General Assembly 1

The threat of private military and security companies to international security

Research Report

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Issue: *The threat of private military and security companies to international security*

Position: *Deputy Chair*

Introduction

During the last two decades, there has been an exponential growth in the involvement of Private Military and Security Companies (PMSCs) in conflict-affected areas. The recent Russian war of aggression against Ukraine brought into the spotlight the controversial role of the PMSCs. The Wagner Group, which played a key role in the Russian invasion of Ukraine, launched an armed rebellion in June 2023 against Russia and seized the city of Rostov-on-Don. In the United States (US), Blackwater company was the major US private contractor in war zones of Iraq and Afghanistan. It was prosecuted for uncontrolled use of violence, mainly during the Nisour square killings of 17 Iraqi civilians, by the US Courts. PMSCs activities question the state monopoly on the legitimate use of violence.

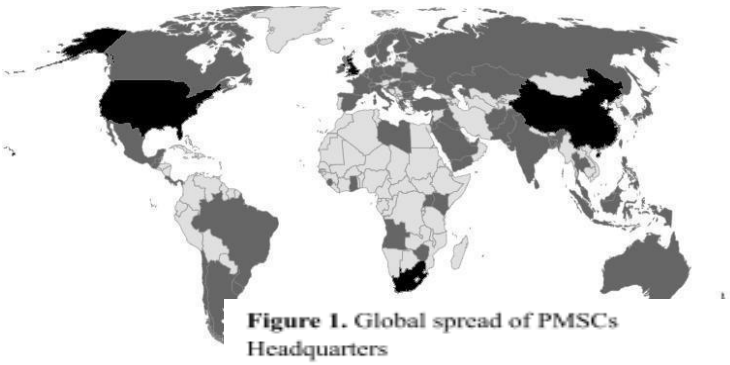

Figure 1. Global spread of PMSCs Headquarters

Mercenarism is as old as human history. Private armies, fighting at the forefront of old and new wars, have played a crucial role in changing the existing war dynamics and defense architecture. Undoubtedly, since the end of the Cold War, there has been a tremendous rise in the appearance of private security activity globally[1]. Today's modern mercenarism is reflected in the development of multiple PMSCs. The PMSCs are for-profit entities that ply military and/or security services within warzones and regions who suffer from security deterioration and instability.

Traditionally, states militaries were the sole responsible for securing borders and internal security. During the last decades private military forces started to spread on an international stage. More specifically, PMSCs are present in 50 different countries (Singer, 2008) in all continents. It is

[1] Swed, O., & Burland, D. (2020, August). Figure 3: Global spread of pmscs headquarters - researchgate. https://www.researchgate.net/figure/Global-Spread-of-PMSCs-Headquarters_fig1_343794720

estimated that the international PMSC industry sold $240 billion worth of services in 2020[2], a number set to double by 2030.

Though PMSCs are characterized as "game changers", they pose a significant threat to international security since many of them have been embroiled in illegal activities and human rights abuse. Urgent action is needed in order to ensure better regulation and foster accountability in warzones. United Nations Human Rights Council (UNHRC) Working Group urges for prohibiting mercenarism by establishing an international binding regulation of the activities of PMSCs. In overall, which is the exact role of these companies, and do they represent a threat to international security?

Definition of Key Terms

Private Military and Security Companies (PMSCs):

Private Military and Security Companies (PMSCs) are private companies who trade in security and/or military services, mostly outside their home states. Among the services offered are armed and unarmed guarding of personnel and assets, intelligence, military support and logistics services, as well as security training. The PMSC industry comprises hundreds of companies operating in more than 50 countries worldwide, and working for governments, international institutions, and corporations. The major PMSCs globally are: Blackwater (US), DynCorp International (US), Military Professional Resources Inc. (US), Vinnell Corporation (US), Aegis Defence Services (United Kingdom - UK), ArmorGroup (UK), Northbridge Services Group (UK), Control Risks Group (UK), Erinys International (UK / South Africa), Wagner (Russia).

