

DISEC

*ACADEMIC GUIDE FOR THE DISARMAMENT AND
INTERNATIONAL SECURITY COMMITTEE*

MUNUR XVI
Universidad del Rosario



MUNUR

XVI

MODELO DE NACIONES UNIDAS DE LA UNIVERSIDAD DEL ROSARIO

El Modelo de Naciones Unidas de la Universidad del Rosario, MUNUR, es el primero de su género a nivel universitario en Colombia. Se constituye como un espacio liderado y organizado íntegramente por los estudiantes y para los estudiantes, para el ejercicio de la palabra. Así, MUNUR es un espacio que permite que los estudiantes exploren el mundo, interesándose y aprendiendo de los distintos problemas actuales, históricos y futuros.

MUNUR nació como un proyecto de los estudiantes del Colegio Mayor de Nuestra Señora del Rosario, quienes decidieron incursionar en este tipo de espacios académicos como una forma de fomentar el trabajo en equipo, la competencia sana y el debate. A su vez, MUNUR es un espacio de enriquecimiento cultural, donde se reúnen personas de varios lugares del país y del mundo para fomentar lazos de amistad, diversidad e inclusión en un mundo donde la comunicación asertiva y el respeto a las diferencias es algo que necesitamos de manera apremiante.

Para la décimosexta edición hemos decidido apostar por lo innovador y diferente, sin dejar de lado nuestras tradiciones y el legado que caracteriza a MUNUR. Es por eso que contamos con una amplia gama de comités para diferentes gustos e intereses, con dinámicas que buscan retar al delegado y llevarlo al límite, para que así demuestre sus habilidades y excelencia académica.

Este documento contiene la información necesaria para el delegado(a) interesado(a) en este comité. Cabe recalcar que las guías académicas son únicamente una ruta recomendada de investigación propuesta por las mesas directivas. No obstante, es deber de todos los participantes prepararse adecuadamente para los días del debate. Por último, recordamos que todas las reglas de procedimiento se encuentran en el Handbook de esta edición, por lo que recomendamos que todos los interesados en participar también lean este último documento a profundidad.

¡Te esperamos en MUNUR XVI!



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WELCOME LETTER



SECRETARY GENERAL
LAURA PEÑALOZA



Hello, everyone! Welcome to one of the best experiences you are about to have in your entire life. Yes, I'm talking about MUNUR XVI!

My name is Laura Peñaloza, and I have the great honor to present myself as the Secretary General for this edition. When I went to my first UN model, the only thing that crossed my mind was to win an award. And even though I got the diploma, that very same day, I realized that the reason I stayed and kept going to these events was because I discovered that the true purpose of them is for you to become a better version of yourself. Models of United Nations allow us to evolve into well-prepared professionals, masters of negotiation and oratory, but they also turn us into better people. As years passed by, I also realized that I not only wanted to be part of this growth, but I also wanted to help and lead projects that helped people become better.

That's how I ended up here, in MUNUR. With a dream of creating an event that will allow all its attendees to learn, to grow into better versions of themselves, and, most importantly, a place in which everyone could feel they are worthy and are appreciated. I want everyone to feel the magic of MUNUR, from its majestic history and spaces, through the nerves we all feel during the first session, and until the closing ceremony where we all hope to raise a hammer in our hands. Our mission is to make you feel welcomed and comfortable in every single space of the event, in order for you to live your participation to its maximum.

I invite you to challenge yourselves in this conference and demonstrate what you are capable of. Academic excellence comes with exhaustive preparation, expertise, and skills mastery, but it also comes with the values you share as a person. If you are capable of balancing and demonstrating all of this during the debate, I assure you will become an excellent delegate and an inspiration for many. I hope that MUNUR is the place where you fight out your fears and finally achieve all the goals that you've been working on constantly.

Lastly, I hope that this committee will be to your liking, that all the academic proposal gives you the satisfaction of a prestigious event with the proper preparation. And, above all else, I hope that you will find a safe place where your ideas are listened to and your solutions are highly valued. I will work hard for it, I promise. Can't wait to see you soon!

With love,
Laura Peñaloza

WELCOME LETTER



SUB-SECRETARY GENERAL
SANTIAGO RIASCOS



DISEC

When I look back and see the whole journey of this road, I'm amazed at how I never imagined everything that would happen. For six years, I have been dreaming of this moment, thinking about representing my university three years ago, meeting the person who would bring me to MUNUR two years ago, and finally assuring that this journey was almost over last year.

It is the paradox of life. The work, the effort, the falls, but above all, getting up again and an unexpected turn of events bring me here today as Santiago Riascos Beltrán, Sub-Secretary General for MUNUR XVI. I am an eighth-semester student at the Universidad del Rosario. Many of the things that have happened during these eight semesters have shaped my path to this point and make sense at this moment, as we near the peak and end of this already long journey.

Six years ago, I started at UN with the sole purpose of learning, teaching, and learning through teaching. My first experience showed me that I wanted to make my path in Rosario, starting as a guy who was afraid to speak, whose hands and voice trembled constantly. But, that later, with hard work, dedication, and perseverance, those weak hands strengthened and turned the guy into someone who seeks academic and human excellence. I turned into a guy who taught people to come even better than me, so that the next leaders of Colombia and the world were formed from the core of this country. Here, in Rosario.

For me, it is a pleasure to receive you in what I call my home to live 4 days of intense debates, negotiations, and challenges that will always be present in MUNUR. A place where you will see reflected not only a dream but a bet for something different and innovative, and an event that I'm sure you will treasure as one of the best experiences and memories in your lives. In MUNUR, not only will you be able to learn, but also through your actions you will be an example for many, regardless of the position in which you find yourselves, because I hope you will handle it as a premise not to stop learning from those who were, are, and will be.

Without further ado, I wish you all, delegates, dais, sponsors, and spectators, to enjoy MUNUR XVI to the fullest, and welcome to my home.

With much love and affection,
Santiago Riascos Beltrán

WELCOME LETTER



GENERAL DIRECTOR
SOFIA PRADA



DISEC

I It is an honor for me, as General Director, to extend to you the most sincere welcome to the 16th edition of the Universidad del Rosario Model of United Nations, MUNUR XVI.

Since I was a girl, I have always dreamed of participating in models of UN. Throughout the years, I have had the privilege to live this experience as a delegate, as dais, as a member of the logistics staff, and today as General Director. Taking this role has been one of the greatest adventures in my life, full of challenges and good memories. But, counting on your participation is surely one of the best memories, which fills me with deep honor and gratitude.

For this edition, we are committed to carrying on the legacy and the tradition that have characterized MUNUR throughout the years. But also focusing on innovation, not only in academics, but in logistics too. We have worked pretty hard on every little detail, surprise, and experience for you to enjoy this year's conference. The team is completely sure that MUNUR will leave a mark on you for the rest of your life, and will let you build your future after this edition.

We are well aware that you have assumed the challenge of participating with the purpose of contributing to new ideas and solutions that will help to enrich the discussions over the current global challenges and problems. Your participation represents a precious contribution to the build-up of a more ethical, empathetic, critical, and compromised society with the world and with our people.

During the 4 days of MUNUR, you will find in each committee not only a place for negotiation, analysis, and debate, but also you will find an opportunity to grow personally and professionally. I hope that this experience inspires all of you to keep evolving into leaders who change lives as well.

Wishing you the best of luck in this journey. And, lastly, I invite you to live this edition with passion, respect, and always be open to learn new things.

With love and admiration,
Sofia Prada Pachón.

WELCOME LETTER



SUB-DIRECTORA GENERAL
ISABELLA CUARTAS



DISEC

Dear delegates,

Welcome to MUNUR XVI, a place where you will have the opportunity to challenge yourselves and discover the strength that each of your voices has. Here, every intervention counts, every argument transforms, and each one of you is essential to make this edition as unique and marvellous as ever.

As General Sub-director, for me it is a privilege to have you in this 16th edition that we have prepared carefully and full of love. I firmly believe that we learn the most when we get out of our comfort zones, when we debate with respect, and when we listen before answering. MUNUR is not about perfection; it is rather a safe place where you can feel free to make mistakes, rethink your ideas, and grow into a better version of yourself.

We want every single detail to speak for itself, and for every committee to come to life. Each decision we have taken, from logistics to academics, reflects our wish for all our attendees to feel motivated, supported, and valued. Because MUNUR will not be anything without each one of you, it is your ideas and your passion that give sense to this project. You are not here only to represent a delegation or a university; you are here to leave a mark, to inspire, and to be inspired. I hope that after these 4 days, you will remember your experience, for your performance, and for the new things you discover about yourselves.

Thanks for being here, for believing in us, and for being part of MUNUR XVI.

I wish you the best of luck and hope that you will enjoy every part of this model that was made with love, curiosity, and with our whole hearts.

With love,
Isabella Cuartas Gómez

WELCOME LETTER

USG OF UNITED NATIONS

HANNY JAIME ROMERO



Dear delegates,

It is a great honour to welcome you to MUNUR XVI. First of all, my name is Hanny Jaime Romero and I currently have the privilege of being the Under Secretary General of the United Nations. I study Anthropology at the Universidad del Rosario, and this career has personally allowed me to explore how our similarities and differences create the richness of our humanity.

My adventure in Model United Nations began two years ago out of a pinch of curiosity. Then, in a short time my curiosity became a passion that has not only nurtured my personal and academic growth, but has given me the gift of a family of which you are now a part. This year, as part of this great event, I want to extend to you the same warmth and trust that I once received. My commitment will be to guide you into passionate and collaborative discussions that enrich our perspectives.

With this in mind, I invite you to consider this model not just as a space for competition, but as a transformative journey where our differences will be the basis for building common ground. I expect from each delegation the utmost respect and professionalism, but also a share of creativity and openness. Here, we will face global challenges from a microcosm where cooperation is essential. Let us dream of a better world and work to realise it during these days of discussions.

Lastly, I thank you for your enthusiasm and dedication. Remember that I am at your service for any questions or needs you may have. You are the protagonists of this story, and together we will write a memorable chapter.

With warm regards and best wishes for your success,

Hanny Jaime Romero

USG of United Nations

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A woman with long brown hair, smiling, is seated in a red leather chair. She is wearing a dark grey jacket over a red sweater and a white collared shirt. Her hands are clasped in her lap. The background features wood-paneled walls, a large window with red curtains, and a framed picture on the wall to the left. A small portion of a red flag with a crest is visible on the far left.

WELCOME LETTER

USG OF UNITED NATIONS

SILVIA ESCUDERO



DISEC

Dear delegates,

I am honored to extend the warmest welcome to this edition of MUNUR XVI.

My name is Silvia Escudero, and I am privileged to accompany you as USG of United Nations. I am currently a Law student at Universidad del Rosario, with a deep interest in Public International Law and Commercial Law. Beyond the academic world, I am passionate about Formula 1, romantic comedies, and literature. I also find refuge in the kitchen, where I enjoy preparing delicious desserts.

For me, MUNUR is a vast adventure. We face a challenge that may seem overwhelming at first, but we do so with courage and, above all, with a passion for the Models of United Nations. In essence, MUNUR challenges us both academically and personally, and that is precisely the magic that makes it a unique experience.

Two years ago, I had my first experience in this model, precisely in this USG, as a delegate in a duo with the person who is now my incredible co-USG, Hanny. At that moment, neither of us imagined that two years later, we would be back in the same USG that brought us together, discovering that we were not only a great duo but also great friends.

This USG represents the commitment and passion I have not only for the United Nations committees but also for the topics discussed in them. Many may think that in these spaces, we simply “pretend” to save the world, but in reality, this is where we prepare to become the world’s future leaders.

Throughout my journey in this MUN world, I have learned from every committee I’ve been part of, and I hope that you too will make the most of this experience. During these four days, I hope you enjoy each academic discussion, fully explore the potential of your assignments, and understand the profound relevance of these committees.

An unforgettable experience awaits us. See you in November!

Silvia Escudero

SGA de Naciones Unidas

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(+57) 3004201378

WELCOME LETTER

Dais
Salomé Diez



Esteemed delegates,

My name is Salomé Diez Rendón, and I am a sixth-semester student pursuing a double major in Economics and International Relations at Universidad del Rosario. My academic interests lie in global economics, geopolitical risks, multidimensional security, and financial investment. Throughout the years, Model United Nations has been a transformative experience, offering invaluable academic and social growth. Since my early participation in MUN during high school, I have continued to immerse myself in this world, and at the university level, I had the honor of being part of the UR Diplomats team for two years, serving as Treasurer and participating in two HNMUN experiences. In my personal life, I enjoy learning new languages, trying new food, and listening to pop and rock during a car trip.

Given DISEC's pivotal role in shaping international security discourse, I hold the highest expectations for academic rigor and strategic engagement. I will be looking for a seamless balance between academic depth and innovative and authentic solutions. Creativity in diplomacy must always be grounded in realism, logic, and feasibility. I look forward to seeing comprehensive delegates in every dimension of debate: oratory, negotiation, and drafting. As a consequence, adaptability and improvisation are skills I appreciate. On the other hand, I also value respect, integrity, and professionalism. You are here to challenge your ideas, push intellectual boundaries, and redefine diplomatic excellence.

Finally, I hope you appreciate this opportunity to the maximum of its capabilities and prepare yourself for a challenging but fulfilling experience. I wish all of you the greatest of success. Do not hesitate to contact us if you have any questions!

Salomé Diez

WELCOME LETTER

Dais
Luciana Jasbón



Please have a warm welcome, delegates!

My name is Luciana, I am a 22 years old double major in International Relations and Political Science at the Pontificia Universidad Javeriana. I have been in the Model of United Nations circuit for a considerable long time. This world has become a home for me, I consider the MUN's experience as a set of tools that not only contribute to my academic performance, but to all my life scenarios; and that is what I want to see reflected in you as delegates. I found myself completely excited to get to know you and accompany your process hand in hand with Salome in this opportunity, as well as to get to learn from you, your ideas, positions and contributions to the committee. I truly hope you find this experience as delighted and complementing as I do. I consider myself as very demanding when it comes to being faithful to the positions of your assigned delegations and also highly value honest treatment between each one of you and the nonnegotiable human factor that characterizes a fulfilled delegate.

Now, to talk a little more about myself, outside of the UN circuit, I am a very outgoing person, I love to read (dystopian novels right away), sing, dance and draw. Love! Sports, training and going to the gym are one of the moments of the day that I enjoy the most.

