

I. The global growth of private military and security companies: Trends, actors and issues of concern

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Introduction

The last 20 years have witnessed the rapid growth of the private military and security industry, with security providers increasing their participation in the state execution of military and security functions. This is a rapid change that has transformed a profession often given pariah status into a legitimate industry and a commonplace state proxy. At the same time, this change has introduced new types of security and human rights concerns with the state delegating its capacity to use coercive violence to private for-profit actors.

This section presents an overview of the trend and highlights the issues of concern, the key legal and definitional complexities, and efforts to date to map the proliferation of private military and security companies (PMSCs). It also discusses the deployment of PMSCs to conflict zones in Ukraine and the Middle East and North Africa (MENA), and then identifies the key actors in the sector: both the host countries in which PMSCs are headquartered and the key companies within those countries. This chapter discusses the use of PMSCs in the extractive industries in sub-Saharan Africa (section II) and outlines the specific regulatory challenges associated with PMSCs (section III).

The outsourcing of military and security functions is an old phenomenon, grounded in the tradition of mercenarism. Soldiers for hire were mentioned in biblical battlefields, took part in conflicts across the Hellenic world, were essential in medieval warfare, participated in colonialization enterprises and have taken part in various conflicts in the modern area.¹ The recent trend started at the end of the cold war and gained momentum and renewed legitimacy with the 'global war on terrorism' (an ongoing international counter-terrorism campaign initiated by the United States following the 11 September 2001 terrorist attacks) and later the wars in Iraq (2003–11), Afghanistan (2001–21) and the Sahel and Great Lakes regions (2011–present). Across those wars, states used PMSCs to address the high personnel demand in responding to a real or perceived increase in insecurity or war conditions.

Factors contributing to the growth of PMSCs vary by region and state, yet they mostly fit with cost-efficiency calculations, where the sector provides skills and services that states either do not possess or would be too prohibitive to develop. For instance, for many countries, it is more efficient

¹ See a review of the history of this phenomenon in Singer, P. W., 'Corporate warriors: The rise of the privatized military industry and its ramifications for international security', *International Security*, vol. 26, no. 3 (2001).

to hire experts in aerial surveillance than to purchase, train and maintain a specialized aerial wing. The skills and services PMSCs offer vary, and governments sometimes use them for reasons of political expediency—such as when regular security forces are mistrusted, or to provide plausible deniability. In Afghanistan and Iraq, for example, the USA reverted to outsourcing to avoid the political and economic implications of a national draft.² Privatization was a way to avoid political pressure and to outsource sacrifice.³ Similarly, China and Russia have also utilized PMSCs to address distinct political needs without involving their armed forces: for Russia, it was the ability to promote the state's foreign policy in a way that is separate from the state, while for China, the aim has been to protect its foreign investments.⁴

However, mostly, outsourcing corresponds with the increased complexity and high specialization within contemporary warfare and national security. Examples include the cyber domain, anti-piracy maritime security, counter-terrorism and surveillance. In short, the greater the specialization (e.g. telecommunication expertise in signal detection of terrorists' communication) the more challenging it is to master and maintain it. Outsourcing provides a shortcut to such security products.

This is a major trend. PMSCs operate today in almost every country in the world, for a broad variety of clients, assuming responsibilities for critical state and security functions such as border security and policing illegal immigration.⁵ Their level of integration in many countries is extremely high, taking part in every aspect and stage of the national security supply chain, from arms manufacturing to weapons and facilities maintenance, training, combat support and tactical solutions on the ground.

Since 11 September 2001 the number of PMSCs has been increasing steadily, an indication of their proliferation across the globe.⁶ The number of contractors deployed varies dramatically, ranging from a handful of operators that provide a specific service to thousands of contractors that offer a

² Avant, D., 'The mobilization of private forces after 9/11: Ad hoc response to poor planning', ed. J. Burk, *How 9/11 Changed Our Ways of War* (Stanford University Press: Stanford, CA, 2013).

³ Taussig-Rubbo, M., 'Outsourcing sacrifice: The labor of private military contractors', *Yale Journal of Law & the Humanities*, vol. 2, no. 1 (2009).

⁴ Fasanotti, F. S., 'Russia's Wagner Group in Africa: Influence, commercial concessions, rights violations, and counterinsurgency failure', Brookings Institution, 8 Feb. 2022; Stronski, P., 'Implausible deniability: Russia's private military companies', Carnegie Endowment for International Peace, 2 June 2020; 'China turns to PMCs to protect its workers and BRI investments in Africa', ADF, 5 Jan. 2022; and Legarda, H. and Nouwens, M., 'Guardians of the Belt and Road', Mercator Institute for China Studies, 16 Aug. 2018.

⁵ Davotti, D., 'The rise of private military and security companies in European Union migration policies: Implications under the UNGPs', *Business and Human Rights Journal*, vol. 4, no. 1 (2019); and Business & Human Rights Resource Centre, 'USA: Govt. contractors accused of profiting from separation and detention of migrant and asylum seeking families', 26 June 2018.

⁶ Swed, O. and Burland, D., 'The global expansion of PMSCs: Trends, opportunities, and risks', Working group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, Texas Tech University, 2020.

host of services. Many contracts are short, measured in days, while others are long-term and can last years. It is extremely difficult to provide an accurate assessment of the size and scope of the market due to the privacy of contracts, the dual uses of some of the services that PMSCs provide (such as transportation), and the extreme secrecy surrounding the sector. However, PMSCs are used by China, Russia, the USA, the European Union, the North Atlantic Treaty Organization, the United Nations and others, indicating the broad consensus around the practice.

Issues of concern

The PMSC sector's problematic reputation is grounded in several dubious historical incidents. During the 1960s, for example, bands of mercenaries operated across Africa in the service of former colonial powers.⁷ In the next decade some of the same groups were involved in several coup attempts in Benin, the Comoros and the Seychelles.⁸ Later, Sandline International, a British PMSC, was associated with a scandal in Papua New Guinea (in 1997) and a coup attempt in Equatorial Guinea (in 2004).⁹

In the last two decades, the rising prominence of PMSCs in conflict areas and security settings has prompted increased public interest in the industry. Although secretive, the scale of their deployment has increased their international visibility. In many conflict zones today, PMSCs not only provide physical security for employees or infrastructure but also serve in roles traditionally reserved for the armed forces. For example, they provide logistical or intelligence support for military operations, or training for state and non-state armed groups—and, in some cases, they are involved in combat. As noted above, the USA has led this trend, and in several instances, its deployment of PMSCs has been accompanied by concerns about corruption, fraud and misconduct, and even violations of human rights and international humanitarian

⁷ Othen, C., *Katanga 1960-63: Mercenaries, Spies and the African Nation that Waged War on the World* (History Press: Cheltenham, 2015); and Francis, D. J., 'Mercenary intervention in Sierra Leone: Providing national security or international exploitation?', *Third World Quarterly*, vol. 20, no. 2 (1999).