The concept of privatization of security allocates to PMSCs a field of action traditionally monopolized by national military forces. These include combat support, including training and intelligence, operational support, strategic planning and consultancy, technical assistance, post-conflict reconstruction and a wide range of security provisions. There has been a significant rise of the PMSC industry, which was more evident in the Iraq and Afghanistan conflicts where, according to the US Department of Defense, 52% of the combat personnel were contractors. PMSCs' activity has created controversy due to the numerous plausible reports of extreme violence and human rights abuse. The international community has raised significant concerns by claiming that PMSCs operate outside the international legal system and urges for a stricter regulatory framework.

Mercenary:

A mercenary is literally a soldier who is paid by a foreign country to fight in its army. According to the definition provided by the 1989 International Convention against the Recruitment, Use, Financing and Training of Mercenaries a mercenary is any person who : (a) is specially recruited locally or abroad in order to fight in an armed conflict; (b) is motivated to take part in the hostilities essentially by the desire for private gain and, in fact, is promised, by or on behalf of a party to the conflict, material compensation substantially in excess of that promised or paid to combatants of similar rank and functions in the armed forces of that party; (c) is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict; (d) is not a member of the armed forces of a party to the conflict; and (e) has not been sent by a State which is not a party to the conflict on official duty as a member of its armed forces.

International Security:

International security signifies the involvement from more than one country in the protection of a person, building, organization, or country against threats such as crime or attacks by foreign countries.

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[2]Aerospace and Defence news. (n.d.). *Private Military & Security Services market to total $457.3*. Private Military & Security Services Market to Total $457.3. https://www.asdnews.com/news/defense/2020/02/19/private-military-security-services-market-total-4573-bn-2030

Cold War:
The Cold War era is defined as a state of extreme unfriendliness existing between countries, especially countries with opposing political systems, that expresses itself not through fighting but through political pressure and threats. The expression is usually used for the relationship between the US and the Soviet Union between 1945 and 1991.

Geneva Conventions:
A series of international treaties concluded in Geneva between 1864 and 1949 for the purpose of ameliorating the effects of war on soldiers and civilians. They have helped to limit or prevent human suffering in past wars, and they remain relevant in contemporary armed conflicts.

Montreux Document:
The Montreux document is the first international document to reaffirm the international legal obligations of states regarding the activities of private military and security companies. It also contains a series of best practices designed to help states take appropriate measures to comply with their obligations under international law.

International Code of Conduct:
International Code of Conduct is the code which is the result of a multi-stakeholder initiative and articulates responsibilities of private security companies under human rights and international humanitarian law to ensure the responsible provision of private security services, particularly when operating in complex environments.

General Overview

Historical background

From the ancient years until today, humanity has always been engaged in wars; as long as there are wars, there will be soldiers and out of soldiers, there will be mercenaries. The Egyptian Pharaohs employed foreign soldiers. In the ancient Greco-Persian wars, predominantly mercenary legions fought. During the Medieval ages, Europe was harbored with contract armies fighting for city-states. Finally, the British employment of mercenary German “Hessians” during the American Revolutionary is another example of “soldiers of fortune”. It was not until 1648 when the Treaty of Westphalia introduced the era of sovereign nation states which were obliged to protect their lands and people with public forces. Thus, it was solely the states’ authority to use force and violence in order to provide individual and private security as long as this was in line with state interests and protection. After the Peace of Westphalia was signed, states gradually monopolized control over mercenary forces. The French Revolution heralded the development of mature nations that became aware of their inability to control threats that mercenary companies presented to their sovereignty. Hence, a dramatic decrease in the demand for the services offered by mercenary companies was evidenced concurrently with the development of anti-mercenary laws and treaties which prohibited citizens from joining private armies and criminalized their activities.

Re-emergence of privatization of security

Since the end of the Cold War decolonisation and resultant civil wars triggered a marked proliferation of mercenary activity all over the world. In the 20th century, private armies were regularly involved in conflicts, especially across Africa, the Middle East and the Far East. This reflected a change in foreign policy of the major players on the world stage, i.e. Britain, US, former Soviet Union, aiming to protect their political and commercial interests in a changing world. In this context, covert operations were used to support or overturn illegal regimes, deny self-determination to indigenous populations and actively participate in human rights abuses.

