speaking, the use of children by armed groups in the Central African Republic (CAR) has been common. Between 2012 and 2015 it was estimated that at least 10,000 children were used by armed groups in the nationwide armed conflict. Since 2016 children were still being used. Additionally, in 2016 the United Nations released a report regarding child soldiers in the CAR, stating that 2,691 boys and 1,206 girls were officially separated from armed groups. However, it was also found that recruitment and use of children for military purposes increased by approximately 50%, mostly attributed to the Lord's Resistance Army.

Somalia

A report published by the Child Soldiers International in 2004 estimated that 200,000 children have been recruited into Somalia's militias against their will since 1991. In 2017, a UN report estimated that over 50 percent of Al-Shabaab's membership in the country was under the age of 18, with some as young as nine being sent to fight. The report verified that 6,163 children were recruited in Somalia between April of 2010 and July of 2016, of which 230 were girls. Al-Shabaab accounted for 70 percent of this recruitment, and it was also reported that the Somali National Army was also recruiting children as well.

The Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) has been known to have thousands of children serving in rebel militias. Today they are ranked highest in the world in terms of proportionally

how many children they have serving. It has been estimated that at the height of the Second Congolese War, more than 30,000 children were fighting.

The Americas

Colombia

In 2004, Colombia ranked fourth in the world for their use of child soldiers. Most of these issues began in the 1960s during the Colombian armed conflict, where one-fourth of non-state combatants have been and still are under 18 years old. Currently, there are an estimated 11,000 to 14,000 children still involved in armed groups within Colombia's borders. Negotiations with the government have been taking place and armed groups have offered to stop the recruitment of minors as a bargaining chip, but they have yet to honor these offers.

The Colombian government's security forces operate similarly to that of the US, where students are allowed to enroll as cadets in the military at 16 and 17 as they can enter the air force or national army training programs. Still, the age for compulsory and voluntary commitment is set at 18.

Asia

Afghanistan

Over the course of the Afghan civil war, militias recruited thousands of child soldiers. Many of these soldiers are still fighting now for the Taliban. Some were taken from Islamic religious schools and are used as suicide bombers and shooters. A propaganda video of boys marching and being used as martyrs was used in 2009 by the Afghan Taliban's leadership in Pakistan, the Quetta Shura. This included a quote from a 14-year-old Taliban fighter who allegedly killed an American soldier.

Myanmar

Myanmar has asserted that all of its soldiers volunteered and that all of those accepted are 18 or over. Still, according to Human Rights Watch, as many as 70,000 boys serve in Myanmar's national army, with children as young as 11 being forcibly recruited off the streets. One of the other human rights issues that coincide with the military is that of desertion, where punishments consist of three to five years in prison or even execution. Furthermore, the group has also stated that about 5,000-7,000 children serve with a range of different armed ethnic opposition groups, including the United Wa State Army. The United Nations released a report in June 2009 mentioning "grave violations" against children in the country by both the rebels and the government, announcing that they would send a team into Myanmar to press for more action.

Questions to consider

1. How can we minimize the use of child soldiers?
2. What are some possible repercussions for the use of child soldiers?
3. How can we reintegrate child soldiers into society?
4. Should children be prosecuted for war crimes?
5. What efforts have individual states taken to ensure the safety of children?
6. Why are child soldiers predominantly found in unstable, developing nations?

Topic 2: The Role of Private Military Corporations in Armed Conflict

Introduction

To begin, a Private Military Corporation (PMC), is defined as a private company providing armed combat or security services for financial gain. In the modern age, Private Military Corporations have existed since the 1960s, when a group of ex-SAS British veterans founded WatchGuard International, as a private company that could be contracted out for security and military purposes. PMCs offer services that are similar to those of national security, military, or police forces, but on a much smaller scale. These corporations can be employed in a wide variety of ways, usually as a supplement to existing armed forces for a state, but can also be employed as bodyguards for private companies. One important thing to note is that contractors who use offensive force in war are considered unlawful combatants, as outlined by the Geneva Conventions and specified in the Military Commissions Act. According to a 2008 study by the Office of the Director of National Intelligence, private contractors make up 29% of the workforce in the United States Intelligence Community and cost the equivalent of 49% of their personnel budgets.

