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PRIVATE MILITARY COMPANIES AND THE EROSION OF STATE SOVEREIGNTY: THE COMMODIFICATION OF SECURITY IN THE 21ST CENTURY.

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Abstract: *This paper explores the rise in the use of Private Military Companies (PMCs) in the 21st century for state security and how they may weaken state sovereignty. Traditionally, the sovereignty of states has been grounded in their power and monopoly to use force legitimately. While some scholars argue that PMCs offer military efficiency, flexibility, and tactical advantages, this paper examines how long-term contracting of military security can undermine state legitimacy, weaken sovereignty, increase human rights violations, and threaten international security governance. It also recommends that stronger, comprehensive legal frameworks and international regulations are necessary to ensure PMCs are held accountable and regulated. More importantly, states must have a stronger political will to improve their security services in specialisation, welfare, and transparency.*

Introduction:

The UN Working Group (2018) defines Private Military and Security companies (PMCs) as corporate entities that provide military and/or security services by physical persons and/or legal entities on a compensatory basis. Strategic planning, intelligence, investigation, land, sea, or air reconnaissance, manned or unmanned flight operations, satellite surveillance, knowledge transfer of any kind with military applications, material and technical support for armed forces, and other related activities are examples of specialised services associated with military actions (UN, 2018). The Geneva Centre for the Democratic Control of Armed Forces (2016) distinguish PMCs by their organisational structure as registered businesses constituting corporate structures motivated primarily for profit to provide services. These definitions underline the wide scope of military services offered by Private Military Companies and, in turn, raise questions about their role in global security and national security. Traditionally, nation-states have proven their sovereignty by

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providing a monopoly on security for citizens within their borders (Weber, 1946, p. 4). However, with the rise of PMCs such as Wagner Group and ACADEMI, among others, there has been a blur between State authority and private capabilities over the years. This paper argues that PMCs challenge state sovereignty by reducing government accountability to its citizens, creating legal grey zones, and eroding the state's monopoly of violence that undermines security governance. This paper will also examine, through the lens of Realism, Liberalism, and Critical Security Studies, the roles of PMCs in insecurity and how they compromise state sovereignty, using critical analysis from case studies of ACADEMI in Iraq, Executive Outcomes in Sierra Leone and Wagner Group in Africa.

Private Military Companies and the Erosion of State Sovereignty:

Private Military Companies have emerged due to the changing characteristics and nature of war over time (Bijos & De Souza, 2020, p.89). Since the collapse of the Soviet Union and the fall of the Berlin Wall in 1989, the global market for Private Military Companies (PMCs) has grown exponentially (José L Gómez, 2011, p. 151). PMCs became popular in the US wars in Iraq and Afghanistan, with the PMCs' percentage in Afghanistan contracted by the US Department of State, totalling a high percentage of 69% over national troops (Isenberg, 2010). In Iraq, over 20,000 PMCs were contracted by an estimated sixty companies (Geneva Centre for the Control of Democratic Control of Armed Forces, 2006). José L Gómez (2011) identified the lack of human resources in the armed forces, the avoidance of responsibility for the acts committed by PMCs and the intervention in the internal affairs of a country among several factors why the USA used PMCs as an instrument of its foreign policy (p.2). The increased use of PMCs over the years has been attributed to the belief that a contract with private security companies is cheaper than the state military (Phelps, 2014, p. 841). Contractors need minimal to no training, allowing for instant deployment, and do not require retirement plans, pensions, healthcare, or other long-term benefits (Molly, 2011, p.152). This presents PMCs as being cost-effective and more flexible compared to State Militaries. Due to the unprofitability of wars, Private Military Companies have offered better price deals with lower costs to the government, providing them with backup soldiers who are less intensive to manage (Bijos & De Souza, 2020, p. 103). While neoliberal scholars argue that contracts with PMCs by governments aim for cost reduction while maintaining efficiency, this market-driven approach to employing PMCs raises ethical concerns, as states can lose direct control over the military and reduce accountability.

