Here to Stay?

8 JANUARY 2024

Bjoern Kuehn



A New Era of Global Governance?

Amidst a new epoch of global governance problems, sovereign countries are increasingly outsourcing responsibilities to private military and security contractors (PMSCs) for a plethora of reasons. The trend of an increasingly pluralized and decentralised nature of global governance can be seen not only in the international security and defence sectors but also in a more formalised fashion of ad-hoc coalitions (AHCs) in various policy domains, including food supply, global health, and security operations.

With the rise and increasing urgency of responding to global problems such as climate change, poverty, and transnational terrorism, states have repeatedly relied on AHCs to tackle emerging problems all over the world.

AHCs can broadly be defined as "(...) autonomous arrangements with a task-specific mandate established at short notice for a limited period of time" (Reykers et al., 2023). To exemplify the significance of AHCs in initiating the new era of pluralized and decentralised global governance, one may look at one of the most prominent AHCs in the realm of multilateral military cooperation, the Takuba Task Force, which was initially created at the request of the Nigerian and Malian governments to stabilise a deteriorating security situation in the Sahel region. AHCs generally enable cooperative international actors to circumvent institutional gridlock, significantly reduce transaction costs, and swiftly respond to specific problems in a more efficient and coordinated manner. Ultimately, tackling global governance problems through AHCs has become increasingly intriguing for states to avoid the hassle of institutional cooperation and bypass formal commitment. The tendency towards the latter can also be found within the realms of warfare and international security, which traditionally have been dominated by sovereign states.

The Double-sided Face of PMSCs

In the ever-evolving landscape of global conflicts, the traditional contours of warfare have been undergoing a profound transformation over the last thirty years. While international law and the 1989 UN Mercenary Convention prohibit the recruitment, use, financing, and training of mercenaries, states sidestepped the convention by giving mercenary groups a corporate makeover. This led to the instrumentalization of PMSCs as foreign policy tools, which significantly helped governments avoid certain limits on troop numbers, reduce the official death toll as PMSC fatalities are not included in government figures, and ultimately circumvent transparency and international law, thus achieving a situation in which PMSCs could almost operate with impunity. Subsequently, this led to an increasing blurring of the human and capital costs of warfare. Furthermore, the increasing autonomy and role of PMSCs in the realm of global conflicts and international security can have significant geo-political consequences, as can be seen with the Nisour Square massacre in September 2007 and the Wagner uprising in June 2023. Hence, while the utilisation of PMSCs is supposed to be mainly due to reasons of cost savings and the utilisation of defence capabilities, there has been an increasing notion of PMSCs emerging as private entities acting against the objectives of the state. Consequently, PMSCs should not only be seen as agents who are subordinate to their principals but also as autonomous actors themselves. This ultimately leads to a legal and strategic dilemma in which PMSCs fill in a newly created gap in global governance. Certainly, one may argue that PMSCs have developed a new side of offensive capabilities, the so-called second face of PMSCs.

The Wagner Group (Группа Вагнера): Already a Principal or still an Agent?

With the ongoing war of aggression waging in Ukraine, the Wagner Group, a Russian-state-funded private military company (PMC), has arguably been one of the most prominent PMCs over the last decade. Wagner has evolved from a relatively small guns-for-hire operation into a web of businesses that have been active in various operations on four continents. As Wagner's influence grew, the world watched with awe as its leader, Yevgeny Prigozhin, also known as Putin's chef, turned against Putin's authoritarian regime and staged a rebellion after weeks of heightened tension between the Russian Ministry of Defence and the Wagner Group. Wagner's uprising has shown the capabilities of PMSCs to act against the will of their principals and evolve into independent geopolitical actors.

PMSCs as a Blueprint for Future Warfare

"The privatization of warfare is a trend that is here to stay. PMSCs will play an increasingly integral role in shaping the future landscape of conflicts, challenging traditional notions of state monopoly on force." (P.W. Singer)

The prevalence of AHCs and the rise of PMSCs underscore a paradigm shift in the nature of warfare. Consequently, the increasing pluralization and decentralisation of armed conflicts disrupt the traditional models of state-centric conflict, which raises strategic, legal, and most importantly, ethical questions. Adapting to this new reality of warfare will require new approaches to global governance as well as monitoring and accountability mechanisms to make sure that PMSCs operate under and not above international law. Albeit fraught with legal uncertainty and governance complexity, the increasing utilisation of PMSCs signals a paradigm shift in how states engage in modern warfare in the 21st century. Put simply, PMSCs are certainly here to stay and will gradually replace the conventional allegory of state warfare.