⁸ Hughes, G., 'Soldiers of misfortune: The Angolan Civil War, the British mercenary intervention, and UK policy towards Southern Africa, 1975-6', *International History Review*, vol. 36, no. 3 (2014); and Francis (note 7).

⁹ McCormack, T., 'The "Sandline Affair": Papua New Guinea resorts to mercenarism to end the Bougainville conflict', *Yearbook of International Humanitarian Law*, vol. 1 (Springer/Asser Press: New York/The Hague, Dec. 1998); and Fabricius, P., 'The coup attempt in Equatorial Guinea: Implications for private military companies in Africa', ed. N. Mlambo, *Violent Conflicts, Fragile Peace: Perspectives on Africa's Security Problems* (Adonis & Abbey Publishers Ltd: Abuja, 2008).

law (IHL).¹⁰ Two events that received wide international scrutiny were the involvement of Blackwater in the Nisour Square shooting in 2007, which resulted in 37 civilian casualties, and CACI's involvement in the Abu Ghraib Prison torture scandals in 2004.¹¹ Other cases of misconduct and contractors shooting at civilians have also been widely reported.¹²

These concerns have become even more acute in the more recent use of PMSCs by Russia in the Syrian Civil War (2011–present), Libya (2014–present) and Ukraine (2014–present), and in several conflicts across sub-Saharan Africa. Many of these concerns have centred on the activities of the Wagner Group, a Russian PMSC that has become a state proxy, promoting Russian foreign policy interests across multiple conflict areas. Wagner's activities have been linked with human rights abuses, problematic and exploitative contracts, and election meddling.¹³ In Syria, Wagner was linked to 'violent harassment, intimidation and sexual abuse, against peacekeepers, journalists, humanitarian workers and minorities' in a case in deliberation at the European Court of Human Rights.¹⁴ An analysis of the Wagner Group's involvement in Mali and the Central African Republic (CAR) by the Armed Conflict Location & Event Data Project (ACLED) has pointed out that the group engages in higher levels of civilian targeting compared to local armed forces. In Mali alone over 450 civilians were killed in nine incidents linked to Wagner in 2020–22.¹⁵ Several sources state that Wagner operatives have been harassing and intimidating civilians in CAR.¹⁶ Wagner was also involved in

¹⁰ Swed, O. and Materne, A., 'No accounting for bad contracting: Private military and security contracts and ineffective regulation in conflict areas', *Studies in Comparative International Development*, vol. 57, no. 1 (2022); Vine, D., "'We're profiteers': How military contractors reap billions from US military bases overseas', *Monthly Review*, vol. 66, no. 3 (July 2014); Tzifakis, N. and Huliaras, A., 'The perils of outsourcing post-conflict reconstruction: Donor countries, international NGOs and private military and security companies', *Conflict, Security & Development*, vol. 15, no. 1 (2015); and Hurst, L., 'The privatization of Abu Ghraib', *Toronto Star*, 16 May 2004.

¹¹ Hersh, S. M., 'Torture at Abu Ghraib', *New Yorker*, 10 May 2004.

¹² See e.g. Chatterjee, P., *Halliburton's Army: How a Well-connected Texas Oil Company Revolutionized the Way America Makes War* (Bold Type Books: Mar. 2010); and 'Leaks reveal Blackwater excesses', *Al Jazeera*, 23 Oct. 2010.

¹³ Swerwat, L. et al., 'Wagner Group operations in Africa: Civilian targeting trends in the Central African Republic and Mali', ACLED, 30 Aug. 2022; and Faulkner, C., 'Undermining democracy and exploiting clients: The Wagner Group's nefarious activities in Africa', *CTC Sentinel*, vol. 15, no. 6 (June 2022).

¹⁴ International Federation for Human Rights, 'Wagner in Syria: Appeal to European Court of Human Rights after case dismissed in Russia', Press release, 9 June 2022; and European Parliament, 'Motion for a resolution on human rights violations by private military and security companies, particularly the Wagner Group', B9-0567/2021, 21 Nov. 2021.

¹⁵ Swerwat et al. (note 13).

¹⁶ United Nations Human Rights Office of the High Commissioner, 'CAR: Russian Wagner Group harassing and intimidating civilians—UN experts', 27 Oct. 2021; Coherm, R., 'Putin wants fealty, and he's found it in Africa', *New York Times*, 24 Dec. 2022; and Human Rights Watch, 'Central African Republic: Abuses by Russia-linked forces', 3 May, 2022.

massacres in Aïgbado, CAR, and Moura, Mali, in 2022, resulting in hundreds of casualties.¹⁷

The Wagner Group was created in 2014 by Yevgeny Prigozhin, a confidant of Russian President Vladimir Putin, yet the connection to the Russian government remains obfuscated.¹⁸ There is no legal framework for PMSCs in Russia and mercenarism is outlawed by the country's criminal code.¹⁹ The government regularly denies any direct link to the group, arguing that it is a private entity that operates in a free market.²⁰ However, the group's increased involvement in the war in Ukraine—fighting alongside Russian troops, opening recruitment facilities in Russia and using state resources—underscores the strong links with the administration.²¹

These and other incidents involving PMSCs highlight the urgency and importance of addressing the challenges this industry presents. Unregulated and unchecked actors that enjoy state support and are sanctioned to use violence can lead to instability and risk.²² While the use of PMSCs in armed conflicts and fragile environments appears to be growing, questions remain about the adequacy of existing international efforts and norms to regulate the sector (see section III).

Key definitional and legal issues

Defining PMSCs has been a challenging task for academics, policymakers and legal scholars. There is not a universally accepted, legally binding, standard definition of a 'military company' or a 'security company'. The sector often operates in a legal lacuna given that it does not clearly fit existing jurisprudence, local or international. The employees of PMSCs are not soldiers or civilians, nor can they usually be defined as mercenaries.²³ The 1989 International Convention against the Recruitment, Use, Financing and Training

¹⁷ Obaji Jr., P., 'Survivors say Russian mercenaries slaughtered 70 civilians in gold mine massacre', *Daily Beast*, 31 Jan. 2022; and 'UN says investigators prevented access to site of Mali killings', Reuters, 21 Apr. 2022.

¹⁸ Taylor, A., 'What we know about the shadowy Russian mercenary firm behind an attack on US troops in Syria', *Washington Post*, 23 Feb. 2018.

¹⁹ Reynolds, N., 'Putin's not-so-secret mercenaries: Patronage, geopolitics, and the Wagner Group', Carnegie Endowment for International Peace, 8 July 2019.

²⁰ Sukhankin, S., 'War, business and ideology: How Russian private military contractors pursue Moscow's interests', Jamestown Foundation, 20 Mar. 2019.

