

THE ROLE OF PRIVATE MILITARY COMPANIES IN CONTEMPORARY CONFLICTS: LEGAL AND SECURITY DILEMMAS

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Abstract. *This article undertakes an examination of the escalating role assumed by Private Military Companies (PMCs) within the matrix of contemporary conflicts, positing that their proliferation—most notably the ascendancy of state-proxy models exemplified by the Wagner Group—constitutes an exploitation of a critical vacuum within the corpus of international law. Effectuated through a comparative analysis of PMC operations across Iraq, Ukraine, Syria, and Africa, this paper demonstrates the mechanisms by which such entities precipitate an erosion of state sovereignty, present a formidable challenge to the tenets of international humanitarian law (IHL), and engender systemic lacunae in accountability. Our findings indicate that extant regulatory frameworks, inclusive of the Montreux Document and the International Code of Conduct (ICoCA), are possessed of an inherent insufficiency for addressing the geopolitical instrumentality characteristic of modern PMCs. The article culminates in the proposal of a binding UN Convention on Private Military and Security Activities, wherein a four-pillar governance model is outlined with the objective of re-establishing state responsibility, guaranteeing accountability, and regulating the ongoing privatization of warfare.*

Keywords: Private Military Companies, State Sovereignty, International Humanitarian Law, Accountability, Wagner Group, Privatization of War, Global Governance.

1. INTRODUCTION

1.1 The Privatization of Warfare: A Defining Feature of 21st-Century Conflict

The landscape of modern armed conflict is presently undergoing a transformation of profound significance, the character of which is defined by an increasing delegation of coercive force to corporate actors (Bijos & de Souza, 2020). This phenomenon, to which the term privatization of warfare is often applied, has borne witness to the evolution of Private Military Companies (PMCs) from their erstwhile status as peripheral support contractors into that of central players in the formulation of defense policy and the execution of military operations globally (Has, 2025).

The private military services market, with a valuation exceeding \$241 billion in 2025 and a projection to surpass \$371 billion by 2035, maintains operations in more than 50 countries, thereby blurring the traditionally distinct lines between state and non-state violence (Business Research Insights, 2024; Bijos & de Souza, 2020). Such a shift presents a direct challenge to the Westphalian principle concerning the state's monopoly on the legitimate use of force, a normative standard that has for centuries structured the conduct of international relations (Marshall Center, 2024; Leander, 2005).

A complex ecosystem constitutes the contemporary PMC industry, offering a spectrum of services that extends from logistical support and security training to direct combat operations and the deployment of sophisticated cyber warfare capabilities (Bijos & de Souza, 2020; Kumar, 2023). The surge in their utilization, particularly in the period following the conclusion of the Cold War and accelerating with dramatic effect during the conflicts in Iraq and Afghanistan, was propelled by a confluence of factors: the downsizing of national armies, the strategic pursuit of cost-effective military solutions, and a desire for interventions possessed of political deniability (Swed & Burland, 2020; Has, 2025). From this has emerged

a reality wherein states, including major global powers, have cultivated a critical dependency on these private actors, rendering them incapable of waging war in their absence (Singer, 2007).

1.2 The Governance Gap and the Rise of the State-Proxy Model

Within a significant governance gap has the proliferation of PMCs occurred. International law, having been designed in an era dominated by state-centric conflict, has demonstrated a failure to adapt, thereby leaving a regulatory vacuum that is not merely a passive oversight but rather a strategically maintained space of legal ambiguity (Has, 2025; Civilians in Conflict, 2023). Anti-mercenary conventions are with facility circumvented by the corporate structuring of PMCs, while soft-law initiatives, such as the Montreux Document, persist in their non-binding status and are largely ineffectual in compelling accountability (Mquirimi, 2022; Has, 2025).