Phelps (2014) views the decline in Security troop numbers after the fall of the USSR as the reason states, specifically the US and the UK, used PMCs (p. 821). The rise in the use of PMCs has been linked to the international community's failure to directly address regional conflicts and commit military, humanitarian, and financial assistance (Murithi, 2013, p. 296). Murithi (2013) also

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attributes the weakening of the State in fulfilling its social contract, leading to changed market forces and an increase in private military security (p. 293). Phelps (2014) discusses how economic liberalism has led to PMCs being intrinsic in military strategy (p.841). She argues that the idea of transferable legitimacy from the government to PMCs is to function with a veneer of state-sanctioned authority even though they operate outside of the formal state structure (p.830). By adopting similar security symbols and operational strategies to those of state securities, PMCs enhance their credibility and trust in the eyes of the public (Phelps, 2014, p. 836). Phelps' argument can be viewed through a constructivist lens, where PMCs derive their legitimacy from their similarities with traditional military power, rather than from the law. However, Leander (2005) finds this misleading because, regardless of their similarities, they still are private industries driven by profit (p.808).

Military services, which were once the sole duty of the State, are now the responsibility of Private Military actors, which challenges the concept of the State's sovereignty according to Max Weber. O'Brien posits: 'By privatising security and the use of violence, removing it from the domain of the state and giving it to private interests, the state in these instances is both being strengthened and disassembled (O' Brian, 1998, p. 80). Private Military Companies (PMCs) offer governments a means to bypass their own foreign policy and influence situations in nations where they claim to have no involvement. By employing PMCs, governments can sidestep the executive branch, thereby avoiding legislative oversight and public discourse (José L. Gómez, 2011, p. 152). This strategy aligns with realist perspectives, where states prioritise power and survival over legal considerations, and PMCs are non-state actors that allow powerful states to interfere in global affairs while avoiding democratic control. PMCs provide States plausible deniability to let them intervene in conflicts without direct accountability. The USA's reliance on ACADEMI in Iraq and Russia's use of Wagner in Africa show, through the realist's logic, why powerful states employ PMCs in enhancing their influence with minimum scrutiny. Murithi (2013) argues that PMCs have only provided short-term and localised solutions to conflict, thereby causing an overdependency on them by States, which will weaken states in the long term and reduce states' military independence (p. 296). PMCs challenge the State's monopoly on security and, by so doing, they weaken the authority and legitimacy of the state.

Leander (2005) argues that PMC's involvement in security consultancy gives them the power to define solutions and advise on military strategies, which may weaken non-militarised approaches to solving security threats (p. 824). PMCs can also make it seem like there is a constant need for their services to continue being in business (Krahmann & Leander, 2019, p. 177). Krahmann and Leander (2019) argue that PMCs cause fragmentation of authority and can weaken centralised command structures while making it more difficult to enforce consistent

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accountability. PMCs assert control over security, and their expertise undermines alternative political solutions to address security risks (de Groot & Regilme, 2021). They exercise their expert authority by advocating the use of hard security strategies, as it promotes their interests (de Groot & Regilme, 2021, p.67). Conversely, Akcinaroglu and Radziszewski (2012) have proposed the 'opportunity structure' theory, which shows that PMCs may not always benefit from extending conflicts as argued because when PMCs are paid in concessions for the extraction of mineral resources, their best interest is in providing peace to maximise their profit (p.797). Sinisa Malesevic (2018) argues that although PMC soldiers are motivated by profit, many of them are former soldiers whose nation-centric ideologies have influenced them, leading them to maintain nationalist values. Executive Outcomes (EO) exemplifies a well-known PMC whose members were mostly former soldiers of the South African military and who sustained their nationalism when contracted to fight. Their governments and citizens also commended their participation in other countries. Sinisa Malesevic challenges the distinction of the PMC's motivation to be primarily financial, unlike regular soldiers, because most soldiers receive financial remuneration, access to housing, education, and other benefits, which is a high motivator to join the army (2018, p.6). A case study on PMCs in Sierra Leone showed that PMCs that receive concessions for the extraction of natural resources are more likely to operate effectively and work towards an end to hostilities and bloodshed to fulfil their primary objective, which is profit (Akcinaroglu & Radziszewski, 2012, p.804).