The international order first witnessed the emergence of PMSCs at the operation led by the UK government in Yemen, where mercenaries were used instead of regular British Army troops to

maintain British influence in the region. Watchguard, founded by David Stirling in 1965, is considered as the first private military company established. During the civil war in Yemen, Watchman recruited a private force of former Special Air Service (SAS) officers selling military style services to the Royalists fighting Nasser acting exclusively in the interest of Britain. The government, on the other hand, used “unofficial” high-class professional military personnel to undertake various "delicate" missions abroad that could, otherwise, lead to an undesirable diplomatic scandal.

During the 1980s, PMSCs expanded and gradually transformed into properly structured corporate entities. Throughout the 1990s, PMSCs progressively established themselves as commercial enterprises separate from any military involvement having business profit as the ultimate driving force. Initially, the governments paid no attention to the impact of the changing nature of PMSCs on international security. This changed when the South African PMSC Executive Outcomes (EO) undertook military operations in Angola and Sierra Leone. During the civil war in Angola in early 1993, EO was contracted to recapture Soyo, an area with considerable oil reserves, which had been taken by National Union for the Total Independence of Angola (UNITA) troops. EO had been contracted by the Angolan government to provide not only military expertise, including training and equipment, but also protection for Western business interests in the shape of oil fields and diamond mines. EO subsequently provided military support and security advice to Sierra Leone in 1995. The successful outcome of these operations proved that military involvement, under certain circumstances, could become commercially profitable. At the same time, the international community downgraded its responsibility to intervene in the civil wars going on in these countries. The general view, at that point, was that PMSCs can positively contribute to international peace and security.

While EO’s operation in Angola and Sierra Leone did not attract the interest from national governments, the international community gradually took notice of the increasing role of private violence in ongoing conflicts, especially in Africa. The UN Commission on Human Rights first published a Resolution in February 1995 (1995/5), which confirmed that the recruitment, use, financing, and training of mercenaries, should be considered as an offence of grave concern to all states. According to this resolution, domestic problems were being seen as the responsibility of the involved country and not necessarily that of the rest of the international community.

The war in Iraq and Afghanistan

The Yugoslavia and the Chechnya civil wars have seen a plethora of PMSCs emerge. This was due to the unwillingness of the major strategic parties involved, i.e. US and the former Soviet Union respectively, to interfere directly in the conflicts, while retaining an interest in their outcome. A major breakthrough has been the war in Iraq, where PMSCs were used on a major scale. The 2003 invasion of Iraq is regarded as the largest involvement of private contractors in the history of war and postwar period. Literally, almost every foreign entity in Iraq, including governments, international organizations, media agencies and commercial enterprises, had some form of private contractors to provide security for personnel and property as well as to perform military operations. The magnitude of this phenomenon during the wars in Iraq and Afghanistan is illustrated in Figure 2. By 2008, the number of PMSCs personnel surpassed US troops in Iraq, reaching a 2:1 ratio.

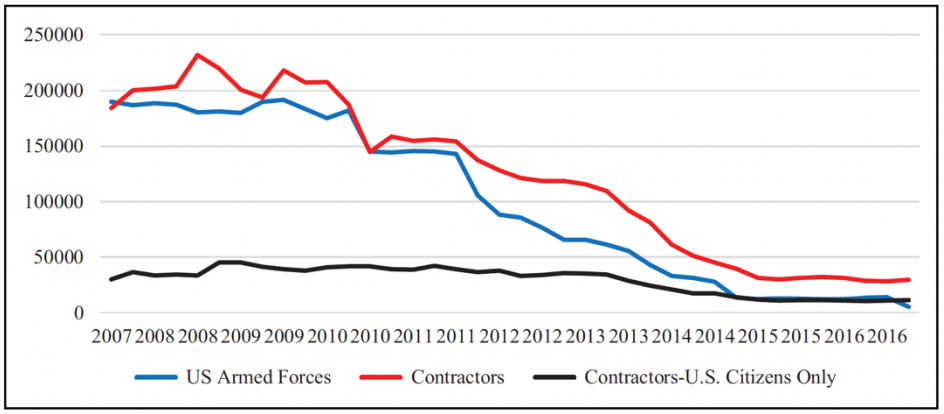

Figure 2. US PMSCs in Iraq and Afghanistan (2007-2016)[3]