This very legal ambiguity has been the enabling condition for the evolution of a new and more perilous form of privatized violence: the state-proxy model. In contrast to their market-driven predecessors, whose operations were primarily motivated by profit, entities such as Russia's Wagner Group (now rebranded as the Africa Corps) function as direct, albeit deniable, instruments of state foreign policy (van der Lugt, 2025; International Review, 2025). These "proxy military companies" are not engaged in competition within a commercial market; their purpose is the conduction of combat operations, hybrid warfare, and resource exploitation on behalf of their state sponsors, frequently with an impunity that is near-total (van der Lugt, 2025).

A qualitative shift in the nature of the industry is what this represents. The central challenge is thus no longer the simple regulation of a commercial market but rather the addressing of state conduct that outsources violence as a means to evade responsibility under international law. A lowering of the threshold for conflict is effectuated by this model, permitting states to engage in proxy wars while they avoid direct accountability, a dynamic that is reminiscent of the Cold War but is imbued with the additional complexity of corporate structures (van der Lugt, 2025; Harper, 2025).

1.3 Thesis Statement and Research Roadmap

It is the argument of this article that the proliferation of PMCs, and state-proxies in particular, is not an accidental byproduct of globalization but rather a strategic exploitation of a deliberate vacuum in international law, a condition which fundamentally alters conflict dynamics, erodes the Westphalian state system, and necessitates the establishment of a robust, binding international regulatory regime. This article proceeds in four principal parts, adhering to the IMRaD structure. The Methods section delineates the qualitative, comparative case study approach employed for the analysis of PMC operations. The Findings section provides a detailed account of the international regulatory void and presents a comparative analysis of PMC activities in Iraq, Ukraine, Syria, and Africa, synthesizing these findings to demonstrate the erosion of international norms. The Discussion undertakes a critical examination of how PMCs reshape modern warfare, power dynamics, and legal paradigms, arguing for a reclassification of certain groups as "Proxy Military Companies."

Finally, the Conclusion and Recommendations section summarizes the argument and puts forth a comprehensive, four-pillar model for a binding UN Convention on Private Military and Security Activities, advocating for an urgent reassertion of state responsibility and international oversight over the market for force.

2. METHODS

2.1 Research Design

For the purpose of conducting a comprehensive and critical analysis of the role of PMCs in contemporary conflicts, this study makes use of a qualitative, multi-method research design. At the core of the methodology lies a structured, comparative case study analysis, an approach which permits an in-depth

examination of the phenomenon across disparate geopolitical contexts and operational models (Has, 2025). Supplementing this approach is a systematic literature review of recent (2020-2025) scholarly contributions in the fields of international law, security studies, and international relations. The combination of these methods facilitates both a broad comprehension of the overarching legal and theoretical dilemmas and a granular analysis of specific instances of PMC deployment.

2.2 Data Collection and Analysis

The analysis of secondary data sources forms the basis of this research. Data were systematically collected from an extensive range of materials, which included peer-reviewed academic articles, legal documents, governmental reports (e.g., U.S. Congressional Research Service), and publications originating from international organizations and think tanks, among them the United Nations (UN), the International Committee of the Red Cross (ICRC), the Stockholm International Peace Research Institute (SIPRI), and the Geneva Academy of International Humanitarian Law and Human Rights (Bijos & de Souza, 2020; Has, 2025). To code and synthesize the collected data, a thematic analysis was employed, through which recurrent themes related to legal ambiguity, accountability mechanisms (or their absence), state sovereignty, impacts on human rights, and the evolving geopolitical roles of PMCs were identified. This process enabled the systematic identification of patterns and divergences across the different cases and regulatory environments.

