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| Churkin Moscow International Model United Nations 2022 | |
| Sixth Committee of the GA | Distr.: General April 2022  Original: English |
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**DRAFT RESOLUTION**

**01/001.**  Legal regulation of private military companies

*UN General Assembly Sixth Committee,*

*Guided* by the purposes and principles of the Charter of the United Nations (UN), and especially its Chapter IV, which establishes the functions of the General Assembly and its decisive role in global cooperation in the field of international and legal regulation,

*Acknowledging* the Geneva Сonvention adopted in 1949, which established definitions of combatants and civilians, what helps to identify the involvement of people in armed conflicts in order to provide them with necessary rights

*Recalling* the importance of Montreux Document adopted in 2008 and, especially its definition of private military companies (PMCs) and recommendations and guidelines for the states how to deal with PMCs and regulate their activities on the territory of the countries PMCs exist and the countries in whose territories PMCs perform active actions,

*Emphasizing* the International Code of Conduct for Private Security Service Providers (ICoC) that outlines the responsible provision of Security Services to support the rule of law, respect the human rights, and protect the interests of their clients, as well as set forth a commonly-agreed set of principles for PMCs and to establish a foundation to translate those principles into related standards as well as governance and supervision mechanisms,

*Taking into account* the International Code of Conduct Association, established in 2013 on the basis of the Code promoting, governing and overseeing the implementation of the ICoC,

*Acknowledging* the Sustainable Development Goals (SDGs) established by the Resolution 70/1 adopted in 2015 entitled ‘Transforming Our World: the 2030 Agenda for Sustainable Development’, as a common ground for the welfare of people and sustainable development in all spheres, and its Goal 16 which Peace and promote peaceful and inclusive societies for sustainable development in the context of the discussed agenda item,

*Taking into consideration* the Rome Statute of the International Criminal Court adopted in 1998, which has established the criteria for war crimes and other crimes which may be investigated internationally, or by States in accordance with International Law,

*Acknowledging also* the UN Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted in 1989 as a major part of the terminological base for the following resolution,

*Deeply concerned* with the widespread absence of effective institutional mechanisms, such as regional commission, which ensure public information and control over the use of PMCs in national and multinational operations abroad,

1. *Declares* that Private Military Company (PMC) is a private company providing armed combat or security services;
2. *Declares* that armed combat or security services include: the provision of armed guards, the protection of persons and objects, including military installations, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; advice to, or training of, local forces and security personnel;
3. Calls PMCs to:

a. act in compliance with the national law and basic principles of international humanitarian law;

b. to respect human rights and fundamental freedoms;

c. to maintain peace by preventing any instability into the region where the assistance is to be, or is likely to be, rendered or would otherwise contribute to regional instability and would negatively inﬂuence the balance of power in such region;

d. condemn and deter terrorism in any manner;