²¹ Engelbrecht, C., 'Putin ally acknowledges founding Wagner mercenary group', *New York Times*, 26 Sep. 2022.

²² Bodurtha, M., 'An obligation to regulate: How private military companies embolden conflict with impunity from the Middle East to Central Africa', *The Bulletin—Columbia Journal of Transnational Law*, 1 Apr. 2022.

²³ Chesterman, S. and Lehnardt, C. (eds), *From Mercenaries to Market: The Rise and Regulation of Private Military Companies* (Oxford University Press: Oxford, 2007); and Percy, S. V., 'Mercenaries: Strong norm, weak law', *International Organization*, vol. 61, no. 2 (2007).

of Mercenaries provides a compound definition of who is a mercenary.²⁴ However, its complexity renders it a weak legal tool, which has never been used to prosecute mercenaries. Hence, while PMSCs are often described as mercenaries in the media, there is no legal standing for this classification. The distinction between PMSCs and mercenaries is important as it affects the scope and application of international law and national regulations (see section III). Without an effective definition there is no effective regulation and accountability.

The 2008 ‘Montreux Document on pertinent international legal obligations and good practices for states related to operations of PMSCs during armed conflict’ (Montreux Document)—the result of an international process launched by the government of Switzerland and the International Committee of the Red Cross to promote respect for IHL and human rights law whenever PMSCs are present in armed conflicts—identifies PMSCs as:

private business entities that provide military and/or security services, irrespective of how they describe themselves. Military and security services include, in particular, armed guarding and protection of persons and objects, such as convoys, buildings and other places; maintenance and operation of weapons systems; prisoner detention; and advice to or training of local forces and security personnel.²⁵

The document also sets out three key relationships between states and PMSCs: contracting states (countries that hire PMSCs), territorial states (countries on whose territory PMSCs operate) and home states (countries in which PMSCs are headquartered or based).

Furthermore, the integrated, complex nature of modern warfare and the highly specialized roles it involves (e.g. drone operators, prisoner interrogators, cyber experts and tank mechanics) blur the definition of front lines and combat. The outsourcing of some of those functions, historically executed by soldiers, muddies definitions even more. When contractors are employed to replace soldiers in combat support missions (e.g. monitoring communication as surveillance support, building fortifications instead of the

²⁴ Article 47 of Protocol I Additional to the 1949 Geneva Conventions, applicable in international armed conflicts, describes a mercenary as someone who: (a) is especially recruited in order to fight in an armed conflict; (b) in fact takes a direct part in hostilities; (c) is motivated essentially by the desire of private gain; (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 armed conflict on official duty as a member of its armed forces. See Protocol I Additional to the 1949 Geneva Conventions, and Relating to the Protection of Victims of International Armed Conflicts, opened for signature 12 Dec. 1977, entered into force 7 Dec. 1978, Article 47, ‘Mercenaries’. For the International Convention’s definition see United Nations Human Rights Office of the High Commissioner, International Convention against the Recruitment, Use, Financing and Training of Mercenaries, adopted 4 Dec. 1989 by General Assembly Resolution 44/34.

²⁵ International Committee of the Red Cross (ICRC) and Swiss Federal Department of Foreign Affairs (FDFA), *The Montreux Document on Pertinent International Legal Obligations and Good Practices for States Related to Operations of PMSCs during Armed Conflict* (ICRC/FDFA: Aug. 2009), preface, para. 9. For further discussion, see section III in this chapter.

engineering corps or transporting captives as part of a mission package) they become an integral part of the mission, even if their role seems to be mundane. In fact, given their significance, across most militaries those functions are still executed by soldiers. Relations become especially complicated in intrastate armed conflicts, which often include significant technical, logistical and development dimensions.²⁶

PMSCs are therefore not easily categorized, and the services offered vary dramatically and are not restricted to combat. In fact, most of this sector's activity is located in the range between combat support (e.g. conflict area logistics or communication) and combat service support (e.g. training or rear base maintenance), often making these actors unintelligible to other commercial actors. Their contracts, which may provide clarification on the nature of their activity and proper designation are undisclosed, so much of their activity remains hidden. The convoluted organizational structure and business interactions and practices, where contractors outsource their own services or operate under shell companies, make the sector even harder to monitor, define or measure.

Efforts at mapping PMSCs

In the absence of clear definitions and faced with the challenges of collecting information, much research and analysis of PMSCs is anecdotal—often drawing on notorious incidents (such as the Nisour Square incident and the Abu Ghraib prison abuses, mentioned above) or other criminal episodes that receive widespread media coverage. Yet those represent only a segment of the industry, and this gap in information and data about the sector is reflected in the limited and often skewed research.

In 2007, as a response to high-profile incidents involving contractors and the demand for better oversight, the US Congress passed the Transparency and Accountability in Military and Security Contracting Act of 2007, which started more systematic data collection on contracts and contractors. It allowed the Congress to better monitor the industry and offered a glimpse into the role of PMSCs in the US security apparatus. Over time, and with more information available, several studies used quantitative measures to monitor PMSCs and the implications of their operations and employment. Yet those studies did not use a standardized definition of PMSCs. Instead,

²⁶ Intrastate armed conflicts are the most common form of armed conflict today and usually involve sustained violence between a state and one or more non-state armed groups. For further details, see chapter 2 in this volume.

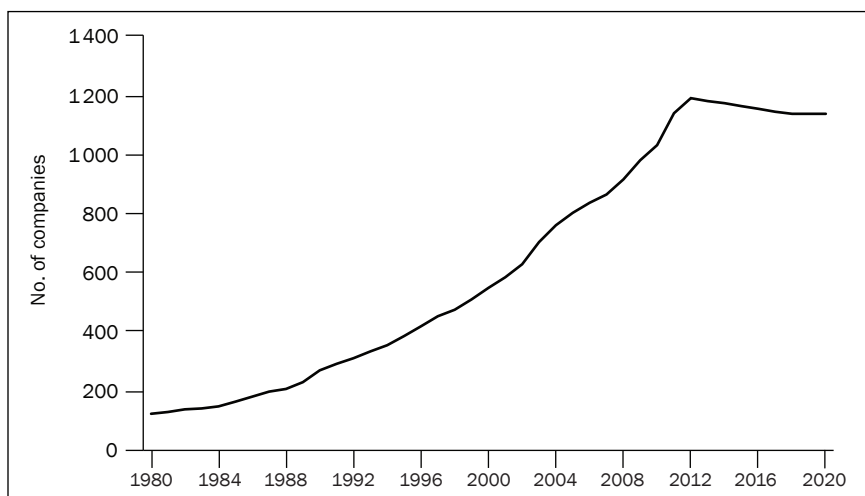


Figure 4.1. Total number of private military and security companies, 1980–2020

Source: Swed, O., *The Global Private Military and Security Companies Dataset*, Texas Tech University, Peace, War, and Social Conflict Laboratory, 2020.

