General Assembly First Committee:
Disarmament and International Security

Dear Delegates,

I am very pleased to welcome you to the General Assembly: Disarmament and International Security Committee (DISEC) of BUSUN 2009. All staff members of this year's conference - including myself- have worked hard to guarantee that this Model UN experience will be extremely rewarding and fun for you. I am looking forward to seeing you all in the fall and to having a fruitful debate on international peace issues that bedevil today's world.

My name is Petros Perselis and I am a senior at Brown majoring in Electrical Engineering. You may wonder why an engineering major bothers with international policies and UN simulations, but I can tell you with certainty that it is one of the things I have enjoyed doing as a hobby since my high school years. Well, nothing is as good as designing an electronic circuit but I still find Model UN a wonderful experience with lots of benefits to offer! I have participated in several Model UN conferences as a delegate of DISEC. I was also a director in last year's BUSUN Historical 1967 Six Day War Committee. Currently, I am in the Executive Board of Brown's Model UN group holding the position of the Conference Director.

I come from Athens, Greece and studying in the US has brought many changes to my life including making contact with a strong international element here at Brown. Being an international student, I like seeing things "the global way" and I strongly believe that globalization cannot be ignored in relation to policy making. Fortunately, Brown offers many opportunities ranging from research to international activism and I am happy I am a part of this community. I am sure you will discover that too during your short stay here!

Our discussion agenda for this year's DISEC includes Biochemical Terrorism, Privatization of War and Antipersonnel Land Mines. We have chosen these topics since we find them both contemporary and controversial with the hope of initiating interesting as well as meaningful debates. No matter what Model UN experience you may have, I believe you will all learn how to deal with real world security issues in a professional way and enjoy an amazing discussion. In order to help you get on board with the agenda, I have prepared this background guide. Bear in mind that it constitutes only a brief introduction and you will have to do your own research!.However, if you have any questions or concerns, do not hesitate to ask me. I will be here to provide help and eventually chair an unforgettable debate!

I am thrilled to meet you all in person and introduce you to the Brown culture!

Sincerely,

Petros Perselis
Disarmament and International Security Committee Chair
DISEC@busun.net

Committee History

The Disarmament and International Security Committee (DISEC) is one of the six Main Committees comprising the United Nations' General Assembly (GA) organ. These six bodies play an integral role in the organization of the GA because they are allocated all the issues that are to be addressed by the GA and they present recommendations in the form of non-binding resolutions to a plenary session to be voted upon. Every year, the General Assembly adopts 40-50 resolutions on disarmament and non-proliferation by a majority vote or by consensus.

DISEC is also referred to as the First Committee and it deals with issues affecting international peace and security, the sovereignty of nations, weapon regulation and disarmament. Article 11, Chapter IV of the Chapter of the United Nations states that "the General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments", whereas Article 14 of the same Chapter entitles the General Assembly to "recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations".

DISEC convenes once per year in New York. All 192 member states can participate with an equal vote and representation allowing discussions and open debates with the scope of strengthening cooperation and multilateral agreements on world stability. However, as with all General Assembly propositions, resolutions proposed by DISEC constitute only non-binding recommendations as opposed to decisions made by Security Council which are more powerful and sanction-bearing. Over the years DISEC has issued resolutions concerning nuclear and other weapons of mass destruction, small arms proliferation, regional crisis handling, disarmament education etc. In many cases, its recommendations have been instrumental for significant changes in disarmament regulations and for reaching mutual agreements, i.e. the support of the Non-Proliferation Treaty (NPT) and the support of UN intervention in the Suez Crisis.

Topic 1: Biochemical Terrorism

Background

The US Centers for Disease Control and Prevention (CDC) defines bioterrorism as "the deliberate release of viruses, bacteria, or other germs (agents) used to cause illness or death in people, animals, or plants". As another form of terrorism, the intent of bioterrorism is to serve political, social or religious objectives by means of fear or coercion of governments or civilians. The biological agents used can be found in the natural environment, others are modifications of natural organisms and others are artificially created using biotechnology and genetic engineering practices. These agents are disseminated through air, water, food or contact and can be separated into three categories according to CDC:

- Category A: easily spread, highly fatal and panic-producing agents that require special preparedness measures (i.e. anthrax, smallpox)
- Category B: moderately easy to spread and fatal agents that require enhanced disease monitoring (i.e. Q fever, ricin)
- Category C: new engineered, easily available and highly fatal pathogens (i.e. yellow fever, Nipah virus)

Figure 1: universally adopted symbols denoting hazardous and toxic biological agents

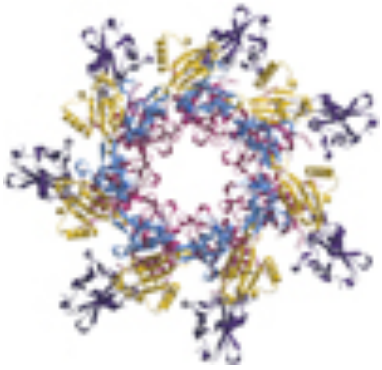

Figure 2: anthrax structure
(http://www3.niaid.nih.gov/topics/BiodefenseRelated/Biodefense/PublicMedia/image_library.htm)

Biological and toxic weapons are attractive to terrorists for several reasons. First, they are easy to obtain and inexpensive to produce; second, the spread of biological agents can be achieved relatively easily, quickly and over large geographical areas; and third, they create mass panic and social unrest. Often effective medical reactions are slow and time-consuming. In an era of high circulation of information and know-how, societies become more and more fragile defenseless targets of terrorist groups who can easily emerge, stay in the dark and acquire biotechnological knowledge that provides a significant advantage. Black markets of biological agents have arisen around the world, where religious differences, social and financial hardships have lead individuals to go rogue.

Although it may seem that bioterrorism is a modern phenomenon, it actually has its roots deep into human history. The first biological attacks started at nearly 1500 BC when the Hittites of Anatolia and the Greeks during the Troy war used infected animals and poisoned arrows to attack their enemies. Other bio-related offensive actions have been reported during the centuries (during regional conflicts or World Wars) with the most recent anthrax-containing mails in 2001 to haunt the US government. Finally, many arrests preventing bioterrorist attacks have taken place in several countries around the world including the US, the UK, Turkey and South Africa. Several statistics give the extent of the damage inflicted by successful biological warfare attempts: in September and October of 1984 in Oregon, 751 people were intentionally infected with Salmonella when followers of the Bhagwan Shree Rajneesh contaminated restaurant salad bars, whereas 4 deaths were reported from anthrax in the US in 2001. In 1994, a Japanese sect of the Aum Shinrikyo cult attempted an aerosolized release of anthrax from the tops of buildings in Tokyo.

From the above it is clear how severely bioterrorist actions can affect international peace and security. It is also true that such actions have been identified and prevented in the past, but new attempts, engineering of new weapons and their acquisition by terrorist groups still pose a crucial threat. Moreover, several countries including the US, Pakistan, Iran etc still produce biological agents that may be used for non-peaceful purposes. As a result, it is extremely important that the international community stands united and takes actions in several areas: not only towards the prevention of production of biological agents or the manufacturing and trafficking of bio-weapons, but also towards the combating of terrorism in general and the establishment of counter-measures that protect the safety of people around the world. Thus, the United Nations should and is willing to play a major role in leading such efforts, as presented in the global counter-terrorism strategy adopted by all 192 member states on September 8th, 2006 and launched at a high-level meeting of the General Assembly on September 19th, 2006.

