



BLACK OPS AND GREY AREAS: REVIEWING
THE ROLE OF PRIVATE MILITARY AND
SECURITY COMPANIES IN MODERN WARFARE

DISEC - BATHMUN 2024

Message from the Chairs

Dear delegates,

We are beyond thrilled to welcome you to the DISEC Committee at BathMUN 2024! It is our pleasure to serve as your chairs and to guide you through the complex topic of Private Military and Security Companies in modern warfare. Since 2022, war has returned to Europe and has acted as a test for 21st-century military practices and doctrine in a real environment. For the Russian side at least, this has involved the use of Private Military and Security Companies (PMSCs) on an unprecedented scale. This has brought their operations to the forefront of the public imagination in a way unseen for many years.

In light of this, we invite you to take a look backwards and examine the history of PMSCs to better understand how and why they exist. From there, we also invite you to draw your own conclusions from history to find solutions that will help the global community move forward and confront the challenges and issues related to the use of these organisations.

While we of course appreciate you reading this study guide, we also strongly encourage you to conduct your own research to get better acquainted with your country's position on this topic before the conference. You can also use the 'further reading' materials at the end of the study guide to get started with your personal research. While this is a beginner-level committee, we will still be tackling a very complex topic that examines the blurred lines between enterprise and the military, so there is a lot to investigate and learn about. We sincerely believe that beginners and veteran delegates alike will find this year's debate engaging and fruitful, and hope that you find your time at BathMUN 2024 to be much the same.

If you need any help or have any further questions, please don't hesitate to contact us!

Best wishes,

Your chairs

Chair Introduction

Hugo Goodwill

Distinguished delegates,

Welcome to BathMUN 2024! I'm Hugo and I am honoured to be one of your chairs for DISEC. I'm in my final year of studying for a Masters in Aerospace Engineering and, since beginning my MUN journey at school aged 12, I've had so many unique experiences and met some incredible people. This has included embodying the role of Nikita Khrushchev in the Cuban Missile Crisis, and partying at the LIMUN club night until 3am but still managing to get up for debate the following day! I was recently elected President of University of Bristol MUN, and as a delegate I try to balance making light of international affairs while also maintaining the sincerity and pragmatism required of a diplomat. As your chair, I hope to facilitate a debate in this spirit, and to make your experience of this year's BathMUN as interesting, engaging, and fun as possible!



Jae Hyun-Jo

Hi! I'm Jae, a 2nd-Year Politics & International Relations student at the University of Bristol. I'm from Seoul, South Korea originally, which is where I first fell in love with MUN. Though I've been attending conferences for the better part of 5 years now, this is my first time officially chairing a committee. BathMUN was my first conference in the UK, and attending as a delegate last year was truly a pleasure and a wonderful introduction to the UK MUN circuit. This year, I'll try my best to recreate that experience for all of you, whether it's your first time or fifth. I look forward to meeting you all in person and hope you enjoy the committee!



Introduction to the Committee

Committee History

The United Nations General Assembly First Committee, also known as the Disarmament and International Security Committee (DISEC), is one of the six main committees of the United Nations General Assembly. Though the Security Council handles immediate threats to international peace, DISEC was introduced as a supplementary body that would discuss a wider range of topics than the Security Council. Unlike the Security Council, all 193 member states can attend DISEC meetings, allowing for broader debates. While resolutions passed by DISEC are not legally binding, they can still foster communication between member states and lead to the prevention of future conflict.

DISEC was originally created during the time of the Cold War, and was at first fully dedicated to discussing topics relating to that conflict. The threat of nuclear war was a leading topic at the time. However, since the end of the Cold War, DISEC has been tasked with tackling a wider range of issues related to disarmament and maintaining international security. In more recent times the committee has also become more concerned with cyber-threats.

Committee Mandate

The DISEC mandate holds responsibilities that include, but are not limited to:

- Suggesting disarmament measures relating to nuclear and chemical weapons, weapons of mass destruction, and other conventional weapons
- Addressing threats to international peace and security including regional threats, terrorism, cyber-terrorism, and other security-related challenges
- Fostering the peaceful use of outer space
- Promoting dialogue between member states and ensuring solutions that deescalate conflict

At BathMUN, DISEC will follow the standard rules of procedure of the conference.