they either assessed their participation in a conflict in general or used existing state definitions and categorizations.²⁷

Furthermore, there have been several attempts to systematically map PMSCs and their activity. Conflict data sets that collect event data, such as the Social Conflict Analysis Database and ACLED, have captured PMSCs' activities in their coverage of conflicts.²⁸ The Private Security Database built on this coverage and provided a systematic review of contractors' involvement in weak and failed states, looking mostly at security guards.²⁹ In two different data sets, researchers independently collected data on PMSCs, focusing on contracts.³⁰ The Private Security Event Dataset, which covered PMSCs' activities across three different regions, also offered a temporal dimension, namely who did what, where and when.³¹ Another attempt was

²⁷ Cotton, S. K. et al., 'Hired guns: Views about armed contractors in Operation Iraqi Freedom', RAND Corporation, Jan. 2010; and Tkach, B., 'Private military and security companies, contract structure, market competition, and violence in Iraq', *Conflict Management and Peace Science*, vol. 36, no. 3 (2019).

²⁸ Salehyan, I. et al., 'Social conflict in Africa: A new database', *International Interactions*, vol. 38, no. 4 (2012); and Raleigh, C. et al., 'Introducing ACLED: An Armed Conflict Location and Event Dataset', *Journal of Peace Research*, vol. 47, no. 5 (2010).

²⁹ Branović, Ž., *The Privatisation of Security in Failing States: A Quantitative Assessment*, Geneva Centre for the Democratic Control of Armed Forces (DCAF) Occasional Paper no. 24 (DCAF: Geneva, Apr. 2011); and Data on Armed Conflict and Security (DACS), 'Private Security Database', accessed 13 Mar. 2023.

³⁰ Akcinaroglu, S. and Radziszewski, E., 'Private military companies, opportunities, and termination of civil wars in Africa', *Journal of Conflict Resolution*, vol. 57, no. 5 (2013); and Tkach (note 27).

³¹ Avant, D. and Neu, K. K., 'The Private Security Events Database', *Journal of Conflict Resolution*, vol. 63, no. 8 (2019).

conducted with the Commercial Military Actor Database, which focused on civil wars and offered a broader list of companies.³²

Lastly, in a report to the UN working group on the use of mercenaries, the PMSC data of the Peace, War, and Social Conflict Laboratory at Texas Tech University was used to provide a comprehensive longitudinal review of the sector.³³ This data collection effort focused on companies that operate internationally in conflict areas and deliver services that are mission essential for military operations and that otherwise would be carried out by the armed forces. This definition is also used to frame the discussion of PMSCS in this section of the chapter. Figure 4.1, taken from the UN working group report, illustrates the scope and growth of the sector.

The complexity of the sector, its clandestine nature and the blurred lines between security and military services continue to place limitations on attempts to effectively map it. Thus, this section focuses less on specific companies and more on clients and patrons, and primarily considers PMSCS deployed to armed conflict zones.

Deployment of PMSCs to territorial states in conflict zones

The main locations in which PMSCs are deployed have shifted in the last three decades. During the 1990s, contractors took an instrumental part in several armed conflicts, with the most notable being the Sierra Leone Civil War (1991–2002) and the Kosovo War (1998–99).³⁴ Overall, however, armed conflicts during that period included relatively limited PMSC capacities, deploying hundreds of operators at best.³⁵ In Kosovo, Military Professional Resources Incorporated (MPRI) and Brown and Root Industrial Services provided logistics and training services. In Sierra Leone, Executive Outcomes forces, which provided combat solutions, artillery, intelligence and air support, were estimated at a few hundred personnel. The following decade, with the wars in Afghanistan and Iraq, reshaped perceptions of the industry. At its peak, the number of contractors employed by the US-led coalition in Afghanistan alone surpassed 200 000.³⁶ Those forces provided a comprehensive umbrella of services, which included security, translation, intelligence, logistics,

³² Petersohn, U. et al., 'The Commercial Military Actor Database', *Journal of Conflict Resolution*, vol. 66, no. 4–5 (2022).

³³ Swed and Burland (note 6).

³⁴ Howe, H. M., 'Private security forces and African stability: The case of Executive Outcomes', *Journal of Modern African Studies*, vol. 36, no. 2 (June 1998); and Ortiz, C., 'The private military company: An entity at the center of overlapping spheres of commercial activity and responsibility', eds T. Jäger and G. Kümmel, *Private Military and Security Companies* (VS Verlag für Sozialwissenschaften: Wiesbaden, 2007).

³⁵ Maciag, M., 'Engagement of Executive Outcomes in Sierra Leone—Utility assessment', *Security and Defence Quarterly*, vol. 27, no. 5 (2019).

³⁶ Swed, O., 'The Afghanistan War's legacy: The reimagining of the outsourcing of war and security', *Armed Forces & Society* (July 2022).

construction, housing and many others. The conclusion of the two wars then dramatically reduced the number of PMSCs operating in Afghanistan and Iraq. At the same time, the massive deployment of contractors in those wars created new market opportunities across the globe, as clients identified the utility and benefits of outsourcing security and military functions. During 2022, the sector's main areas of operation were in Ukraine and MENA, both discussed below, and in sub-Saharan Africa (see section II).

International PMSCs operating in Ukraine

The armed conflict in Ukraine (2014–present) has been a focal point for PMSC activity.³⁷ Russian PMSCs participated in the invasion and subsequent annexation of the Crimean peninsula in 2014 and have supported the Donbas pro-Russian separatists since the beginning of the conflict.³⁸ Open sources have identified several Russian PMSCs operating in Ukraine, among them ENOT Corp (United People's Communal Partnerships), Cossacks, RSB-Group (Russian Security Systems) and the ATK group.³⁹ The Russian invasion of Ukraine in February 2022 led to even greater involvement of Russian PMSCs in the conflict, especially following significant losses in troops and equipment.⁴⁰ The Wagner Group, the most recognized Russian PMSC, has been deployed en masse alongside Russian military units.⁴¹ The estimated number of Wagner contractors in the war is around 50 000.⁴² The Wagner Group's overt and extensive involvement internationalized the participation of its contractors.⁴³ Wagner started redeploying operators from other con-

³⁷ On the armed conflict in Ukraine see chapter 2, section I, in this volume. For a discussion on the initial causes of the conflict see Wilson, A., 'External intervention in the Ukraine conflict: Towards a frozen conflict in the Donbas', *SIPRI Yearbook 2016*, pp. 143–57; and Clem, R. S., 'Clearing the fog of war: Public versus official sources and geopolitical storylines in the Russia–Ukraine conflict', *Eurasian Geography and Economics*, vol. 58, no. 6 (2017). On the various armed groups fighting in the conflict see Galeotti, M., *Armies of Russia's War in Ukraine* (Osprey Publishing: Oxford, 2019).

