

Mercenaries Disadvantage

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Uniqueness: US Reigning in Mercenaries' Acts Now

The US is making mercenaries' acts subject to the judicial law of the country they inhabit, thereby taking away their immunity and combating their harmful acts.

"U.S. Government to U.S. Mercenaries: Say Goodbye to Immunity in Iraq," **Middle East Online**, November 21, 2008, accessed at AlterNet.org

U.S. officials on Thursday told scores of firms offering security in Iraq that their personnel will lose immunity from prosecution under a new U.S.-Iraq security pact due to take effect in January. The officials told reporters that they briefed delegates from 172 security contractors employing nearly 175,000 Americans, Iraqis and others in Iraq about the new rules under a pact. Security firms heard how many rules and procedures for troops and contractors were "rightfully changed as a result of this historic development," the officials told reporters, quoting from a statement they read to the firms. The firms provide armed escorts and other security measures to U.S. and Iraqi government officials, as well as foreign diplomats. Under the changes, contractors "can no longer expect that they will enjoy the wide ranging immunity from Iraqi law that has been in effect since 2003," when U.S.-led forces invaded Iraq, according to the statement. The firms were reminded that Prime Minister Nuri al-Maliki and other Iraqi political leaders have said publicly that "they plan to take the legal steps necessary to remove these immunities at an early date," the statement said. Contractors "can expect to be fully subject to Iraqi criminal and civil law and to procedures of the Iraqi judicial system," it said, adding their status will be in line with that of contractors in Afghanistan and other countries. The U.S. embassy in Baghdad will work with the Iraqi government to help ensure that any U.S. government contractor "accused of a crime is treated fairly," the statement said.

Link: Use of Mercenaries → Terrorism

Strengthening the use of mercenaries strengthens terrorism.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

Another aspect of mercenary activities today **relates to the connection with acts of terrorism**. The following section of the report deals with this issue. It should be noted that while the link exists, it is not a systematic and permanent relationship, but, rather, opportunistic, circumstantial and ad hoc, although the effect is lethal and extremely harmful.

Indeed an analysis of cases shows that some terrorist attacks are carried out by militants indoctrinated and fanaticized with fundamentalist ideological concepts who view recourse to terrorism as a "legitimate" means of achieving certain objectives. Underlying many terrorist attacks is a fundamentalist conception that aims at collective intimidation by sowing fear and panic. However, there also exist terrorist acts that are simply the expression of interests of specific Governments, political organizations or entities which, in the name of the struggle against certain regimes, do not hesitate to resort to terror. **Such entities resort to the use of mercenaries to commit terrorist acts.**

Link: Use of Mercenaries → Terrorism (2)

Mercenaries and terrorists actions are linked.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

This brief analysis is fully borne out in this report by the Special Rapporteur to the Commission on Human Rights. Firstly, any act of terrorism is in and of itself an attack on human rights, which the special rapporteurs of the United Nations system have been appointed to protect and promote, and attacks on which we have an obligation to denounce and combat. Secondly, various United Nations resolutions, such as Security Council resolution 1373 (2001), invite cooperation, not only between States, but also between organizations of society in general and of course between United Nations bodies, agencies, machinery and experts so as to close ranks and work to avert, prevent and punish terrorism. Security Council resolution 1373 (2001) also makes reference to elements of terrorist activity that are related to the mercenarism which constitutes the Special Rapporteur's mandate, such as "transnational organized crime, illicit drugs, money-laundering, illegal arms trafficking, and illegal movement of nuclear, chemical, biological and other potential deadly materials" etc. (para. 4). All this confirms, as the Special Rapporteur has maintained, that **close links may exist, and de facto have in the past existed, between terrorism and mercenary activities.**

Link: Use of Mercenaries → Terrorism (3)

Mercenaries and terrorist acts are inherently linked.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

In this line of thinking, when investigating a terrorist attack or the presence of terrorists in an armed conflict the possibility must be considered that mercenaries may be involved. It is clear that the mercenary is nothing more than a tool, a link in the commission of the crime, but the mercenary's professional training may be essential to the success of a single criminal act or one committed in the context of an armed conflict. Account must also be taken of the fact that terrorist violence is decentralized, fragmented, without a contextual identity throughout the preparation stage, and indiscriminate in its effects at the time it is carried out, all of which favours the hiring, training and financing of mercenaries so that it is they who are used for execution of the acts, acts planned and directed by government or non-government bodies. In any event, since the preparation of a terrorist act is long and complex, in each case consideration must be given to the possibility that some of the preparations may have involved hiring mercenaries with specialist skills.

It is widely known that in general terrorists construct secret and very extensive support networks. These networks must be unearthed and eliminated; it is there, submerged in everyday society, that terrorism hides. It is an underground but real world, which worldwide feeds on laundered money, drugs, arms bought from traffickers, and where a mercenary, hired for pay, can be the last link in the chain required by terrorist violence. If measures to avert terrorism are to meet with success, account must be taken of the variables referred to, including, of course, the measures envisaged against mercenaries, since that will help to counter terrorism.