I know you'll contribute with the best ideas and with very structured arguments to the debate, and that way it will be easier to find solutions. Without more to add I wish you luck in your preparation. Don't hesitate to communicate with me or with Salome if you need anything. Let's make the best out of the Disarmament and International Security Committee (DISEC) for this MUNUR edition.

XOXO.

Best regards,

Luciana Gonzalez Jasbon

Lucianagonzalez@javeriana.edu.co

WELCOME LETTER

Dais
Juan Fernando Ortega



Esteemed Delegates

I extend to you my most cordial greetings.

My name is Juan Fernando Ortega, presently in the final year of my studies in International Relations, and concurrently serving as a strategic consultant to private defence enterprises. Among my principal areas of interest lie the orchestration of covert operations, counterterrorism, the intricate craft of espionage, and the measured formulation of balanced diplomatic frameworks.

For this edition of MUNUR's Disarmament and International Security Committee (DISEC), it is my aspiration to present a formidable and thought-provoking platform—one that shall compel delegates to operate at the very limits of their strategic and diplomatic acumen. In this pursuit, I seek to foster not only resilient negotiations but also the conceptualisation of private agendas attuned to the exigencies of an unparalleled conflict scenario. Within such a theatre, conventional diplomacy may fall short; thus, the employment of unorthodox and more assertive methodologies becomes not merely advantageous, but imperative.

Until we next correspond, I remain
At your service,
JF



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The Disarmament and International Security Committee (DISEC) addresses global challenges related to disarmament, arms control, and security under the UN Charter. This committee will examine the intersection between mercenaries, Private Military and Security Companies (PMSCs), and the trade in small arms and light weapons (SALW), highlighting their impact on conflict dynamics, human rights, and international peace. Despite existing legal frameworks, regulation remains fragmented, leaving significant accountability gaps. Case studies such as the Wagner Group in Africa and Spear Operations Group in Yemen illustrate the geopolitical, commercial, and ethical implications, developed in May 2018. Strengthening international regulation is essential to mitigate risks and uphold humanitarian law.

Keywords: Mercenaries, PMSC, Arms trafficking, intervention

ABOUT THE COMMITTEE

INTRODUCTION TO THE COMMITTEE

The Disarmament and International Security Committee (DISEC), also known as the First Committee of the United Nations General Assembly, is one of the six main committees established in 1945 with the creation of the United Nations. Alongside the other five commissions are: alongside the Second Committee (Economic & Financial), the Third Committee (Social, Humanitarian & Cultural), the Fourth Committee (Special Political & Decolonization), the Fifth Committee (Administrative & Budgetary) and the Sixth Committee (Legal).

DISEC is responsible for addressing issues related to disarmament, arms control, and global security. It serves as a platform for member states to engage in constructive dialogue, aiming to promote international peace and stability through the reduction and regulation of both conventional and non-conventional weaponry.

Although, this committee not only deals with crucial matters related to disarmament and security, but also functions as a vital forum where member states can engage in meaningful and constructive dialogue on these pressing concerns. It serves as a platform for nations to enunciate their concerns, articulate their perspectives, and work collaboratively to find common ground on complex security challenges.



The first session of the UN Atomic Energy Commission met in New York on June 14, 1946. (Taken from: The United Nations)

Through its mission to foster global disarmament and enhance international security, DISEC plays a key role in addressing emerging threats such as cyber warfare, the militarization of new domains, and the illicit trafficking of arms, thereby reinforcing global efforts to maintain peace and stability.



DISEC

COMMITTEE HISTORY

The Disarmament and International Security Committee (DISEC) was established as one of the six main committees of the United Nations General Assembly in 1945. Initially named the Political and Security Committee (POLISEC), it was renamed in the 1970s to better reflect its primary focus on disarmament and international security. The need to address disarmament and security concerns was recognized early in the UN's formation, and DISEC was officially designated under Article 11, Chapter 4 of the UN Charter. With an initial composition of 51 delegations, DISEC was entrusted with tackling pressing security challenges in the aftermath of World War II.



Taken from: The United Nations

In its early years, DISEC primarily focused on disarmament efforts, aiming to curb the proliferation of weapons of mass destruction and conventional arms. It quickly emerged as a crucial forum for negotiating, drafting, and adopting landmark arms control agreements. Among its most notable achievements are the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and the Comprehensive Nuclear-Test-Ban Treaty (CTBT), both of which have played significant roles in shaping the global security framework. The committee's role became even more pronounced during the Cold War, serving as a key platform for international arms regulation and disarmament discussions.

As global security concerns evolved, DISEC expanded its scope beyond traditional disarmament to address emerging threats such as terrorism, cyber warfare, and illicit arms trafficking. This shift reflects the changing nature of security risks in the modern world. To effectively address these challenges, DISEC works in close cooperation with other UN bodies, including the United Nations Disarmament Commission—operating under the Security Council's mandate—and the Geneva-based Conference on Disarmament, supported by the United Nations Office for Disarmament Affairs (UNODA). Through these collaborations, DISEC continues to play a pivotal role in fostering international peace and security.

COMMITTEE COMPETENCE

The Disarmament and International Security Committee, as an organ of the UN General Assembly must work under the conditions established in Chapter IV of the UN Charter, specifically in the Article 11, “The General Assembly may consider the general principles of cooperation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments [...]”.



Taken from: The United Nations

For this reason, it examines all disarmament and international security concerns within the Charter's jurisdiction, which are relevant to the powers and functions of any other UN entities. The committee uses basic principles of cooperation in the maintenance of international peace and security, as well as principles regulating disarmament and armament regulation, and promotion of cooperative arrangements and actions.



Taken from: The United Nations

Moreover, taking into consideration the resolution 48/87 of the UN General Assembly, the Disarmament and International Security Committee must look for the solution by creating plans and strategies, and recommending other organs of the UN on topics and problematics organized into seven thematic clusters: a) Nuclear weapons, b) Massive destruction weapons, c) Conventional weapons, d) Regional disarmament and security, e) Disarmament in outer space, f) Disarmament machinery, and g) Other disarmament measures and international security.



The committee meets annually for a 4–5 week session, typically starting in October. The First Committee sessions are structured into three distinctive stages: a) General debate, b) Thematic discussions, and c) Action on drafts. Although resolutions passed by DISEC are non-binding, they carry significant weight in shaping international norms and guiding future treaties.



Taken from: The United Nations

It is the only Main Committee of the General Assembly entitled to verbatim records coverage according to Rule 58 (a) of the rules of procedure of the General Assembly. This ensures transparency and accountability in the decision-making process. Besides, the committee's work is supported by some subsidiary bodies that report directly to it on disarmament matters. These are the 4 subsidiary bodies:

1. The Conference of Disarmament was established in 1979 as the primary multilateral negotiating forum for disarmament. The CD is tasked with negotiating arms control agreements and addressing various disarmament issues, including nuclear weapons, conventional arms, and new types of weapons of mass destruction.
2. The United Nations Office for Disarmament Affairs (UNODA), created in 1982 and restructured in 1998, provides substantive and organizational support to Member States in the area of disarmament through the work of the General Assembly and its First Committee, the Disarmament Commission, the Conference on Disarmament, and other bodies. It fosters preventive disarmament measures, such as dialogue, transparency, and confidence-building on military matters, and encourages regional disarmament efforts. It also provides information on UN disarmament efforts.
3. The Disarmament Commission was established in 1978 by the UN General Assembly to promote disarmament discussions among member states. It serves as a deliberative body that focuses on formulating recommendations for disarmament policies and measures, rather than negotiating binding agreements. It addresses a range of disarmament issues, including nuclear disarmament, conventional arms reduction, and measures to enhance international security.



DISEC

4. The expert groups established based on a recommendation. DISEC has the possibility to establish groups formed by experts about a topic that concerns the committee, to give advice or recommendation

ABOUT THE TOPIC

INTRODUCTION TO THE TOPIC: USE OF MERCENARIES, PMSC, AND ITS ROLE IN THE INTERNATIONAL TRADE OF SMALL ARMS AND LIGHT WEAPONS

The intersection of Mercenaries, Private Military and Security Companies (PMSCs), and the international trade in small arms and light weapons (SALW) represents a critical dimension of modern conflict dynamics and global security. Over the past few decades, the proliferation of PMSCs has transformed the landscape of warfare and security services. These entities, often referred to as “corporate mercenaries”, provide a range of services including armed combat, logistical support, training, and procurement of weaponry. Their activities are increasingly intertwined with the global arms trade, particularly in regions marked by instability and violence.

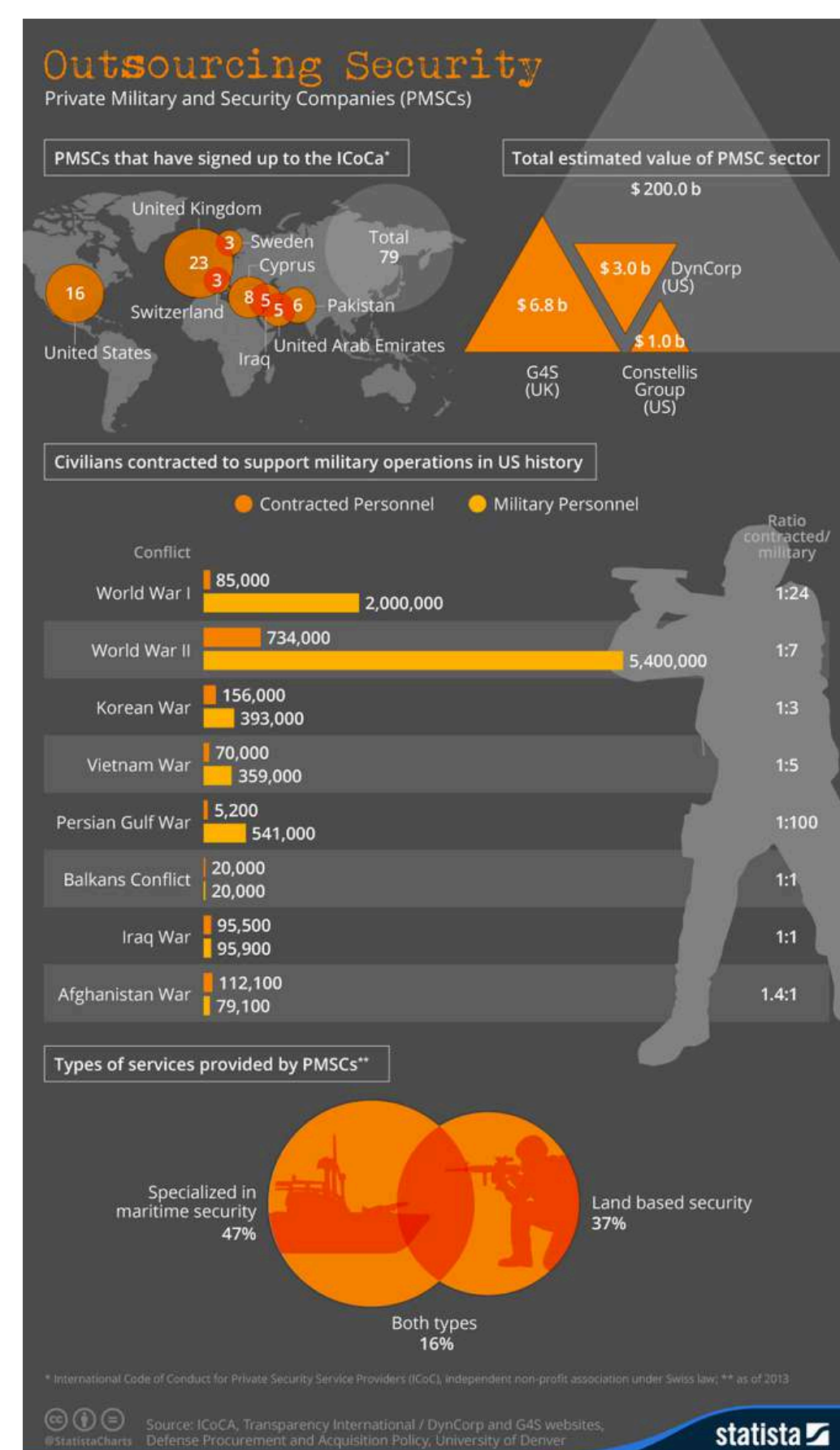


Taken from: The Moscow Times

Mercenaries and Private Military Security Companies (PMSCs) play a dual role in this context. On one hand, they fulfill contracts that involve large-scale procurement and use of SALW to meet operational needs. On the other hand, their presence in conflict zones exacerbates demand for such weaponry, contributing to its proliferation. This has raised concerns about misuse, illicit trafficking, and the destabilizing effects on post-conflict recovery and humanitarian law. The international community has acknowledged these challenges, with efforts at forums like the UN Small Arms Conference aimed at regulating their activities.

The primary issue regarding the use of Mercenaries or PMSCs in hostilities is that the lack of regulations creates a gap in the framework for action, rules, and responsibilities of these groups. In that sense, one of the main issues would be the attribution of responsibility to States that hire those groups for the actions or omissions they perform, because, although there is a clear contractual bond between the State and the Mercenary group or PMSCs, it is not always that easy to prove the direct control from the first to the second one.

The trade in SALW itself is a lucrative global industry, driven by rising defense budgets, geopolitical tensions, and advancements in weapon technology. These weapons—ranging from pistols to portable mortars—are widely used by military forces, law enforcement agencies, and even civilians.



Taken from: Statista

However, their widespread availability also fuels criminal activities and prolongs conflicts. PMSCs often operate in this gray area, where legal frameworks are insufficient to address their role in arms proliferation comprehensively. Moreover, and even more important, the lack of international action to regulate this poses several risks to international security and peace. Therefore, the Disarmament and International Security Committee must propose actions to prevent and improve this situation.

Understanding the relationship between mercenaries, PMSCs, and SALW trade is essential for addressing broader issues of international security, conflict transformation, and arms control. Their activities not only shape the dynamics of modern warfare but also pose significant ethical and legal challenges that demand greater scrutiny and regulation.