Topic Introduction

Key Terms

The issue of Private Military and Security Companies suffers from a lack of an agreed-upon corpus of terms. Defining and classifying the various actors in this industry is as much of a problem as the issue itself. Here, the most commonly referred to terms relating to the agenda are laid out for reference. **Remember that these definitions are not set in stone and are subject to heated debate.**

Private Military and Security Company

A **Private Military Contractor (PMC), Private Security Contractor (PSC), or Private Military and Security Contractor (PMSC)** is, broadly, a private firm that provides military and security services for financial gain. They may perform any number of tasks related to the military, including direct combat support (fighting on the frontlines), providing military training, providing logistical support, performing maintenance, repair, and overhaul/operations (MRO) services, and performing intelligence, surveillance, and reconnaissance (ISR) operations. Though some people distinguish between them, the terms 'PMC,' 'PSC,' and 'PMSC' do not have a commonly-agreed upon distinction and are often used interchangeably. For the purposes of this document, the term 'PMSC' will be used to refer to any and all firms that deliver military services for financial gain.

One authoritative effort to classify PMSCs comes from Peter W. Singer, who distinguishes three types. First, **military provider firms** supply "direct, tactical military assistance" that can include serving in front-line combat. Second, **military consulting firms** provide strategic advice and training. Third, **military support firms** provide logistics, maintenance and intelligence services to armed forces [1]. Though this is not necessarily the definition you must follow in discussions, do think about how such definitions and classifications can frame the regulation of PMSCs.

Mercenary

Generally speaking, a mercenary is a soldier that fights chiefly for financial gain. Motivation is key, as one must generally be chiefly motivated by financial gain to be considered a mercenary (as opposed to a 'foreign fighter')[2]. Several definitions exist in international law, which is covered in a later section.

Foreign Fighter

A foreign fighter is an individual who travels to a foreign country to fight in a conflict. Though they might be paid for, they differ from mercenaries by virtue of motivation. A foreign fighter, unlike a mercenary, is not chiefly motivated by financial gain. An example is foreign nationals enlisted in the International Legion of Ukraine. Another— perhaps more controversial— example are the some 40,000 individuals who travelled to the Middle East in the 2010s to fight for so-called ISIS. The latter case prompted the United Nations Security Council to pass resolution 2178, imposing binding obligations on states to stem the flow of foreign 'terrorist' fighters [3].

History

Mercenaries have been used in combat between states since the dawn of time and were present in Egypt, the Punic Empire, Rome and many other civilizations. In the 16th century, influenced by the treaties signed in the Peace of Westphalia, most European states founded their own national armies[2]. This led to the decline of mercenary forces used in international conflicts. By the early 20th century, mercenaries were practically non-existent in most countries [2].

In the mid-20th century, the world entered an era of decolonisation. As new independent states were established, internal conflicts led to a resurgence of mercenarism. Most notably, in the Congo Crisis and Nigerian Biafran War the conflicting sides funded their own private armies. In the 1990s, following the fall of the apartheid regime in South Africa and the state military reduction that followed, former South African soldiers formed Executive Outcomes (EO) – considered to be one of the first modern PMSCs. This organisation would later go on to play a significant part in stabilising the governments of Sierra Leone and Angola [4].

The fall of the USSR and the subsequent end of the Cold War led to the massive growth of PMSCs. Privatisation and globalisation led to millions of military personnel leaving national armed forces. Many of them were later recruited by various PMSCs. In the 1990s, Blackwater – another significant PMSC – was founded in the US. Western militaries were not the only ones affected by the changing socioeconomic situation of the '90s, however. During the Yugoslavian war, all involved parties heavily relied on the use of PMSCs [4].