2.3 Case Selection Rationale

The four case studies—Iraq, Ukraine, Syria, and Africa (with a specific focus on Mali, the Central African Republic, and Sudan)—were selected with purposive intent to represent distinct archetypes of PMC deployment and to illuminate the multifaceted nature of the legal and security challenges they engender. A nuanced analysis that moves beyond a monolithic conception of the PMC industry is enabled by this comparative framework. The rationale for each selected case is articulated as follows:

- Iraq: This case represents the archetype of large-scale, Western-led contracting within a post-invasion, nation-building context. The extensive utilization of PMCs such as Blackwater by the U.S. government serves as a seminal case study on the challenges of oversight, the blurring of civilian-military distinctions, and the profound failures of accountability that are liable to occur within a permissive legal environment (Chapman University Digital Commons, 2024; Welch, 2008).
- Ukraine: Herein is illustrated the escalatory potential inherent in the state-proxy model. The role of the Wagner Group evolved from that of a covert instrument for destabilization in the Donbas region (2014-2022) to that of a semi-conventional assault force in the full-scale invasion, an evolution that culminated in a direct challenge to its sponsor state. Uniquely, this case demonstrates the complete life cycle and the intrinsic instability of a state-proxy PMC (ACLED, 2023; Velychenko, 2023).
- Syria: A complex theater is provided by this case, wherein PMCs operate as force multipliers within a protracted, multi-sided civil war. Russian PMCs have acted in concert with regular military forces, supported a client regime, and secured economic assets, thereby showcasing the hybrid commercial and geopolitical functions that these entities are capable of performing in highly contested environments (Kalamar, 2021; Has, 2025).
- Africa (Mali, CAR, Sudan): This region serves as the primary archetype for PMCs functioning as instruments of neocolonial influence and resource extraction. The "regime survival package" model employed by the Wagner Group—which involves trading security services for mining concessions and political alignment—highlights the manner in which PMCs are utilized by external powers to project influence in fragile states, often resulting in the displacement of traditional Western partners and the perpetuation of instability (Congressional Research Service, 2025; ACLED, 2024).

3. FINDINGS: THE LANDSCAPE OF PRIVATIZED VIOLENCE

3.1 The International Regulatory Void: A Feature, Not a Bug

The operational milieu of the contemporary PMC industry is one defined by a profound international regulatory vacuum. This absence of a binding legal framework is not to be understood as a passive failure of international law to maintain pace with new realities; it appears, rather, to be a strategically maintained condition that serves the interests of powerful states which utilize PMCs as instruments of foreign policy (Has, 2025). A systematic inadequacy to address the corporate nature and state-sponsorship of modern PMCs is characteristic of existing international legal instruments.

The primary international treaties that address private military actors, such as the *International Convention against the Recruitment, Use, Financing and Training of Mercenaries* (1989), were conceived to criminalize the "soldier of fortune" archetype (Gómez del Prado, 2021). Ill-suited are these conventions to the regulation of PMCs, which operate as legally registered corporations, often possessing complex international structures that permit them to easily circumvent the narrow and subjective definition of a "mercenary" as found in instruments like Article 47 of Additional Protocol I to the Geneva Conventions (Mquirimi, 2022; Has, 2025). The limited number of state ratifications for these conventions serves to further underscore their ineffectiveness (Has, 2025).

In response to high-profile incidents, among them the Nisour Square massacre, the international community has developed soft-law initiatives. A significant step was the *Montreux Document* (2008), which clarified the existing obligations of states under IHL and human rights law in the context of contracting PMCs (Federal Department of Foreign Affairs, Switzerland, 2021). It delineates good practices for home states (wherein PMCs are based), territorial states (wherein they operate), and contracting states (which employ them) (Montreux Document Forum, n.d.). Subsequent to this, the *International Code of Conduct for Private Security Service Providers* (ICoCA) was established in 2010, a multi-stakeholder initiative intended to create industry standards and an oversight mechanism (ICoCA, n.d.-a).