Taken from: Foreign Policy in Focus

A. Definitions

To understand this topic in depth, it is necessary to distinguish certain key concepts. First, it is fundamental to know and distinguish between mercenaries and PSMCs. Despite having certain things in common, as we will further see, they are quite different, mainly in jurisdictional terms. Following International Humanitarian Law, the mercenary definition is a person who takes a direct part in hostilities motivated essentially by the desire for private gain. A captured mercenary is not a prisoner of war. Article 47 of Additional Protocol I spells out six cumulative conditions for a person to be a mercenary. “The person must:

1. Be specially recruited locally or abroad in order to fight in an armed conflict;
2. Take a direct part in the hostilities;
3. Be motivated to take part in the hostilities essentially by the desire for private gain and to be promised, by or on behalf of a Party to the conflict, material compensation substantially more than that promised or paid to combatants of similar ranks and functions in the armed forces of that Party;
4. Not be a national of a Party to the conflict or a resident of territory controlled by a Party to the conflict;
5. Not be a member of the armed forces of a Party to the conflict; and

Not have been sent by a State which is not a Party to the conflict on official duty as a member of its armed forces” (Article 47, Additional Protocol I of the Geneva Conventions).

The 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries extends this definition to persons recruited to participate in a concerted act of violence aimed at overthrowing a government or otherwise undermining the constitutional order of a State, or at undermining the territorial integrity of a State. A national of a neutral State who enlists in the armed forces of a party to the conflict is not a mercenary (ICRC).



Taken from: jagranjosh



DISEC

On the other hand, private military security companies (PMSCs) are

“private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings, and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel” (ICRC).

In addition, as the topic in question includes the trade of small arms and light weapons, it is essential to understand these classifications for a better comprehension of their implications in conflicts. There is not yet an internationally agreed-upon definition of small arms and light weapons. However, for the debate, small arms and light weapons refer to man-portable weapons that are made or modified to military specifications for use as lethal instruments of war. Small arms are broadly categorized as those weapons intended for use by individual members of armed or security forces. They include revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles, and light machine guns. On the other hand, light weapons are broadly categorized as those weapons intended for use by several members of armed or security forces serving as a crew. They include heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-aircraft guns; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missiles and rocket systems; portable launchers of anti-aircraft missile systems; and mortars of calibres less than 100 mm. (OSCE).

B. Mercenaries and PMSCs regulations

There are several legal frameworks regulating these actors that provide different guidelines for each of these actors' behaviors. Even though some frameworks exist, they are fragmented and insufficiently developed at both the international and national levels. Moreover, gaps remain in ensuring accountability, transparency, and compliance with human rights standards.

Concerning mercenaries, there are both international and national legal frameworks. Regarding the international regulations, there exists the Additional Protocol I to the Geneva Conventions (1977) mentioned above, the International Convention Against the Recruitment, Use, Financing, and Training of Mercenaries (1989), and the OAU Convention for the Elimination of Mercenaries in Africa (1972).



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As mentioned before, the two conventions refer to the same definition of mercenary as the one contained in international humanitarian law, but they enlarge the scope of the definition. Indeed, the conventions are applicable in situations of international and non-international armed conflicts, while the IHL definition is limited to international armed conflicts. Moreover, under the two mercenary Conventions, mercenarism is considered a crime, whereas under international humanitarian law, being a mercenary is not per se a violation of the Geneva Conventions or Protocols (The Practical Guide to Humanitarian Law).



Taken from: Peace Palace Library

Similar to the mercenaries, PMSCs also have their own regulations. Firstly, the 2008 Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict. This document reaffirms the existing legal obligations of States with regard to PMSCs and recommends a catalogue of good practices for the practical implementation of existing legal obligations. Despite being a non-binding instrument that aims to guide states in their use of PMSCs. Furthermore, the International Code of Conduct for Private Security Service Providers (ICoCa) is the only instrument that lists the obligations of PMSCs. The main PMSCs have signed the document and have committed to implementing their obligations (ICRC). Lastly, the UN Working Group on the Use of Mercenaries advocates for a binding international legal instrument to regulate PMSCs. A few countries have developed specific laws to regulate PMSCs, but most lack comprehensive frameworks. The U.S. and South Africa are examples of nations with more developed regulations. Despite existing regulations, a lot is lacking to make these actors accountable under international law. Consequently, PMSCs operate in a legal “gray zone,” with insufficient international regulation. Their activities are often subject to national laws, which vary significantly.

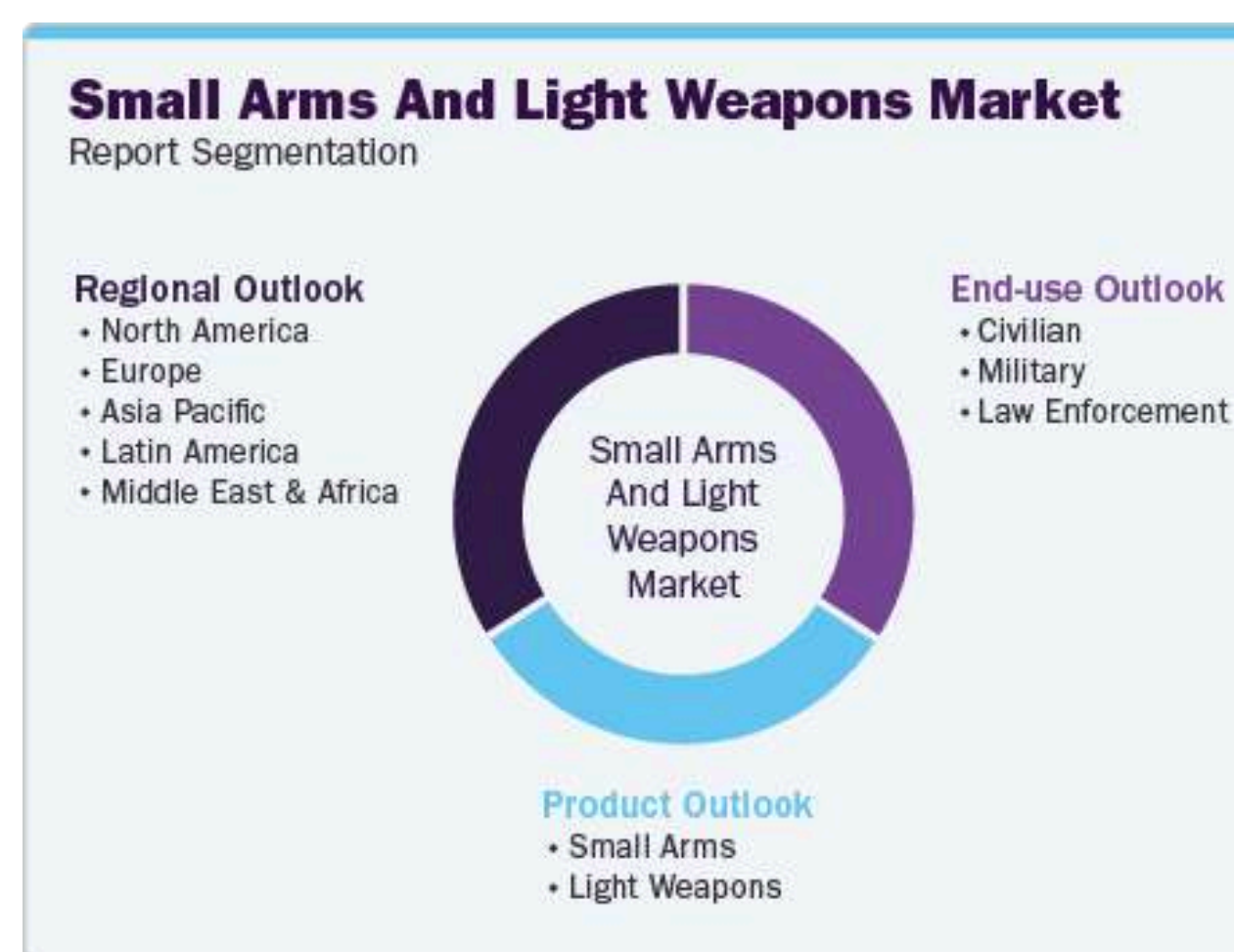


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C. Small arms and light weapons (SALW) trade regulations

Moreover, the trade of small arms and light weapons also has its regulations. One of the most important is the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons (PoA) which is a globally agreed framework for activities to counter the illicit trade in small arms and light weapons and control the negative consequences of Small Arms and Light Weapons. It was adopted by all UN member states in 2001. Since that time the UN has worked to support the implementation of the PoA at national, regional, and international levels (UNODC).

In this instrument, governments made commitments to strengthen stockpile management, to ensure that weapons are properly and reliably marked, to improve cooperation in weapons tracing, and to engage in regional and international cooperation and assistance. Within the PoA framework, the General Assembly adopted the International Tracing Instrument (ITI) in 2005 (UNODC). The International Tracing Instrument (ITI) was adopted to enable States to identify and trace, in a timely and reliable manner, illicit small arms and light weapons.



Taken from: Grand View Research

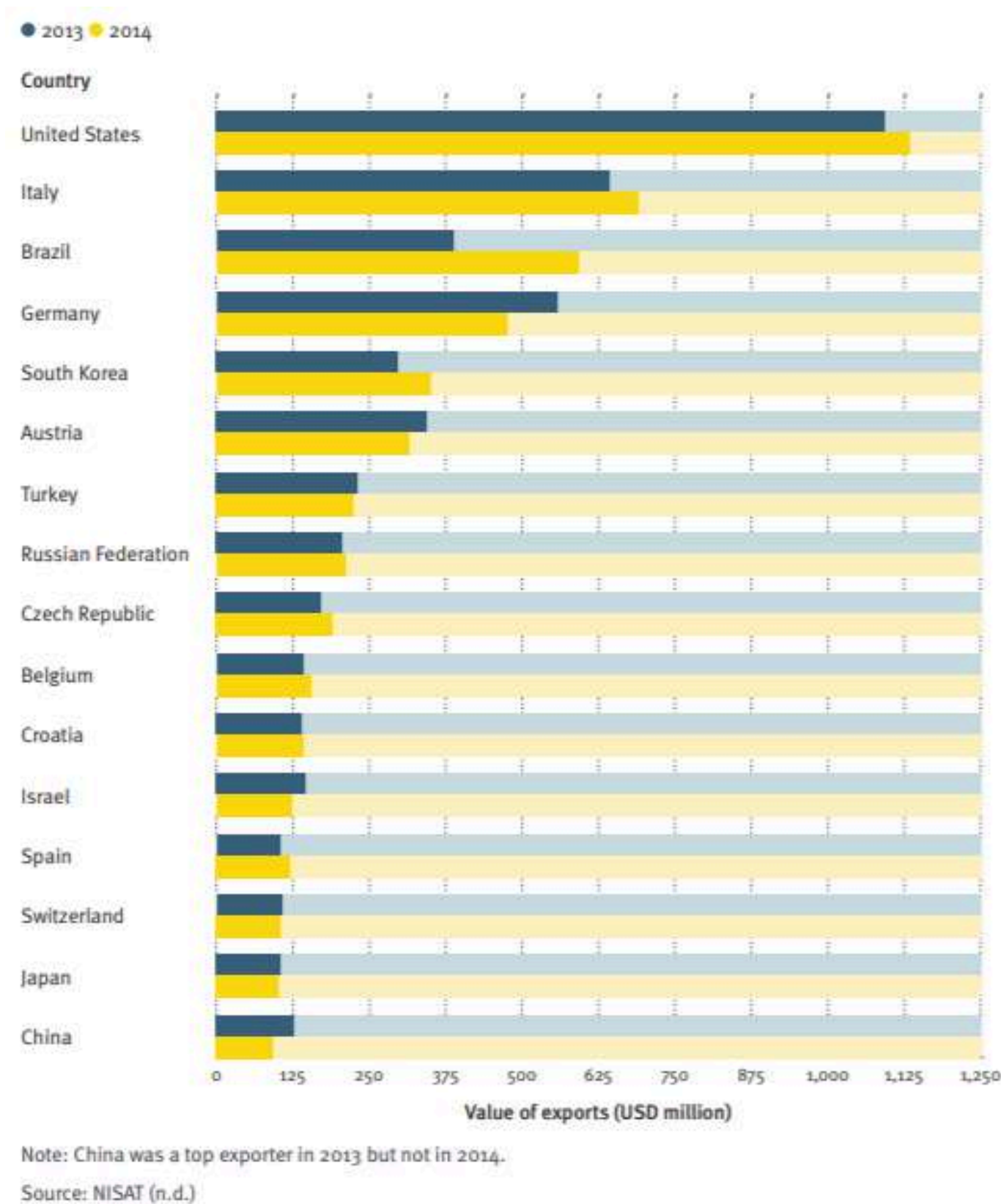
However, several persistent challenges have impeded its full operationalization, including issues concerning identification, marking, record-keeping, information sharing, as well as emerging technological trends (UNIDIR). Improving weapons tracing is also part of the 2030 Agenda for Sustainable Development. Together, both instruments constitute the normative framework on small arms and light weapons, which all UN Member States have agreed upon (UNODC).

The global framework of treaties and instruments related to these types of weapons also includes the Firearms Protocol and the Arms Trade Treaty. The Arms Trade Treaty (ATT) is an international treaty that regulates the international trade in conventional arms and seeks to prevent and eradicate illicit trade and diversion of conventional arms by establishing international standards governing arms transfers. In addition, there are regional instruments and mechanisms such as regional roadmaps to control and regulate small arms and light weapons (ATT).



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Between 2022 and 2025, with funding from the European Union, the United Nations Office for Disarmament Affairs (UNODA) is implementing a global project in support of the UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects. This initiative is part of a broader UN framework involving the General Assembly, which annually adopts key resolutions mandating efforts to curb illicit arms flows, and the Security Council, which addresses these issues concerning arms embargoes, conflict prevention, and counter-terrorism. Since 1999, the Security Council has increasingly recognized the destabilizing impact of illicit small arms, reflected in resolutions such as 2117 (2013), 2220 (2015), and 2616 (2021), as well as its support for Africa's "Silencing the Guns" initiative. Complementing these actions, the Human Rights Council links arms control to human rights protection, while the UN's Coordinating Action on Small Arms (CASA) ensures cross-sectoral collaboration among 24 UN entities. In this context, the involvement of mercenaries and private military and security companies (PMSCs) in the illicit trade of small arms and light weapons underscores the need for cohesive, multilateral approaches to arms control, grounded in both security and human rights imperatives (UNODC).