Maciąg (2019), in analysing the engagement of Executive Outcomes in Sierra Leone, discusses that Executive Outcomes maintained their loyalty to the Sierra Leonean government even after the elections and coup (p.66). They had also predicted coups and warned the President. Despite their contract termination, after their predicted coup, Executive Outcomes only secured the strategic resources corporation's assets (Maciąg, 2019, p. 66). Through the liberalist perspective, individuals pursue their well-being, self-preservation and freedom in a democracy. Freedom, including to make war decisions by citizens, albeit peace is required to achieve freedom and war should be but a means to achieve peace (Owen, 1994, p. 89). On the other hand, contracting PMCs does not follow democratic processes for public support from citizens. Despite the positive outcomes of contracting private fighters, "the commodification of the use of force' has been seen as potentially disruptive with adverse effects (Marco & Matvej, 2023, p. 209). Private Military enterprises' short-term successes and their long-term impacts on state performance and legitimacy have been wildly disparate (Marco & Matvej, 2023, p. 214). Many researchers have questioned the true motives of PMCs that their countries have used in Foreign policy strategies in other countries. The actions of the Wagner group in Africa have been

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questioned in Russia's illiberal conflict management approaches in the Stability of the Central African Republic and Mali (Marco & Matvej, 2023, p. 217). A report in 2019 shows that there has been the presence of over 10,000 Private Military Soldiers in Africa alone (The Sun, 2019).

In the Central African Republic, by using quick conflict resolution techniques, the Wagner group was able to train local militias to join the state army and assist in protecting particular districts against rebel forces. With 5000 locally recruited soldiers trained by the Wagner group in 2021, they commanded the State's army against rebels and brought about a return of around 60% of the nation under the government's authority through their counter-offensive mission (Swed & Arduino, 2024). But these soldiers turned hostile and started operating outside of the government, violating the human rights of the locals, leading to the deaths of dozens in 2022 (Marco & Matvej, 2023, p. 218). This pattern has also been witnessed in the 1990s in Sierra Leone when the Kamajors population was trained by PMCs, eventually leading to the emergence of a new violent player in the local conflict. PMCs have been viewed as contributing to the militarisation of regions by exacerbating local grievances rather than solving the root causes of conflict (Marco & Matvej, 2023, p. 218). PMCs have contributed to arms proliferation and privatised violence in communities, hence complicating efforts by States to control security.

The Wagner Group contracted in the Central African Republic has been linked to the deaths of opposing political opponents of President Touader and the killing of competing ethnic groups (Patta & Carter, 2023). Wagner Group has also established itself in the political and security institutions of the Central African Republic. Since 2020, the President's security and personal security advisor has relied on security knowledge from Wagner (Marco & Matvej, 2023). This has raised questions about the true role of Private Military Companies; is it to safeguard citizens' safety, or to serve the interests of government officials and protect the goals of those in power?

Wagner soldiers arrived in Mali amid tensions between the Malian Government and Western forces, following the pullout of France's troops from the country. The State's agreement to hire 1,000 Wagner soldiers has been met with thousands of protesters from Malian citizens who are protesting this contract by their military government (African Research Bulletin, 2021). The contracted PMC has been viewed to be in support of the authoritarian Malian government and has aided the government in consolidating power. Additionally, they have been linked to human rights violations in Mali, resulting in multiple civilian deaths during counter-terrorism operations. In their attempt to identify and arrest armed Islamists, the Malian military and foreign hired soldiers, identified as Russians, murdered more than 300 people in Moura, Mali, between March 27th and March 31st, 2022 (Human Rights, 2018).