Current Situation

During the 20th century, there has been extensive research in producing effective biochemical weapons that could cause mass casualties. Germans developed biological agents such as anthrax and cholera during World War I and used them to spread a plague in St. Petersburg, Russia and to inflict indirect casualties to the French Cavalry. During World War II, the notorious Japanese Unit 731 was a secret biological warfare research facility in Manchuria experimenting with anthrax, typhoid etc on human subjects. The facility was sealed when Japanese troops were infected. Starting in 1942, the United States started experiments on biological weapons, whereas the British tested on Gruinard Island off the northwest coast of Scotland. The United States continued research on various offensive biological weapons during the 1950s and 1960s. Cold War was an ideal period for several governments including USSR to investigate new technologies in manufacturing bio-weapons and perform covert tests even on humans. Unfortunately, records of such research have been lost, whereas many of those weapons or agents were easily acquired by underground militant groups. Finally, in 1979, 66 people accidentally died due to a release of anthrax from a weapon facility in Sverdlovsk, USSR. The Soviet government denied the incident using cover stories until 1992. After the 1980s, a number of countries have performed offensive bio-weapons research; the US, China, Algeria, North Korea to name a few. In addition, the monitoring of such weapons has become more difficult, so many are sold to terrorists in the black market. Several prevented attempts of use of biological agents in terrorist activities have also been reported.

Figure 4: Countries with Biological Weapons Programs since 1950 -some were terminated in late 1970s (http://www.pbs.org/wgbh/nova/bioterror/glob_nf.html#usta)

After World War I, leaders of major countries realized the implications of biological warfare and decided to take some measures against such engagement. The first official agreement was reached in 1925 in Geneva in the form of the **Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare**, or shortly, the Geneva Protocol. This treaty prohibits the use of biochemical weapons, but states nothing about production, storage and transfer. Before World War II the protocol was ratified by many countries, including all the great powers except the United States and Japan and it was generally respected during the World War II. It took 50 years to reach a multilateral agreement in the form of the **Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction**, commonly known as the **Biological Weapons Convention (BWC)**, which opened for signature in 1972 and entered into force in 1975. Referencing from the Convention's website, BWC "effectively prohibits the development, production, acquisition, transfer, retention, stockpiling and use of biological and toxin weapons and is a key element in the international community's efforts to address the proliferation of weapons of mass destruction". Since the establishment of BWC, several Review Conferences have taken place in order to monitor the progress made by the parties who signed the Convention, ensure the effectiveness of measures and propose updates. The Sixth Review Conference held in 2006 in Geneva, Switzerland decided to establish an **Implementation Support Unit (ISU)** for the Convention within the Geneva Branch of the United Nations Office for Disarmament Affairs with the task of keeping the idea of BWC alive, providing confidence-building measures among countries, acting as an information exchange point for national and global implementation of the Convention and assisting signatories with the biological weapons ban. Finally, the other prominent treaty concerning the production, acquisition, stockpiling, transfer and use of chemical weapons is the **Convention on the Prohibition of the Development, Production, Stockpiling and Use of**

Chemical Weapons and on their Destruction, known as the **Chemical Weapons Convention (CWC),** which opened for signature in 1992 and became effective in 1997. CWC was the next step after the BWC to put into effect measures that will eventually lead to a biochemical-mass-destruction-weapon -free-world. The Convention is administered by the **Organization for the Prohibition of Chemical Weapons (OPCW)**. The role of the OPCW is "to achieve the object and purpose of the Convention, to ensure the implementation of its provisions, including those for international verification of compliance with it, and to provide a forum for consultation and cooperation among States Parties". Currently, more than 180 countries have signed and ratified the CWC.

Aside from those actions which are directly related to biological warfare and biochemical weapons, some progress has been made through the UN to prevent the acquisition of bio-weapons from terrorist groups. A good example is the **UN Security Council Resolution 1540**, adopted in 2004, which is the only concrete document that addresses the issue of bioterrorism. The Resolution sets a framework for monitoring the production and transportation of biochemical weapons and materials in both the national and international level and urges member-States to cooperate in order to combat bioterrorism through information exchange and cross-referencing. Operative clause 2 states that member-States "shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes". In detail, improved marking of biological agents and border control should be made, and steps leading to non-proliferation of biochemical weapons following the mandates of the BWC and the CWC are proposed. Moreover, the Resolution calls for the creation of a universal legal framework that will facilitate the implementation of measures, but at the same time suggests that each country should adjust its national legislation accordingly. The **1540 Committee** also established by the Security Council is responsible for foreseeing the implementation of the Resolution 1540 and for making sure that the measures are binding. In 2006, UNSC Resolution 1763 reiterated the goals and strategies presented in Resolution 1540 and extended the mandate of the 1540 Committee. The same year, United Nations decided to adopt a new multilateral long-term strategy to combat terrorism in all its forms. After recommendations by several UN instruments and committees as well as several reports by the Secretary General, the General Assembly unanimously adopted **Resolution 60/288: The United Nations Global Counter-Terrorism Strategy**, which sets specific and direct stepwise measures to deal with many aspects of terrorism simultaneously and enforces international cooperation on the issue. As far as bioterrorism is concerned, the resolution "is addressing the threat of bioterrorism by establishing a single comprehensive database on biological incidents, focusing on improving States' public health systems, and acknowledging the need to bring together major stakeholders to ensure that biotechnology's advances are not used for terrorist or other criminal purposes but for the public good". It also enhances the role of regional organizations in the fight against terrorism, addresses the spread of terrorist ideology in the Internet and combats money laundering and the financing of terrorism.

All the above strategic decisions constitute the base for prohibiting biological warfare and countering terrorism. However, what is lacking is a clear framework or series steps

concerning how to combat bio-terrorism itself. Besides the newly proposed Resolution 60/288, all efforts were directed towards either conventional terrorism or biochemical weapons in a general sense. Resolution 60/288 is a new small step at addressing both together, but it lacks completeness or proven effectiveness yet. As a result, a new framework should be considered; a specific strategy preventing bioterrorist acts should be discussed. Of course, this strategy cannot be ignorant of the BWC and the CWC, but it can make those Conventions binding for all and what is more, enhance the general counter-terrorism UN strategy. Finally, bio-terrorism funding issues must be addressed in a detailed manner with bold assessments and sanctions.

In the end, it is useful to address the measures that countries should take to handle situations related to biological agents ranging from prevention and preparedness to facing real emergencies, treating patients etc. Means such as bio-defense and bio-surveillance can be used. Bio-defense involves medical measures, such as vaccinations and general medical research to protect people against biological agents and bioterrorist attacks. Biosurveillance is the attempt to detect bioterrorism and can result in its prevention as well as the minimization of infected cases and casualties. Until now, only individual countries have been trying over the years to secure themselves from bioterrorist attacks and implement emergency plans and other related health policies. United States, for example, after the events of September 11th, 2001 has adopted the **Bioterrorism Act of 2002** to "improve the ability of the United States to prevent, prepare for, and respond to bioterrorism and other public health emergencies". Also, the Centers for Disease Control and Prevention (CDC) offers has many preparedness, awareness and emergency plans as well as other resources to assist primarily US citizens in times of need. However, similar plans and resources should be accessible by other countries' agencies, so the UN should initiate a dialogue and provide help both for the organization of national plans and the cooperation of governmental and medical authorities around the world to effectively prevent and face bioterrorist situations.

