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PRIVATE MILITARY COMPANIES: INSTITUTIONALIZATION, ACTIVITIES, TRENDS

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Abstract

The article analyzes the history of creation and some directions of activity of private military companies (PMC) in performing tasks of a specific nature and protection to corporate and state interests of individual countries of the world. It is noted that as a new but effective tool, both representatives of big business, “big” and “small” countries come to the services of the PMC when they consider it necessary not to reveal their interests and remain in the “shadows”. The following research tasks were solved:

- to investigate the existing theoretical approaches in assessing the functioning of military companies;
- to analyze the world experience of creating and applying PMC;
- to examine the specifics of tasks and operations of the PMC;
- to determine the development prospects of the PMC institute in the system of promoting national interests.

Keywords: private military companies, mercenary, war, legal support, Swiss initiative, military operations.

Introduction.

Formulation of the problem. The problem of PMC activity are not new but they are not open either. This contradiction of half-openness and half-closed activity of the PMC stimulates the specific interest of security specialists, especially when this issue is looked at comprehensively, that is, in a systemic way. However, in the system of international relations there are “eternal themes” that are painted in the color of struggle.

These are development security, sustainability, lifestyle, values, deterring rivals, etc. In the classical approach they have always been in the sphere of activity of the state and its institutions. The toolkit was also appropriate. However, the era of modernity (Wallerstein’s expression) has made its corrections to this order of things. The world has become multi-subject due to the birth of various structures which were assigned a certain role in the system of interstate relations. The phenomenon of the PMC can be seen in the fact that in the background of various non-governmental organizations (NGOs), with the support of the state they gradually have begun to perform specific tasks of a military and security nature both within its borders and beyond its borders. The 70s of the 20th century are considered to be the peak time of the increase in the number of PMCs in the system of international relations, and the USA, and Great Britain became the leading countries in terms of their creation

The events of the last decade convincingly show that the nature of the “specific tasks” that were relied on (and are still being relied on today) by the main players of world politics in key areas is connected with the

weakening of each other’s positions in states (regions). This struggle takes place in the logic of the “tangle of dependencies, opportunities and benefits” of the parties where the military-power factor is mixed with economic, political-diplomatic, educational-cultural and other factors.

Analysis of recent research and publications. A considerable number of scientific works have been written on the topic of the use of private military companies by states as a tool of geopolitical influence. In the large list of authors, would like to emphasize the following works.

– McFate, S. “The New Rules of War: Victory in the Age of Durable Disorder”. The author examines the use of private military companies of the Russian Federation in Ukraine and Syria, as well as their impact on international security.

– Khlebnikov, A. “Wagner Group: Russia’s Private Military Company in Syria” The author investigates the activities of a Russian private military company.

– Sukhankin, S. “Russian Private Military Companies: Redefining “Hybridity” in the 21st Century”. The author examines the role of private military companies in modern geopolitical conflicts, in particular in Ukraine and Syria, and their impact on international security.

– Volevodz, A. About international initiatives in the field of legal regulation of the activities of private military and security companies. 2019. 17 p.

The purpose of the study is to reveal the practice of using private military companies by the world’s

leading countries as a tool of geopolitics in key areas of the world.

Presenting main material. Private military companies are commercial organizations that provide services of a military nature, usually in the form of recruiting private forces to protect people, objects and interests of clients. Such companies can perform a wide range of functions, from providing security services to participating in hostilities and supporting military operations.

It is worth noting that there is no universally accepted definition of private military companies. For example, the definition of Professor O. Volevodz, who defines private military companies as “non-governmental organizations that provide military and security services to individuals and legal entities and states on a contractual basis” is the most extensive in international legal doctrine. At the same time, military services include combat operations, collection of intelligence information, strategic planning, operational or logistical support, training of military personnel, as well as logistics” [1, p. 15].

Much more often, researchers emphasize the state nature of the PMC and believe that these new actors of international relations almost always act in the interests of the state, follow the same plans and pursue the same goals as regular armies while using more means to achieve the same goals. The following definition is more suitable for these characteristics: a private military company is a registered and highly profitable commercial structure with highly qualified technical personnel, controlled by the state, which works in the interests of the state, and this is its fundamental difference from classic mercenary and terrorist groups” [2, p. 131].

According to the definition of the law officer of the US Air Force dr. D. Tipling private military companies are “officer corporations that, on the basis of a contract with the state, provide military, escort and support services both inside the country and abroad” [3, p. 11].

Some specialists associate the term “PMC” with transnational corporations (TNCs), as they are known to be complex networks with a large number of subsidiaries operating simultaneously or sequentially in different regions of the world [4, p. 226].