Another spike in the use of PMSCs came after 9/11 in 2001. The US government outsourced many military functions to PMSCs, and to this day uses such companies to provide support to its military in international operations. During the Russian Invasion of Ukraine, Russia has extensively relied upon the Wagner Group, a Russia-based PMSC. The Wagner Group is reported to have around 50,000 soldiers deployed in Ukraine. It also made global headlines in 2023, when its leader, Yevgeny Prigozhin, occupied Rostov-on-Don, a major city and centre of organisation in the Russian invasion of Ukraine, then organised an armed march towards Moscow in an apparent coup attempt. Soon after, however, Prigozhin abruptly halted his march, and was later killed in a plane crash along with several other senior Wagner leaders. The Wagner group continues to contract with the Russian government, though its independence has been largely curtailed [5].

Past attempts to solve the issue

Domestic Actions Addressing Foreign Fighters

States have attempted to domestically address foreign enlistment since the late 19th century, and many such laws remain in place around the world [2]. This was out of concern that a given state's citizen fighting for foreign causes might embroil the state in unwanted conflicts. Such laws, usually called foreign enlistment acts, generally prevented the enlistment of citizens in foreign armies, and prevented the recruitment of soldiers for foreign armies on home soil.

Formal Processes Regarding Mercenaries

Internationally, both the United Nations General Assembly and Security Council have condemned the use of mercenaries. In 1987, the United Nations Commission on Human Rights (UNCHR; replaced by the Human Rights Council (UNHRC) in 2006) installed a Special Rapporteur 'to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination' [6]. In 2005, the Special Rapporteur's mandate was ended and a Working Group was formed instead, which continues to hold its mandate today. Historically, it was the opinion of the Special Rapporteur that mercenarism constituted an absolute breach of state sovereignty as they replaced the state in the exercise of 'essential sovereign functions' [7]. In 2005, however, the newly-appointed Special Rapporteur acknowledged that there may be certain fiscal and economic reasons for states to resort to support by 'private armed units.' This remains the Working Group's position today [7].

There are a number of conventions that govern the use of mercenaries in international law. **Article 47 of Additional Protocol I to the 1949 Geneva Conventions**, adopted in 1977, provides a legal definition of a mercenary (see this document's Appendix I) and deprives them of the right to be a combatant or a prisoner of war (POW). Though the Protocol constitutes a part of customary international law, the definition provided is widely considered 'virtually unworkable' due to an individual having to fulfil 6 separate conditions at once to be considered a mercenary [4]. Furthermore, the Protocol arguably does not oblige states to deny a mercenary combatant or POW status, but merely presents a state with the option of doing so if they wished. Mercenarism is also not criminalised under the **Rome Statute of the International Criminal Court**. This means that mercenaries are not directly banned under international law.

The **International Convention against the Recruitment, Use, Financing and Training of Mercenaries** was adopted by the United Nations General Assembly in December 1989 and entered into force in October 2001, pursuant to Article 19 of the Convention. Article 1 of the Convention adopts a broader, non-cumulative [4] definition of a mercenary, while Article 2 outlaws the act of mercenarism itself (see Appendix III). Taken together, the mercenary convention is an effort to go further than existing international law in regulating mercenarism. The convention was slow to enter force however, which was due to the lack of nations ratifying it. So far, only 37 countries have ratified the conventions. Furthermore, some are also parties to the Montreux Document, which (as detailed later) has somewhat contradictory aims.

Informal Processes On PMSCs

Though the aforementioned conventions address mercenaries, they do not address the broader issue of Private Military and Security Companies. There are, however, efforts among states and within industries to establish norms and best practices. Two notable examples are the **Montreux Document** and the **International Code of Conduct for Private Security Service Providers**.

Ratified in September 2008, the Montreux Document is a non-binding multinational agreement between state parties regarding the governance of Private Military and Security Companies in war zones.

Part 1 of the Montreux Document lays out in detail the existing legal obligations of states under international law regarding their use of PMSCs. PMSC-related states are classified into 'contracting states' (states that contract with PMSCs), 'territorial states' (states where PMSCs operate), and 'home states' (states where PMSCs are headquartered), and responsibilities for each are stipulated. Of course, it should be kept in mind that a state could fall under multiple categories at once; a state, for example, may employ PMSCs and also have PMSCs headquartered in it. Additionally, it should be noted that the Document does not confer any new responsibilities onto its signatories, but merely provides a non-binding interpretation of pre-existing obligations they have under international law.