Taken from: UNODC

Arms procurement and brokering of small arms and light weapons (SALW) are integral aspects of the activities of mercenaries, private military companies, and private security companies. The links between these actors and the arms trade relate not only to their role in obtaining or facilitating the purchase of weapons but also to how the military and security services and training that they provide contribute to the demand for, and misuse of, weapons in the regions where they operate. The role played is complex and requires further research. The connections between mercenaries and the illicit trafficking of small arms have been identified by the UN, with the Special Rapporteur noting:



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“The many forms of criminal associations involving mercenaries include illicit arms trafficking, which constitutes one of the illegal activities that causes the greatest harm to mankind. Many armed conflicts occur because they have been provoked by arms merchants, and others are unnecessarily prolonged by them. The investigations conducted by various United Nations bodies indicate that arms trafficking is the most widespread form of illegal operation. In the Special Rapporteur’s view, the mercenary component is usually present in illicit arms trafficking operations. Mercenaries are hired as pilots, co-pilots or flight engineers for the transport of weapons, as arms salesmen in the field or as instructors in the use of the weapons and military material that have been sold, and to train troops or paramilitary groups, which in many cases comprise raw recruits, persons with little training or knowledge or ad hoc combatants.” (Makki, Meek, Musah, Crowley, Lilly, 2001)



Taken from: BBC

There are a number of ways in which mercenaries and private military and security companies are involved in small arms proliferation that need to be taken into consideration at the UN Small Arms Conference. These and their consequences are listed below. An important role played by private military and security companies in the spread and misuse of small arms is when they perform arms brokering and transportation services (See box on Papua New Guinea).⁵

Arms brokering and transport agents are individuals or companies that act as intermediaries between suppliers of arms and recipients. Their involvement may range from simply matching buyer and seller to facilitating the entire transaction on behalf of the purchaser, which in certain cases includes the transportation of arms. Research has shown that arms brokering and transportation activities have resulted in weapons being channelled to regions of conflict and human rights crisis zones. As such, the arms brokering issue has become a major focus for concern at the UN Small Arms Conference.

Another area of concern relates to the operation of private military and security companies in violation of UN or other regional arms embargoes. For example, in 1998, Sandline International signed a contract with the then-exiled President of Sierra Leone, Ahmed



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Tejan Kabbah, to supply a 35-tonne shipment of arms from Bulgaria, which led to controversy about whether this was in contravention of the UN arms embargo on the country at the time. While most arms embargoes do not cover military services, the UN Security Council sanctions on Eritrea and Ethiopia in 2000 made such provisions. The resolution stated that “all states should prevent the sale or supply to Eritrea and Ethiopia of arms and related material of all types and the provision of technical assistance or training related to prohibited materials.” However, due to the inadequate enforcement of arms embargoes by many countries, it is difficult to ascertain whether or not these prohibitions have been followed, as noted by the Security Council in its report of May 2001.

The UN General Assembly, the Security Council, the Economic and Social Council, and the Commission on Human Rights have all condemned the use of mercenaries as undermining the rights of peoples to self-determination and enjoyment of human rights. The UN Special Rapporteur, moreover, has in his reports underlined the negative impacts that mercenaries have on the protection of human rights. In his latest report, he says that:

“The work done by the Office of the Special Rapporteur since its creation makes it abundantly clear that there is a direct relationship between mercenary activities and the human rights of the peoples affected by the criminal activities of mercenaries [...and] mercenaries also violate human rights by committing crimes, carrying out executions, torture and other illegal acts referred to in international instruments.”
(Makki, Meek, Musah, Crowley, Lilly, 2001)

There have also been reports of private military and security companies being implicated or complicit in human rights abuses or breaches of international humanitarian law (see box Colombia). For example, there is documented evidence of the South African company Executive Outcomes being responsible for introducing indiscriminate weapons, such as fuel air explosives, into Angola.



Taken from: Stimson Center



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HISTORICAL CONTEXT

Since ancient times, mercenaries have been present in various war scenarios. As early as the Amarna Letters (c. 2500 BCE), groups of warriors for hire, known as Apiru to the Egyptians, were mentioned. In Rome, although there was a standing army, expansion campaigns forced the use of foreign troops to protect conquered territories and act on the front lines of combat, even saving Julius Caesar's life in the Gallic Wars thanks to Germanic horsemen; and beyond Europe, North Africa, and the Middle East, mercenaries also played a decisive role in other regions, such as in the Mayan armies, in the defeat of the Tang forces by the Karluk, in the conflicts of the Warring States period in China, and in the Maratha Empire in India (Law, 2023)

During the Middle Ages in Europe, the private military industry consolidated its position by offering technical support and skills that local short-lived armies could not provide, and by the end of the 13th century, organized mercenary units dominated conflicts, financed by taxes on citizens and even private investments in exchange for a share of the spoils. In the Hundred Years' War, these soldiers began to be called "free lancers" and were grouped into companies regulated by contracts

known as condottas. This phenomenon reached its peak in the Thirty Years' War (1618-1648), when armies were composed exclusively of mercenaries whose violence ravaged the countryside and drastically reduced the German population, until the Peace of Westphalia consolidated the nation-state and the permanent armies loyal to it (Law, 2023).



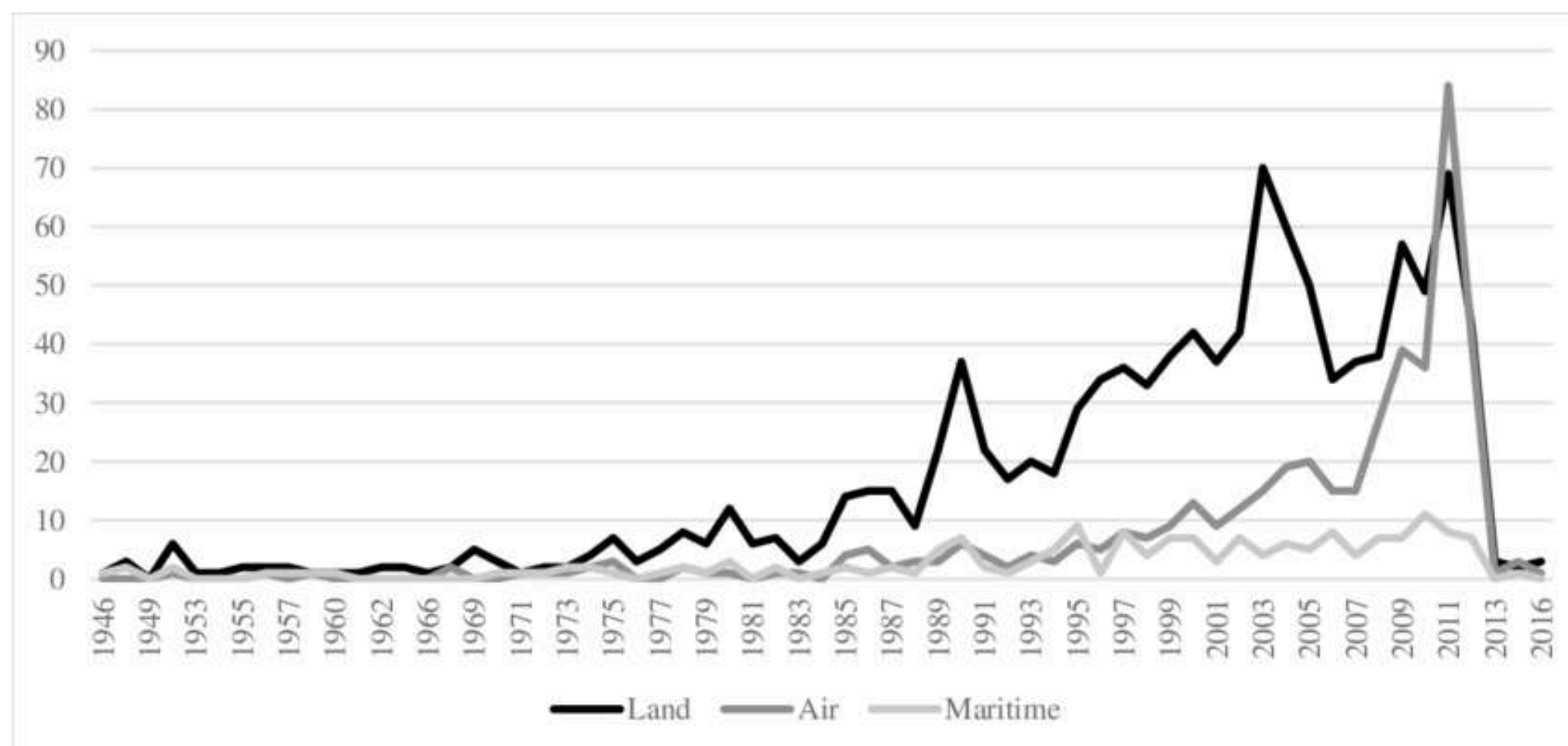
Taken from: Boston University

In the 17th and 18th centuries, private companies began to use mercenary armies as instruments of security and conquest, notably the Dutch East India Company and the English East India Company, both of which had exclusive trading rights and a monopoly on strategic goods. By 1782, the East India Company had formed an army of 260,000 men, surpassing even the British standing army, and came to exercise functions typical of a state:



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it declared wars, imposed peace, administered justice, founded colonies, minted coins, and controlled territories such as Hong Kong and much of Southeast Asia. Although these companies eventually collapsed due to the high costs and scale of their operations, later experiences such as the British South Africa Company in Rhodesia and the Niassa Company in Mozambique show that this model persisted, albeit in a more localized form.



Number of New PMSCs By Specialization, By Year Taken from: ResearchGate

With the dawn of the 20th century, the era of large private mercenary armies came to an end, and the military market shifted toward individualized services and paramilitary roles. The consolidation of national borders, the strengthening of states, and the devastation of modern wars made mercenaries seem unnecessary to the great powers, although they have reemerged with new functions in recent decades. During World War II, their presence was marginal, with examples such as the Flying Tigers in China, the Gurkhas under the British flag, and some foreign units of the Waffen-SS. The real boom in Private Military and Security Companies (PMSCs) came after the Cold War, driven by budget cuts and the demobilization of professional soldiers, which opened up a global market for military contractors such as Frederick Russell Burnham and Bob Denard. Today, governments and companies continue to resort to this model, notably the hiring of Gurkhas, the French Foreign Legion, and the use of foreign troops in countries such as the United Arab Emirates and the Solomon Islands.

However, the beginning of the 20th century marked the end of the era of large mercenary armies, giving way to a more fragmented military market with a range of paramilitary functions. The closure of borders, the strengthening of the state, and the magnitude of modern warfare reduced the usefulness of mercenaries in the most powerful countries, which explains their limited presence in World War II. However, after the Cold War, defense budget cuts and an abundance of unemployed soldiers favored the rise of private



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military companies, which began to hire ex-combatants to operate in different regions and under various actors, including rebels and companies. The most relevant case arising from this is the Wagner Group, which began as a Russian private military company and became involved in supplying mercenary troops to African countries, exerting political and economic influence through its illegal exploitation of natural resources such as gold and arms trafficking.



Taken from: Decan Herald

Furthermore, about the illegal arms trade, States had been concerned about this issue since 1924, when the League of Nations warned of the risks of private production of ammunition and war material. Along the same lines, the United Kingdom, through a Royal Commission in 1936, studied the option of banning the private arms industry, suggesting that the state should assume a monopoly. Subsequently, with the creation of the GATT in 1947, the idea that states could withhold information relating to trade and arms agreements was consolidated, as Article XXI of that treaty recognized security exceptions that protected secrecy surrounding the trafficking of arms, ammunition, and military equipment (Stanyard, 2025).

It was not until the mid-20th century that arms trade control underwent various international mechanisms. Following the creation of CoCOM in the post-war period, which sought to restrict trade with the Soviet bloc, it was replaced in 1996 by the Wassenaar Arrangement, focused on transparency in arms and dual-use goods transfers, albeit with limited effectiveness. Likewise, efforts have also been made by the UN, such as the Register of Conventional Arms (UNROCA), established in 1991, and the 2001 Programme of Action on SALW, which is not legally binding. Starting in 2006, the Arms Trade Treaty (ATT) was promoted as a binding legal instrument to fill a regulatory gap in the face of weak oversight of the trade in conventional arms compared to ordinary products (Stanyard, 2025).



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CURRENT SITUATION



Taken from: El Pais

For this edition of MUNUR, the committee will be held in May of 2018.

The increasing reliance on mercenaries and Private Military and Security Companies (PMSCs) reflects broader trends in the privatization of warfare and security. This development is driven by the pursuit of cost-efficiency, operational flexibility, and the outsourcing of military responsibilities by states.

As a result, these actors have become integral to contemporary conflicts, with their involvement extending from direct combat to logistical support, training missions, asset protection, and even the safeguarding of humanitarian operations. However, their growing presence also raises significant legal, ethical, and security concerns, especially regarding human rights violations and the proliferation of Small Arms and Light Weapons (SALW).

In this context, PMSCs have become indispensable, particularly for technologically advanced militaries like that of the United States, as they provide services that states either lack or consider too costly to develop internally. Their involvement in counter-terrorism operations, peacekeeping missions, and post-conflict reconstruction demonstrates the expanding scope of their influence. Nonetheless, while PMSCs typically operate under national or international regulation, the distinction between them and mercenaries—who engage in hostilities for financial gain without clear legal oversight—is often blurred. This ambiguity results from weak enforcement mechanisms and legal loopholes that make accountability elusive.



Taken from: EU Reporter



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Taken from: Egypt Institute Journal

Consequently, concerns over human rights violations have become increasingly prominent. Numerous reports have documented abuses by both PMSCs and mercenaries, including extrajudicial killings, torture, forced displacement, and sexual violence. The fragmented regulatory landscape further complicates oversight, leaving victims with limited recourse to justice. At the same time, states have used PMSCs as proxies to conceal their involvement in conflicts. A notable example is the Russian private military company Wagner, which has operated in Ukraine, Syria, and multiple African countries while allowing the Russian state to maintain plausible deniability.

Moreover, the role of these actors extends into the facilitation of arms transfers. PMSCs are often involved in the transport and delivery of SALW to conflict zones, either through legitimate contracts or via illicit arrangements. In some cases, they act as intermediaries; in others, they are directly engaged in arms trafficking. This practice is particularly dangerous in regions plagued by weak governance, such as the Democratic Republic of Congo, where PMSCs have been linked to schemes that fuel ongoing violence and corruption. NGOs have frequently criticized such behavior, accusing PMSCs of supplying weapons to rival factions or non-state actors operating under embargoes, thereby worsening instability.