Internal Link: Blackwater

Recent events show that Blackwater is betraying the US.

“Blackwater, Missing Guns, Afghanistan and...South Park?” **The Washington Independent**, February 23, 2010

The committee's investigation points to the contrary. Blackwater personnel appear to have gone to exceptional lengths to obtain weapons from U.S. military weapons storehouses intended for use by the Afghan police. According to the committee, at the behest of the company's Afghanistan country manager, Ricky Chambers, Blackwater on at least two occasions acquired hundreds of rifles and pistols from a U.S. military facility near Kabul called 22 Bunkers by the military and Pol-e Charki by the Afghans. Gen. David Petraeus, the commander of all U.S. military forces in the Middle East and South Asia, wrote to the committee to explain that "there is no current or past written policy, order, directive, or instruction that allows U.S. Military contractors or subcontractors in Afghanistan to use weapons stored at 22 Bunkers."

Brink: Terrorism Growing (Afghanistan Scenario)

Terrorism is on the rise in Afghanistan.

“Terrorist Attacks Spike in Pakistan, Afghanistan,” **Huffington Post**, April 28, 2010

WASHINGTON — An increase in terrorist attacks in Pakistan and Afghanistan triggered a spike in the number of civilians killed or wounded there last year, pushing South Asia past the Middle East as the top terror region in the world, according to figures compiled by a U.S. intelligence agency.

Thousands of civilians – overwhelmingly Muslim – continue to be slaughtered in extremist attacks, contributing to the instability of the often shaky, poverty-stricken governments in the region, the statistics compiled by the National Counterterrorism Center show.

The struggling nations provide havens for terrorists who are increasingly targeting the U.S. and other Western nations.

Brink: Terrorism Growing (Kuwait Scenario)

Terrorism is on the rise in Kuwait.

“Kuwait 2010 Crisis and Safety Report,” **Overseas Security Advisory Council (OSEAC)**, March 1, 2010, <https://www.osac.gov/Reports/report.cfm?contentID=114382>

In August 2009, a group of Kuwaitis were arrested for planning attacks on U.S. military installations in Kuwait. Some of these individuals had previously been detained by the Kuwaiti security forces for their participation in the Failaka Island attack in 2005. The trial for these individuals will begin in February 2010.

Like many other U.S. embassies in the Middle East, U.S. Embassy Kuwait City continues to receive threat information indicating official and private American citizens may be targeted for terrorist attacks. Soft targets, such as western hotels and restaurants, can be considered vulnerable to terrorist attack, although many soft targets are making security upgrades to their perimeter and internal security.

Brink: Terrorism Growing (Iraq & Afghanistan Scenarios)

Terrorism is on the rise in Iraq.

“Terrorism Risk Index 2010: Iraq Tops the List,” **The Huffington Post**, February 19, 2010

Maplecroft, an organization that assesses geopolitical risks for companies and investors, has compiled its 2010 Terrorism Risk Index (TRI). The index ranks countries not only on the possibilities of a terrorist attack, but on the possibilities for a large number of casualties.

Iraq, Afghanistan, and Pakistan top the list, somewhat unsurprisingly, and Thailand, previously number 11, has moved up into the top ten.

Impact: Terrorism

The use of mercenaries ups terrorism, causing nuclear, biological, chemical and other types of warfare.

“Terrorism myths and realities,” Yonah Alexander, Inter-University for Terrorism Studies Director, The Washington Ties, August 28, 2003

Last week's brutal suicide bombings in Baghdad and Jerusalem have once again illustrated dramatically that the international community failed, thus far at least, to understand the magnitude and implications of the terrorist threats to the very **survival of civilization itself**. Even the United States and Israel have for decades tended to regard terrorism as a mere tactical nuisance or irritant rather than a critical strategic challenge to their national security concerns. It is not surprising, therefore, that on September 11, 2001, Americans were stunned by the unprecedented tragedy of 19 al Qaeda terrorists striking a devastating blow at the center of the nation's commercial and military powers. Likewise, Israel and its citizens, despite the collapse of the Oslo Agreements of 1993 and numerous acts of terrorism triggered by the second intifada that began almost three years ago, are still "shocked" by each suicide attack at a time of intensive diplomatic efforts to revive the moribund peace process through the now revoked cease-fire arrangements [hudna]. Why are the United States and Israel, as well as scores of other countries affected by the universal nightmare of modern terrorism surprised by new terrorist "surprises"? There are many reasons, including misunderstanding of the manifold specific factors that contribute to terrorism's expansion, such as lack of a universal definition of terrorism, the religionization of politics, double standards of morality, weak punishment of terrorists, and the exploitation of the media by terrorist propaganda and psychological warfare. Unlike their historical counterparts, contemporary terrorists have introduced a new scale of violence in terms of conventional and unconventional threats and impact. The internationalization and brutalization of current and future terrorism make it clear we have entered an Age of Super Terrorism [e.g. biological, chemical, radiological, nuclear and cyber] with its serious implications concerning national, regional and global security concerns.