Part 2 suggests a series of 'good practices' regarding the employment of PMSCs based on existing international law. The suggestions fall into one of three broad categories: the selection and assessment of PMSCs and their qualifications, ensuring that all contracts with PMSCs respect all relevant national and international law, and ensuring effective monitoring systems are in place during the contract.

The International Code of Conduct (ICoC) is an agreement between industry stakeholders spearheaded by the Red Cross and Switzerland. Though it is based on the Montreux Document, it is a separate agreement since it involves private stakeholders such as Private Security Companies. The ICoC implements the monitoring system recommended in Part 2 of the Montreux Document through the **International Code of Conduct Association**, or ICoCA. The ICoCA is an international oversight mechanism and nonprofit headquartered in Switzerland. Composed of a General Assembly, a Board of Directors, and a Secretariat, with members from each of its 'three pillars' (civil society, governments, and industry) represented, the ICoCA certifies and monitors PMSCs to ensure they are in compliance with international law. The United Nations exclusively employs Private Security Companies that are members of the ICoCA [8].

Current Situation

Market Size & Roles

It is difficult to estimate the size and extent of the global Private Military Services market due to the industry's marked opacity. Aerospace and Defense News, a market research firm representing defence industry interests, estimates that the global PMSC industry grossed US\$224 billion in 2020, expected to grow to US\$457 billion by 2030 [9]. In modern warfare, PMSCs do not, for the large part, directly engage in combat or armed conflict, instead providing support to troops deployed on the frontline. They assist in a wide variety of tasks including security services (such as protecting diplomats) and logistical aid (Maintenance, Repair, and Overhaul/Operations (MRO)). Many PMSCs also provide cybersecurity and intelligence services.

The wide scope and diverse nature of the tasks PMSCs perform makes catch-all regulation difficult. To illustrate the wide range of firms that may fall under the definition of PMSCs, consider three examples: Blackwater, Top Aces, and Burger King Corporation. Blackwater, otherwise known as Xe Services, Academi, and Constellis Holdings, is an American private military company founded in 1997. During the War in Iraq, Blackwater was contracted to provide personal security services to US government personnel. During this time, it committed the Nisour Square massacre, where Blackwater employees shot at Iraqi civilians, killing 17 and injuring 20. Though 4 were convicted of murder and manslaughter, all were pardoned by US President Donald Trump in 2020 [10].

Top Aces is a Canadian firm that provides training to the Canadian, German, and US Air Forces. Possessing over 100 modern and fully-functional fighter aircraft, it is contracted by these militaries to act as an adversary for pilots to practise against in combat exercises. However, Top Aces does not engage in combat itself, merely providing nonlethal training support to militaries.

Burger King Corporation is a global chain of fast food restaurants. Burger King, along with other fast food restaurants, can commonly be found on large US military bases, including ones overseas and in combat zones. Therefore, their restaurants provide support to the US military in the form of catering to active-duty troops engaged in combat.

No serious observer would consider Burger King a PMSC. However, consider the positive effect a familiar restaurant chain being in faraway military bases can have on a soldier's morale. It cannot be said that Burger King's contract with the US military has no military benefit. Thus, the question of how much, and what sort of benefit firms have to provide in order to be classified as a PMSC arises. The wide spectrum of firms that modern militaries contract with, and the difficulties associated with drawing a precise line between civilian contractors like Burger King, large firms with considerable weapons that do not engage in combat like Top Aces, and firms that are active in warzones like Blackwater, is a major yet-unsolved problem in the regulation of PMSCs.

While the UN itself does not employ PMSCs in any peacekeeping missions directly, it often hires PMSCs to provide security to diplomats or other vulnerable or threatened persons. As mentioned earlier, certain standards and guidelines exist around the employment of PMSCs by the UN. Only firms that meet these standards can contract with the UN.