Working as a private contractor became a profitable job. Taking advantage of the great demand for security personnel, private security contractors rapidly raised their earnings. Within a short timeframe, the salaries of PMSCs' employees increased from 300 US dollars per day/employee to $500 - 1,500 per day. The estimated international market for security services alone increased from US$900 million in 2003 (US$300 million in Iraq), to US$1.7 billion by August 2004 (US$900 million in Iraq). The aftermath of the Iraq War led to the emergence of new PMSCs reaching up to a number of 120 PMSCs in 2011. The balance between PMSCs' creation and their termination is illustrated in Figure 3. The whole PMSC market worth was estimated at $240 billion in 2020, while it is forecasted to total $457.3 billion by 2030.

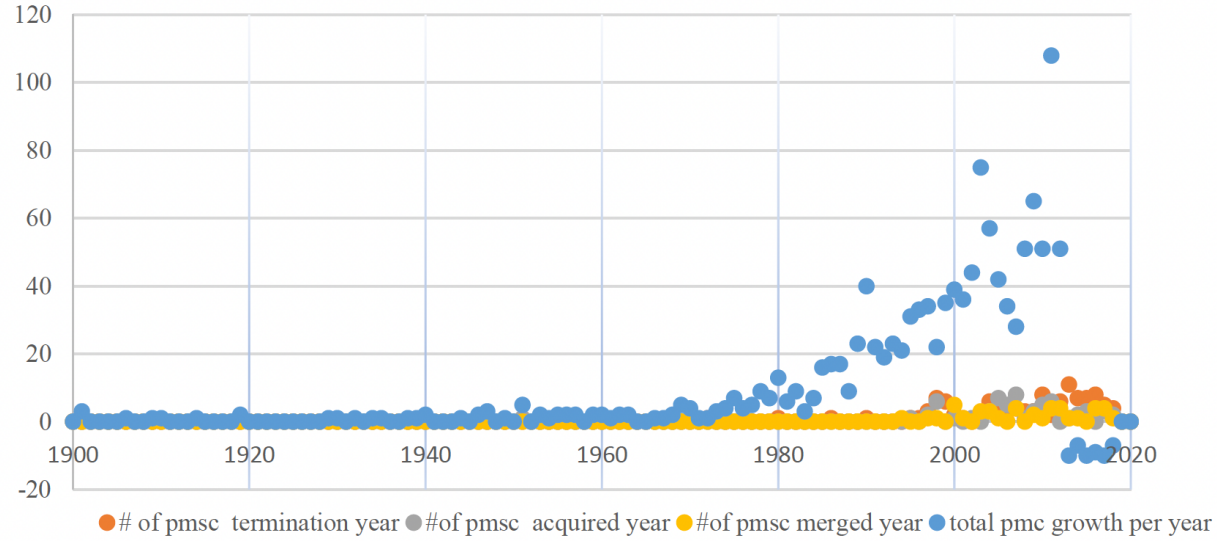

Figure 3. Balance between creation and termination of PMSCs over time.[4]

[3] Swed , O., & Burland , D. (2020a, June). *Contractors in Iraq: Exploited class or exclusive club?*. Sage Journals . https://journals.sagepub.com/doi/10.1177/0095327X20927471?icid=int.sj-full-text.citing-articles.7

[4] Swed, O., & Burland , D. (2020). *The global expansion of pmscs: Trends, opportunities, and risks - OHCHR*. The Global Expansion of PMSCs: Trends, Opportunities, and Risks. https://www.ohchr.org/sites/default/files/Documents/Issues/Mercenaries/WG/ImmigrationAndBorder/swed-burland-submission.pdf