The place and role of PMC in the modern world cause many discussions and views. There is an opinion that PMCs are a necessary alternative to state armies in the fight against terrorism and other security threats, especially in conflict zones where state troops cannot be present for various reasons. Others argue that PMCs can operate outside the law and are able to act in favor of their clients rather than the state.

The role of PMCs in geopolitical influence is that they can be used as a tool of foreign policy and influence on other states. At the same time, their role can be either positive, for example, in protecting citizens and ensuring social peace or negative, such as in carrying out aggressive actions against other states.

In the transformations of world development some states are increasingly reluctant to publicize armed conflicts, and most of them generally refuse to

conduct high-profile military operations preferring high-tech military weapons. However, recently some of them began to use the services of private military companies that are not formally connected with the national armed forces [5, p. 207].

In general, in the modern world PMC is an integral part of the security system of many states that use them to protect their interests and citizens in different countries.

The history of private military companies remembers the time when kings in the absence of force (army) recruited private armed formations to wage war and exercise control over territories. The first mercenaries are considered to be the soldiers of Greek polis cities, in particular Sparta and Corinth, who were paid in silver for their service. Later, mercenary warriors enter the historical arena, such as: Scythian cavalry, Celtic warriors, Normans (Vikings), Italian mercenaries (in particular, the Melanes), Swiss Guards, French Chevashes, German Lanchnets, Scottish Galloglasses, registered Cossacks and many others.

In medieval Europe private military companies were usually hired to protect merchants and their goods in territories where the state could not provide sufficient protection. One of the most famous private military companies in the Middle Ages was the Swiss Guard which was founded in 1506 and still exists as the official bodyguard of the Pope.

However, from the beginning of the Napoleonic wars mercenary turned into a secondary force and later disappeared. Napoleon Bonaparte was the first to form an “army for money which underwent military training and obeyed the only rules: the statutory regulation of service and relations. For the period of the mid/end of the 19th century. military mercenaries reminded of themselves as local cells. In particular, the last example of mercenary before the beginning of the First World War was considered to be the use of Filipino pirates who for monetary payment appeared on the side of Japan in the Russo-Japanese War of 1904-1905.

The period after the two world wars is considered quite favorable for the development of mercenaries and private military companies. First, there was a situation of the clash between two powerful states and a political reshaping of the world (formations and divisions of spheres of influence). In these conditions mercenaries and privateers were a flexible and convenient tool actively used by the United States government during military operations and operations. Secondly, quite a large number of “former soldiers” for certain reasons could not find themselves in a peaceful life. This fact gave rise to the offer of private military companies in the service market. And the demand for these services grew quite quickly from many European countries. However, the greatest demand for the services of “new structures” was felt in the USA and Great Britain.

In recent history it was believed that the first private military company was Watchguard International (WI) founded in 1967 in Great Britain by colonel David Sterling who had previously created the Special Airborne Service – an intelligence unit of the British armed forces and registered commercial organization under

the control of the state which was fundamentally different from the classic mercenary unit. The main task of the WI was to work for the benefit of countries friendly to the United Kingdom and for various intergovernmental organizations. Officers of these structures have participated in operations in Oman instructing and training the troops of sultan Qaboos in the war against the rebels. Another of Sterling's companies – Kilo Alpha Service (KAS), fought poaching in South Africa in the 1980s on behalf of the International Wildlife Federation [6, p. 8].

In the 1970s the number of private companies increased dramatically. They were engaged in an increasing number of various tasks. So, in 1974 Vinnell Corp. PMC, which was part of the American military-industrial consortium Northrop Grumman, signed contracts with the US government which was worth more than 500 millions dollars. This deal can be considered one of the largest in this new, nascent industry. As part of the contracts the company's employees conducted training for the Saudi National Guard, as well as guarding oil production facilities. In 1977 the well-known company Keenie Meenie Services (KMS) was founded [7, c.56]. In 1984, personnel of this PMC acted on the instructions of the CIA in Nicaragua where they blew up the port of Managua and government buildings, planned and carried out acts of sabotage and terrorism, and at the same time illegally sold American weapons to Iran where at that time the Islamic revolution already took place. Moreover, during the Soviet-Afghan war the KMS took an active part in the training of some Afghan subversive units on behalf of the British and American governments [8, p. 235].

In the future the number of PMCs and their personnel steadily increased. According to the US State Department in early 1978 more than 11,000 American citizens were working abroad in these military programs. The first private military companies were rare and were generally used as a political tool that was not entirely clean. However, much changed in the 1990s.

It is known that even during the Persian Gulf War in 1991 the ratio of contractors to American troops was 1:50, and most of it was provided by private organizations. Commercial airlines such as Evergreen and Southern Air Transport transported 65 percent of all military forces and cargo. In addition private American contractors also provided support to Saudi troops in the rear. On the front line with the Iraqi troops the instructors of the "Vinnell" PMC provided courier assistance to the units of the National Guard of Saudi Arabia. Ensuring the security of strategically important facilities in Iraq often relies on the US military which made private military companies part of the military sector with all the relevant rights and responsibilities [9, c.33].