Fraioli (2020) analyses Russia's use of Private Military Companies in a way whereby States

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prioritise power and security over legal norms. This is shown by Russia's employment of PMCs to advance its foreign policy in other regions while maintaining plausible deniability. Russia uses PMCs abroad to minimise political and diplomatic repercussions (Fraioli, 2020). The USA's contracted PMC, formerly named Blackwater, killed 17 unarmed civilians and left several injured in Nisour Square, Iraq, on the 16th of September 2007 (Burgees et al., 2018). In 2014, 7 years after the massacre, also called 'Bagdad's bloody Sunday', a Federal Court jury in Washington, DC, convicted four of the Blackwater guards at Nisour Square, three of them for manslaughter and one for murder, while a fifth guard's charges were withdrawn (Snukal & Gilbert, 2015). Snukal and Gilbert (2015) discuss how the legal and jurisdictional structure that oversees the PMCs is still vague and ambiguous because of judicial lacuna (p.668). The legal concerns regarding who to hold accountable in such circumstances arise because neither the executives of the PMCs nor the U.S. officials who subcontracted these military operations were convicted, but some of the contracted soldiers (p. 663). Although they received some public backlash and criticism for the horrors that were committed, they were back in business in no time. Former Blackwater changed its name to Xe in 2009 and then renamed to its present name, ACADEMI, in 2011 (BBC, 2011). From that tragic day in September 2007 to the court's decision in 2014 and the upcoming and ensuring appeals, the Nisour Square case serves as an example of the intricate 'spatio-legal' jurisdiction of war and the ambiguous relationship that PMSCs and their victims have with the government (Snukal & Gilbert, 2015, p. 673). Since then, ACADEMI has 'successfully' grown and spread with four regional offices in Washington, D.C., London, Lagos, and Dubai, as well as four training centres in the United States (Bijos & De Souza, 2020, p. 113). The expansion and presence of PMCs like ACADEMI, despite their involvement in human rights crimes, proves the neglect of legal and ethical accountability.

PMCs operate in a legal grey zone, making it difficult to hold them accountable for war crimes or human rights abuses. The legal grey areas PMCs operate under provide a critical challenge and uncertainty on the level of accountability they can be held to (Hamdan, 2024). In some cases, such as the Abu Ghraib prison abuse case by PMCs in Iraq, private contractors were involved in 36% of proven abuse incidents, yet none of these soldiers were prosecuted or punished (Isenberg, 2010). The ambiguous legal status of PMCs also made them immune to laws despite their involvement in incidents causing civilian casualties, as in the case of Iraq (Isenberg, 2010). While operating in this legal vacuum, PMCs can increase trade in weapons, causing political destabilisation (Singer, 2001, p. 210).

Molly (2011) claims that private military companies can significantly enhance military effectiveness when integrated into a military force or deployed as a replacement, thereby improving quality and avoiding negative effects

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on military integration (p. 167). Nevertheless, in analysing the impact that Private Military Companies have on militaries and democracy, Molly (2011) affirms, based on research conducted on PMCs in Iraq and Afghanistan, that they adversely affect military efficacy. Structural gaps, inadequate training, and doctrinal weaknesses in defining the positions of security contractors within the chain of command exacerbate military perceptions (Molly, 2011, p. 77). These issues negatively impact the co-deployed force's integration and responsiveness, hindering commanders' leadership and decreasing soldiers' motivation (Molly, 2011, p. 73). PMCs allow democratic policymakers to engage in unapproved conflicts, as it is less likely for the population to approve conflicts that they are less likely to win, which has a detrimental effect on democratic accountability to the electorate (Molly, 2011, p. 156). Molly argues that PMCs' negative impacts on democracies' conflicts outweigh any positive influence they may have on the military effectiveness of democracies.