As it stands currently, PMCs aren't exactly heavily regulated and have a good amount of leeway when performing their actions. In recent decades, demands for PMCs have grown, making this issue paramount for the international community. The regulations that are in place are merely a skeleton, a framework without any real meat to enforce any of the things that have been laid out. Over the last decade, there have been a number of positive moves towards achieving this. However, these regulations have failed to solve the problem.

Why is this a problem?

Naturally, enlisting a non-state actor to assist with military duties can be seen as problematic, but the real problems revolve around the extent to which these groups can operate. In October of 2007, the United Nations released a two-year study that reported that although contractors were hired as security guards, many performed military duties. These actions are a direct violation of the 1989 United Nations Mercenary Convention, which banned the use of mercenaries, or for-hire soldiers. Both the United States and the United Kingdom were accused of violating this convention, but nothing came of it as issues were distinguishing private from public personnel. As such, there are many cases where it is difficult to separate the private from the public forces, thus creating complicated legal proceedings against these corporations. As previously stated, there is currently no globally accepted norms or legal framework applied to these firms.

Furthermore, PMCs can escape accountability from violations of international law because they are corporations, and no international court holds jurisdiction over corporations. Along with this, there are no standards to bind PMCs' use of force and international law. One question that arises is that if the PMCs carry the legitimacy of the state, and if so, does the state resume responsibility for the actions of the PMC, even though the states often have no say in those actions? It becomes a slippery slope that needs to be addressed to establish precedent on the issue.

As this is such an unregulated industry, establishing clear criteria is necessary to determine when it is permissible to use such companies and for what activities. Criteria such as transparent decision-making procedures, solid vetting and screening measures, as well as standard operating

procedures, should all be explored to properly establish a framework to regulate PMCs.

History

ASIS Commission on standards

The ASIS Commission on Standards is a document published by ASIS, a society of security professionals dedicated to improving the industry and funded by the US Department of Defense. The report outlines a set of 4 standards designed for private security companies to uphold. One of the main issues with this document is that it is voluntary, showing another example of how poorly regulated this industry is. Furthermore, these standards are published by an individual group, rather than the UN, or an international group where companies would be bound to these regulations. The standards are as follows:

* PSC.1 - MANAGEMENT SYSTEM FOR QUALITY OF PRIVATE SECURITY COMPANY OPERATIONS-REQUIREMENTS WITH GUIDANCE

* PSC.2 - CONFORMITY ASSESSMENT AND AUDITING MANAGEMENT SYSTEMS FOR QUALITY OF PRIVATE SECURITY COMPANY OPERATION

* PSC.3 - MATURITY MODEL FOR THE PHASED IMPLEMENTATION OF A QUALITY ASSURANCE MANAGEMENT SYSTEM FOR PRIVATE SECURITY SERVICE PROVIDERS

* PSC.4 - QUALITY ASSURANCE AND SECURITY MANAGEMENT FOR PRIVATE SECURITY COMPANY'S OPERATING IN THE MARITIME ENVIRONMENT

Montreux document

In 2008, a group of countries gathered to draft provisions regarding private military and security companies in war zones. The document prioritizes practices such as verifying companies track record, examining procedures used to vet staff, correct prosecution when breaches of law occur and ensure compliance and personnel training with international humanitarian and human rights law. As with such an agreement, the document is only binding to signatory countries, which as of late 2018, includes 54 states.