³⁸ Sparks, J., 'Revealed: Russia's "Secret Syria mercenaries"', Sky News, 10 Aug. 2016. In Donbas several PMSCs were deployed, including RSB-Group, Antiterror-Orel, MAR and ENOT Corp; see Jones, S. G. et al., *Russia's Corporate Soldiers: The Global Expansion of Russia's Private Military Companies*, Center for Strategic and International Studies (CSIS) (Rowman & Littlefield: Lanham, MD, July 2021).

³⁹ Information about these Russian PMSCs is very limited. See Gusarov, V., 'Russian private military companies as licensed tool of terror', Inform Napalm, 24 Nov. 2015; and Bristow, J., *Russian Private Military Companies: An Evolving Set of Tools in Russian Military Strategy* (Foreign Military Studies Office: Fort Leavenworth, KS, 2019).

⁴⁰ Hernandez, H., 'War in Ukraine: Faced with the Russian group Wagner, "Mozart" supports the Ukrainians', *OiCanadian*, 25 Sep. 2022.

⁴¹ 'Wagner deployed like normal army units on Ukraine front line: UK', *Al Jazeera*, 29 July 2022.

⁴² DeYoung, K., 'Wagner mercenaries buy North Korean missiles for use in Ukraine war', *Washington Post*, 22 Dec. 2022.

⁴³ Kemal, L., 'Wagner Group lures foreign mercenaries with bumped-up salaries as Russia suffers losses', *Middle East Eye*, 6 Oct. 2022.

licts and recruiting nationals from Afghanistan, Libya and Syria.⁴⁴ Western PMSCs also operated in Ukraine in 2022, although the nature of their services and clients was very different. Most of the Western PMSCs' clients were civilians, not governments, and they were hired for extraction missions or VIP protection.⁴⁵ Some offered logistics or training services—Mozart Group, Ukrainian Private Military Company, Armed Guardian Services (ARGUS) International, Raytheon Technologies, SEAL, Task Force Yankee Ukraine, European Security Academy—but they did not directly engage in the fighting, and some PMSCs did not even have armed operators in the field.

International PMSCs operating in the Middle East and North Africa

Several conflicts in MENA have involved private contractors. The mobilization of massive numbers of contractors to support, replace and augment coalition forces in Iraq, largely at the initiative of the USA, cemented the role of PMSCs as a legitimate tool for providing security in the region. Other countries in the region also began to contract the services of PMSCs, such as Constellis and G4S, mostly for capacity building, physical security and logistics.

In 2022, PMSCs were heavily active in Iraq and Syria, where various external powers—most notably Iran, Russia, Türkiye and the USA—have sought to assert influence in the complex armed conflicts in those two countries.⁴⁶ The USA, for example, has several military bases in Iraq and eastern Syria, and as of October 2022 employed 7908 contractors there. Most of the contractors were not Americans, with 3052 third-country nationals and 2156 locals.⁴⁷ The majority of this workforce was used for combat service support (base support, logistics, maintenance, construction and translation) and about 10 per cent of their activity was focused on security.

In contrast, the Russian employment of PMSCs in the region, mostly affiliated with the Wagner Group, has been focused on combat. Russia has employed about 4000 contractors along with Russian standing army units in support of the Syrian government in the civil war (2011–present). The contractors have been hired to train Syrian forces, protect assets and economic interests, and

⁴⁴ Erteima, M., '1300 Wagner mercenaries sent from Libya to help Russian forces in Ukraine', Anadolu Agency, 25 Mar. 2022; Cafarella, J., Yazici, E. and Coles, Z., 'Russia mobilizes reinforcements from Syria and Africa to Ukraine', Institute for the Study of War, 31 Mar. 2022; Vallortigara, B., 'Mercenary fighters in Libya and Ukraine: How social media are exposing the Russian Wagner Group', Moshe Dayan Center for Middle Eastern and African Studies, 31 May 2022; and AP News, 'Russia recruiting Afghan special forces who fought with US to fight in Ukraine', *The Guardian*, 31 Oct. 2022.

⁴⁵ Debusmann, B., 'Private military firms see demand in Ukraine war', BBC News, 9 Mar. 2022.

⁴⁶ On the armed conflicts in Iraq and Syria, see Fazil, S., 'Armed conflict and peace processes in Iraq, Syria and Turkey', *SIPRI Yearbook 2022*, pp. 164–74.

⁴⁷ US Office of the Assistant Secretary of Defense for Sustainment, 'Contractor support of US operations in the USCENTCOM area of responsibility', CENTCOM, Quarterly Contractor Census Reports, Oct. 2022; and 'Why does the US still have forces in Syria?', Al Jazeera, 24 Aug. 2022.

take part in combat missions.⁴⁸ They have worked closely with Syrian forces on the ground while coordinating aerial and artillery support for the Russian contingents in the country. The Russian contractors have been instrumental in securing the Syrian regime's victories against the Islamic State and rebel forces, often leading the attacks alongside Syrian government forces.⁴⁹ During 2022, many of those contractors were relocated to Ukraine, leaving an unverified number of Russian contractors in Syria.

Another PMSC that operates in Syria is SADAT International Defense Consultancy, a Turkish company with government ties. SADAT's services differ from those provided by Russian or Western PMSCs, and specialize in establishing proxy local forces through training, arming and sending them to fight on behalf of Türkiye.⁵⁰ They do not generally engage directly in combat; instead, they raise local paramilitaries that engage in combat. SADAT has been the main recruiter of Syrian fighters in regional conflicts. These fighters have been deployed in Syria and Libya in the service of Turkish foreign policy and military interventions in those countries.⁵¹

SADAT International Defense Consultancy was also influential in the second Libyan Civil War (2014–20), working closely with the Government of National Accord (GNA) in western Libya.⁵² SADAT formed part of the Turkish military intervention, which included arming and training the GNA and its allies and the active participation of Turkish soldiers in the fighting. SADAT's role was to recruit, arm, train and support brigades of Syrian mercenaries that fought on behalf of the GNA.⁵³ A 2021 UN panel of experts report on Libya indicated that SADAT was responsible for the supervision and payment of about 5000 Syrian fighters.⁵⁴ In 2022 there were still reports of Syrian fighters affiliated with SADAT in Libya.⁵⁵

Russian PMSCs are also heavily involved in Libya in support of the other main party in the conflict: the Libyan National Army (in essence an armed non-state group), headed by Marshal Khalifa Haftar. Some of the Russian

⁴⁸ Landay, J., Stewart, P. and Hosenball, M., 'Russia's Syria force grows to 4,000, US officials say', Reuters, 4 Nov. 2015; and Fitzpatrick, C., 'How many Russian soldiers have died in Syria?', Daily Beast, 13 Apr. 2017.