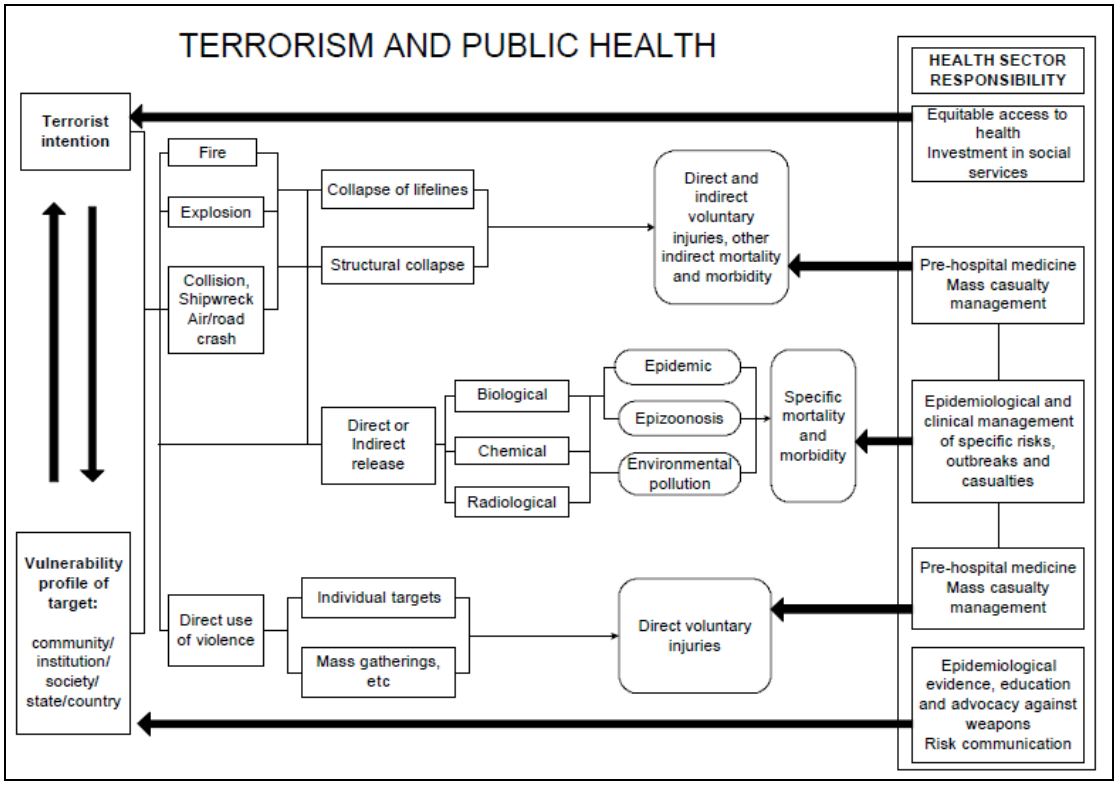

Figure 5: terrorism and public health perspectives
(http://www.wpro.who.int/internet/files/eha/toolkit/web/tr_terrorism.htm)

Questions to Consider

1. What measures should be taken by the international community to monitor manufacturing of biological agents? What are the benefits/risks for continuing or stopping such research? Should pressure be put on countries with bio-engineering and bio-weapons programs?
2. Is it possible to monitor and prevent the production and trafficking of bio-weapons? Which are the techniques for the identification and dismantling of such weapons?
3. How can countries involved in bioresearch prevent terrorists from acquiring bio-weapons?
4. Are the current treaties enough to address the problem of bioterrorism? Should the Biological Weapons Convention (BWC) and the Chemical Weapons Convention (CWC) be binding for every country and how? Is there a need of a new legal framework?
5. What are the next steps the UN should take to reinforce the newly proposed counter-terrorism strategy with respect to bioterrorism?
6. How should the problem of funding of bio-engineering projects and related activities that could potentially enhance bioterrorism be addressed?
7. What should be the sanctions for directly funding bioterrorist activities?
8. What is the role of the UN in helping countries that do not have bioterrorism prevention and combating acts in place?

Helpful Resources

http://www.un.org/terrorism/index.shtml (UN Action to Counter Terrorism website)

http://www.unog.ch/80256EE600585943/(httpPages)/04FBBDD6315AC720C1257180004B1B2F?OpenDocument (Biological Weapons Convention website)

http://www.opcw.org/ (home of the OPCW and the Chemical Weapons Convention)

http://www.bt.cdc.gov/bioterrorism/ (CDC webpage on bioterrorism)

http://www.pbs.org/wgbh/nova/bioterror/
(contains very informative flash features that highlight key points of bioterror)

"The bioterrorism sourcebook" by Michael R. Grey, Kenneth R. Spaeth, *McGraw-Hill Professional* (2006)

http://www.americanscientist.org/issues/feature/the-growing-threat-of-biological-weapons
(an interesting article on the threat of biological weapons)

http://www.interpol.int/Public/BioTerrorism/BioterrorismGuide.pdf
(INTERPOL bioterrorism incident pre-planning & response guide)

http://www.interpol.int/Public/BioTerrorism/links/default.asp
(INTERPOL bioterrorism prevention resource center)

http://www.thebulletin.org/web-edition/features/helping-the-united-nations-combat-bioterrorism (article on UN steps to prevent bioterrorism - it has helpful references)

"Availability of Medical Countermeasures for Bioterrorism Events: US Legal and Regulatory Options" by C Maher and BD Lushniak, *Clinical Pharmacology & Therapeutics* (2009); **85**, 6, 669–671

http://www.stimson.org/cbw/programhome.cfm (Chemical and Biological Weapons Nonproliferation Project at the Henry L. Stimson Center)

http://www.un.org/sc/1540/index.shtml (home of the 1540 Committee)

Topic 2: Privatization of War - Global Ramifications

Background

The Second World War was an undertaking by the society as a whole. The Cold War in turn gave rise to new war strategies. Numerous states and organizations turned to mercenaries for security purposes. The attention soon turned from larger wars to smaller localized wars. In these situations, war tactics and logistics have become a major part of the conflict. Moreover, as more complex weapons and equipment have developed, their maintenance and operation demanded relying on civilian contractors who can provide expertise, specialized services and technical assistance. The traditional mercenaries now known as Private Military Contractors (PMCs) are thriving. According to www.privatemilitary.org, a private but independent initiative that provides insight on privatization of war, PMCs can be defined as "legally established multinational commercial enterprises offering services that involve the potential to exercise force in a systematic way and by military means and/or the transfer or enhancement of that potential to clients". Specific tasks include logistical support, intelligence gathering, training of military and law enforcement personnel, operations consulting and even personal protection. Of course, contractors often accompany the military into battle and actively participate in armed conflicts.

The Cold War has provided many opportunities for PMCs leading to the growing privatization of war, but new challenges should be considered. Legal and ethical ramifications as well as troubling questions relating to issues of authority, accountability and mission effectiveness do exist and create problems to the parties involved in conflicts and to the international community. To begin with, the growth of the privatized military industry has made it difficult to governments to perform oversight of the actions of the contractors and to keep the levels of transparency in war contracts. The existence of large numbers of contractors, who are closely involved in the determination of the outcome of a war with personal profit as the only motivation, not only complicate conflicts but also constitute a danger to world peace. PMCs are not directed by foreign policies and may not share common interests with the governments which hire them. For example, one can ask what will happen if PCMs choose to deviate from their contracts by either withdrawing from a conflict or escalating operations without the consent of the military. On the other hand, the tasks undertaken by private contractors are these traditionally performed by the military, so naturally there is an unclear line between civilian and military which makes it harder to enforce the current war legislation. In this way, soldiers are replaced by highly paid civilians who are not subject to strict military law in cases of combat or capture. Furthermore, there have been numerous reported incidents, such as women rapes, salvage, torturing of captured soldiers etc in which mercenaries have not shown respect to military obligations and have performed serious human rights violations. In these cases, of course, the accountability issues and the moral concerns still remain a vague discussion. Finally, there are some important problems related to the financing of PMCs since these contracts are mainly funded by taxes that citizens pay most of the times without their direct consent, whereas the military force has ultimately become a trading good among governments,

organizations and individuals who can afford hiring, without the guarantee of sincerely protecting the citizens' national interests.

Overall, PMCs are indispensable nowadays for engaging at war because of their convenience, availability and effectiveness; they constitute an easy and cheap solution directed by necessity and the feeling of security, which make it harder and harder for world leaders to consider the drawbacks and limit their use and power. Perhaps, private military companies should not be banned; instead their actions must be closely monitored under the provisions of new national and international conventions, whereas the UN or other independent committees should ensure transparency in contracts, cooperation with the employers and definition of the role of the contractors in every case.