The fundamental limitation of both the Montreux Document and ICoCA, however, is their non-binding nature (Global Policy Forum, 2021). Their efficacy relies upon voluntary adherence, and they are devoid of robust enforcement or punitive mechanisms. While their contribution to the professionalization of certain segments of the industry is acknowledged, they are fundamentally incapable of compelling accountability from states that instrumentalize PMCs for geopolitical ends (van der Lugt, 2025). For a state such as Russia, which has not endorsed these initiatives and operates PMCs within a deliberately extra-legal space, these frameworks are of no relevance (Has, 2025). Even for signatory states like the United States, the prevention of impunity has not been achieved by these frameworks, as evidenced by the eventual pardoning of the convicted Blackwater contractors (Academi, n.d.). A 2021 amendment to the ICoC further legitimized the industry through the broadening of its scope to include "military support," an act which effectively endorsed the outsourcing of functions that approach direct participation in hostilities (Has, 2025). This dynamic suggests that the regulatory vacuum is a constructed space, one that is actively shaped and preserved by powerful states for the purpose of maintaining plausible deniability and strategic flexibility in their application of force.

3.2 Comparative Analysis of PMC Operations and Impacts

Significant variation is observed in the operational realities of PMCs across different conflict zones, a variation that reflects the diverse strategic objectives of their clientele. A comparative analysis of key theaters reveals distinct models of PMC deployment, each possessing unique implications for international security and law.

3.2.1 Iraq: The Western Corporate Model and the Legacy of Impunity

The zenith of the Western corporate PMC model was marked by the U.S.-led invasion of Iraq in 2003. Tens of thousands of private contractors were deployed for the purpose of augmenting U.S. forces, providing a range of services from logistical support to armed protection for diplomats and infrastructure

(U.S. Department of Defense, 2022; Singer, 2007). Companies such as Blackwater (later Xe, then Academi, now a part of Constellis), DynCorp, and Triple Canopy became indispensable components of the war effort, operating under lucrative contracts with the U.S. Department of State and Department of Defense (Constellis, n.d.; Blackwater, n.d.).

A "gray zone" of accountability was created by this extensive outsourcing. Contractors operated under a grant of immunity from Iraqi law (Coalition Provisional Authority Order 17) and fell into jurisdictional gaps within the framework of U.S. law (EBSCO, 2021). This environment of impunity reached its culmination in the Nisour Square massacre in Baghdad on September 16, 2007. Blackwater contractors, while guarding a U.S. diplomatic convoy, opened fire in a crowded intersection, an act which resulted in the deaths of 17 Iraqi civilians and injuries to 20 more (ICoCA, n.d.-b; Constellis, n.d.). The conclusion of both Iraqi and U.S. investigators was that the shooting was unprovoked, an event that sparked international outrage and precipitated a crisis in U.S.-Iraqi relations (EBSCO, 2021).

A protracted saga that exposed the deep-seated flaws in accountability mechanisms was the legal aftermath. Following the dismissal of initial charges on procedural grounds, four Blackwater guards were eventually convicted in a U.S. federal court in 2014—one for murder and three for manslaughter (EBSCO, 2021; ICoCA, n.d.-b). However, in a move that cemented a legacy of impunity, presidential pardons were granted to all four in December 2020 (Constellis, n.d.). The Iraq case stands as the archetypal example of how, even within a system possessing nominal legal oversight (the U.S. model of "explicit regulation"), political will can override judicial processes, leaving victims without justice and establishing a dangerous global precedent (Has, 2025).

3.2.2 Ukraine: The State-Proxy Escalation Model

The conflict in Ukraine serves to showcase the evolution and escalatory potential of the state-proxy PMC model, a model centered on the Wagner Group. Wagner's involvement commenced in 2014, at which time its operatives, functioning as deniable Russian forces, assisted in the destabilization of the Donbas region and facilitated the annexation of Crimea (Britannica, 2025; Wagner Group, n.d.). For years, any connection was denied by the Kremlin, which used Wagner to wage a proxy war while avoiding official casualties and international responsibility (Wagner Group, n.d.).