PMSCs can be hired by both individuals and states. Currently, some of the most significant and relevant PMSCs that either **directly or indirectly engage in warfare** include:

- Aegis Services: A British company that is one of the largest PMSCs in the world, and has provided services in more than 60 countries. They have worked for both states and companies, and have in the past assisted in UN operations.
- Academi (Blackwater): An American company that took part in the 2003 war in Iraq. Their activities resulted in the 2007 Nisour Square Massacre, where 17 Iraqi civilians were killed by Blackwater operatives.
- Defion Internacional: A Peru-based company providing security services that has assisted US operations in Iraq.
- Unity Resources Group: An Australia-based company that has provided security services all over the world, most notably providing support during parliamentary elections in Lebanon.
- Frontier Services Group: A Chinese company with headquarters in both Beijing and Hong Kong that specialised in providing security to Chinese businesses in Africa.
- Wagner Group: A Russian company that has taken part in the invasion of Ukraine, and operates in multiple African countries.

Most PMSCs **do not directly engage in combat**. Some examples of such firms are highlighted below:

- Top Aces: A Canadian firm that provides training to the Canadian, German, and US Air Forces. It owns and operates over 100 fighter aircraft, which it flies against western pilots as an 'aggressor' to simulate enemy planes.
- Ascent Flight Training: A UK firm that provides flight training to the RAF.
- L3Harris: An American company that provides cybersecurity and intelligence services, alongside manufacturing communications equipment.

Recent Activities

PMSCs from across the world are active in almost every conflict zone there is, and are often contracted to provide security services to VIPs, even in non-conflict zones. The following are notable areas where PMSCs operate:

- Sub-Saharan Africa. Western, Russian, and Chinese PMSCs all operate in several countries across the region. While Western PMSCs are mainly engaged in counterterrorism operations, Russia – through its proxy the Wagner Group – have been engaged in direct combat, typically for various government regimes under threat from rebels and insurgent groups. Payment is often in valuable natural resources or mining concessions [11]. With the expansion of Chinese investments in the region, Chinese PMSCs have seen a corresponding rise in activity there.
- Ukraine. Though both Ukraine and Russia utilise PMSCs, the use of the Wagner Group by Russia has been especially notable. Wagner troops were instrumental in the fighting around Bakhmut in 2022 and 2023. The group's failed coup attempt in 2023 highlighted the major vulnerabilities associated with a state delegating its sovereign military capabilities to private hands. After senior Wagner leaders were killed in a plane crash, most Wagner personnel in Ukraine were directly contracted by the Russian Ministry of Defense, and such arrangements remain in place today.
- Middle East and North Africa. The United States and other Western militaries employ various military contractors in their deployments to the region, though not in direct combat roles. Historically, during the invasion of Iraq, PMSCs were heavily employed by the United States in particular to support its operations there. Currently, the Wagner Group is deployed to the region to advance Russian interests in Syria and to support the Assad regime. This led to the Battle of Khasham in 2018, where US troops directly engaged suspected Wagner troops in battle. The University of Southern Denmark estimates between 65 and 200 Russians were killed as a result, at the cost of no American casualties [12]. Various proxies and armed groups associated with actors in the region, such as Saudi Arabia, the United Arab Emirates (UAE), and the Islamic Republic of Iran are also active there.
- International Waters. PMSCs are often employed to protect civilian vessels against piracy in international waters. Services are not only limited to physical protection but can also include signals intelligence, analysis, and security consulting.
- Protection of VIPs and diplomatic staff. Many governments and NGOs employ PMSCs to protect their personnel from potential danger. For example, the UK uses more than a dozen security companies to protect its consular staff in Pakistan [13].