The 21st century witnessed the expansion of the PMSC industry into different countries. Nowadays, 81 different countries host at least one PMSC main headquarters within their territory and use its services. Leading countries are: US, the UK, China, and South Africa, which account for about two thirds of the entire industry. Other major hosting countries are: Russia, Australia and New Zealand. Modern PMSCs are versatile in terms of the services they provide; namely, land, air, or maritime operations. Important supporting services to the main military categories of operations are: security, information technology (IT), logistics, translation, training, and other specializations. The demand for land operations is prevalent and exceeds 80% of the PMSCs activities, while maritime services follow by over 32%.

The threat of PMSCs to international security

As previously described, PMSCs have been praised initially by the governments and the international community for their efficiency in securing peace, stability and influence of the major countries in destabilized areas. However, PMSCs have been accused of numerous scandals of human rights abuse and illegality, showing the drawbacks regarding the suitability of their long-term use. During the war in Iraq, significant public concerns have risen regarding the conduct and actions of PMSCs in a series of incidents. In 2003, the media was flooded with accounts of the abuse and torture of prisoners held in Abu Ghraib prison in Iraq by personnel of PMSCs Titan/L-3 and CACI. In November 2005, a trophy video appeared on the website of a former Aegis employee showing mercenaries randomly shooting automatic weapons at civilian cars on the road to the Baghdad airport. In Nisour Square massacre in Baghdad, on 16th September 2007, Blackwater guards shoot at Iraqi civilians, killing 17 and injuring 20[5]. It became evident that the legal framework which addresses wrongful conduct on the part of private contractors is less clear than the laws applicable to regular armed forces. In democratic countries, the national army is accountable through both the political and the legal processes to the parliament. On the other hand, the same channels do not apply to PMSCs, who are subject to the terms of their contract. In Iraq particularly, PMSCs contractors have operated with relative impunity between 2004 and 2009. Several of the regular soldiers involved in the Abu Ghraib case have been prosecuted by US Justice; however, PMSC employees have escaped. Despite PMSCs claim to conform to the laws of war, it is evident that they have no counterpart to the court martial system of national armies.

Major Parties Involved

Wagner

The Wagner Group is the largest Russian PMSC that played a key role in the Russian invasion of Ukraine in 2022. It attracted significant international attention after launching an armed rebellion in June 2023 against Russia and seized the city of Rostov-on-Don[6]. The roots of the Wagner Group begin before the Russian Annexation of Crimea in 2014. The Wagner Group was subsequently diffusely involved in various operations at the African continent between 2017 and 2019 in the areas of Sudan, the Central African Republic, Madagascar, Libya, Mozambique, Zimbabwe,

[5] Apuzzo, M. (2014, October 22). *Blackwater guards found guilty in 2007 Iraq killings*. The New York Times. https://www.nytimes.com/2014/10/23/us/blackwater-verdict.html

[6] Al Jazeera. (2023, June 27). *Moscow's fallout with Wagner: Your guide to the russian rebellion*. Russia-Ukraine war News | Al Jazeera. https://www.aljazeera.com/news/2023/6/26/moscow-fallout-with-wagner-your-guide-to-the-russian-rebellion

Angola, Guinea, Guinea Bissau, and possibly the Democratic Republic of Congo. Despite their wide range of operations, PMSCs are officially prohibited by Russian law. Wagner was accused of committing brutalities and abuses of human rights. It is designated as a transnational criminal organization by the US Department of the Treasury.