Simultaneously, broader global trends in the trade of SALW reveal a concentration of exports among countries like the United States, France, Russia, Saudi Arabia, and the United Kingdom. Brokers and intermediaries exploit regulatory gaps to facilitate unauthorized transfers from manufacturers to end-users, often bypassing due diligence processes. While this dynamic underscores the need for stronger control mechanisms, efforts to implement effective regulation have fallen short.

Although initiatives such as the Montreux Document provide voluntary guidelines for the conduct of PMSCs, the international community still lacks binding legal frameworks.



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Organizations like the Parliamentary Assembly of the Council of Europe have urged member states to adopt stricter licensing procedures, require human rights compliance training, and establish transparent accountability systems. Furthermore, there is growing advocacy for the ratification and enforcement of international conventions that restrict mercenary activities and enhance oversight of private security operations.



*the Parliamentary Assembly
Taken from: The Council of Europe*

Nevertheless, victims of abuses committed by PMSCs often face substantial obstacles in pursuing justice. The complexity of contractual relationships, coupled with the use of subcontractors and the opacity surrounding operational structures, significantly hinders accountability. At the same time, the future of PMSCs is evolving, with a shift toward the integration of advanced technologies such as drones, cyber capabilities, and artificial intelligence. This transformation not only expands their operational capabilities but also raises new challenges for regulation and ethical governance.

As major powers like the United States reduce their global military footprint, regional actors such as China, Russia, and Turkey are stepping in with their own private security companies, reshaping the geopolitical balance and deepening the market's complexity. Therefore, the rise of mercenaries and PMSCs underscores the growing entanglement between security provision and market dynamics. Their involvement in the proliferation of SALW further exacerbates the risks associated with weak regulation, ultimately posing serious challenges to international peace, stability, and human rights.

In 2018, the growing use of mercenaries and Private Military and Security Companies (PMSCs) was a matter of increasing concern for the international community, especially due to their impact on human rights and the principle of self-determination. The United Nations Working Group on the use of mercenaries emphasized ongoing challenges, including the absence of binding international regulations for PMSCs and persistent problems related to mercenary activities. These actors frequently operated in conflict zones, often blurring the line between state and non-state entities (OHCHR, 2018).



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A notable example was Russia's Wagner Group, which illustrated the rise of quasi-private military actors operating with state support. By 2018, Wagner had deployed around 2,500 personnel in Syria, where they were contracted to secure oil and gas fields, reportedly in exchange for a share of the revenues. Wagner was also active in Sudan, supporting the government and protecting mining operations, demonstrating the group's dual role in pursuing both political and commercial objectives. Meanwhile, Colombia emerged as a significant source of mercenary personnel, with experienced former soldiers hired by private firms and foreign governments. Many Colombians were recruited by the United Arab Emirates for operations in Yemen, lured by salaries that far exceeded their earning potential at home (Loanes, 2019).

On the other hand, the illicit trafficking and proliferation of small arms and light weapons (SALW) remained a critical global issue, fueling armed conflicts, terrorism, and organized crime. The widespread availability of these weapons contributed to the prolongation and escalation of violence, undermining stability and development across various regions. The Western Balkans, in particular, were identified as a trafficking hotspot, with millions of weapons in circulation. In response, France and Germany launched a joint initiative in late 2017. This plan aimed to enhance cooperation, monitoring, and national action plans to combat SALW trafficking, with regular coordination meetings held in countries such as Serbia, Montenegro, and Bosnia (French Ministry of Foreign Affairs).

INTERNATIONAL RESPONSIBILITY OF STATES

In regard to the responsibility of States in whose territory PMSCs are incorporated or operate, states are responsible for respecting and ensuring respect for international humanitarian law, including by the staff of PMSCs. In this case, states in whose territory PMSCs are incorporated or operate are in a particularly favorable position to affect their behavior through national law. One common way for the State in question to exercise some control and oversight could be by establishing a licensing/regulatory system. Key elements of a possible national regulatory framework could include determining which services may or may not be carried out by PMSCs or their personnel (this issue can change whether they are involved or not in direct participation in hostilities should be taken into account) (ICRC).

States could make the issue of licenses subject to the PMSCs' meeting certain criteria, including requirements that they: a) train their staff in IHL; b) adopt standard operating procedures/rules of engagement that respect IHL and appropriate disciplinary measures.



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The State could also make approval for every contract and impose sanctions for operating without having obtained the necessary authorizations or in violation thereof (e.g. withdrawal of operating licence, loss of bond, criminal sanctions...). Such a regulatory system should be complemented by a functioning system for bringing to justice those accused of having committed violations of international humanitarian law. (ICRC).

For the same reason, it is important to consider Article 5 of the Articles on Responsibility of States for Internationally Wrongful Acts (ARSIWA), which establishes:

“The conduct of a person or entity which is not an organ of the State under article 4 but which is empowered by the law of that State to exercise elements of the governmental authority shall be considered an act of the State under international law, provided the person or entity is acting in that capacity in the particular instance.” (International Law Commission, 2001)



Taken from: ICRC

Although this article does not specifically refer to PMSC, States can be responsible in cases where those companies are empowered by law to exercise governmental authority. However, International Law does not ignore the responsibility of the country that hires a company when there is a clear contractual link between the two parties. This leaves a lack of dispositions to adjudicate responsibility to States, and exemplifies the difficulties in addressing international responsibility when it is a matter involving PMSC. (Urueña-Sanchez and Olásolo, 2023)

With the aim of energizing the debate and challenging the political and diplomatic dynamics of the delegates, the committee will meet in May 2018.

RELEVANT ACTORS

Now, it is important to consider the different actors that play a role in the topic, apart from the mercenaries, and the PMSCs themselves. Those actors would be:



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- **States:** are the ones who mainly hire mercenaries and PMSCs to execute military operations, training of local forces, and facility security. In that order, they are the ones who also create national legislation to regulate the activities of the two main actors and the arms trafficking, as the case of South Africa with the “Regulation of Foreign Military Assistance Act” of 1998, and The United States with the “International Traffic in Arms Regulations (ITAR)”. States also cooperate in the international field to reduce the effects and participation of those groups.

Similarly, states are the main producers and exporters of small arms and light weapons. Although some States report their arms transfers to the UN, many do not or only partially report them. Therefore, in an attempt to ensure the legitimacy of transfers, exporting states often require End Destination Certificates (EUCs) from importing countries. However, these certificates are susceptible to misuse, underscoring the need for post-licensing and post-shipment controls.

- **ICRC:** as an entity sui generis with the mandate to accomplish international humanitarian law, during the last years have shown concern about the role that PMSC plays in war, and how IHL can be applied to actors who do not participate directly in the hostilities. Montreux document
- **Transnational companies:** The relevance is especially for those in the mining and energy sectors, as well as NGOs operating in conflict zones, who hire security services to protect their personnel and facilities.
- **Weapons Producers:** Companies that manufacture small arms and light weapons, such as Remington, Saab Bofors Dynamics, Smith & Wesson, ST Kinetics, and Zastava. Numerous smaller producers exist globally.

Arms Brokerage and Transportation Agents: Individuals or companies that act as intermediaries between arms suppliers and recipients, facilitating transactions that may reach conflict zones. PMSCs may also be involved in these activities.

- **Arms Brokerage and Transportation Agents:** Individuals or companies that act as intermediaries between arms suppliers and recipients, facilitating transactions that may reach conflict zones. PMSCs may also be involved in these activities.



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IMPORTANCE OF THE TOPIC

Mercenaries and PMSCs have a relevant role in many armed conflicts, and that has entailed a massive violation of human rights, and increased the insecurity in the countries where the conflict is going on. In that order, it is relevant to understand where they stand in International Humanitarian Law. Starting with mercenaries, as noted before, the definition established in Article 47 of Additional Protocol I (API) is a very restrictive one since it applies only to international armed conflict and requires six cumulative criteria to be met. According to it, the determination of mercenary status is to be done by a “competent tribunal” of the detaining power. Under international humanitarian law, being a mercenary does not constitute a specific crime. The same holds for the Statute of the International Criminal Court. If arrested, mercenaries are not entitled to the status of prisoners of war, but the detaining power can decide to treat them according to this status. They must always be treated humanely according to the fundamental guarantees of humanitarian law, as defined by Article 75 of API. They can be prosecuted for being a mercenary only under the national law of the detaining power, if it contains such provisions designating mercenarism as a distinct crime (The Practical Guide to Humanitarian Law).

It is clear that the category of “mercenary” cannot be extended to cover some grey area regarding voluntary combatants who do not share the nationality of the belligerents and decide to take part in a conflict, or employees of private military companies present in situations of conflict. The main rationale of this category is to impose the stigma of financial greed as opposed to the virtues of patriotism and honor that would characterize regular combatants (The Practical Guide to Humanitarian Law).



Taken from: The New York Times

Continuing with PMSCs, the status of the personnel of PMSCs in an armed conflict is determined by international humanitarian law, on a case-by-case basis, in particular according to the nature and circumstances of the functions in which they are involved. Unless they are incorporated in the armed forces of a State or have combat functions for an organized armed group belonging to a party to the conflict, the staff of PMSCs are civilians. Accordingly, they may not be targeted; they are protected against attack unless and for such time as they take a direct part in hostilities (ICRC).



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However, if the staff of PMSCs carry out acts that amount to taking a direct part in hostilities: They lose protection from attack during such participation; if captured, they can be tried for merely participating in hostilities, even if they have not committed any violations of international humanitarian law (ICRC).



Taken from: Council of Foreign Regulations

Guarding military bases against attacks from the opposing party, gathering tactical military intelligence, and operating weapons systems in a combat operation are examples of direct participation in hostilities in which PMSC personnel may be involved. If they are operating in situations of armed conflict, the staff of PMSCs must respect international humanitarian law and may be held criminally responsible for any violations they may commit. This holds whether they are hired by States, international organizations, or by private companies (ICRC).

Foremost, it is important to distinguish between the State that hires mercenaries and PMSCs, and the State in which these groups are hired or operate. Starting with the first ones, the responsibility of a State that hires mercenaries can be looked from two approaches: Public International Law and Humanitarian International Law.



Taken from: The Security Distillery

Firstly, as established in the Article 5 of the International Convention against the Recruitment, Use, Financing and Training of Mercenaries “States Parties shall not recruit, use, finance or train mercenaries to oppose the legitimate exercise of the inalienable right of peoples to self-determination, as recognized by international law, and shall take, in conformity with international law, the appropriate measures to prevent the recruitment, use, financing or training of mercenaries for that purpose” (United Nations, A/RES/44/34, 4 December 1989).



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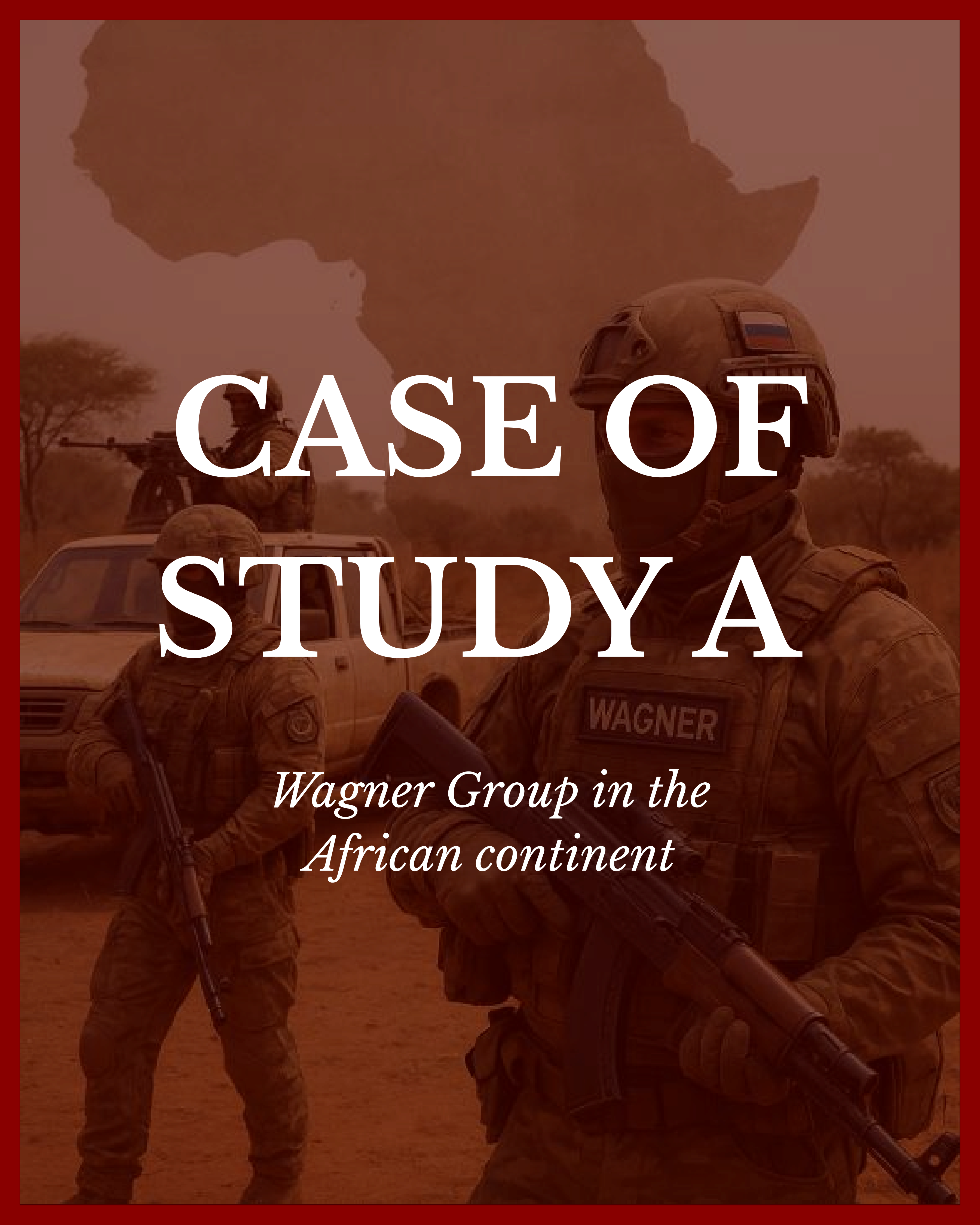
As well, Rule 149 states that a “State is responsible for violations of international humanitarian law attributable to it, including: (a) violations committed by its organs, including its armed forces; (b) violations committed by persons or entities it empowered to exercise elements of governmental authority; (c) violations committed by persons or groups acting in fact on its instructions, or under its direction or control; and (d) violations committed by private persons or groups which it acknowledges and adopts as its own conduct” (ICRC). Regarding the second part, states are also responsible for acts committed by other persons or entities which they have empowered, under their internal law, to exercise elements of governmental authority. This rule is based on the consideration that States can have recourse to para-statal entities in carrying out certain activities instead of letting State organs carry them out, but do not thereby avoid responsibility. States are responsible for the acts of private firms or individuals that are used by the armed forces to accomplish tasks that are typically those of the armed forces. Examples of such individuals or entities are mercenaries or private military companies (ICRC).