In a more modern sense the emergence of modern private military companies is associated with the fall of the Berlin Wall and a change in the global political landscape. After the end of the Cold War states began to reduce their forces and refocus their attention on other priorities which led to the fact that some tasks previously performed by state forces were transferred to private companies.

In April 2001 the first organization designed to coordinate the activities of private military and security

companies at the international level was founded: the International Peace Operations Association (IPOA) which today, according to available data, includes more than 60 private companies, somehow involved in international military activities. IPOA is almost one of the platforms where world PMCs coordinate their actions among themselves.

Shortly after the start of the Iraq War the Private Security Companies Association of Iraq (PSCAI) was established. At that time it was supposed to coordinate the activities of the mentioned entities on the territory of Iraq which at that time included about 40 military and security companies. In addition, in 2004, the head of the Interim Administration in Iraq, Paul Bremer, signed Coalition Interim Administration Order No. 17 which granted immunity to American contractors (including employees of military and security companies) which meant that they could not be prosecuted for actions taken on the territory of Iraq [10, c. 67].

As far as it is concerned, the EU's activities have historically been aimed at developing its own distinct military capacity to potentially protect European security interests beyond its borders without direct support from the US, even if resources are provided by NATO [11]. In fact EU-sponsored peacekeeping and enforcement operations have already begun, albeit on a modest scale. In 2003 the Union assumed responsibility for peacekeeping in Macedonia and policing in Bosnia, as well as the deployment of Operation Artemis – a French-led humanitarian intervention in the Congo [12, c.312]. In general from 50,000 to 60,000 military personnel from EU countries were deployed outside the NATO and EU zone, in more than twenty countries [13, c.64].

The analysis of foreign legislation shows that the lack of legal support for the activities of private military and security companies is insufficient, since in some countries the activities of private military and security companies have been regulated very superficially and have done not affect the main content of their activities, and in others, such as, for example, in the Russian Federation, has not regulated at all [14, c.48].

There are several international legal approaches to the regulation of private military companies including the Code of Conduct for PMCs, the International Convention on the Use, Management and Transfer of Services of Private Military Companies, the European Union PMC Directive and the UN PMC Resolution. Let's consider their features and compare them with each other.

1. Code of conduct for PMCs: adopted in 2010. It contains recommendations on ethical and legal standards of conduct for their activities, such as respect for human rights, compliance with international humanitarian law and protection of civilians. However, this code is not a legally binding document, and its implementation depends on the goodwill of the PMC.

2. The International Convention on the Use, Management and Transfer of Services of Private Military Companies: proposed in 2013. It contains regulations on the registration of private military companies, the establishment of rules for the employment of persons in these companies, the control of activities and the establishment of liability for violations of regulations. How-

ever, it has not yet been adopted at the level of international law, so the implementation of its provisions is not legally binding.

3. Directive of the European Union on PMC. In 2014 the European Union adopted a directive that contains regulations on the licensing and regulation of PMCs including setting requirements for the experience and qualifications of employees.

Despite the primary motivation of many private contractors engaged by private military and security companies may be personal gain, it is extremely difficult to prove this in court. However, for many private soldiers the motivation is a mixture of monetary gain, the “excitement and adrenaline” of adventure and the opportunity to put all their training into practice. PMCs typically employ personnel who are highly trained in high-risk and counterinsurgency operations, such as members of the US SEAL or SWCC, the British SAS or the French Legion.

In addition, only 32 states have ratified the International Convention on Combating the Recruiting, Use, Financing and Training of Mercenaries, and most governments that employ private military security are not parties to the Convention. [15, c. 11].

In 2006, to meet the demand for clarification of legal obligations under international humanitarian and international human rights law and private military and security companies the Swiss government and the International Committee of the Red Cross launched what was known as the Swiss Initiative – the process of international consultations with the main stakeholders: governments, the new industry of private military and security companies, and civil society [16]. The Swiss initiative was supported domestically and by the governments of the United States and the United Kingdom where most of the industry (70%) and lobbyists of the new security industry are located: the International Peacekeeping Operations Association (IPOA) and the British Association of Private Security Companies (BAPSC) [17].

On September 17, 2008 this process led to a common understanding among 17 states, known as the Montreux Document on Relevant International Legal Obligations and Good Practices for States Related to the Activities of Private Military and Security Companies in Armed Conflict [16]. It sets out what the signatories consider to be appropriate regulations applicable to private military and security companies and a set of modern practices for them. The second stage of the Swiss initiative is a proposal for the adoption of an International Code of Conduct for private military and security companies. It aims to set high standards for the industry worldwide and support the establishment of a voluntary enforcement mechanism to ensure compliance with such standards.