Current Situation

Whereas the use of mercenaries is dated back to ancient times starting with Ancient Egyptians and Persians, the signing of large scale private military contracts, as well as, the systematic recording of problematic incidents such as human rights violations and abuse of power by PMCs appeared during the 20th century.

Of course, in the depths of history, mercenaries were employed by Greek, Roman, Byzantine, French, Chinese and other peoples involved in major or minor conflicts. Using private military personnel was convenient because of easy deployment, adequate training and effectiveness in battle. However, nations of the world had never relied on private contractors for directly determining the outcome of wars; it was the actual military which always had the real authority and influence. After the Cold War, though, a shift occurred where weak and emerging states could not guarantee their own security or provide for and raise armies in the face of increasing internal violence and civil wars. These countries have looked to other states and international organizations for assistance and intervention. Due to the absence of international action, these weak states have resorted to contracting private armies and mercenaries from abroad to maintain stability at home. Examples include mercenaries used in regional conflicts in Africa, particularly in Congo, Nigeria, Angola and Sierra Leone. Back in 1960s, mercenaries served different factions including the UN and other peacekeeping forces. In the mid-1970s, during the civil war in Angola, mercenaries worked for the National Front for the Liberation of Angola, whereas the private military company Executive Outcomes had some involvement in the determination of the outcome of the war. During the last decade of the 20th century, in Sierra Leone, PMCs in general and Executive Outcomes in particular played a vital role in tipping the balance of power towards government forces because of their high degree of practical experience.

Private military and defense companies emerged during the last 50 years and those prominent until now are AirScan, DynCorp, ITT Corporation, Raytheon, Aegis Defense Services, Integrated Risk Management Services etc. AirScan is a US private military contractor specializing in airborne surveillance and security with significant surveillance operations in Colombia, Uganda and former Yugoslavia. DynCorp International, another US PMC, provided tactical support to the US army in Colombia, Iraq, Kosovo and other operations. Aegis Defense Services is a UK private defense company providing security and

risk management solutions to counter extreme threats and had important involvement in the reconstructing program of post-war Iraq. Finally, Integrated Risk Management Services is an Irish private security contractor providing security, guarding and surveillance in several occasions according the client's needs.

PMCs were also used by NATO and the US to provide tactical support in the war of Bosnia and to fight in the War on Drugs in Colombia. Especially in Colombia, many paramilitary groups were funded and were hired by different sources, a fact that resulted in intensifying the local conflict in many aspects. Mainly in the cases of Iraq and Afghanistan, the US has been outsourcing key security and military support functions to private companies to carry out the work. The involvement of companies such as DynCorp and Titan Corporation ranges from simple support operations to more sensitive roles, such as interrogation of prisoners and direct participation in conflicts. In the post-war Iraq and Afghanistan, such companies have been indispensable for their security services such as protecting oil sites and training security forces. "According to the Department of Defense, there are some 68,000 contractors in Afghanistan today and more than 132,000 in Iraq. But those numbers aren't an accurate reflection of the total number of contractors because they don't include those working for other government agencies such as the Department of State", a June 2009 CNN article states.

General problems derived from the growing need for and the overuse of PMCs were thoroughly examined in a previous section. In order to close the visit to the history of PMCs in the modern era, an incident worth mentioning is the so-called "Blackwater Scandal". Blackwater USA is a private military company founded in 1997 -renamed in 2009 to Xe Services LLC- which has played a substantial role during the Iraq War as a major contractor of the USA. The Blackwater Scandal refers to the shooting and killing in September 2007 in Baghdad of 14 Iraqi civilians by Blackwater employees; killing which happened without good cause according to FBI investigation. It is said that the incident constitutes revenge against the killing of 4 Blackwater officers in March 2004 by the Iraqi forces in Fallujah. Because of this scandal and of other similar stories during the Iraq War, Blackwater's license to operate in Iraq was revoked by the Iraqi Government on September 17, 2007. Also, in 2008, the US State Department decided not to renew Blackwater's contract in Iraq. Even though Blackwater's actions in Iraq drew bad attention, clear rendering of justice has not yet been seen, whereas Blackwater -under its new name Xe Services- is still one of the biggest military contractors of the US government. Other similar stories related to violations of human rights and accountability issues by PMCs have also been reported in several cases: employees of DynCorp were caught in Bosnia operating a sex-slave ring of women who were detained for prostitution after their passports had been confiscated and local forces trained by the MPRI in Croatia used what they learned to perform an "ethnic cleansing" which left more than 100,000 homeless and hundreds dead and resulted in war-crimes indictments.

After closely evaluating the public effects of incidents such as the above and in order to protect their interests, PMCs formed in April 2001 the **International Peace Operations Association (IPOA)**, which is -under the US tax system- a 501(c)(6) non-profit trade association with the mission to promote high standards of the peace and stability operations industry in order to ensure sound and ethical professionalism and transparency in the

conduct of peacekeeping and post-conflict reconstruction activities. Quoting from IPOA's Code of Conduct, all members "shall support effective legal accountability to relevant authorities for their actions and the actions of their personnel and shall take firm and definitive action if their personnel engage in unlawful activities". In terms of control and ethics, members "shall endorse the use of detailed contracts specifying the mandate, restrictions, goals, benchmarks, criteria for withdrawal and accountability for the operation" and establish Rules for the Use of Force that "shall be in compliance with international humanitarian and human rights laws and emphasize appropriate restraint and caution to minimize casualties and damage, while preserving a person's inherent right of self-defense". Finally, all the participating contractors agree to use, control and account for only legal arms and ammunition and support the efforts of international humanitarian organization to seek peaceful resolution of conflicts.

The international community, on the other hand, has made some progress to address the problem of defining the rights and responsibilities of private military contractors, mainly by describing set of rules pertaining to international humanitarian law. Unfortunately, these rules only constitute indirect measures to the problem of uncontrollable growth of and need for PMCs, because they are not intended to target particularly the legal, ethical and practical ramifications derived from the existence and use of PMCs in armed conflicts, but address overall humanitarian and legal issues appearing in all armed conflicts. For example, the **Geneva Convention** (1949) generally regulates the conduct of an armed conflict and is considered the core of the international humanitarian law. The parts of it that are of interest in the case of PMCs are mainly the Third and the Fourth Geneva Conventions which deal with the treatment of prisoners of war and the protection of civilians during the time of war. Moreover, through the United Nations, countries of the world have reached some agreements concerning the definition and the function of mercenaries, which are ultimately closely related to what PMCs represent. The **International Convention Against the Recruitment, Use, Financing and Training of Mercenaries** was the first document addressing the issue and it was adopted in 1989 by the General Assembly. Resolutions criticizing new forms of mercenary activities have been adopted by the UN in every yearly session of the General Assembly since 1992, and the **UN Report on the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,** a two-year study submitted in 2007, characterizes the use of security guards in certain cases, such as Iraq and Afghanistan, as modern mercenary activity because they often perform illegal military duties.

On 17 September 2008, seventeen States - Afghanistan, Angola, Australia, Austria, Canada, China, France, Germany, Iraq, Poland, Sierra Leone, South Africa, Sweden, Switzerland, the UK, Ukraine, and the USA - finalized the so-called **"Montreux Document on Pertinent International Legal Obligations and Good Practices for States related to Operations of Private Military and Security Companies during Armed Conflict"**. According to the Federal Department of Foreign Affairs of the Swiss Confederation which had the initiative of creating the document, "the Montreux Document is the first international document to describe international law as it applies to the activities of private military and security companies (PMSCs) whenever these are present in the context of an armed conflict. It also contains a compilation of good practices designed to assist states in implementing their obligations

under international law through a series of national measures". In Part One of the document, there is a description of several existing legal obligations of States under current international law and human rights law. Part Two of the documents provides some good practices for States and private military contractors to follow in order to facilitate their compliance with the existing legal obligations. The document examines the situation from different points of view by differentiating between PMSCs (private military and security companies), contracting States (States that directly contract for the services of PMSCs), territorial States (States on whose territory PMSCs operate), home States (States of nationality of a PMSCs) and others. However, the Montreux Document does not give any new approaches, recommendations or solutions to the issue of controlling and potentially limiting the use of PMSCs and even the good practices presented with respect to the existing international legislation do not have legally binding effect.