Impact Calc: Terrorism is Worst Impact

Terrorism is the worst impact because it includes all types of warfare – biological, chemical, nuclear or otherwise – and risks entire global extinction.

“Extinction!” Mohamed **Sid-Ahmed**, staff writer, Al-Ahram Issue 705, September 1, 2004,
<http://weekly.ahram.org.eg/2004/705/op5.htm>

We have reached a point in human history where the phenomenon of terrorism has to be completely uprooted, not through persecution and oppression, but by removing the reasons that make particular sections of the world population resort to terrorism. This means that fundamental changes must be brought to the world system itself. The phenomenon of terrorism is even more dangerous than is generally believed. We are in for surprises no less serious than 9/11 and with far more devastating consequences.

A nuclear attack by terrorists will be much more critical than Hiroshima and Nagasaki, even if -- and this is far from certain -- the weapons used are less harmful than those used then, Japan, at the time, with no knowledge of nuclear technology, had no choice but to capitulate. Today, the technology is a secret for nobody. So far, except for the two bombs dropped on Japan, nuclear weapons have been used only to threaten. Now we are at a stage where they can be detonated. This completely changes the rules of the game. We have reached a point where anticipatory measures can determine the course of events. Allegations of a terrorist connection can be used to justify anticipatory measures, including the invasion of a sovereign state like Iraq. As it turned out, these allegations, as well as the allegation that Saddam was harboring WMD, proved to be unfounded.

What would be the consequences of a nuclear attack by terrorists? Even if it fails, it would further exacerbate the negative features of the new and frightening world in which we are now living. Societies would close in on themselves, police measures would be stepped up at the expense of human rights, tensions between civilizations and religions would rise and ethnic conflicts would proliferate. It would also speed up the arms race and develop the awareness that a different type of world order is imperative if humankind is to survive.

But the still more critical scenario is if the attack succeeds. This could lead to a third world war, from which no one will emerge victorious. Unlike a conventional war which ends when one side triumphs over another, this war will be without winners and losers. When nuclear pollution infects the whole planet, we will all be losers.

AT: Mercenaries are OK

The inherent use of mercenaries incur harmful impacts.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

In general, mercenary activity is not spontaneous. It usually occurs as a result of conspiracy to commit crimes. It is also commonly associated with other unlawful activities such as traffic in persons, drugs and arms. Some armed conflicts have broken out because of the existence of weapons markets that encouraged them, while others are unnecessarily prolonged for the same reason. Mercenaries are present in such traffic. Recourse is had to mercenaries for arms shipment, whether as pilots, co-pilots, flight engineers or providers of armed security. They are also hired to act as dealers in the field or as instructors in the use of the war material sold.

Those trained in the use of armaments are usually military personnel but may also be members of guerrilla organizations or paramilitary groups with no significant military preparation. In illegal arms traffic, payment is effected in cash, but may also be in kind. In recent conflicts, weapons have been paid for with diamonds and other precious stones, petroleum or drugs, as can be seen in the cases of Afghanistan, Angola, Colombia, Liberia and Sierra Leone. The mercenary agent plays his part in such traffic without any concern as to what use will be made of the weapons or what damage they may cause. The magnitude of the phenomenon is astonishing, and the international community is not adequately protected against it. Efforts should be made to elaborate regulatory instruments for effectively thwarting that activity and to strengthen the political will to put an end to such illicit traffic.

AT: Mercenaries Legal

The use of mercenaries is legal in some countries but that does not turn the link and the impacts.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

Lastly, the diversification of and growth in mercenary activities has been possible because some States have adopted an indifferent, unheeding and even permissive attitude towards mercenary activities. To be absolutely clear on this point, there is no uniform posture on the part of Member States of vigorously combating and completely prohibiting mercenary activities in all their aspects.

Penal legislation in most Member States suffers from serious gaps with regard to the treatment of those who make available for pay their professionally skilled services for the performance of acts that can seriously harm substantive and basic personal right, affect institutions and even involve terrorist attacks in States, sowing destruction, death and panic, with the aim of inflicting damage on a Government on political, ideological, religious or other pretexts.

AT: Non-Unique

International efforts are trying to control and reduce the use of mercenaries.

“THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION,” **United Nations Economic and Social Council**, Commission on Human Rights, Fifty-Eighth Session, January 10, **2002**

In this vein the Commission on Human Rights has confirmed in its recent resolutions that the presence of mercenaries should be studied and identified in connection with various criminal activities. This consideration emphasizes the risk posed by the use of mercenaries for the perpetration of various unlawful acts and the violation of human rights and international humanitarian law, even in cases that may not be directly connected with self-determination. In accepting the suggestions made by the meeting of experts, the Commission thus strengthened the United Nations condemnation of mercenary activities.