Timeline of events

- 2094 BCE** First recorded use of mercenaries.
- 1977** Additional Protocol 1 of the 1949 Geneva Conventions is signed, defining mercenaries and excluding them from lawful combatant status.
- 1977** Convention for the Elimination of Mercenarism in Africa is passed by the OAU (Organisation for African Unity; later succeeded by the African Union).
- 1987** United Nations Commission on Human Rights (UNCHR) appoints a 'Special Rapporteur on use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination.'
- 1989** International Convention against the Recruitment Use Financing and Training of Mercenaries (the Mercenary Convention) is adopted.
- 2001** Mercenary Convention enters into force.
- 2005** The UN's Special Rapporteur changes position on mercenaries; accepts that they could be used in some circumstances.
- 2007** Blackwater Commits Nisour Square Massacre.
- 2008** Montreux Document.
- 2014** The Wagner Group is formed and used in the annexation of Crimea.
- 2022** Russia begins full-scale invasion of Ukraine.
- 2023** Attempted Wagner coup in Russia.

Key Stakeholders / Blocs

As has been seen, PMSCs and their operations can take many forms, from full-blown armies for hire to smaller security details, special operations personnel, and everything in between. Home, Territorial, and Contracting states also take many different forms accordingly. In terms of stance regarding further regulation of PMSCs, the following groups exist:

Western Countries: US, UK, EU, NATO

Many of these countries are PMSC Home States with significant security and defence industries they may wish to protect. However, most of them already have significant domestic legislation regulating PMSC operations, and a strong rule of law, so may be inclined to support the extension of regulations among the international community.

These countries tend to be strong supporters of Ukraine in its ongoing conflict with Russia. This is likely to influence the approach of many regarding larger PMSCs due to their condemnation of the Wagner Group, which has been designated a terrorist organisation by France, the UK, and Lithuania, among others.

Many of these countries are also supporters of the Montreux Document, which essentially reiterates customary international norms and provides best practice regarding PMSC operations in a non-binding framework. Naturally, countries who support the Document may want to make these norms and codes of conduct binding.

However, being a Montreux supporter does not mean that a state is automatically in favour of further binding regulation. Rather, they may feel that the Document itself goes far enough [14]. Furthermore, the Montreux Document makes the implicit assumption that the employment of PMSCs is at least sometimes permissible. This stands in contrast to the approach of the Mercenary Convention, which aims to criminalise mercenarism entirely. Thus, a state supporting the Montreux Document may have reservations about any regulation approaching the total prohibition of PMSCs.

Russia and its allies

As the home of the Wagner Group, the Russian Federation has promoted the unprecedented development of PMSC operations around the globe, and has positioned itself as a bulwark against the legally-binding regulation of such groups internationally [15]. The Russian government has not only permitted Wagner to exist, but has positively advertised the organisation as guns-for-hire to authoritarian governments in the Middle East and Africa, which have gone on to see significant Wagner deployments that have crushed dissidents.

Africa

In the past decade, several African countries have seen direct intervention by Russia-backed Wagner forces against rebel groups upon the invitation of national governments. Naturally, these countries are likely to be against the international regulation of PMSCs since their employment of such organisations have been instrumental in their governments remaining in power [11].

Ukraine

The ongoing Russo-Ukrainian war dominates the eastern European country's agenda. The widespread deployment of Wagner Group forces in the 2022 invasion has led to Ukraine designating it a terrorist organisation [16]. Ukraine is a supporter of the Montreux Document and a party to the Mercenary Convention, but has also itself employed Western PMSCs to help train its military [17].

China

As a nation growing in geopolitical influence, China-based PMSCs have begun to be deployed overseas to protect Chinese interests overseas, particularly in Africa. These personnel tend to be very focused on protection of assets, diplomats et cetera, and are not authorised to use firearms outside of PRC territory [18]. The People's Republic of China is a supporter of the Montreux Document, likely due to its limited use of PMSCs (and their intention to not use them more directly in combat roles), and to gain an easy rule-of-law win in the international community. However, whether it would support binding regulation of PMSCs is not clear.

Middle East

Geopolitically, the Middle East is dominated by the proxy conflict between the majority-Sunni Saudi Arabia, and the majority-Shia Islamic Republic of Iran. Saudi Arabia and its ally the United Arab Emirates (UAE) in particular have been major users of Western PMSCs in recent decades to develop their military capabilities, and to engage in proxy wars in neighbouring states such as Yemen (2014–Present) [19]. In Syria, the Wagner Group saw significant deployments against rebel forces as part of the Russian intervention in the Syrian Civil War, helping to turn the tide of the conflict in favour of the Assad regime [20]. There are also a variety of PMSCs under Iran's purview that conduct operations in neighbouring countries [21].