Finally, individual governments such as the United Kingdom or the United States of America have tried to create their own policies and acts in order to oversee the contracts with PCMs. An example is the Green Paper entitled **Private Military Companies: Options for Regulation** by the British government and the Bill for the **Security Accountability Act of 2007 (S.2147)** submitted but never voted upon to the US Congress, which both try to examine concerns related to human rights, sovereignty and accountability that the increasing use of PMCs creates.

From the above, the conclusion that new discussions and proposals should be set forward is reached: current efforts and legislation which control the actions and the contracts of PMCs are limited and when they exist, they do not provide direct concrete measures. Not only are new initiatives needed, but also general consensus between major countries should be reached in order to address the issue in a complete and bold manner.

Questions to Consider

1. Investigation by the international community of regulatory systems of registration and licensing in order to regulate private military and private security companies and the individuals who work for them. Is there a need for a widely accepted independent organization dealing with these problems and monitoring the private contracts?
2. How to improve the Montreux Document? Should it be binding and universal? Is there a new Treaty needed to regulate the situation in a more exhaustive manner?
3. What actions should the governments of the world take to ensure that PCMs abide by international humanitarian law and military obligations?
4. What should be the position of the United Nations in the discussion about the legal and ethical responsibilities of mercenaries and the governments who hire them? Should this discussion be brought to the Security Council?
5. How is it possible to limit intervention of PMCs to combats for profit and to reduce their control of power and the consequent penetration of governments? What is the role of the UN as a universal independent organization?

Helpful Resources

http://www.guardian.co.uk/world/2003/dec/10/politics.iraq
(article in the "Guardian" about privatization of war)

http://www.amnestyusa.org/state-of-the-world-report/2006/outsourcing-facilitating-human-rights-violations/page.do?id=1101420#govt
(annual report by Amnesty International USA on human violations by private military companies engaged in the US war on terror)

http://www.icrc.org/ (webpage of the International Committee of the Red Cross)

http://www.globalpolicy.org/component/content/article/199/40983.html (some articles and resources on PMCs)

http://www.dbskeptic.com/2008/08/07/private-military-companies-civilian-contractors-and-the-global-war-on-terror/ (an opinion on the existence of PMCs)

http://www.privatemilitary.org/ (private, independent and non-profit initiative with lots of information on PMCs)

http://www.icrc.org/web/eng/siteeng0.nsf/htmlall/montreux-document-170908
(the Montreux Document on Private Military and Security Companies)

http://www.ipoaworld.org/eng/ (webpage of International Peace Operations Association)

http://www.globalpolicy.org/component/content/article/199/40822.html (a Green Paper on private military companies by the British Foreign and Commonwealth Office)

Topic 3: Consideration of Antipersonnel Landmines

Background

According to Article 2 of the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, an anti-personnel mine is defined as "a mine designed to be exploded by the presence, proximity or contact of a person and that will incapacitate, injure or kill one or more persons" and differs from the anti-tank which is designed for use against vehicles. Anti-personnel mines can be classified in blast anti-personnel mines, fragmentation mines and bounding fragmentation mines; all these different types can cause severe injuries, deep wounds and even death to a person by a strong blast, projecting fragments or both. They are generally activated by pressure, tripwire or remote detonation.

Land mines are used to create tactical barriers and to act as area-denial weapons. As tactical barriers, they are very effective for rerouting enemy troops and leading them to an ambush or a kill zone. Area-denial is a defensive strategy for preventing people -either military or civilians- from entering specific "denied" territory. Anti-personnel mines generally provide a logistical disadvantage (they cause deliberate human injuries which require costly medical care and constant supervision) to the opponent army, spreading panic to enemy troops and eventually confusing them and reducing morale.

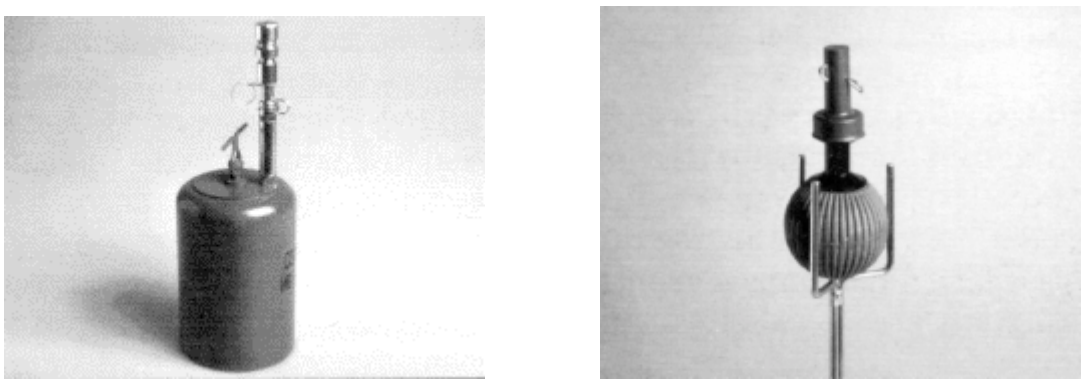

Figure 1: The OZM-4, a metallic bounding fragmentation mine (left) and a Vietnamese anti-personnel landmine at a size of a tennis ball (right)
(source: http://www.fourmilab.ch/minerats/figures/mines.html)

The first landmine-like devices date back to the Greek and Roman empires. Similar devices were used during the European Middle Ages, during the Yuan and Ming Dynasties in China and during the American Civil War. However, wide use of modern anti-personnel landmines has not been reported only until World War II, the Vietnam War and the 1st Gulf war when landmines proved a useful tactical weapon. In the 1960s, remote delivery systems were developed, so anti-personnel mines could be easily deployed in hundreds; this was the case

in Vietnam and Cambodia for example. The spread of landmines eventually went out of control, because nations at war stopped using them only against strictly military targets. Their use became unethical and many unmarked and unrecorded minefields were created. As a result, civilians, friendly soldiers and peacekeeping forces have started suffering from the effects of landmines. Because anti-personnel landmines are cheap to produce and easy to deploy, cause substantial injuries and terror, as well as, remain undetected and are costly to remove, they have often been acquired by rogue groups in developing countries as a means of guerilla wars and regional conflicts (i.e. conflict in Central America in the 1980s). Even today, there are places around the world which constitute unmarked landmine fields and pose a significant danger to civilians who happen to discover their whereabouts during peaceful activities.

Landmines still maim and kill individuals who accidentally step in the territory where they were placed years ago at the time of war and regional conflict. Moreover, some countries still have not abided by the international laws and conventions regarding anti-personnel landmines and continue to produce and deploy them for defensive and tactical purposes. Examples are USA, India, China, Russia, Pakistan, Syria, Israel etc. Ultimately, the existence of anti-personnel landmines has an impact to humanity that outstrips the mutilation and killing of individuals; landmines damage the entire life of a community. For these reasons, the production and planting of landmines constitutes a major threat to global peace and prosperity and needs to be addressed by the international community.