⁴⁹ Bristow (note 39).

⁵⁰ Frantzman, S., 'Mob boss: Turkey diverted aid for Turkmen to "Nusra" linked extremists', *Jerusalem Post*, 30 May 2021. On Türkiye's role in the armed conflicts in Iraq and Syria, see also Fazil (note 46).

⁵¹ Powers, M., 'Making sense of SADAT, Turkey's private military company', War on the Rocks, 8 Oct. 2022.

⁵² Andlauer, A., 'Sadat, une société turque de conseil militaire, reviendra-t-elle en Libye?' [Sadat, a Turkish military consulting company, will it return to Libya?], RFI, 2 Jan. 2020.

⁵³ Lund, A., *The Turkish Intervention in Libya*, Swedish Defence Research Agency (FOI) (FOI: Stockholm, Mar. 2022).

⁵⁴ United Nations, Security Council, Letter dated 8 March 2021 from the panel of experts on Libya established pursuant to Resolution 1973 (2011) addressed to the president of the Security Council, S/2021/229, 8 Mar. 2021.

⁵⁵ Bozkurt, A., 'Turkey continues to deploy Syrian fighters to Libya', Nordic Monitor, 16 June 2022.

contractors (from the RSB-Group and the Wagner Group) have been involved in the protection of commercial interests, such as the energy terminals and infrastructure in Benghazi, Derna, Sirte and Tobruk, or providing technical support.⁵⁶ In addition, the Wagner Group deployed about 3000 contractors who headed the fighting effort, including artillery and air forward control, sniper teams and other combat functions.⁵⁷ As of early 2022, the estimated number of contractors stood at 900.⁵⁸

In Yemen, the ongoing civil war (2014–present) has created a massive humanitarian crisis and regional instability.⁵⁹ PMSCs have been deployed in support of the participating armies and some have taken part in the fighting. The Saudi Arabian-led coalition has deployed PMSC combat units and targeted killing teams.⁶⁰ However, Saudi Arabia had been building up its capacities for decades before this conflict, using Western PMSCs for technical and logistical support. For instance, BAE systems and its forerunners have sold advanced weapons to Saudi Arabia since the 1960s, and even provided former British Royal Air Force pilots who flew for the Royal Saudi Air Force during the North Yemen Civil War (1962–70).⁶¹ By the start of 2000, BAE Systems and related companies employed thousands of staff in the country, delivering weapons system maintenance, training and logistical functions. During the current conflict in Yemen, it is reported that about 6300 British contractors have provided military logistics support to Saudi Arabia.⁶² The UAE, a prominent Saudi Arabian partner, has been using contractors to address skilled personnel shortages, using Latin American operators and Westerns pilots.⁶³ Attracted by potential profits, contractors from different parts of the world have joined pro-Saudi Arabian coalition initiatives to form private armies.⁶⁴

⁵⁶ Jones et al. (note 38).

⁵⁷ Kharief, A., 'Wagner in Libya—Combat and influence', Rosa Luxemburg Stiftung, Jan. 2022; and United Nations (note 54).

⁵⁸ Erteima (note 44).

⁵⁹ On the armed conflict in Yemen, see also chapter 2, sections I and II, in this volume, and Davis, I., 'Armed conflict and peace processes in Yemen', *SIPRI Yearbook 2022*, pp. 185–91.

⁶⁰ Merat, A., '“The Saudis couldn't do it without us”: The UK's true role in Yemen's deadly war', *The Guardian*, 18 June 2019; DCAF Geneva Centre for Security Sector Governance, 'Addressing the contemporary use of private military and security companies in Yemen', YouTube, 23 June 2022; 'Mexican, Colombian “Blackwater” mercenaries killed in Yemen', teleSUR, 10 Dec. 2015; and Roston, A., 'A Middle East monarchy hired American ex-soldiers to kill its political enemies. This could be the future of war', BuzzFeed News, 16 Oct. 2018.

⁶¹ Cooper, T., *Hot Skies Over Yemen: Aerial Warfare Over the Southern Arabian Peninsula: Volume 1, 1962–1994* (Helion and Company: Warwick, 2017).

⁶² Merat (note 60).

⁶³ Hager, E. and Mazzetti, M., 'Emirates secretly sends Colombian mercenaries to Yemen fight', *New York Times*, 25 Nov. 2015; and Whitelock, C. and Jones, N., 'UAE relied on expertise of retired US troops to beef up its military', *Washington Post*, 18 Oct. 2022.

⁶⁴ Alexander, I., 'From Haiti to Yemen: Why Colombian mercenaries are fighting foreign wars', *New Arab*, 4 Aug. 2021; and AP News, '2 German ex-soldiers convicted over Yemen mercenary plans', *US News & World Report*, 24 Oct. 2022.

Beyond the continuous logistical and maintenance support in Saudi Arabia and neighbouring countries, a review of PMSCs' activities in Yemen and along its maritime boundaries, which looked at professional organizations such as the International Code of Conduct Association (ICOCA), indicated that in 2022 the sector was mostly employed in maritime security and energy infrastructure security.⁶⁵

Key actors: Home states and leading companies

A handful of home states host the majority of PMSCs: the USA, the United Kingdom, China and South Africa are estimated to collectively host about 70 per cent of the entire sector.⁶⁶ Russia, while having a relatively small PMSC sector, has arguably used its contractors for combat more than others. This subsection focuses on the two states that lead the current trend of outsourcing security and war functions—the USA and Russia—and identifies areas of potential concern around some of their deployments.

United States

For the last two decades the USA has been the leading user and facilitator of the PMSC market, principally (but not exclusively) in relation to the deployment of the expeditionary forces to Afghanistan and Iraq.⁶⁷ The PMSC market emerged in the USA with the creation of new companies or the diversification of services among existing companies, mostly those that specialized in military services. Although PMSCs have been used in combat capacities in Afghanistan and Iraq, those occasions have been rare. Most US PMSCs are contracted for base support, construction, communication, logistics, management, medical, security, training, translation, transportation and other non-military functions. At the end of 2022, US PMSCs were operating or had business connections in almost every country across the globe.

One of the main US contracting parties is the Department of Defense, with the US Central Command (USCENTCOM) being one of the main employers of PMSCs.⁶⁸ Employment of PMSCs in the last decade has declined significantly with the conclusion of the wars in Afghanistan and Iraq. However, at the end of 2022, USCENTCOM still employed about 20 000 contractors—more than the total estimated Wagner deployment in sub-Saharan Africa by Russia. Other US government departments and branches also employ PMSCs. For example, PMSCs, such as the GEO Group or MVM, have been contracted by

⁶⁵ See the International Code of Conduct Association (ICOCA) website; and job recruitment web pages such as Silent Professionals.