Having in mind that, States have to comply with obligations under international humanitarian law by contracting PMSCs. They remain responsible for ensuring that the relevant standards are met and that the law is respected. For this reason, if the staff of the PMSCs commit violations of international humanitarian law, the State that has hired them may be responsible if the violations can be attributed to it as a matter of international law, especially if the PMSC acts under the instructions or control of the State authorities (ICRC).

In that order, States must ensure that the staff of such companies respect international humanitarian law. Important measures for achieving this include: requiring the staff to be properly trained in international humanitarian law and requiring that the PMSCs' rules of engagement and standard operating procedures comply with international humanitarian law. Moreover, States must ensure that mechanisms exist for holding accountable the staff of PMSCs suspected of violating international humanitarian law (ICRC).



Taken from: ICRC

The background image shows Wagner Group soldiers in a desert environment. In the foreground, a soldier in full combat gear, including a helmet with a Russian flag patch and a vest with a 'WAGNER' patch, holds an assault rifle. To his left, another soldier is partially visible. In the background, a third soldier stands near a white vehicle. A large, semi-transparent map of the African continent is overlaid in the upper half of the image. The entire scene is tinted with a reddish-brown color.

CASE OF STUDY A

*Wagner Group in the
African continent*

The Wagner Group, established in 2014, is a paramilitary organization/Kremlin-linked private military company operating internationally, whose activities are shrouded in secrecy. It is widely considered a tool in Russian President Vladimir Putin’s “hybrid” or unconventional military arsenal, rather than a traditional private military contractor (Mohamedou, 2024). Rather than a single entity, Wagner is a complex network of businesses and mercenary groups whose operations have been closely tied to the Russian military and intelligence community. It is estimated to have some five thousand members stationed across Africa, a combination of former Russian soldiers, convicts, and foreign nationals (Rampe, 2023).

Through its deployments in the Central African Republic (CAR), Wagner has gained a significant foothold in Africa, advancing Russian foreign policy objectives in the region. Wagner enables Moscow to pursue three key goals: (1) to assert itself as a great power through global geopolitical repositioning; (2) to undermine Western interests by building a Russian sphere of influence; and (3) to enhance Russian soft power (Mohamedou, 2024).



Taken from: Arab Center Washington

Wagner’s activities in Africa reflect a coordinated effort to expand Russia’s influence and safeguard its strategic interests by fragmenting and destabilizing the Western presence on the continent. The fusion of paramilitary and non-military actions in Africa is particularly relevant, as it allows Russia to project power, wield influence, and destabilize local state-building efforts (Mohamedou, 2024).



DISEC

The Wagner Group has established operations in several African countries, where many of its operations focus on security issues. The countries in which Wagner is most active are the Central African Republic (CAR), and Sudan, all of which have a tenuous relationship with the West due to colonial legacies and inherent political differences (Rampe, 2023).

HISTORICAL CONTEXT

The first appearance that this group made was in 2014, in the Crimean War, when an army with military uniforms but without symbols appeared on the battlefield, supporting the pro-Russian separatist forces. In 2015 it was reported the presence of the Wagner Group in Syria with the purpose of supporting the Bashar al-Assad government. But it was until 2017-2018 that they started activities in African countries such as Sudan, Central African Republic, and Madagascar. Although various sources indicate these dates as the official dates on which Wagner began operating in Africa, there is data that could suggest that its relations with Libya actually began between 2015 and 2016 (Rosas, 2023).



Taken from: The Wall Street Journal

A central feature of this shift is the increasing prominence of the Wagner Group, which challenges state-building and democratic governance. This paper argues that Russia uses Wagner as a tool to promote its foreign policy goals in Africa, aiming to boost its geopolitical influence by offering security services to transitional military regimes.

The core objective of this approach is to contest and weaken Western influence in the region. This raises the broader question of how a state can use a non-state actor to project foreign policy aims (Mohamedou, 2024).



WHAT DO THEY DO?

Wagner's services vary based on the needs of its clients, which include rebel groups and regimes, that is why, within the services that they provide, it is found:

1. **Combat operations:** Wagner troops have supported African governments in combat operations against rebel groups, and vice versa. Approximately one thousand Wagner troops entered CAR in 2018 to defend the government of President Faustin-Archange Touadéra against rebel attacks on the capital, Bangui. In return, Wagner subsidiaries received unrestricted logging rights and control of the lucrative Ndassima gold mine (Rampe, 2023). Also, in the same year, they brought help to the Libyan National Army (LNA) in various military operations (Maldonado, 2024).
2. **Security and training support:** Wagner acts as a security service for vulnerable regimes. The group served as a part of a personal protection detail for Touadéra and helped train CAR's army to prepare for possible coup attempts. Wagner has operated in Sudan since 2017, training Sudanese troops, guarding mineral resources, and suppressing dissent against the government of President Omar al-Bashir, all in exchange for gold exports to Russia (Rampe, 2023).
3. **Disinformation campaigns:** Prigozhin also owns the Internet Research Agency (IRA), an online "troll farm," and the Association for Free Research and International Cooperation (AFRIC), both of which are under U.S. sanctions and have worked alongside Wagner. The IRA previously outsourced work to individuals in Ghana and Nigeria who sought to inflame political divisions in the United States ahead of the 2016 presidential election, while AFRIC has sponsored "phony election monitoring" in several African nations, including Mozambique and Zimbabwe. Prigozhin has also been accused of co-opting Pan-Africanist movements to promulgate anti-French and anti-Western messages (Rampe, 2023).

WAGNER STATUTE

Scholarly research on the Wagner Group remains limited due to its culture of secrecy and the concept of "plausible deniability." Plausible deniability refers to the use of intermediaries or proxies to carry out actions, allowing the Russian government to distance itself from the group's activities.

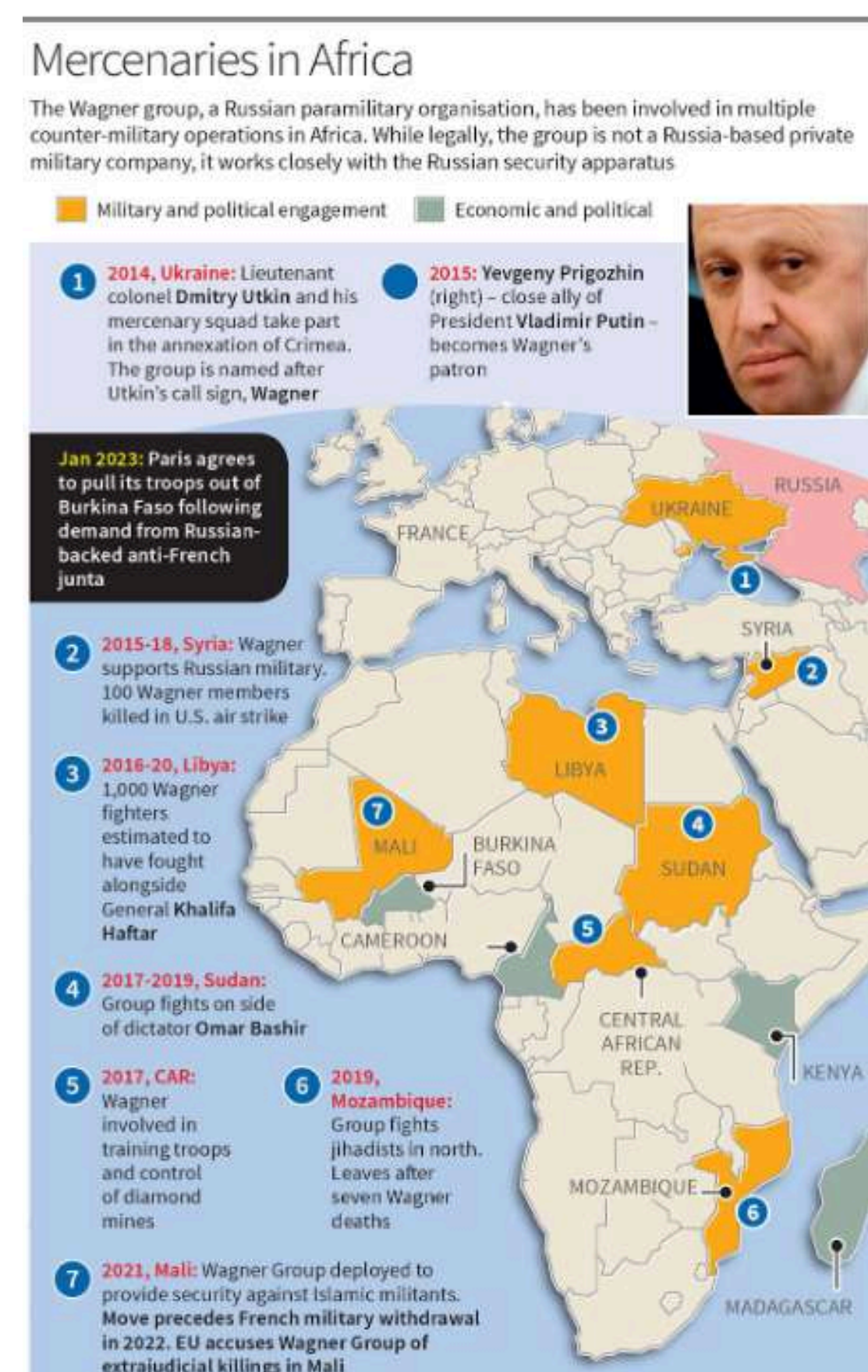


DISEC

Academic debates focus on Wagner's classification between a PMSC, a mercenary group or state actor, whether it serves one or multiple state interests, and who drives Russian policy (Putin and his associates vs. national interest). The literature is growing, with general agreement on the basic facts but ongoing debate about the extent of state connection and underlying motivations (Mohamedou, 2024).

WAGNER'S INTERVENTION IN THE CENTRAL AFRICAN REPUBLIC (CAR)

The Central African Republic (CAR) has been mired in chronic political instability and conflict, marked by intercommunal violence, armed group activity, and repeated breakdowns of governance.



Taken from: *The Hindu*

Its abundance of natural resources—especially gold and diamonds—has both fueled ongoing violence and attracted external actors seeking profit and influence. This fragile and volatile context provided a fertile ground for the Wagner Group's entry, offering both strategic opportunities and a permissive environment for operations outside the constraints of international oversight (Mohamedou, 2024).

Among Wagner's African engagements, its operations in CAR are the most mature and illustrative of its hybrid security-commercial model. Wagner's presence in CAR was formalized through an arrangement in which the group provided military and political support to President Faustin-Archange Touadéra in exchange for privileged access to the country's resource wealth. With Russia's diplomatic backing, the UN granted a sanctions exemption allowing the shipment of weapons to CAR. Russian military trainers and Wagner-linked personnel were embedded within the national armed forces, and several assumed roles as advisors to the presidency. This integration of Wagner operatives into the state security apparatus marked a significant deepening of Russian influence in the country (Mohamedou, 2024).



DISEC

The Wagner Group has established operations in several African countries, where many of its operations focus on security issues. The countries in which Wagner is most active are the Central African Republic (CAR), and Sudan, all of which have a tenuous relationship with the West due to colonial legacies and inherent political differences (Rampe, 2023).

Nature of Wagner's role in CAR

Wagner's functions in CAR encompass arms provision, military training, and direct involvement in combat operations. Beyond battlefield engagement, the group plays a central role in ensuring the personal security of President Touadéra and his inner circle, solidifying his grip on power and expanding Wagner's political leverage.



Taken from: NBC News



Taken from: France 24

Local complicity has enabled this influence, as evidenced by constitutional changes removing presidential term limits and ensuring continued political support for Wagner's presence. Economically, Wagner-linked firms have entrenched themselves in the mining sector, often taking over existing concessions and facing repeated accusations of resource looting and illegal trafficking, particularly in the diamond and gold sectors.

Additionally, Wagner engages in a broader soft power campaign to bolster Russia's image, using cultural propaganda such as monuments, pro-Russian media, radio broadcasts, and anti-French messaging to shape public opinion (Mohamedou, 2024)



DISEC

Alignment of Wagner's actions in CAR with Russian goals

Wagner's operations in CAR closely align with Russia's broader strategic ambitions in Africa. By positioning itself as a key provider of security, Russia has cemented its influence over a key regional government while gaining privileged access to valuable mineral resources. This engagement also serves to challenge Western—particularly French—dominance in Francophone Africa by presenting Moscow as an alternative partner free from colonial associations. Wagner's actions, while advancing certain geopolitical and economic goals, simultaneously threaten to delegitimize Russia's role in Africa and compromise its long-term foreign policy objectives (Mohamedou, 2024).

WAGNER GROUP IN LYBIA



Taken from: DW

Although their presence in Libya started with soft support, in May of 2018, around 300 mercenaries were bringing direct support to the LNA in military operations, intending to support Haftar in the civil war that came after the downfall of dictator Moammar Gadhafi in 2011. In these operations, Wagner used a variety of advanced military tactics and equipment, such as drones, anti-aircraft systems and armored vehicles.

A striking fact was that during this period, the Wagner group began to be seen guarding the oil and gas infrastructure off the Libyan coast (Maldonado, 2024). Therefore, it began to be speculated that the payment the mercenaries had received was natural resources such as oil (Sainz, 2023).