Current Situation

In order to deal with the issue of anti-personnel landmines as presented above, six non-governmental organizations combined forces in 1992 and founded the **International Campaign to Ban Landmines (ICBL)**. According to ICBL website "these founding organizations witnessed the horrendous affect of mines on the communities they were working with in Africa, Asia, the Middle East and Latin America and realized that a comprehensive solution was needed to address the crisis caused by landmines and that this was a complete ban". ICBL's efforts towards a mine-free-world produced the universal Mine Ban Treaty of 1997 and the Campaign was awarded the Nobel Peace Prize the same year. Currently, it cooperates with thousands of humanitarian organizations such as the Red Cross, nations' governments and the UN in order to monitor the enforcement of the treaty, educate administrators, civilians and demining personnel about several aspects of the problem and works towards a complete ban of production, stockpiling and use of anti-personnel landmines and cluster munitions.

In the 1990s, the only universally acknowledged agreement among countries having references to the problem of mines was the **Convention on Certain Conventional Weapons (CCW)**. However, CCW only rendered the use of anti-personnel landmines unethical during conflicts and therefore banned it under certain conditions (against non-military targets and in case the mines are non-detectable). It did not address the problem in all its aspects from production to demining. Consequently, undertone discussions and oppositions to the

current situation have started developing among some open-minded governments and NGOs, which led to the forming of ICBL in 1992 and the review of CCW in 1995. The result of this effort was the **Amended Protocol II of the Convention on Certain Conventional Weapons**, which reemphasis the ban of use on land of mines, booby traps and other devices under specific conditions, expands its application to internal in addition to international armed conflicts and calls for the removal of landmines immediately after the end of conflicts. Although the 1995/6 Review Conference did not reach any meaningful conclusion, the dynamics settled towards the direction of the ban of anti-personnel landmines: the ravaging effects and casualties that communities in several parts of the world faced due to the existence of minefields as remnants of past wars, the work of humanitarian organizations and the public pressure to governments around the world showed that a solution should be found soon.

In October 1996, a political initiative -named the Ottawa Process- was launched in Ottawa, Canada with the participation of 50 governments and 24 observers and resulted in drafting of the Mine Ban Treaty by Austria. A series of meetings took place outside of the traditional international instruments (i.e. UN) in Vienna, Bonn, Brussels and Oslo during 1997 and finally, the **Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction** or **Mine Ban Treaty** or **Ottawa Convention** was adopted in Oslo, Norway in September 1997 and signed by 122 States in Ottawa, Canada on 3 December 1997. The Treaty got into effect after only two years, which makes it the fastest multilateral agreement to ever have implemented. According to the Mine Ban Treaty website “the Convention provides a framework for mine action, seeking both to end existing suffering and to prevent future suffering”. Article 1 states that signatory State Parties are obliged not to use anti-personnel mines under any circumstances and are forbidden to “develop, produce, otherwise acquire, stockpile, retain or transfer to anyone, directly or indirectly, antipersonnel mines”. Articles 4 and 5 call for the destruction of the stockpiles of antipersonnel mines and the clearance of mined territories under States’ jurisdiction respectively. Finally, the Treaty is based on cooperation among countries in the areas of information exchange, sharing of equipment, materials and technological knowhow, as well as mine clearance, assistance in social and economic reintegration and related activities. The signatories are responsible for modifying their legislative framework to accommodate the Treaty’s provisions and provide updates on their steps towards a mine-free direction.

Member States to the Ottawa Convention meet annually in different locations around the world to report their progress in implementing the Convention, discuss about new challenges and seek help and assistance concerning mine-related issues, such as education and medical support. Furthermore, under Article 12 of the Convention, Review Conferences are to be convened in a regular basis so as to “review the operation and status of this Convention” and “adopt, if necessary, conclusions related to the implementation of the Convention”. Finally, the Third Meeting of the State Parties in September 2001 agreed in the creation of an **Implementation Support Unit (ISU)** which provides support and advice to the Coordinating Committee of the Ottawa Convention and the member States and is also responsible for collecting, storing and retrieving documentation on the Convention and its implementation.

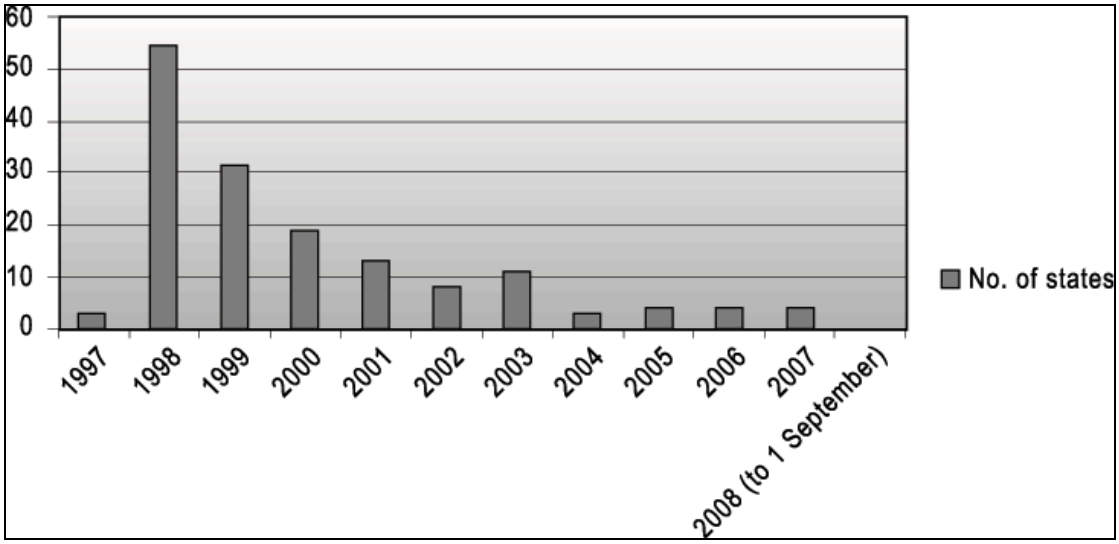

Figure 2: Adherence by year to the Mine Ban Treaty
(source: Landmine Monitor Report 2008)

From the United Nations part, there has been an annual resolution of the General Assembly since 1997 that discusses the problem of the anti-personnel landmines, urges all countries that have not done so to sign and ratify the Mine Ban Treaty, asks for full implementation of the Treaty and provides encouragement to current signatories to continue their efforts towards a mine-free-world. The most recent **GA Resolution 63/42** was adopted in December 2008 with 163 votes in favor, non against and 18 abstentions.

Although the legal framework for a mine-free-world exists and 80% of the countries in the world have complied with the provisions of the Ottawa Convention, the full ban and destruction of anti-personnel landmines, as well as, other issues stemming from the existence of such mines constitute "work in progress". To begin with, there are still unidentified territories with minefields remnants of conflicts ended long ago. According to **Landmine Monitor** -a civil society-based program providing research and monitoring on progress made in eliminating landmines, cluster munitions, and other explosive remnants of war- seventy six countries and territories in all regions of the world are affected by landmines and/or explosive remnants of war. Civilians accidentally step in these territories and suffer severe injuries or even death. People who suffer the most are displaced -due to political and economic instability or wars- populations returning back to their countries. In 2007, Landmine Monitor identified 5,426 casualties caused by mines, explosive remnants of war and victim-activated improvised explosive devices. Of these, 1,401 people were killed, 3,939 injured, and the status of the remaining 86 is unknown. This fact proves that anti-personnel landmines cause long-term problems to entire societies, so steps towards their complete elimination should be done instead of producing or using even more. As far as production and use is concerned, there are still countries that do not participate in the Ottawa Convention and continue to produce and/or place anti-personnel landmines. These include USA, India, Pakistan, Cuba, China, North Korea, South Korea, Iran, Vietnam (production only). The two countries that still continuously use mines are Myanmar/Burma and Russia. As long as there are States not complying with the Mine ban Treaty, phenomena

of indiscriminate, inhumane and incontrollable injuries and killings will continue to be reported. According to the International Campaign to Ban Landmines (ICBL) “although the annual rate of injuries and deaths caused by antipersonnel mines diminishes, the absolute number of mine survivors keeps growing each year and many of their needs are not being met”. Moreover, cases of signatory member States to the Ottawa Convention who failed to comply with its articles, did not meet specific deadlines or even violated rules of procedure have been reported. There have also been cases of non-state armed groups which participate in regional conflicts using landmines out of the control of their respective governments. Finally, significant resources should be devoted to provide care for mine victims, and special attention is needed to educate people by helping them understand the mine risks they face, identify mines and explosive remnants of war and learn how to stay out of danger.