⁶⁶ Swed and Burland (note 6).

⁶⁷ Swed and Burland (note 6).

⁶⁸ US CENTCOM's area of responsibility covers the Middle East (including Egypt in North Africa), Central Asia and parts of South Asia.

the US Immigration and Customs Enforcement (ICE) for border control and immigration management on the southern border of the USA.⁶⁹ Similarly, the US State Department has been using PMSCs for a range of functions, including working with Tier 1 Group to provide combat training in Saudi Arabia.⁷⁰ US PMSCs generally comprise a core of US employees, complemented by larger numbers of third-country nationals or locals. This means that most of the workforce, especially in big operations, is international or indigenous to the country of operation.⁷¹

Russia

Since the 1990s, the Russian government has had a complex relationship with private actors that profit from security and military services. The PMSC market in Russia has been mainly associated with patrons and politicians, given that these types of services are considered illegal in Russia and fall under the definition of mercenarism, as noted in the introduction.⁷² Yet, regardless of the legal limitations, a few Russian companies have been offering their services since the 1990s, with some taking part in the Second Chechen War (1999–2009) and the Georgian–Russian War (2008).⁷³ Having identified the potential of PMSCs as state proxies and as an international instrument with plausible deniability, Russia started exploring the greater utility of this sector in 2013, with the deployment of Slavonic Corps in Syria.⁷⁴ The Wagner Group is the latest and most successful iteration of this trend. While Russian PMSCs have commercial interests, for the most part they are not independent actors. Instead, according to critical Western states and experts, they are directly linked to government foreign policy.⁷⁵

Russian PMSCs have been used for combat operations in CAR, Libya, Mali, Mozambique, Syria and Ukraine. They have also been used as military proxies, assuming roles that were traditionally conducted by soldiers, among them training local forces of Russian allies in several countries, mostly in sub-Saharan Africa (see section II).⁷⁶ They provide different levels of security services, ranging from protester suppression for the government of Alexander Lukashenko in Belarus to commercially focused services such as

⁶⁹ Business & Human Rights Resource Centre (note 5).

⁷⁰ US Government Publishing Office, 'State, Foreign Operations, And Related Programs Appropriations for Fiscal Year 2020', Senate Hearing 116, 9 Apr. 2019.

⁷¹ Swed and Burland (note 6).

⁷² Schwartz, A. and Montfort, P., 'Band of brothers: The Wagner Group and the Russian state', CSIS, 21 Sep. 2020.

⁷³ Bristow (note 39).

⁷⁴ Stronski (note 4); and 'The last battle of the "Slavic Corps"', Fontanka, 14 Nov. 2013.

⁷⁵ Doxsee, C., 'Putin's proxies: Examining Russia's use of private military companies', CSIS, Statement before the US House Oversight and Reform Subcommittee on National Security, 15 Sep. 2022.

⁷⁶ Bristow (note 39).

maritime security and facilities security.⁷⁷ Lastly, Russian PMSCs have been associated with cyber and influence operations, attempting to impact public opinion and sway election outcomes. In particular, the Wagner Group has been linked to such operations in sub-Saharan Africa, while the Internet Research Agency (IRA) has sought to influence US and European elections and discourse.⁷⁸

Similar to US PMSCs, Russian PMSCs have been recruiting worldwide, yet most of their employees are Russian nationals.⁷⁹ For the period 2014–18, most Wagner Group employees came from within Russia. Since the Russian invasion of Ukraine in February 2022, Russian PMSCs have sought to recruit more employees in Africa, MENA, the former Soviet republics and Afghanistan, but the evidence suggests that most of the recruits are still Russian.⁸⁰ The Wagner Group, in particular, has engaged in a massive recruitment drive to address the Russian army's personnel shortage in the war. The recruitment effort has been very different from earlier, more secretive approaches, with Wagner promoting enlistment on billboards and commercials, and opening recruitment offices across the country and at its headquarters in Saint Petersburg.⁸¹ Nevertheless, the main source of recruits appears to be Russian prisons. Although Russian law prohibits prisoners from joining the army, they can join a PMSC. Wagner has approached convicts serving life or long-term prison sentences, offering them their freedom and rights in return for a few months of service.⁸² This has been endorsed by the government, which has offered clemency to volunteers.⁸³ It is estimated that about 40 000 of the total 50 000 Wagner personnel in Ukraine were recruited in this way.⁸⁴

⁷⁷ Tondo, L. et al., 'Alleged Wagner Group fighters accused of murdering civilians in Ukraine', *The Guardian*, 25 May 2022; Rondeauz, C., 'Decoding the Wagner Group: Analyzing the role of private military security contractors in Russian proxy warfare', *New America*, 7 Nov. 2019; and Marten, K., 'Russia's use of semi-state security forces: The case of the Wagner Group', *Post-Soviet Affairs*, vol. 35, no. 3 (2019).

⁷⁸ Grossman, S., Bush, D. and DiResta, R., 'Evidence of Russia-linked influence operations in Africa', Stanford Internet Observatory, 29 Oct. 2019; and Badawy, A. et al., 'Characterizing the 2016 Russian IRA influence campaign', *Social Network Analysis and Mining*, vol. 9, no. 1 (2019).

⁷⁹ Weiss, M. et al., 'The fallen mercenaries in Russia's dark army', *New Lines Magazine*, 19 Dec. 2021.

⁸⁰ 'Russia's Wagner fighters suffer 30 000 casualties in Ukraine: US', *Al Jazeera*, 18 Feb. 2023.

⁸¹ Quinn, A., 'Putin private army's clever new hiring strategy: Billboards!', *Daily Beast*, 20 July 2022; and AFP, 'Russia's Wagner paramilitary group opens first official HQ in St Petersburg', *Euronews*, 11 Sep. 2022.

⁸² Triebert, C., 'Video reveals how Russian mercenaries recruit inmates for Ukraine war', *New York Times*, 16 Sep. 2022.

⁸³ Ilyushina, M., 'Putin secretly pardoned convicts recruited by Wagner to fight in Ukraine', *Washington Post*, 10 Jan. 2023.

⁸⁴ Ilyushina (note 83).

Other significant home states

Several other countries have developed a vibrant PMSC market, yet their footprint and type of activity are not as substantial as the two countries described above. The UK hosts some of the largest PMSCs, among them G4S, Aegis Defence Services and GardaWorld.⁸⁵ Those, as well as others (e.g. Olive Group, Control Risks, Armor Group, 3e Global, Minimal Risk Consultancy and Chesterfield Group) offered a host of support services to the coalition forces and local governments during the wars in Afghanistan and Iraq. At one point there were an estimated 60–80 British PMSCs in Iraq during the war.⁸⁶ While the British PMSC market accounts for a significant segment of the global industry, there are no real indications in recent years that it has been involved in direct combat. This could be attributed to the UK's regulation of the industry, which is more rigorous and extensive than in most countries.