The Wagner Group's growing presence in North Africa, West Africa, and the Sahel has become a key component of Russia's foreign policy, particularly as it takes advantage of Libya's political instability to strengthen its influence in the region.

The Georgetown Security Studies has noted that Wagner's shift from secretive missions to an overt military role reflects Russia's larger ambition to gain control over strategic resources and important geographical zones.

Libya, in this context, serves as a pivotal link between Russia's military operations in Syria and Wagner's deployments across other parts of Africa. Through these activities, Russia gains access to valuable resources such as diamonds, gold, and oil. (Maldonado, 2024)

WAGNER GROUP IN SUDAN

Wagner started their presence in Sudan in December of 2017 to bring military and political support to the former president Omar al-Bashir. However, in November of the same year, Moscow negotiated a series of economic and security agreements with al-Bashir, which included gold mining concessions for M-Invest, a Russian company linked to Prigozhin, the owner of Wagner. (Sainz, 2023)



Taken from: DW

RUSSIA'S ROLE IN ARMS TRADE

The Wagner Group's operations in Africa have been characterized by numerous violations of the United Nations-imposed sanctions regimes. Many of its military actions and arms imports have been carried out outside the international legal framework, evidencing a pattern of illicit activities that favor its geopolitical and economic interests (Taylor, 2024). This situation not only undermines multilateral efforts to maintain stability in the region but also strengthens Russia's role as an influential actor in conflict contexts.

industry through packages that combine private military companies, low-cost weaponry, and guarantees of protection to allied regimes. Russia has laid the foundations for a structural insecurity that perpetuates its influence. This model generates a sustained demand for a Russian military presence on the ground.



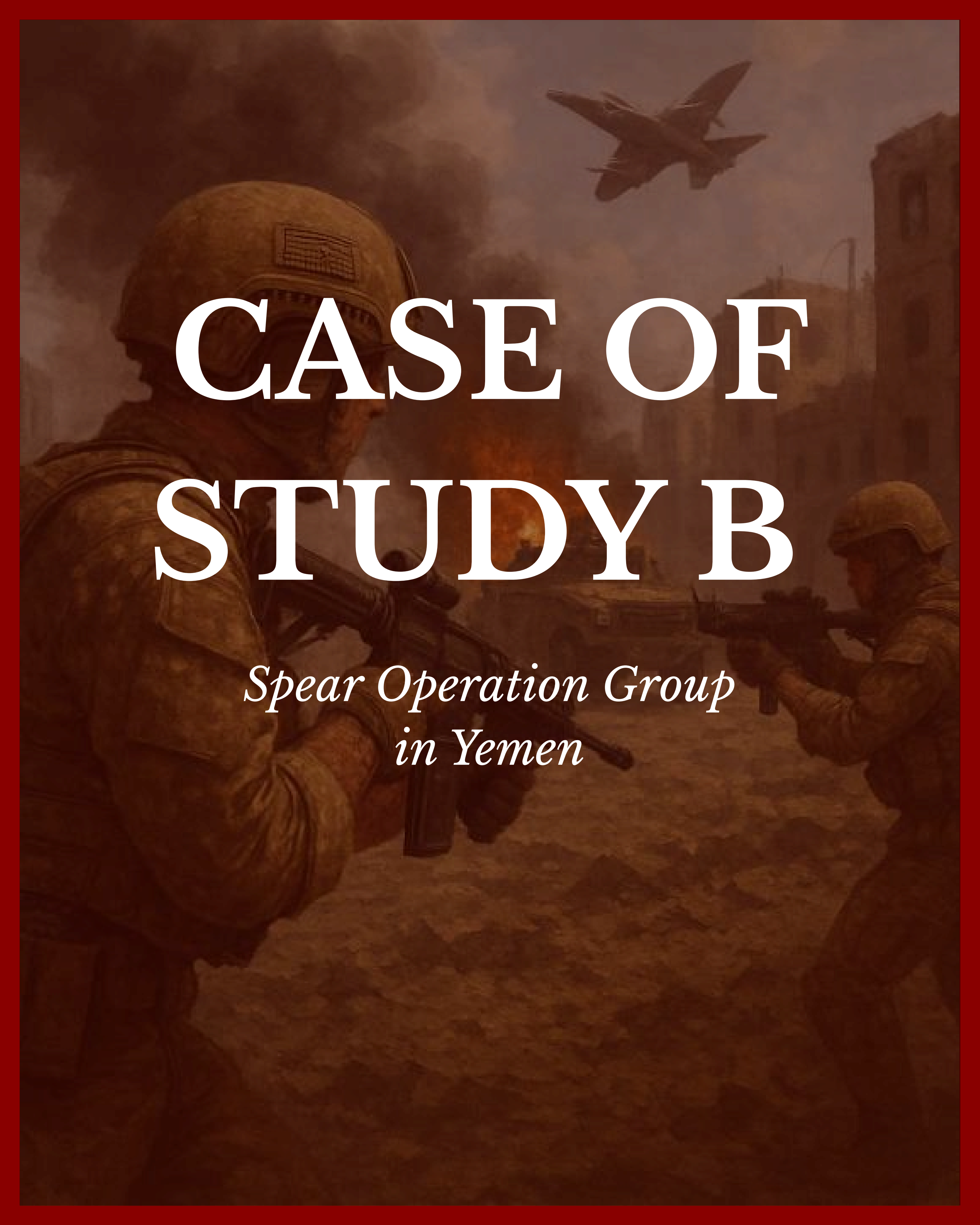
DISEC

Thus, persistent instability in Africa is not a side effect but a strategic objective that directly benefits Moscow, either through supplying the Wagner Group or through the sale of military equipment to its African allies (Taylor, 2024).

Moreover, this strategy reflects how insecurity has become a profitable business for Russia. Prolonging conflicts allows the Kremlin to sign long-lasting military contracts, including those that finance and sustain the Wagner Group. This dynamic also provides an effective mechanism for circumventing international economic sanctions, as it facilitates the conversion of rubles into foreign currency through arms transactions and mercenary deals. This allows the Russian government to release frozen assets and oxygenate its stricken economy.

On the other hand, Russian arms exports find a growing market in the Sahel and sub-Saharan Africa, representing both an economic gain and a diplomatic victory for Moscow. The Wagner Group has distributed heavy equipment as strategic incentives to seal alliances, including Ural 43200 trucks in countries such as the Central African Republic (CAR) and Sudan (Taylor, 2024).

Finally, Russia has deployed a strategy of military and commercial dependence in the region. By positioning itself as a key supplier of security assistance and small arms, the Kremlin seeks to condition African states to use Russian-made systems for their counterterrorism and coup containment operations (Taylor, 2024). Russian mercenaries, especially in areas such as the Sahel, help facilitate the sale of weaponry, even more so now that the United States is in retreat. Soldiers training with the Wagner Group become familiar with Russian weaponry, which reinforces their dependence and ensures a sustained market for the Kremlin's military exports.

The background image is a composite of war-related scenes. In the foreground, two soldiers in full combat gear, including helmets and body armor, are positioned on either side of the frame, holding rifles. The soldier on the left is seen from the side, while the one on the right is more front-facing. In the background, a city is depicted in a state of conflict, with smoke rising from the ground and a military jet flying in the sky. The overall color palette is a monochromatic brown and tan, giving it a somber and historical feel.

CASE OF STUDY B

*Spear Operation Group
in Yemen*



DISEC

HISTORICAL CONTEXT

On May 22 1990, the People's Democratic Republic of Yemen (YER or South Yemen) and the Yemen Arab Republic (YAR or North Yemen) united to form the Republic of Yemen under the presidency of Ali Abdullah Saleh, former president of North Yemen. With that unification, Yemen experienced significant political and economic changes, as reflected in the oil, energy, administrative systems, and tourism sectors. An important factor that influenced this political change was that in the late 1980s, the Soviet Union abandoned its support for South Yemen.



Taken from: Reddit

The Houthis, a Zaidi Shiite group from northern Yemen, had already staged uprisings against the central government due to the discrimination and marginalization they suffered. In the early 2000s, they carried out several revolts, which, although they led to negotiations and some agreements, failed to resolve the structural causes of their discontent definitively.

During 2011, the Arab Spring uprisings reached Yemen, where thousands of citizens took to the streets of Sana'a and other cities to demand the resignation of President Ali Abdullah Saleh, accusing him of corruption, repression, and negligence in the face of poverty. Unlike other Arab countries, the Yemeni protests were coordinated by a broad opposition coalition that included Houthis, southern separatists, and Sunni Islamists, who would later pursue different agendas.

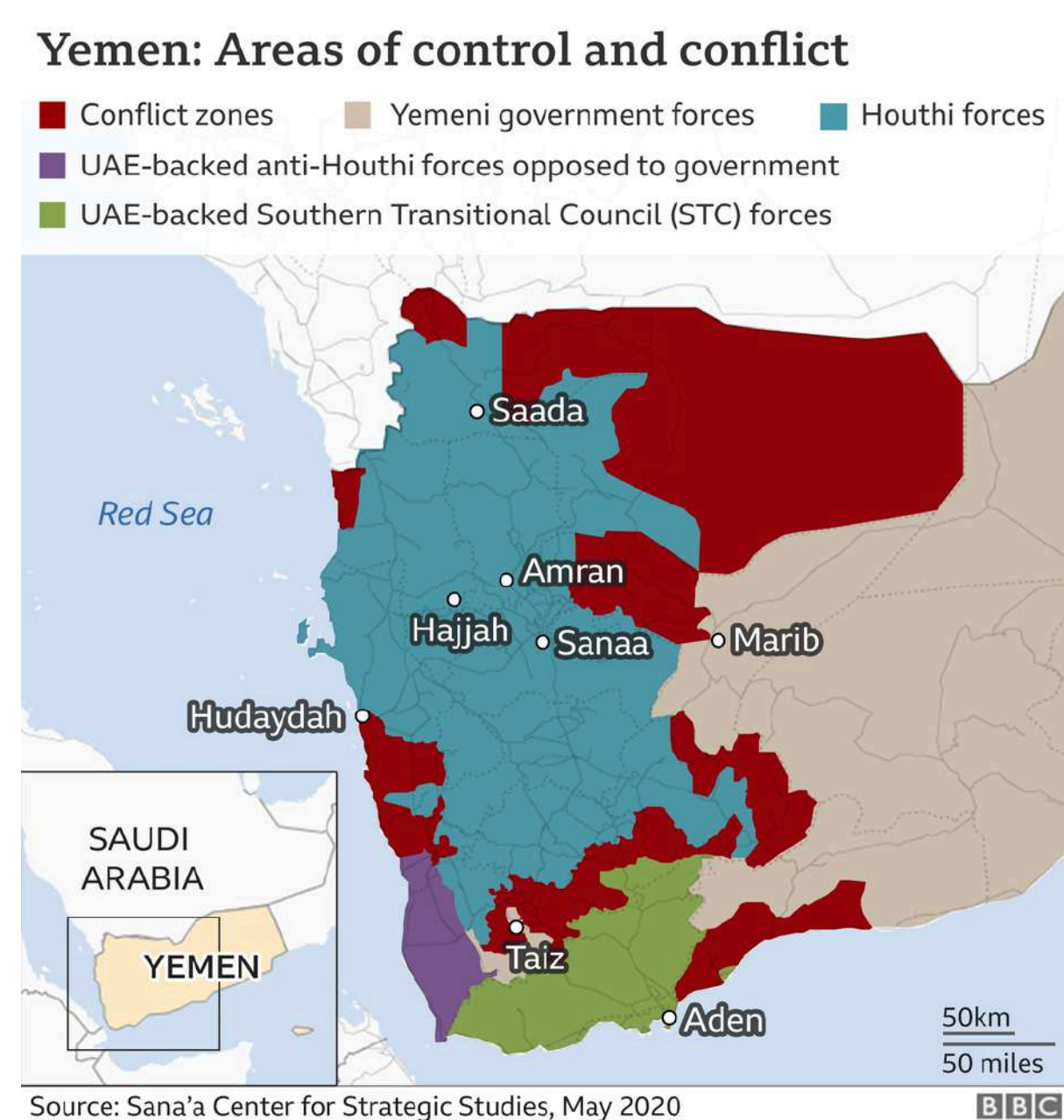
Although Saleh's government attempted to quell the crisis with reforms and promises, violence soon escalated. An armed attack by his supporters against protesters in March 2011 left more than 50 dead and led to the resignation of several high-ranking officials.



DISEC

At the same time, the military withdrawal from some regions facilitated the expansion of the Houthis in the north and Al Qaeda in the Arabian Peninsula in the south.

The Gulf Cooperation Council attempted to mediate with a plan that granted Saleh immunity in exchange for his departure, but he broke the agreement, triggering more intense fighting in the capital. With no viable alternatives and under pressure from the escalating violence, Saleh eventually relinquished power, leaving his vice president, Abdrabbuh Mansur Hadi, in charge of a political transition. In November, after returning to Yemen two months earlier, Saleh accepted an agreement that guaranteed him immunity from prosecution in exchange for transferring some of his powers to Hadi and stepping down after the presidential elections scheduled for February 2012 (Britannica).



In July 2014, Hadi's administration drastically reduced fuel subsidies, sparking widespread opposition and triggering mass demonstrations in Sana'a. Later, in September, the situation escalated when security forces fired on protesters. This repressive act caused the deaths of several people and triggered a cycle of clashes that significantly increased political and social tension in the country. Finally, the Houthis were able to take advantage of the crisis. At the end of September 2014, they stormed Sana'a, seized key government facilities, and thereby consolidated control that marked the formal beginning of the civil war.

In early 2015, fighting between government forces and Houthis in Sana'a intensified until the rebels managed to seize the presidential palace. As a result, on January 23, President Hadi resigned before parliament, leaving the country without an official leader, and shortly thereafter, he was placed under house arrest. In February, the Houthis consolidated their political dominance. On the 6th, they dissolved parliament and proclaimed a five-member presidential council to lead a transitional government. The international community responded quickly: on February 15, the UN Security Council rejected the measures taken by the rebels and urged them to resume the democratic transition process that had begun in 2013 (Britannica).