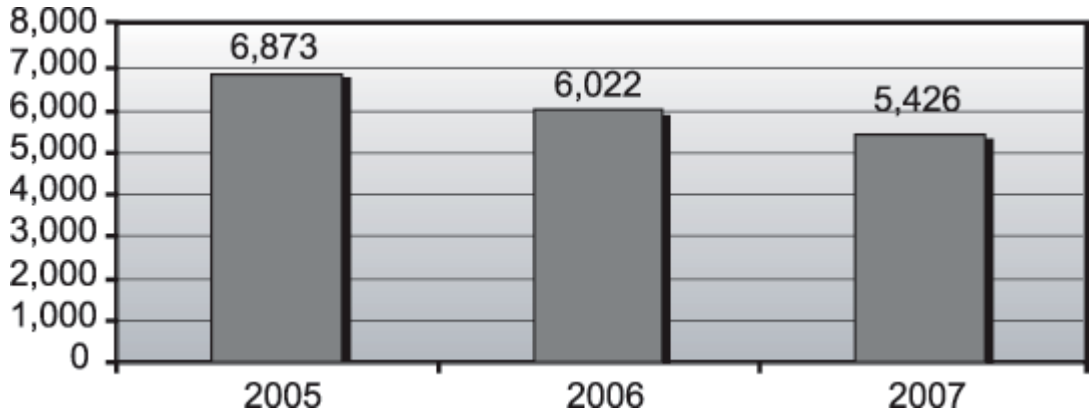

Figure 3: Total reported casualties by year from landmines, explosive remnants of war and other victim-activated improvised explosive devices (source Landmine Monitor Report 2008)

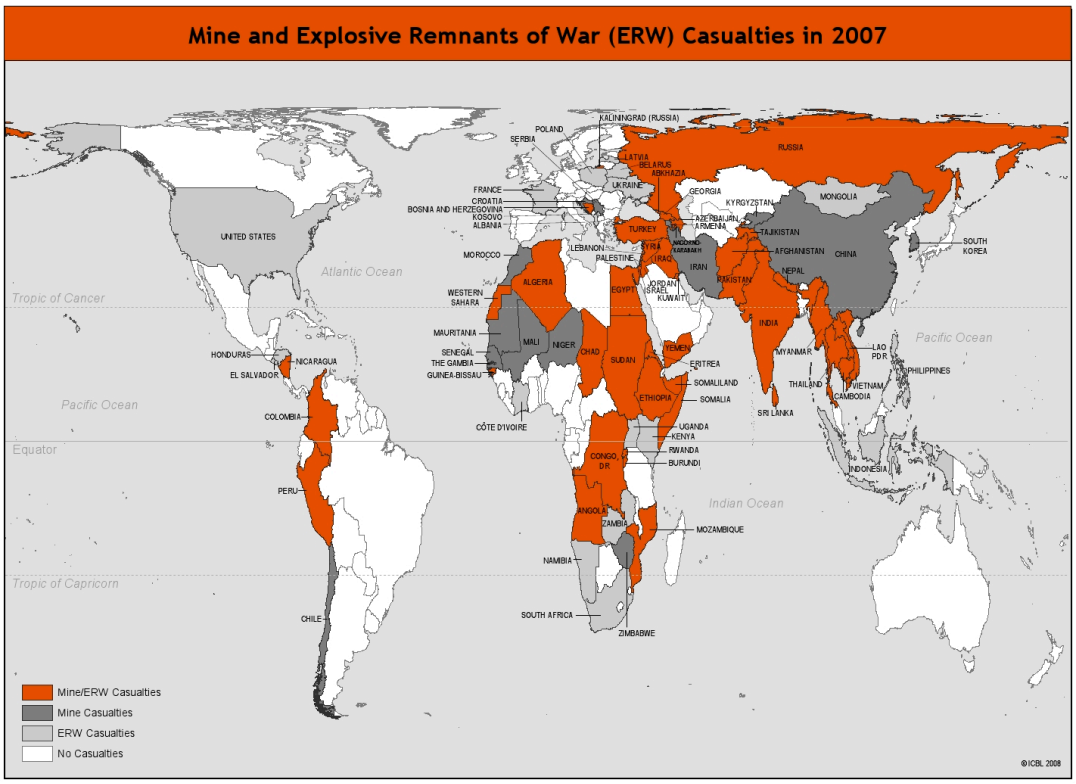

Figure 4: mine and explosive remnants of war casualties 2007 -world map
(source: Landmine Monitor Report 2008)

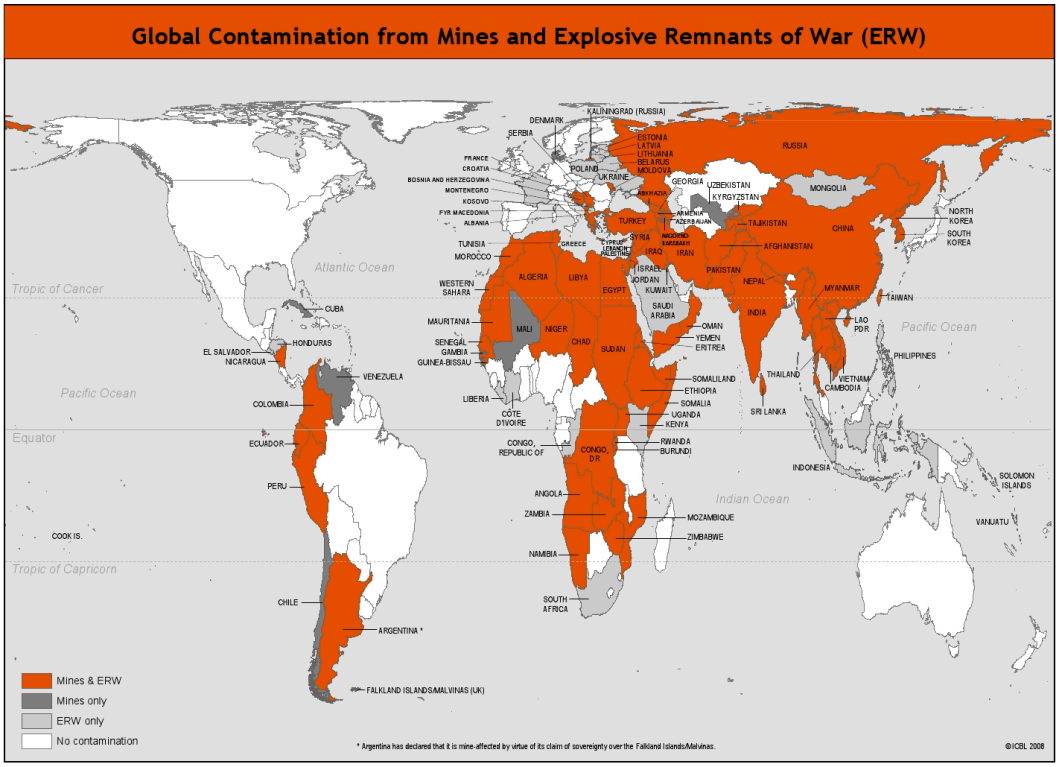

Figure 5: Global contamination from mines and explosive remnants of war
(source: Landmine Monitor Report 2008)