Blackwater

Blackwater is an American private military contractor founded in 1997 by the former US Navy Seal Erik Prince. It provides military security for multiple governments and corporations around the world as well as personal security to military and diplomatic missions. Blackwater operated in Kabul, Afghanistan, in 2002 employed by the Central Intelligence Agency (CIA) to secure the agency's interests. Blackwater was extensively involved in Iraq and Afghanistan war and became the most powerful army of mercenaries. Blackwater's primary mission was to provide military security. In 2003, Blackwater provided guards and helicopters to secure the Coalition Provisional Authority (CPA) officials and the US Ambassador to Iraq. By the end of 2004, Blackwater had earned more than US$ 1 billion in federal contracts in Iraq. Blackwater has also won contracts to fight opium cultivation in Afghanistan and to back a maritime operation in Azerbaijan. Blackwater caused an international outcry for the Nisour Square massacre in Baghdad in 2007, after which the US Congress pressured the Pentagon to hold the Blackwater employees accountable. The negative publicity forced Blackwater to change its name to Xe Services, while, since 2011, it operates under the name of ACADEMI.

DynCorp International

DynCorp is a private military contractor founded in 1946 after the incorporation of Land-Air with California Eastern Airways. It is highly specialized focusing on aviation, logistics and consulting apart from other military services including building camps, training military and police personnel and offering personal security (DynCorp protects the Afghan President Hamid Karzai and other leading Afghan officials). DynCorp was also involved in a drug crop eradication mission in Colombia. DynCorp's operations in the Balkans and Afghanistan have raised serious questions caused by the aggressive behavior of the company. More specifically, DynCorp employees in Bosnia were implicated in human trafficking scandals of young girls and were accused of sexual abuse.

Vinnell

The Vinnell Corporation is a private military company founded in Herndon, Virginia. Their main mission is to provide specialized military training, logistics, and weapon systems maintenance and management. From 1965 until 1975, Vinnell was involved in the military operations in South-East Asia. During the Vietnam War, Vinnell employed more than 5,000 soldiers. Subsequently, Vinnell provided training to Saudi air forces in order to secure US interests on oil fields. Nowadays, Vinnell operates as a subsidiary of Northrop Grumman, contracted to train the new Iraqi army.

Aegis Defence Services

Aegis is a UK-based PMSC that coordinates all PMSCs activities in Iraq today. It was founded in 2002 by Tim Spicer, former Chief Executive of Sandline International and is part of the Aegis Group of companies, which includes the US-based Aegis LLC. The firm's turnover rose significantly during the war in Iraq and became one of the world's largest private armies. In 2011, Aegis was awarded a $497 million contract by the US Department of State for providing security services at the US Embassy in Kabul, Afghanistan.

ArmorGroup

ArmorGroup is a leading UK-based PMSC that operates in 38 countries across the Middle East, Africa, North and South America and central Asia employing more than 9,000 highly trained soldiers. Apart from military services, it provides consultancy, security training and protective security services to the extractive mine industries. ArmorGroup is the only PMSC listed on the London Stock Exchange Market. Its turnover has increased from US$71 million to US$233.2 million between 2001 and 2005. ArmorGroup executed armed security contracts in Kabul, Baghdad and Basra. ArmorGroup promoted the development of a trade association and lobbying arm for PMSCs called British Association of Private Security Companies (BAPSC). G4S incorporated ArmorGroup in March 2008.

Erinys

Erinys is a UK-South African private military contractor founded in 2003 registered in the British Virgin Islands. Erinys operational headquarters is in Dubai and has multiple subsidiaries in the UK, South Africa, Democratic Republic of Congo, Iraq and Nigeria. The leader is Jonas Savimbi, former political adviser to the Angolan rebel leader. Erinys secures oil interests in Iraq and Nigeria and has contracts from major corporations including AMEC, BHP Billiton, Anvil Mining, Siemens and the BBC. Furthermore, it provides communications services, reconstruction security, logistics for personnel and assets as well as training and risk

consulting. Erinys was accused by the media in 2004 for mistreatment and violation of human rights of a 16-year-old Iraqi boy.

China

China has become a major operator in the field of private military and security contractors. Following Russia, China officially prohibits private military companies, though, since 2009, it legalized private security forces. This led to a rapid proliferation in the number of security companies (exceeding the number of 7,000) operating in the country, while many of them surpassed the obscure boundaries and expanded their activity to military action. Nowadays, Chinese private security forces are operating abroad in more than 40 countries[7]. The over-proliferation of Chinese private security companies expands the influence of China to other governments in the diplomatic field and threatens to displace the US as the military and security partner of choice. Western counties are afraid that China will continue to assert its security influence abroad through non-conventional and non-overt means, while they have to overcome political and legal constraints.