With Russia's full-scale invasion in February 2022, a dramatic transformation of Wagner's role occurred. It shifted from a shadow force to a publicly acknowledged and critical component of Russia's military campaign (ACLED, 2023). Under the leadership of Yevgeny Prigozhin, Wagner swelled its ranks to over 50,000 fighters, a feat accomplished largely through the mass recruitment of convicts from Russian prisons (Britannica, 2025). It became the primary assault force in the brutal, attritional battle for Bakhmut, securing a pyrrhic victory for Russia in May 2023 at an immense human cost (Britannica, 2025; Wagner Group activities in Ukraine, n.d.).

This period demonstrated the instability inherent in such a model. The growing public profile of Prigozhin and his criticism of the Russian military establishment culminated in an armed mutiny in June 2023, during which Wagner forces seized a major military headquarters and initiated a march on Moscow (ACLED, 2023). Though the rebellion proved short-lived, it exposed the profound risks associated with a state's creation of a powerful, parallel army existing outside its formal command structure. Following the deaths of Prigozhin and other senior leaders in a plane crash in August 2023, the Russian state moved to absorb the remnants of Wagner into its formal military and intelligence structures, rebranding its African operations as the "Africa Corps" under direct GRU oversight (Velychenko, 2023; ACLED, 2024). A complete arc is thus provided by the Ukraine case: from covert proxy to semi-conventional army to existential threat, ultimately revealing the state's hand and the fiction of plausible deniability.

3.2.3 Syria and Africa: The Geopolitical Leverage Model

In Syria and across several African nations, Russia has expertly deployed the Wagner Group as a low-cost, high-impact instrument of geopolitical influence. This model effectuates a combination of military intervention with economic extraction and political manipulation, thereby displacing Western influence in fragile states.

In Syria, Wagner mercenaries were deployed in 2015 in concert with the formal Russian military intervention to provide support to the Assad regime (Britannica, 2025). Their role was twofold: to serve as a deniable ground force in offensive operations against rebel groups and to secure valuable economic assets. In exchange for their services, companies with links to Prigozhin received lucrative contracts for oil and gas fields, a mechanism which directly funded Wagner's operations while also enriching the Kremlin's inner circle (Brookings Institution, 2023). The Battle of Khasham in February 2018, where a Wagner-led force attacked a position held by U.S. and Kurdish troops and was subsequently decimated by U.S. airpower, starkly illustrated their function as an expendable proxy force (Britannica, 2025).

Across the African continent, Wagner perfected its "regime survival package" (Has, 2023). In countries such as the Central African Republic (CAR), Mali, and Sudan, Wagner offered military training, counter-insurgency support, and personal security for embattled leaders and military juntas (Congressional Research Service, 2025). In return, Wagner-affiliated companies gained exclusive access to valuable natural resources, such as gold and diamond mines, which were then smuggled out of the country to assist Russia in circumventing international sanctions (Brookings Institution, 2023; Congressional Research Service, 2025). Deeply intertwined with gross human rights violations is this model. Mass killings, summary executions, torture, and rape by Wagner mercenaries have been documented by UN investigators and human rights organizations, an example being the March 2022 massacre of over 500 civilians in Moura, Mali (Britannica, 2025; SIPRI, 2023). By propping up authoritarian regimes in exchange for resources and UN votes, Russia utilizes its proxy force to construct a sphere of influence, undermine democratic governance, and secure a strategic foothold on the continent (International Review, 2025).

3.3 Synthesis of Comparative Findings

A clear trend is revealed by the distinct operational models of PMCs across these conflict zones: a shift from market-driven contracting toward geopolitically-driven state proxyism, accompanied by a corresponding decline in accountability. The key dimensions of PMC deployment in the selected case studies are synthesized in the following table.