f. contribute to the de-escalation of regional conﬂicts

1. *Notes* the importance of creating an international resolution that is mandatory for all private military companies, with prescribed requirements for candidates for their members to be sure hiring a candidate for a job are provided with the psychological examinations and the powers are not exceeded;
2. *Highlights the necessity* tocreate an additional agreement and international commission within the framework of an open dialogue to determine the place of PMC members in terms of the Geneva Convention by inclusion of PMCs into the already existing group of combatants, this should include several steps:
   1. Issuing licenses to PMCs, for this they should follow several rules to be included in the additional agreement to Geneva Convention the next 2 years: not to take direct part in hostilities, not to use, recruit, finance and train mercenaries, give no support Governments that do not have UN-recognition, non-State armed actors or irregular forces, avoid operations that may lead to human rights violations or internal repression;
   2. Creation of a special regional PMC supervision commission under direct regulation of the GA 6 in the following 1 year which would stress the importance of issuing the licenses as well as withdrawing them from the PMCs that operate in the region to the States of the region.
   3. RequestsUN Member States to monitor the activity of PMCs located on their territory in order to make sure they follow rules of the additional agreement to Geneva Convention, mentioned above, by using local laws and with compliance with the requirements of international law;
3. *Calls for* reducing overly extensive State control over the actions of PMCs by States that do not face a direct threat from PMCs, and to conduct investigations by countries that do not have interests from either side if there is such a threat with the possibility of imposing sanctions;
4. *Suggests* amending several legal documents that regulate the conduct of PMCs:
   1. Alter point 1.b in Article 1 of the UN Convention against the Recruitment, Use, Financing and Training of Mercenaries adopted in 1989, to prevent members of private military contractors which are employed by one of the parties from falling under the definition mercenary, by excluding them from this point, as it is believed that this will allow PMCs to carry out their tasks that put under threat the security of their personnel, because they will be able to protect themselves if they are forced to;
   2. Expand upon article 47.1 of the Additional Protocol I to clarify that PMC personnel that is forced to take part in hostilities should receive prisoner of war status, as it will not be considered a mercenary action;
5. Insists on putting effort towards avoiding discriminatory oppression including violations of the principles of gender equality and respect to racial differences and sexual orientation of the personnel of the PMCs as well as the rights of the potential victims of the violations by the PMCs in all operations carried out by PMCs in order to ensure their effectiveness and long-term success as well as achieving the sustainable development and the SDGs namely Goals 3, 5, 8, 10 and 16
6. *Encourages* to consider the following criteria for the selection of PMCs: clean criminal record, standards for vetting and personnel management records, licensed, appropriate rules for the use of force, training in security services, international law, cultural and gender issues, handling of public complaints, measures against bribery, corruption and other crimes, sources, registration and safekeeping of weapons, international accountability mechanisms and welfare provisions for employees;
7. *Calls on* UN Member States at the national level to prohibit the incorporation of soldiers and personnel of PMCs into regular armies in order to intentionally alter their status to avoid accountability for violations committed
8. *Encourages* UN member states at the national level to prohibit the incorporation of soldiers and staff of PMCs into regular armies in order to avoid altering the status of PMCs in military conflict and to clearly distinguish between combatants and civilians.
9. *Proposes* involving the legal licensed PMCs to the peacekeeping troops of the UN due to their effectiveness which was demonstrated by their ability to quickly respond as well as by their preparedness for the action, undoubtedly with obligatory adherence to the UN Charter and regional PMC supervision commission;
10. *Highly recommends* signing contracts with PMCs with clearly defined rights and obligations of both parties with responsibility for any violations during the contractual period and even after its expiration,
11. *Endorses* explicitly allowing the use of PMCs by regional security organizations and alliances in order to maintain regional security and stability based on basic human rights, international humanitarian law and the above-mentioned international treaties.
12. *Recognizes* the following essential rights for the individuals engaged in PMCs such as:

a. Right to be considered and treated as prisoners of war in case they voluntarily surrendered to the other party in the conflict;

b. Right to be clearly informed about their tasks by their recruiters and employers;

c. Right to be put on trial, prosecuted and punished only in accordance with the provisions of the Rome Statute of the International Criminal Court in case of any civil or military violations under the jurisdiction of the Court;

d. Strongly advises that command staff and recruiters should be on charge of preventing genocide, crimes against humanity and war crimes (as they are defined in this very resolution and in the Rome Statute of the International Criminal Court) and any other existing violations of international and humanitarian law;

1. *Encourages* contracting states and territorial states to provide the minimum standards for the conduction of operations of PMCs listed below:

a. a clear criminal record among PMC management and personnel;

b. sufficient liability insurance;

c. identification cards and approved uniforms which are not easily confused with those of the police or armed forces;

d. minimum training level in the use of force or firearms (where permitted) medical aid, knowledge of national and international law in the field of human rights protection,

1. Submits to the Secretary-General in accordance with the Article 121 the Rome Statute of the International Criminal Court A/CONF 183/9 of 17 July 1998 an amendment to this Statute to add a new article imposing liability for crimes under the articles 6, 7, 8 of the Statute committed by PMSCs;
2. *Strongly encourages* the OCHA to develop a programme of assistance to victims of PMC misconduct (including medical and psychological) to be provided by special humanitarian missions and to establish a charitable fund for this purpose;
3. *Calls* Member States through the mandate of the UN GA Sixth Committee for the creation of the Working Group on the use of mercenaries to raise the level of transparency and to divide the mercenary-related activities from the PMCs services in the particular region by establishing special regional consulting commissions, that may be composed by Member States, intergovernmental and nongovernmental organisations and other relevant actors, that should request all necessary information about PMCs on the territory of the Home States, that are the members of the commissions in the particular region;
4. *Remains actively seized on the matter*.