UN Working Group

UN has shifted towards a growing concern of the potential threat of PMSC forces in establishing peace and security after the events reported during the Rwanda genocide in 1994 and the Iraq war in 2003. The UN Working Group was established in 2005 by the UN Commission on Human Rights and replaced the Special Rapporteur on the use of private armies. The UN Working Group aims to monitor PMSCs in terms of embarking on illegal activities and to propose legal solutions that would protect human rights and secure the right to self-determination in times of war. For this purpose, the Working Group is keeping close surveillance through special agents that visit war zones in different parts of the world on mercenary-related activities in all their forms and manifestations. The Working Group traveled to Comoros, Côte d'Ivoire, Belgium, Tunisia, Ukraine, the Central African Republic, and collected important information on both traditional mercenarism and foreign fighters. According to the latest report submitted to the General Assembly in April 2018, significant concern should be raised on the acts of violence performed by mercenaries in war as well as in non-war areas, for example in the situation of Comoros. Existing legislation to control the action of private military companies shows many gaps which facilitate law violation. A point of concern is that a series of private security firms do not report military activities in their functions or services provided; however, they often engage in atrocities.

[7] Markusen, M. (2022, January). *A stealth industry: The Quiet Expansion of Chinese private security companies*. CSIS. https://www.csis.org/analysis/stealth-industry-quiet-expansion-chinese-private-security-companies

Timeline of Events

1648	Treaty of Westphalia: Sovereign nation states were obliged to protect their lands and people with public forces
1789	French Revolution: Dramatic decrease in the demand for the services offered by mercenary companies concurrently with the development of anti-mercenary laws and treaties
1864	First Geneva Convention: Amelioration of the Condition of the Wounded in Armies in the Field
1965	Formation of the Watchguard: First private military company
1993	Angolan civil war
1995	Resolution published by the UN Commission on Human Rights: The recruitment, use, financing, and training of mercenaries, should be considered offences of grave concern to all states
10/2001 – 08/2021	Afghanistan war: Major involvement of PMSCs in fighting at the forefront and committing atrocities
03/2003 – 12/2011	Iraq war: Invasion of Iraq is regarded as the largest involvement of private contractors, especially Blackwater and Aegis in the history of war
09/2007	Baghdad's bloody Sunday: Blackwater personnel shot dead 17 unarmed Iraqi civilians in a hostile zone of Nisour Square in Baghdad
02/2014 – present	Russo-Ukrainian war: Russian Invasion in Ukraine. The Wagner Group officially a proponent of Russia's military
06/2023	Wagner Group rebellion: Wagner launched an armed rebellion in against Russia and seized the city of Rostov-on-Don

Possible Solutions

It is an undeniable fact that PMSCs have grown to such an extent that the development of legislation to regulate them is considered an urgent priority. The UN Working Group calls for a global effort towards the development of a strict international mandatory regulatory framework that will safeguard full protection of human rights and will impose strict punishment to private contractors held accountable for human rights violations.

More specifically, to increase accountability of such companies, it is critical to encourage national governments to effectively implement existing international laws and initiatives, such as the Montreux Document and the International Code of Conduct.
Furthermore, national authorities should be very cautious when contracting PMSCs in order to increase pressure on companies to respect the law. State officials who subcontract a service to a PMSC must also hold full responsibility for the activities of that PMSC.

All provided services by private contractors should not only be liable to individual licensing requirements, but also to parliamentary and public scrutiny through the media. On top of that, all licensed PMSCs should be registered; thus, the monitoring authorities could promptly filter out companies accountable for human right violations.

Last but not least, according to the most experienced researchers and journalists who focus on mercenary activity globally, what is essential is not necessarily additional international regulation, but the political will by the major players in the world stage, to apply the existing laws and encourage already existing national mechanisms to monitor this sector.

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