As a result of these countries having extensive PMSC operations, it is likely that most countries in this region are content with the status quo regarding formal regulation. However, some may wish to appear to be in favour of binding regulations, but actually want relatively few real restrictions to be imposed on their use of PMSCs.

Latin America

The unique security situation of insurgencies and endemic gang violence in some Latin American countries has led to some governments in the region employing private sector organisations to train national security forces, provide security directly, or both. Private security companies are also widely employed by richer individuals to provide personal and asset protection [22]. These countries are therefore likely to wish to ensure these operations can continue, while also promoting peace and security in their region.

Rest of the World

PMSCs take many forms and many other countries also play host to their operations or function as Home states. Due to the increasing stigma around more mercenary-like PMSCs, many states may wish to appear in favour of further regulation of these types of companies and their operations. However, this must be weighed against their own domestic and regional agendas. Specific national or regional issues may significantly impact these countries' positions. Parties to the Mercenary Convention may not automatically be in favour of regulation, due to changes in their position from the time elapsed since the Convention was opened for signature (1989), or perhaps from the view that PMSC operations are legally distinct from mercenarism. Outside of the West, support for Ukraine against Russia is patchy, with many countries taking a pragmatic approach or choosing de facto neutrality, which should be remembered in this debate.

Guiding Questions and Points of Discussion

- To what extent is the military a sovereign function of the state? How much of a military should be up for privatisation?
- Are countries currently doing enough to follow and enforce international agreements regarding mercenaries (such as Geneva Conventions Protocol I)?
- Is the current legal framework around mercenaries sufficient for their regulation? If not, how should it be changed?
- Is codification of current international norms regarding the use of PMSCs necessary?
- Should there be a new international convention governing the use of PMSCs that goes further than current international norms?
- Should mercenary-like PMSC operations be specifically outlawed?
- If operatives of a PMSC under contract commit a war crime, who should be held accountable, how should they be sanctioned, and through what mechanism?

Additional Resources

The Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of Private Military and Security Companies During Armed Conflict

https://www.icrc.org/sites/default/files/event/file_list/montreux_document_en.pdf

Wagner Group, Russian PMCs & Ukraine – History, motives & privatised warfare

<https://youtu.be/wXKUNc9yI2A?si=qFOA-xKP1v6wNpwG>

The Documentary Podcast on BBC Sounds: When Wagner came home

<https://www.bbc.co.uk/programmes/pOg5sbzw>

A short video that provides a comprehensive overview of the more recent history of PMCs

<https://www.youtube.com/watch?v=-ogkvP-JdtE>

Appendix

I. Mercenaries, as defined by Article 47 of Additional Protocol I to the Geneva Conventions

1. A mercenary is any person who:
 - a. Is specially recruited locally or abroad in order to fight in an armed conflict;
 - b. does, in fact, take a direct part in the hostilities;
 - c. 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;
 - d. Is neither a national of a party to the conflict nor a resident of territory controlled by a party to the conflict;
 - e. Is not a member of the armed forces of a party to the conflict; and
 - f. Has not been sent by a State which is not a party to the conflict on official

II. Mercenaries, as defined by the 1989 Mercenary Convention

1. 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.
2. A mercenary is also any person who, in any other situation:
 - a. Is specially recruited locally or abroad for the purpose of participating in a concerted act of violence aimed at:
 - i. Overthrowing a Government or otherwise undermining the constitutional order of a State; or
 - ii. Undermining the territorial integrity of a State;
 - b. Is motivated to take part therein essentially by the desire for significant private gain and is prompted by the promise or payment of material compensation;
 - c. Is neither a national nor a resident of the State against which such an act is directed;
 - d. Has not been sent by a State on official duty; and
 - e. Is not a member of the armed forces of the State on whose territory the act is undertaken.

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