UN Mercenary convention

The United Nations Mercenary Convention is one of the most critical pieces of legislation passed on this issue. The United Nations ratified this treaty in 2001, prohibiting the recruitment, training, use, and financing of mercenaries. While this does not explicitly mention PMCs, many argue that the use of PMCs violates the mercenary convention, as in many cases, the corporations take a militant role rather than that of a security role. Below are the provisions of the treaty:

Article 1 of the Convention has the following definition of a mercenary:

1. A mercenary is any person who:

- (a) Is specially recruited locally or abroad to fight in an armed conflict;
- (b) Is motivated to take part in the hostilities primarily by the desire for private gain and is promised, by or on behalf of a party to the conflict, material compensation substantially

more than that promised or paid to combatants of similar rank and functions in the armed forces of that party;

(c) Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;

(d) Is not a member of the armed forces of a party to the conflict; and

(e) Has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

2. A mercenary is also any person who, in any other situation:

(a) Is specially recruited locally or abroad to participate in a concerted act of violence aimed at:

(i) Overthrowing a Government or otherwise undermining the constitutional order of a State; or

(ii) Undermining the territorial integrity of a State;

(b) Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;

(c) Is neither a national nor a resident of the State against which such an act is directed;

(d) Has not been sent by a State on official duty; and

(e) Is not a member of the armed forces of the State on whose territory the act is undertaken.

Key Issues

Human rights

Most of the issues regarding human rights with this topic concern accountability. As I previously stated, the current framework has minimal ramifications for PMCs that violate them, and international law is not able to be enforced because they are corporations. The UN is held responsible for ensuring a clean human rights record for missions that entail the use of private contractors. Often, states do not have control over these operations, leading to a question of accountability for the states. Should a state be held responsible for the actions of a corporation that they don't have control over? The ASIS Commission on Standards puts a great deal of emphasis on ensuring human rights during these operations. However, these regulations are merely a suggestion to other states.

Legality of PMCs

Legality isn't necessarily something that DISEC deals with on a frequent basis. Still, when they do, it is up to the committee to make suggestions to the Legal Committee on potential laws relating to the topic at hand. In resolutions, this will be done in a similar fashion of suggestions to the Security Council.

In terms of dealing with the legality of PMCs, it isn't necessarily about banning or allowing them, but rather establishing hard-law instruments relating to these entities. As it currently stands, no international court has jurisdiction over these corporations, and there is no mechanism in place bound by international law to account and manage for PMCs use of force. However, there are a few soft law instruments in which these corporations are held responsible for some degree of legal status.

Regional context

Iraq War

In December 2006, there were estimated to be at least 100,000 contractors working directly for the United States Department of Defense in Iraq. The prevalence of PMCs led to the foundation of the group, the Private Security Company Association of Iraq. In Iraq, the issue of accountability, especially in the case of contractors carrying weapons, was a sensitive one. The laws of Iraq were also not able to be applied to PMCs operating within the country.

PMCs supplied support to US military bases throughout the Persian Gulf, from operating mess halls to providing security. They supplied armed guards at a US Army base in Qatar, and they used live ammunition to train soldiers at Camp Doha in Kuwait. Furthermore, PMCs were responsible for many of the weapons that were used for the invasion of Iraq, both maintaining them and providing them. By the end of 2012, the number of contractors who had died in Iraq, Afghanistan, and Kuwait had reached 3,000, accounting for nearly 30% of total US battlefield losses since the beginning of the wars in Iraq and Afghanistan.

Afghanistan

In December 2009, the Congressional Research Service, which provides background information to members of the United States Congress, announced that the deployment of 30,000 extra US troops into Afghanistan could be accompanied by a surge of 26,000 to 56,000 contractors. This would expand the presence of personnel from the US private sector in Afghanistan anywhere from 130,000 to 160,000. According to the CRS, in 2008, contractors made up the most significant proportion of the Pentagon's forces in any conflict, comprising 69% of the total. In September of the same year, there was a drop off in the amount of personnel, to 62%, mainly attributed to a surge in US military forces being introduced into the region.