Despite the fact that the Code is in the process of being developed, the PMC community adheres to certain rules that are considered “mandatory” behavior. It is about the following.

Flexibility: PMCs can be very flexible in terms of missions because they do not have the same constraints as state military formations.

High level of professional training: the majority of the PMCs consists of experienced military personnel who have received training in state military formations.

Financial independence: PMCs receive money from private clients, such as governments, companies and individuals giving them financial independence from governments.

Lawlessness: In many cases PMCs can operate outside the law because they do not obey martial law or the laws governing the use of military force.

In the legal literature there are various classifications of PMC based on the place of creation, region of activity and other characteristics. [18, p. 22].

There is an opinion that private military and security companies should be divided into four groups.

1. Military provider companies. Military or servicemen of these companies that provide their clients with services that are directly related to the conduct of hostilities. Their employees take direct part in various combat operations and missions [19, p. 98-102].

2. Military consulting companies. These companies specialize in the training of various army units, training in new types of weapons and consulting state security structures on issues of reforming the armed forces. Strategic planning is also one of their tasks.

3. Military support companies. PMCs of this group are mainly engaged in the construction of military facilities but also provide logistical support to the troops. The group should also include companies specializing in the maintenance of complex military weapons systems and military computer systems.

4. Companies that provide private security services. These companies are also called private security companies. The activities of these companies are focused on risk assessment of military operations, crisis management and security consulting. In addition, PMCs of this group are involved in the direct protection of objects and the provision of support services. These companies are involved in demining territories and facilities, as well as training various military and police units.

In the context of the analysis of the proposed issues it is advisable to dwell on the policy of creating the PMCs in Russia and the tasks they perform in the war against Ukraine. The most famous entity in the list of Russian PMCs is “Wagner”. According to official data it was created in 2013 by Yevgeny Prigozhin, a Russian businessman from V. Putin’s personal circle. From the sources of the non-state sector its founder and immediate executor was Dmytro Utkin. At one time he commanded a special purpose unit – a unit of the Main Intelligence Directorate of the General Staff (GRU GS, *рос. Главное разведывательное управление Генерального Штаба Вооруженных Сил РФ*). “Wagner” PMC was created as part of the Special Operations Forces (SOF).

The purpose of creating the “Wagner” PMC was to secretly involve the unit in regional conflicts in the interests of the Russian Federation where official Moscow maintained neutrality. It was a kind of secret power – a reason that was deprived of state affiliation [20].

With the start of hostilities in Ukraine (February 2022) the “Wagner” unit was actively involved in the Donetsk direction but despite the professional composition of the personnel it suffered significant losses. The image of “Wagner” as an elite unit of the GRU GS was finally lost when fighters with a criminal past began to

join its ranks and in connection with the death of Ye. Prigozhin in a plane crash.

In addition, to the “Wagner” PMC there are more than ten others in Russia: “Redut”, “Moran”, “Orlov anti-terrorist”, “Slavic Corps”, “RUS-Corp” and others. According to experts, their number will grow due to various circumstances. First of all we are talking about wars and conflicts in the post-Soviet space (Ukraine, Transnistria, Nagorno-Karabakh) where Russia has important political and economic interests, and in the Middle East and North Africa – areas of its traditional interests. Practice shows that from several hundred to 3,000 fighters can operate in each conflict location.

Russian state corporations, in particular, Gazprom, Rosatom, Rosneft, and Russian Railways also employ PMCs to protect mining sites, transportation networks, construction sites or transport convoys in Africa, South America and the Middle East. In addition, in Syria and Libya, the protection of hydrocarbon production sites and transport infrastructure usually constitutes a significant part (25-30%) of contracts for the sale of energy resources and a significant source of income for PMCs.

Conclusions.

1. The phenomenon of private military companies becomes especially acute in the context of modern trends in world politics and conflicts of interest between its main players. The expansion of the location and spheres of activity of PMCs indicate the growth of their role in protecting the interests of private business in key areas of the world and the interest of the state institution to use the “hidden resource” of the power of these structures in the defense of interests.

2. The internationalization of the PMC – security trend encourages national governments to implement a policy of regulating the activities of PMC structures at the national and international levels. However, everyone understands that on the one hand, their activities should take place within the boundaries of the right field and on the other hand, excessive administration can create certain boundaries regarding the replenishment of the ranks of fighters. The way out of the situation was that existing international documents, such as the Montreux Document (2008) and the International Code of Conduct for Private Military Companies (2010), are not legally binding but only have a recommendatory nature for the activities of the PMC.

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