Based on the previous discussion, all new decisions should focus on four general areas: first, achieve universal adherence to the Ottawa Convention -especially in mine-affected areas- and monitor the fulfillment of mine clearance obligations for current signatories; second develop more sophisticated and cost-effective techniques to detect and destroy landmines, as well as, isolate and fence off contaminated areas; third, provide medical assistance and psychological support to mine victims and offer them rehabilitation opportunities through training (Landmine Monitor reports that "victim assistance is seen as a lower priority than stockpile destruction and demining programs under the Mine Ban Treaty"); and fourth, engage mine-risk education campaigns for civilians and request exchange of knowledge and creation of international forums for military and governors towards reaching a mine-free-world. Examples and assistance can be taken from several international peacekeeping and non-governmental groups working towards these goals for years, such as the **UN Mine Action Service** under the Department of Peacekeeping Operations (part of the UN Inter-Agency mine action strategy 2006-2010), the **Mines Advisory Group (MAG)** and the **Geneva International Centre for Humanitarian Demining (GICHD).** According to MAG's mission statement, the group "moves into current and former conflict zones to clear the remnants of those conflicts, enabling recovery and assisting the development of affected populations. MAG consults with local communities and works to lessen the threat of death and injury, while releasing reclaimed and safe land and other vital resources back to the local population, helping countries to rebuild and develop their social and economic potential". The organization was co-awarded the Nobel Peace Prize in 1997 along with the International Campaign to Ban Landmines (ICGL). With the same vision of a world free of anti-personnel mines and from the threat of other explosive remnants of war, GICHD has four strategic goals: provide operational assistance and capacity development support to national authorities trying to implement their mine action program; undertake applied research and make available to the mine action sector the most up-to-date technical and conceptual solutions to eliminate the mine problem; develop standards aimed at increasing the performance and professionalism of mine action; support the implementation of relevant instruments of international law.

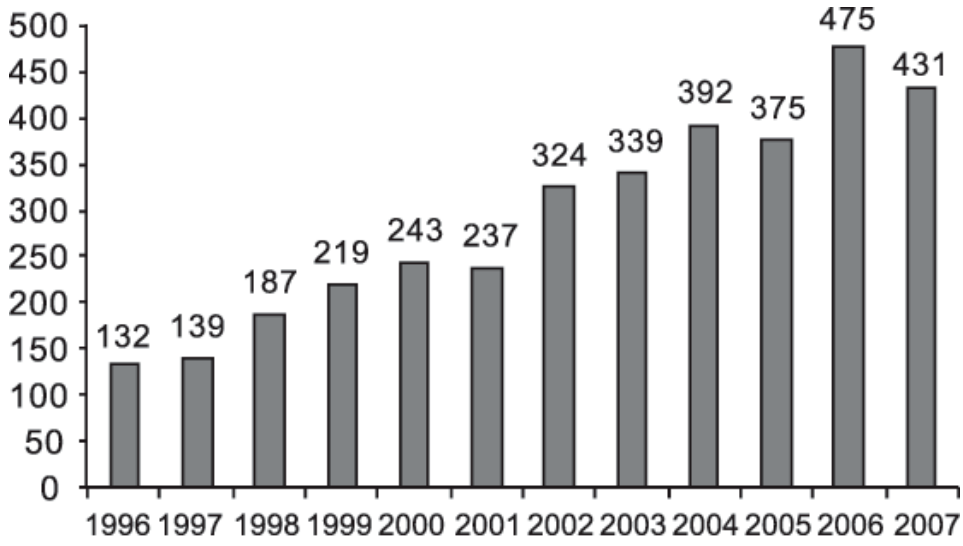

Figure 6: International mine action funding 1996-2007 in millions of US dollars
(source: Landmine Monitor Report 2008)

Questions to Consider

1. How can the international community monitor the implementation of the Mine Ban Treaty? Should non-compliance bear any sanctions? What should be the role of NGOs and the UN in this matter?
2. What should be the position of the international community against States that have not signed the Ottawa Convention? How feasible and/or effective is the stigmatization of countries such as USA, China, Russia etc?
3. How can the acquisition of anti-personnel mines by non-state armed groups and their use in regional conflicts be prevented?
4. How can the cooperation among countries towards the total elimination of anti-personnel mines be improved?
5. Are the current detection and demining methods effective or is it time for new research and development of better techniques?
6. What should be the focus of the educational programs and how can the UN participate? What about the medical and social supports of victims?
7. Is the mine action funding adequate?

Bloc Positions

Some groups of countries with similar positions/interests that may form coalitions in the general sense and which delegates would like to consider are:

- *Western Europe, Japan, Taiwan:* all are well-developed countries who have signed the Convention and possess the resources to provide support and knowhow for the implementation of the Mine Ban Treaty. However, these countries may develop funding considerations, since there is not an effective funding framework that would give them initiative to share their resources with mine-affected nations -especially when other big players such as the USA or China are not even members to the Treaty.
- *Latin America and Africa group:* some countries in this group have got out of recent conflicts and still have unmarked minefields. They mainly seek assistance with respect to rehabilitation, medical issues and mine-risk education, so as to avoid long-term society problems caused by mine injuries, kills and panic.
- *Middle-Eastern non-signatories:* countries in the Middle East who have not signed the Ottawa Convention and are willing to keep producing and stockpiling anti-personnel landmines for defensive purposes and potential territory protection, with the excuse of being in an unstable region with fragile relations among themselves.
- *Other major non-singatories of the Ottawa Convention:* For example, the US and China are the world's largest producers of landmines and possess large stockpiles. They are not willing to give up on their mine programs, although they have funded mine action

initiatives around the world. Cuba, on the other hand, has not signed the Convention as it does not take into consideration "its legitimate national security concerns". Cuba still maintains minefields around the US base in Guantanamo. India and Pakistan have not given clear explanations on why they have not acceded to the Convention, although they are committed against the new placement of landmines. They do, however, suffer from mine problems mainly because internal non-state armed groups exist in their territory. Russia still produces mines and faces accusations for using them in Georgia and Chechnya. It has not signed the Mine Ban Treaty, but it is a member to the Amended Protocol II of the CCW. Reasons for not signing the Mine Ban Treaty include the military utility of landmines, the lack of alternatives and the difficulty in destroying its stockpiles and minefields (Russia is also highly contaminated by landmines in several areas). Finally, South and North Korea are officially at war and in need of mines to protect their borders where known minefields exist.

Helpful Resources

Bonsor, Kevin. "How Landmines Work." 19 June 2001. HowStuffWorks.com. <http://science.howstuffworks.com/landmine.htm> 14 July 2009.

http://www.cyberschoolbus.un.org/sds/introduction/glossary.asp
(a useful glossary of mine-related terms)

http://icbl.org/intro.php (official website of the International Campaign to Ban Landmines)

http://lm.icbl.org/ (Landmine Monitor official website)

http://www.mineaction.org/section.asp?s=un_document_library
(a collection of official UN documents pertaining to landmines)

http://www.apminebanconvention.org/ (the website of the Mine Ban Treaty)

http://www.unog.ch/80256EE600585943/(httpPages)/CA826818C8330D2BC1257180004B1B2E?OpenDocument (guide to the Mine Ban Treaty by the United Nations Office at Geneva)

http://www.armscontrol.org/act/2007_12/Herby (an interesting article with thoughts on the Mine Ban Treaty)

http://www.mineaction.org/docs/122_.asp (the Amended Protocol II of the Convention on Certain Conventional Weapons)

http://www.maginternational.org/ (Mines Advisory Group official website)

http://www.gichd.org/ (Geneva International Centre for Humanitarian Demining)

http://www.un.org/disarmament/ (home of the UN Office of Disarmament Affairs)