Table 1: Comparative Analysis of PMC Roles and Impacts in Key Conflict Zones

Dimension	Iraq (2003-2011)	Ukraine (2014-2025)	Syria (2015-Present)	Africa (Mali, CAR, Sudan)
Key PMC(s)	Blackwater (Xe/Academi), DynCorp, Triple Canopy	Wagner Group, Redut	Wagner Group, Slavonic Corps	Wagner Group / Africa Corps, Chinese PMCs
Primary Client(s)	U.S. Dept. of State, Dept. of Defense	Russian State (MoD, GRU)	Syrian Government, Russian State	National Governments (Juntas), Russian State
Mission Profile	Diplomatic security, convoy protection, logistics, training	Covert action, frontline assault, political destabilization	Combat support, asset protection (oil/gas), force multiplication	Regime security, counter-insurgency, resource extraction, political influence
Relationship to State	Contractual (Market-Driven)	State-Proxy (Geopolitically-Driven)	Hybrid (State-Proxy & Commercial)	State-Proxy (Geopolitical & Extractive)
Notable Incident(s)	Nisour Square Massacre (2007)	Battle of Bakhmut (2023), Prigozhin Mutiny (2023)	Battle of Khasham (2018)	Moura Massacre, Mali (2022)
Accountability Outcome	U.S. convictions followed by presidential pardons; impunity	State absorption; no accountability for war crimes	No accountability; plausible deniability maintained	Near-total impunity; UN investigations blocked

This comparative framework serves to demonstrate that as the relationship between the PMC and the state undergoes a shift from a contractual, market-based one (Iraq) to a direct proxy relationship (Ukraine, Africa), the possibility of meaningful accountability diminishes to a point of non-existence. In the former instance, accountability failed as a result of political intervention; in the latter, it is precluded by design.

3.4 Erosion of International Norms

The proliferation and evolving nature of PMCs are actively contributing to the erosion of foundational norms within the international system. The most significant challenge is posed to the state's monopoly on the legitimate use of violence (Marshall Center, 2024). Through the outsourcing of core military functions, states are not merely engaging in the hiring of services; they are, in fact, creating parallel power structures possessed of their own loyalties and command chains, a situation which leads to a "feudalization" of warfare (Marshall Center, 2024). This phenomenon fundamentally alters civil-military relations, complicates the mechanisms of democratic oversight, and diffuses responsibility for the decision to employ force (Bijos & de Souza, 2020; Has, 2025).

Also evident is this erosion within the framework of United Nations peacekeeping. A deep paradox confronts the UN: while its charter and official position express condemnation of mercenarism, its peacekeeping operations have become increasingly reliant on private security contractors for a range of functions, from the guarding of facilities to logistics and demining (ResearchGate, 2021). Former Secretary-General Kofi Annan once decried the use of PMCs, yet the practical necessities of the organization in under-resourced and dangerous environments have led to their widespread utilization (Eisenhower, 1961; ResearchGate, 2021). Significant challenges for mission integrity, impartiality, and accountability are created by this reliance. When abuses are committed by UN-contracted personnel, the legitimacy of the entire operation is undermined, and complex questions concerning institutional responsibility are raised, questions which the UN system is ill-equipped to address (ResearchGate, 2021; Chicago Unbound, 2016).

4. DISCUSSION: RESHAPING WAR, POWER, AND LAW

4.1 The Geopolitical Instrumentality of "Proxy Military Companies"

A critical re-evaluation of the terminology used to describe these actors is necessitated by the findings. The term "Private Military Company" carries the implication of a commercial, market-based entity, a description that fails to adequately capture the nature of groups such as the Wagner Group or Turkey's SADAT (van der Lugt, 2025). A compelling argument is made in recent scholarship for their reclassification as "Proxy Military Companies" (PMCs) or "contractual proxies" (van der Lugt, 2025). This is not a distinction of mere semantics; it represents a crucial analytical shift that re-frames the problem from one of corporate regulation to one of state responsibility.