The Chinese PMSC market gained momentum after a new legal framework allowing armed services was passed in 2009. Most of its activity has been associated with the security challenges that Chinese companies and personnel face in commercial operations across the Belt and Road Initiative (BRI).⁸⁷ The BRI is at the heart of a Chinese strategic plan which aims to shift international economic gravity towards China. It includes the creation of roads, ports and rail transport that will cross Asia, MENA and Europe. Many of these infrastructure projects pass through politically unstable territories and introduce security risks for the project's workforce. For example, in 2012, 29 Chinese workers were kidnapped in Sudan, and in 2016, over 300 workers were evacuated from South Sudan due to security concerns.⁸⁸ Reluctant to fully rely on local governments to protect Chinese employees, infrastructure, materials and projects, the Chinese government decided to outsource this function. Within a decade, Chinese PMSCs started providing security services in countries across the BRI projects and beyond (including in Africa, see section II).⁸⁹

Another important home country for PMSCs is South Africa. It is the home of one of the most influential PMSCs, Executive Outcomes, which was involved in several African wars during the 1990s.⁹⁰ Building on this legacy,

⁸⁵ Norton-Taylor, R., 'Foreign Office to propose self-regulation for private military firms', *The Guardian*, 23 Apr. 2009; and Overton, L., Benevilli, E. and Bruun, L., 'Britain is the world centre for private military contractors—and it's almost impossible to find out what they're up to', *openDemocracy*, 20 Dec. 2018.

⁸⁶ Norton-Taylor, R., 'Britain is at centre of global mercenary industry, says charity', *The Guardian*, 3 Feb. 2016.

⁸⁷ ADF (note 4); and Legarda and Nouwens (note 4).

⁸⁸ Nantulya, P., 'Chinese security firms spread along the African Belt and Road', *Africa Center for Strategic Studies*, 15 July 2021; and Laessing, U. and Wee, S., 'Kidnapped Chinese workers freed in Sudan oil state', *Reuters*, 7 Feb. 2012.

⁸⁹ Nantulya (note 88); ADF (note 4); and Markusem, M., 'A stealth industry: The quiet expansion of Chinese private security companies', *CSIS*, 15 Jan. 2022.

⁹⁰ Howe (note 34).

South Africa has become a hub for PMSCs that specialize in combat and combat support services. The companies with higher international visibility are Dyck Advisory Group (DAG), which has operated in Mozambique, and STTEP International, which has operated in Nigeria and Uganda.⁹¹

Israel has several small PMSCs operating in sub-Saharan Africa and Latin America, but its most prominent contribution is in cyber services, such as surveillance and influence tools, which have been widely contracted across the globe.⁹² France and Germany also have emerging PMSC markets that operate mostly in sub-Saharan Africa.⁹³

Conclusions

The incidents and activities of concern related to PMSCs described in this section represent a very small segment of a large industry. There are thousands of PMSCs around the world, most of which abide by the relevant laws, operate within their mandate, do not commit human rights violations or war crimes, and in general contribute to stabilization and security in the settings where they operate, often working closely with the UN and non-governmental organizations.⁹⁴ The accountability model they present is self-regulation, using industry standards and codes of conduct. Many of the leading companies in the sector are members of professional organizations such as the ICOCA, ASIS International, the British Association of Private Security Companies (BAPSC), MSS Global and the International Stability Operations Association (ISOA).⁹⁵ These associations require PMSCs to follow a specific code of conduct and are used as a conduit to provide training and support on legal, human rights, equality and other issues. While self-regulation has limitations, it can assist in monitoring the industry and making it more accountable.⁹⁶ Beyond self-regulation, several countries have been addressing existing gaps in regulation of the sector, generating jurisprudence that creates better accountability overall. This includes clearer definitions,

⁹¹ Freeman, C., 'South African mercenaries' secret war on Boko Haram', *The Telegraph*, 10 May 2015.

⁹² Legziel, K., "Like in Fauda": How Israeli security guards took over the world', *Haaretz*, 23 Feb. 2022; and Duhem, V., 'How Israel's defence and intelligence industries are making inroads across Africa', *Global Sentinel*, 5 Feb. 2022.

⁹³ Cascias, A. and Koubakin, R., 'Mercenary armies in Africa', *Deutsche Welle*, 15 Apr. 2022.

⁹⁴ Krahmann, E. and Leander, A., 'Contracting security: Markets in the making of MONUSCO peacekeeping', *International Peacekeeping*, vol. 26, no. 2 (2019).

⁹⁵ See ICOCA; ASIS International; British Association of Private Security Companies (BAPSC); MSS Global; and International Stability Operations Association (ISOA).

⁹⁶ De Nevers, R., 'The effectiveness of self-regulation by the private military and security industry', *Journal of Public Policy*, vol. 30, no. 2 (Aug. 2010); and De Nevers, R., 'Private security companies and the laws of war', *Security Dialogue*, vol. 40, no. 2 (2009).

clearer and more specific regulations, better contracts and clearer legal boundaries.⁹⁷

However, regulation is still very weak in many countries, including across many locations in which PMSCs operate. This means that a company that is willing to exploit any gaps can effectively do so.⁹⁸ States that increasingly rely on PMSCs as a dispensable or deniable proxy are also able to exploit such regulatory gaps, and arguably pose even greater problems and risks.⁹⁹ Within this type of relationship, states tend to ignore their PMSC proxy violations while protecting them in international forums. Lastly, emerging trends in the outsourcing of cyber capacities, which include influence operations that can cause social and political disarray or win elections, and surveillance, which can be used to monitor minorities, activists, opposition and dissidents, introduce new challenges and threats.

⁹⁷ Human Rights Watch, 'Iraq: Pass new law ending immunity for contractors', 8 Jan. 2008; Leander, A., 'Parsing Pegasus: An infrastructural approach to the relationship between technology and Swiss security politics', *Swiss Political Science Review*, vol. 27, no. 1 (2021); Leander, A., 'Making markets responsible: Revisiting the state monopoly on the legitimate use of force', eds O. Swed and T. Crosbie, *The Sociology of Privatized Security* (Palgrave Macmillan: Cham, 2019); and McNaylor, M., 'Mind the "gap": Private military companies and the rule of law', *Yale Journal of International Affairs*, vol. 5, no. 2 (2010).

⁹⁸ Prem, B., 'The regulation of private military and security companies: Analyzing power in multi-stakeholder initiatives', *Contemporary Security Policy*, vol. 42, no. 3 (2021).

⁹⁹ See e.g. the Battle of Khasham, when about 300 Russian contractors died in an attack on a US military base in Syria. Gibbons-Neff, T., 'How a 4-hour battle between Russian mercenaries and US commandos unfolded in Syria', *New York Times*, 24 May 2018.