DISEC

Meanwhile, the internal conflict turned into a regional dispute marked by the confrontation between Iran, which supported the Houthis, and the coalition led by Saudi Arabia and the United Arab Emirates. In June 2015, Saudi Arabia imposed a naval blockade to stop the supply of Iranian weapons, and Tehran responded by sending a naval convoy, raising the risk of confrontation. The presence of the US Navy in the area, intercepting arms shipments, added further tension. The blockade and the coalition's air offensive—which carried out more than 25,000 strikes—exacerbated the humanitarian situation, causing tens of thousands of civilian casualties. In response, the Houthis intensified their offensive between 2021 and 2022 with drone attacks targeting Saudi Arabia and the Emirates, broadening the regional nature of the conflict (Global Conflict Tracker, 2025).



Taken from: Brookings Institution

Consequently, Hadi escaped from his confinement and moved to Aden, a key city in the south that was not under Houthi control and had been the capital of South Yemen until 1990. From there, he revoked his resignation and maintained that he was still the legitimate president.

However, finding himself in a vulnerable position, he requested foreign military intervention. Shortly thereafter, he was forced to leave the country and seek refuge first in Oman and later in Saudi Arabia.

For this reason, in late March 2015, an international coalition led by Saudi Arabia launched an offensive that included a naval blockade and airstrikes against the Houthis, who had been backed by Saleh since May of that year. Despite this, the coalition succeeded in helping Hadi's forces recapture Aden in July and subsequently drive the rebels out of most of the south. Hadi returned briefly to Aden in September but continued to reside mainly in Saudi Arabia. It should be noted that the coalition bombings caused enormous human and material costs, as thousands of civilians were killed and the country's infrastructure was devastated, without weakening Houthi control over the capital. In this context, UN-sponsored peace talks began in December 2015, leading to a temporary ceasefire which, although repeatedly violated, partially reduced the violence. However, the negotiations were suspended in August 2016 without a final agreement being reached (Britannica).



DISEC

Thus, in July 2016, the Houthis and the government of former President Saleh formed a political council to administer Sana'a and much of northern Yemen. However, in December 2017, Saleh broke his alliance with the Houthis and called on his supporters to rebel against them; as a result, he was assassinated and his forces were defeated within days. At the same time, Hadi's government faced an additional threat: the Southern Transitional Council (STC). Created in 2017, this council had its roots in the former southern separatist movement and consolidated its control in Aden and other areas of the southwest.

CURRENT SITUATION



Taken from: Brookings Institution

By May 2018, the humanitarian crisis in Yemen had reached an extremely serious level. In March of that year, around 22 million people, representing approximately 75% of the population, were in urgent need of humanitarian assistance. In terms of healthcare, the system practically collapsed, with only half of the 3,500 medical facilities operating properly, leaving 16.4 million inhabitants without access to basic health services (BBC, 2018).

Similarly, the political situation was highly unstable. By January 2018, the Southern Transitional Council (STC) had gained control of Aden, the most important city in southern Yemen and the provisional seat of the internationally recognized government. Between March and May 2018, clashes on the western coast intensified, causing dozens of deaths due to security raids and air strikes by Saudi forces. During the same period, troops from the United Arab Emirates occupied the island of Socotra, taking control of its airport and port, which caused tensions with the Yemeni government authorities.



DISEC

Furthermore, these tensions escalated when various investigations revealed that the United Arab Emirates had financed politically motivated assassinations within Yemen. It was discovered that, since 2015, the US company Spear Operations Group had been hired by the UAE to carry out targeted killings and to train Emirati officers, who subsequently instructed local Yemeni fighters to carry out such operations.

Spear Operation is a US private military company based in Delaware, founded by the Hungarian-Israeli Abraham Golan. The company specialized in “high visibility no intimidation tactical service services for large corporations, a provider of government services and for clients whose needs require high levels of performance rather than a box checked” (Spear Operation Group). In 2015, the enterprise was hired by the United Arab Emirates to start operations in Yemen, in the context of the Yemeni Civil War, with the purpose to execute political assassinations.



Taken from: The Guardian

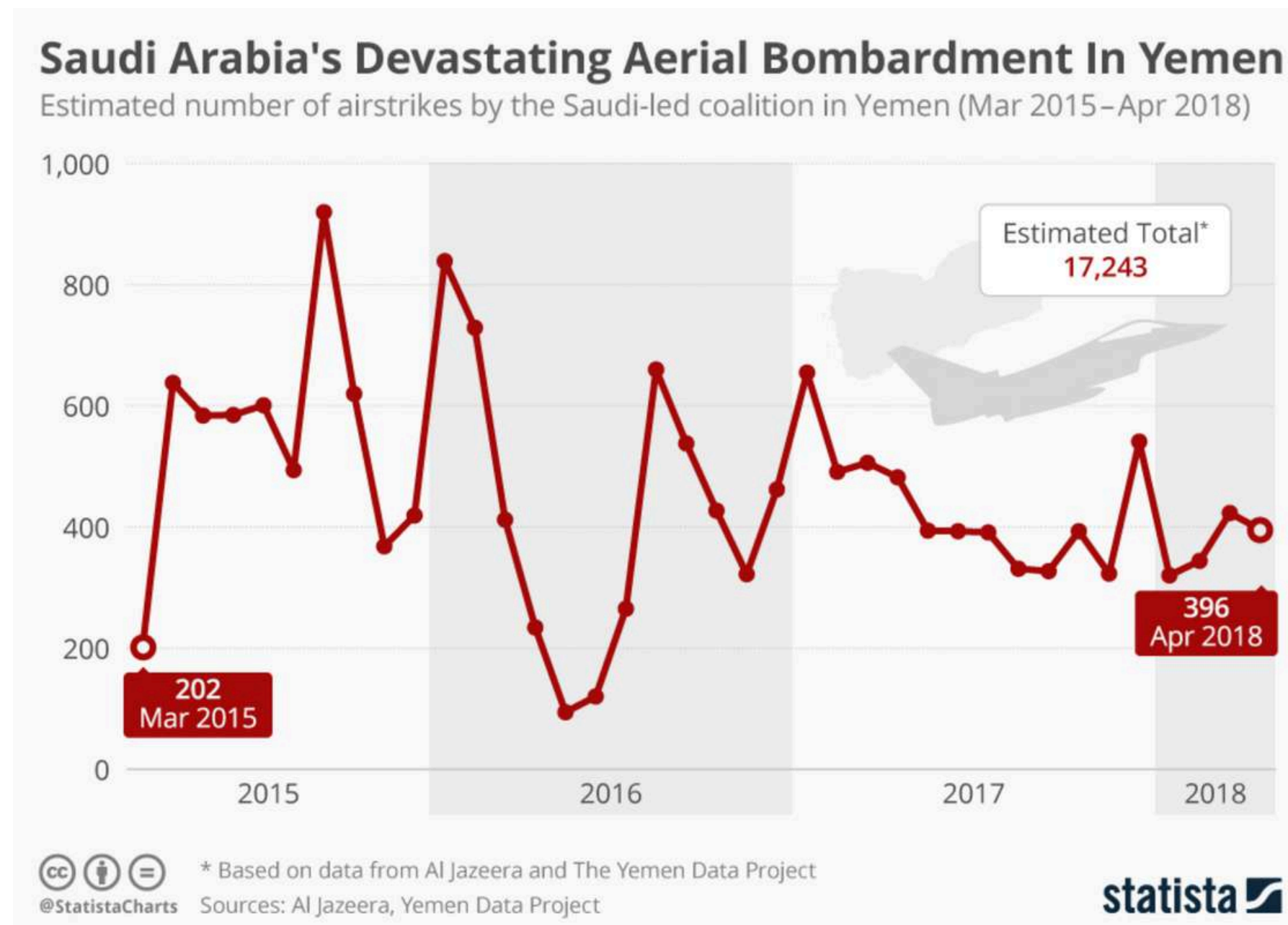
The United Arab Emirates (UAE) turned to the US company Spear Operations Group, which it hired and financed to carry out operations in Yemen. According to reports, the company was contacted directly by a representative of the Emirati government to carry out assassinations in the context of the country’s civil war. The official version maintained that Spear's mission was to combat and eliminate the jihadist groups Al Qaeda and Islamic State (IS) in southern Yemen. Several former employees of the company, including Dale Comstock, stated that most of the contractors traveled to Yemen “to fight the bad guys” and that the pay was “acceptable” (al-Maghafi, 2024).

However, despite this justification, an investigation by the BBC concluded that the UAE had financed assassinations for political purposes, which intensified the conflict. In addition, Spear Operations Group was accused of training Yemeni fighters to carry out assassinations on behalf of the Emirati government. The company’s former director of operations, Isaac Gilmore, admitted that he had trained both Emirati troops and Yemeni forces in the execution of special operations (al-Maghafi, 2024).



DISEC

The mercenaries, for their part, trained UAE officers at a military base in Aden; these officers then trained local fighters to carry out attacks and assassinations, making it more difficult to attribute the crimes to the United Arab Emirates directly.



Taken from: Statista



QAR

1. What are the implications that “mercenaries” have different legal definitions in the Public International Law and the International Humanitarian Law?
2. What are the legal vacuums that exist regarding the attribution of International Responsibility for the States that hire mercenaries or PMSCs?
3. How does the Wagner Group’s operational model in countries like the Central African Republic and Sudan challenge traditional definitions of both PMSCs and state actors?
4. What does the case of Spear Operations Group in Yemen reveal about the role of Western PMSCs in complex proxy wars, and how does the hiring of such companies by states like the UAE complicate efforts to regulate the international arms trade?
5. What are the key legal distinctions between a mercenary under Article 47 of Additional Protocol I and the personnel of a Private Military Security Company (PMSC), and why is this distinction critical for ensuring accountability under international humanitarian law?

MIAS



QAR

6. In what specific ways do mercenaries and PMSCs contribute to the proliferation and illicit trade of SALW, moving beyond their own operational needs to acting as arms brokers and transportation agents?

7. Considering that DISEC's resolutions are non-binding, what is the committee's specific competence and what are its most effective tools for creating norms to regulate the activities of PMSCs and the illicit trade in Small Arms and Light Weapons (SALW)?

8. As the committee is set in May 2018, what were the most pressing concerns regarding the illicit SALW trade at that time, particularly concerning trafficking hotspots like the Western Balkans and the international initiatives in place to combat it?

IMAS



GLO

- **International Responsibility of States:** A State is responsible for violations of international humanitarian law attributable to it. This includes violations committed by its own organs (such as the armed forces), by entities empowered to exercise governmental authority (according to Article 5 of ARSIWA), or by private groups acting under its instructions or control.
- **Montreux Document:** A 2008 document that reaffirms States' existing legal obligations regarding the operations of MPSCs during armed conflicts. It is a non-binding instrument that recommends a catalog of good practices to guide States in the regulation and use of these companies, promoting transparency and accountability.
- **Wagner Group:** A Kremlin-linked paramilitary organization and private military company, considered a tool in Russia's "hybrid" or unconventional military arsenal. It is described as a complex network of businesses and mercenary groups with close ties to Russian intelligence and the military. Its services include direct combat operations, training of local troops, regime protection, and disinformation campaigns. Its operating model often combines security with the exploitation of natural resources, as in the Central African Republic and Sudan.

SSARY



GLO

- **Spear Operations Group:** A Delaware-based US private military company founded by Hungarian-Israeli Abraham Golan. It was hired and funded by the United Arab Emirates (UAE) starting in 2015 to carry out politically motivated assassinations in the context of the Yemeni Civil War. The company also trained Emirati officers and local Yemeni fighters to carry out these operations, making it difficult to attribute the crimes to the UAE directly.

- **Small Arms and Light Weapons:** Small arms manufactured or modified to military specifications for use as lethal instruments of war. They are divided into:

Small Arms: Intended for individual use by members of armed or security forces. These include revolvers, self-loading pistols, rifles, carbines, submachine guns, assault rifles, and light machine guns.

Light Arms: Intended for use by several members of armed or security forces operating as a team. These include heavy machine guns, hand-held or mounted grenade launchers, portable anti-aircraft and anti-tank guns, recoilless rifles, and mortars with a caliber less than 100 mm.

- **Arms Trade Treaty:** An international treaty regulating the international trade in conventional arms. Its objective is to prevent and eradicate the illicit trade and diversion of these weapons by establishing common international standards for arms transfers.

SSARY



GLO

- **Mercenaries:** Under International Humanitarian Law (IHL), a mercenary is a person who takes a direct part in hostilities primarily motivated by the desire for personal gain. Article 47 of Additional Protocol I to the Geneva Conventions establishes six cumulative and strict conditions for mercenary status, including: being recruited specifically to fight, not being a national of one of the parties to the conflict, and material compensation being substantially greater than that of combatants of similar rank. A captured mercenary is not entitled to prisoner of war status.
- **Private Military and Security Companies (PMSCs):** They are private commercial entities that offer military and/or security services. Their services include a wide range of activities such as armed combat, protection of people and objects, logistical support, training of local forces, and weapons procurement. PMSC personnel are considered civilians and are protected from attack unless they are involved in armed conflict.
- **International Convention Against the Recruitment, Use, Financing and Training of Mercenaries:** It is an international treaty adopted by the United Nations General Assembly on December 4, 1989, which entered into force on October 20, 2001. The purpose of the convention is to prevent, prohibit, and punish mercenary activity, defining it as an international crime.

SSARY



DISEC

RECOMMENDED

- List of States involved in Arms Trafficking: <https://www.unodc.org/e4j/en/firearms/module-3/key-issues/key-actors-in-the-legitimate-market.html>
- The Arms Trade Treaty: https://legal.un.org/avl/pdf/ha/att/att_e.pdf
- International Convention Against the Recruitment, Use, Financing and Training of Mercenaries: <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-against-recruitment-use-financing-and>
- International humanitarian law and private military/security companies: <https://www.icrc.org/en/document/ihl-and-private-military-security-companies-faq>
- Private Military Companies and State Responsibility: <https://www.iilj.org/publications/private-military-companies-and-state-responsibility/>
- Mercenaries and illicit markets: <https://globalinitiative.net/analysis/russia-africa-corps-business-of-conflict/>
- Yemeni Civil War: <https://www.britannica.com/event/Yemeni-Civil-War>
- War in Yemen: UAE pay for political assassinations: <https://www.bbc.com/pidgin/articles/c72g6w07dy4o>
- Private Military and Security Companies, Responsibility of States and International Humanitarian Law: Toward an Interdisciplinary Definition: <https://doi.org/10.18601/01229893.n57.06>

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