The recognition of these entities as extensions of state power reveals their true geopolitical function. They serve as a tool by which states can circumvent the political and legal constraints on the use of force (Harper, 2025). Through the deployment of a proxy, a state is enabled to intervene in a conflict, pursue strategic objectives, and project power with minimal domestic political costs—entailing no official troop deployments, no flag-draped coffins, and a shield of plausible deniability to deflect international condemnation (Bijos & de Souza, 2020; Civilians in Conflict, 2023). This effectively lowers the entry barrier to conflict, thereby encouraging a return to Cold War-style proxy warfare, in which great powers clash through surrogates in fragile states, a dynamic that prolongs conflicts and increases civilian suffering (van der Lugt, 2025).

4.2 The Accountability Paradox: The Strategic Value of Impunity

Through the lens of the "accountability paradox," the persistent failure to establish effective international regulation for PMCs can be understood. The very lack of accountability that renders PMCs so dangerous is also the quality that makes them so attractive to their state sponsors. The legal grey zone is not a flaw in the system to be rectified, but a feature to be exploited (Has, 2025). States utilize PMCs precisely because their operations can be conducted outside the strictures of IHL and national military codes of conduct that are binding upon their own armed forces (Harper, 2025).

This condition permits states to outsource not only military tasks but also legal and moral culpability. When a proxy military company perpetrates a massacre of civilians, the sponsor state is able to deny knowledge or control, thereby shifting blame to a "private" entity and avoiding state responsibility (Civilians in Conflict, 2023; van der Lugt, 2025). A powerful disincentive for major state actors to support a binding international treaty that would close these loopholes is created by this strategic value of impunity. The current system of non-binding codes and voluntary principles allows states to project an appearance of commitment to regulation while simultaneously benefiting from the lack of it, a clear illustration of how legal deficiencies at the international level are instrumentalized for the achievement of foreign policy goals (Has, 2025).

4.3 Implications for International Relations Theory

The core tenets of state-centric International Relations (IR) theory are directly challenged by the rise of powerful, state-aligned non-state actors (CBS, 2021). Realist and Neorealist theories, which posit states as the primary unitary actors within an anarchic system, encounter difficulty in accounting for entities that are simultaneously corporate and state-controlled, functioning as both market participants and instruments of national power. A more complex and fragmented international system is suggested by the PMC phenomenon, a system that echoes concepts of "neo-medievalism," wherein sovereignty is not absolute but is instead layered and shared among a variety of actors, including states, corporations, and hybrid entities (GIS Reports Online, 2023; ResearchGate, 2021).

Furthermore, a pernicious feedback loop that accelerates state decay is created by the role of PMCs in fragile states. A weak state, incapable of providing security, proceeds to hire a PMC (often at the behest of an external patron) (DIIS, 2021). This outsourcing of a core state function serves to prevent the development of legitimate, capable national security institutions, such as a professional army and police force. The continued presence of the PMC is predicated upon the persistence of the threat, a condition which provides it with no incentive to build lasting local capacity (DIVA, 2024). The state's dependency on the external provider is thereby deepened, rendering it more vulnerable to the political and economic influence of the PMC's sponsor state. This cycle—wherein fragility leads to outsourcing, which in turn deepens fragility and dependency—constitutes a key mechanism through which PMCs actively reshape global power dynamics, eroding the sovereignty of host nations and strengthening the influence of their patrons.

5.CONCLUSION AND RECOMMENDATIONS: A MODEL FOR GLOBAL GOVERNANCE

5.1 Summary of Findings and Argument

This analysis has served to demonstrate that the proliferation of Private Military Companies represents a systemic challenge to the international legal and security order. The extant regulatory framework, which is composed of antiquated anti-mercenary conventions and non-binding soft-law initiatives, is possessed of a fundamental inadequacy. It has failed to prevent the evolution of PMCs from market-driven contractors into state-proxy military actors who function as deniable instruments of foreign policy. This evolution, starkly illustrated by the comparative analysis of PMC operations in Iraq, Ukraine, Syria, and

Africa, has resulted in the normalization of unaccountable warfare, the erosion of the state monopoly on violence, and the creation of a culture of impunity for gross violations of human rights and international humanitarian law. The current regulatory vacuum is not a matter of accident but rather a strategically maintained condition that accrues to the benefit of powerful states, thereby posing an urgent and growing threat to global peace and security.