South Africa

In the mid-1990s, both the Angolan and the Sierra Leone governments tasked a South African PMC called Executive Outcomes with handling multiple tasks. In Angola, the PMC was assigned to fight against the National Union for the Total Independence of Angola, a political organization involved in the Angolan Civil War. In Sierra Leone, they were tasked with containing a guerrilla movement called the Revolutionary United Front. There were around four to five thousand personnel assigned to Angola and Sierra Leone, and the group was instrumental in forming a negotiated peace in Sierra Leone.

Questions to consider

1. How are PMCs used in conflicts?
2. How should PMCs be approached from a legal perspective?
3. What are some regulations that can be implemented?
4. How can we promote the safe use of PMCs?
5. How can existing frameworks be strengthened?
6. Should PMCs be utilized in combat?

Works Cited

- "A Movieclip Containing the Behavior of Alleged Aegis Defence Services Driving in Iraq"
Barnes, Julian E. (2007-10-15). "America's own unlawful combatants?". Los Angeles Times.
- Beber, Blattman, Bernd, Christopher (2013). "The Logic of Child Soldiering and Coercion". International Organization. 67 (1): 65-104. doi:10.1017/s0020818312000409.
- Boothby, N; et al. (2010). "Child soldiering: Impact on childhood development and learning capacity"
- Brett, R; Specht, I (2004). Young soldiers : why they choose to fight. Boulder, Colo.: Lynne Rienner Publishers. ISBN 9781588262615. OCLC 53830868
- Child Soldiers International (2017). "International laws and child rights"
- Child Soldiers International (2017). "Where are child soldiers?"
- Crowell, William P; Contos, Brian T; DeRodeff, Colby; Dunkel, Dan (2011). Physical and Logical Security Convergence: Powered By Enterprise Security Management: Powered By Enterprise Security Management. Syngress. ISBN 9780080558783.
- Finer, Jonathan (11 June 2006). "Contractors Cleared in Videotaped Attacks". Washington Post.
- Higgins Alexander G. "US rejects UN mercenary report"
- Hirsch, Michael (2007-09-20). "Blackwater and the Bush Legacy". Newsweek. p. 2.
- Human Rights Watch (September 2003). ""You'll learn not to cry": Child Combatants in Colombia"
Merle, Renae (2006-12-05). "Census Counts 100,000 Contractors in Iraq". Washington Post.
- Phelps, Martha Lizabeth (December 2014). "Doppelgangers of the State: Private Security and Transferable Legitimacy"
- "Preventing the Use of Child Soldiers in Somalia - Roméo Dallaire Child Soldiers Initiative". Roméo Dallaire Child Soldiers Initiative.
- "Rome Statute of the International Criminal Court (A/CONF.183/9)". 1998.
- Schooner, Steven L; Berteau, David J (2013). "Emerging Policy and Practice Issues (2012)"
- Schooner, Steven; Swan, Collin (2012-01-01). "Dead Contractors: The Un-Examined Effect of Surrogates on the Public's Casualty Sensitivity". GW Law Faculty Publications & Other Works.
- The International Committee of the Red Cross (1977). "Protocols additional to the Geneva Conventions of 12 August 1949"
- The Paris Principles and Guidelines on Children associated with armed forces or armed groups. Section "Treatment of children accused of crimes under international law", p. 9

UNICEF (2007). "The Paris Principles: Principles and guidelines on children associated with armed forces or armed groups".

UNICEF. "Central African Republic: Children brutally targeted in weekend violence"

United Nations Secretary-General (2017). "Report of the Secretary-General: Children and armed conflict, 2017". un.org.

Wessels, Michael (1997). "Child Soldiers". Bulletin of the Atomic Scientists. 53 (4): 32. doi:10.1080/00963402.1997.11456787.

Wheeler, Virginia. The Sun. London <https://www.thesun.co.uk/archives/news/827506/brits-are-no1-guns-for-hire/>

Worsnip, Patrick (4 August 2009). "UN team to visit Myanmar over child soldiers". Reuters.

"Yemen's child soldiers go to war". United Press International. 6 January 2010.

Yeoman, Barry (2003-06-01). "Soldiers of Good Fortune". Mother Jones.