5.2 Policy Proposal: A Binding UN Convention on Private Military and Security Activities

The addressing of this challenge necessitates a move beyond voluntary codes and good practices. Building upon the long-standing call from the UN Working Group on the Use of Mercenaries, the international community must undertake the development and adoption of a new, binding international treaty (Gómez del Prado, 2021; United Nations, 2024). A *UN Convention on Private Military and Security Activities* is essential for the purpose of closing legal loopholes, re-establishing clear lines of responsibility, and providing effective remedies for victims. A convention of this nature should be structured around the four following pillars:

- Pillar 1: Differentiated Legal Definitions and Prohibition of Inherently State Functions: The convention must establish clear, legally binding definitions that effectuate a differentiation between legitimate Private Security Companies (PSCs), which provide purely defensive and static security, and Private Military Companies (PMCs), which offer logistical and training support. It must also create a new category for illegal "State-Proxy Military Actors" (SPMAs), to be defined as any private entity funded, directed, or controlled by a state for the purpose of conducting activities that amount to a use of force. An explicit prohibition on the outsourcing of inherently governmental functions must be included in the convention, encompassing offensive combat operations, intelligence gathering for offensive purposes, and the detention of persons (Mquirmi, 2022; Policy Center, 2022).

- Pillar 2: Codifying Absolute State Responsibility: The legal fiction of "plausible deniability" must be eliminated by the convention. It should codify the principle of ultimate and non-delegable state responsibility under international law (IILJ, n.d.). A state must be held directly responsible for any violation of IHL or human rights law committed by a company that is either headquartered or registered in its territory (home state), is contracted by its government (contracting state), or is found to be acting in furtherance of its strategic objectives. The legal focus would thereby be shifted from the actions of the private entity to the responsibility of the sponsoring state.

- Pillar 3: A UN-Mandated Global Registry, Licensing, and Oversight Body: The convention should establish a new body, operating under the authority of the UN Security Council, which would be tasked with the creation and maintenance of a mandatory global registry for all legitimate PSCs and PMCs. For inclusion on this list, companies must meet stringent criteria, including transparent ownership, financial audits, and adherence to a strict code of conduct. This body would issue licenses for operations in specific contexts, contingent upon the rigorous vetting of all personnel for past human rights violations and mandatory, certified training in IHL. The authority to monitor operations and revoke licenses for non-compliance would be vested in this body, effectively separating legitimate actors from rogue and state-proxy entities.

- Pillar 4: An International Adjudicatory Mechanism and Victim Compensation Fund: To overcome the failures of national jurisdiction, the convention should establish a dedicated international judicial mechanism possessing jurisdiction over both corporate entities and individuals for crimes related to private military and security activities. This could assume the form of a special chamber within the International Criminal Court or a new, specialized tribunal (Ryngaert, 2023). Crucially, this must be paired with a mandatory Victim Compensation Fund, to be financed through a levy on all registered PMC contracts and by fines imposed upon non-compliant states and companies. This would ensure that victims have access to effective remedy and reparations, a component almost entirely absent from the current system (Gómez del Prado, 2021; Ryngaert, 2023).

5.3 Concluding Statement

Formidable are the political obstacles to the achievement of such a convention. States that derive benefit from the current ambiguity will, without doubt, resist a binding framework that imposes genuine accountability. The alternative, however, is the continued normalization of unaccountable proxy wars, the erosion of the legal and ethical foundations of the international order, and the complete commodification of human conflict. The principles enshrined in the UN Charter—the prohibition of the aggressive use of force and the protection of human rights—are what is at stake. Collective, decisive action, effectuated through a binding international treaty, is not merely a policy preference; it is an urgent necessity for the purpose of reclaiming the state's responsibility for war and peace in the 21st century.

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