The growing use of Private Military Companies poses a threat to democracies because they now have the authority to use force instead of the state, which should be the sole actor allowed to use force legitimately and lawfully (Wodarg, 2007). This challenges democracies as a result, as the right to use force has been given to actors driven by corporate interests and whose operations have brought a wide range of issues, including the absence of democratic oversight, accountability, and transparency; the increased likelihood of human rights abuses; the increasing power of private companies over political decisions and policy orientations; and the transition from crisis prevention to rapid reaction and from civilian crisis management to the use of force (Wodarg, 2007). PMCs can erode both democratic and dictatorial state institutions (Council of the European Union, 2023). PMCs can also compete with regular military forces for manpower and financial resources as in the case of Russia where President Putin acknowledged that Wagner group and its executives have received 2 billion dollars in the last 12 months with the Russian government providing them with full funding between May 2022 to May 2023 totalling an estimated 86 billion roubles (Council of the European Union, 2023, p.6). Reports have claimed that PMCs have the resources and technological advancements to wage cyber warfare and topple countries, thereby stealing their resources for the wealthy who can afford their services (The Sun, 2019). These figures show the financial costs invested in PMCs that lead to their enormous growth and show how, if used negatively, they can undermine state authority. In this regard, PMCs have been described as 'one of the biggest security threats in the 21st century' by Sean McFate (The Sun, 2019).

In areas with weak state institutions, reintegrating PMC combatants into civil society and disarming them can be challenging, posing significant post-conflict risks (Council of the European Union, 2023). Although some PMCs have been attributed with successes, groups like

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the Wagner group have been popular for significant human rights violations, including extrajudicial killings, crimes against humanity, torture, and massacres (Swed & Arduino, 2024,63). PMCs have the potential to disrupt, to some degree, the international security system and a poor decision on their part can cause major conflicts and protracted wars (Bijos & De Souza, 2020, p.114)

The United Nations is working towards policies to check member states' use of PMCs, yet their use is on the increase. The Nisour Square massacre in Baghdad in 2007, where former Blackwater security guards were involved in the killing of civilians, accelerated the creation of the Montreux Document in 2008. This soft-law initiative rejects the notion that military contractors operate in a legal vacuum and outlines the legal obligations PMSCs are subject to (Federal Department of Foreign Affairs, 2008). It also aims to supervise and guide how States regulate PMCs, however, only 59 countries have agreed to the terms of this document and are signatories to it (Montreux Document, 2023). It also prompted the establishment of the International Code of Conduct Association (ICoCA) for Private Security Companies and other Private Security Service Providers, an initiative by PMSCs to self-regulate the industry (ICoCA, 2013). Although the ICoCA is a great approach to regulating PMC's activities, it is not a mandatory treaty but a voluntary code of conduct. Additionally, the code of conduct does not specify sanctions or punishments for companies that go against its agreement, and the ICoCA lacks legal power to request compensation (Bijos & De Souza, 2020, p.108). In practice, victims of human rights violations will be unable to seek justice through the ICoCA. These raise concerns about the optimal legal framework for regulating PMCs and their proliferation worldwide.

Conclusion:

The rise of the use of Private Military Companies (PMCs) has challenged the traditional state monopoly on violence and blurred the lines between state-provided security and private security, raising concerns about state sovereignty, accountability, security, and global stability. Although PMCs provide cost-effective and favourable military expertise, their motivation for profit, legal ambiguity and tendency towards human rights abuses undermine their legitimacy. From a realist perspective, PMCs provide powerful states the ability to exert influence while avoiding direct involvement and legal barriers. Conversely, the liberalist approach shows how military privatisation erodes democratic principles and weakens state institutions. Overall, Critical security studies demonstrate that PMCs exacerbate problems for states through the militarisation of zones, rather than addressing the underlying security threats. Through the case studies discussed in this paper, we see how PMCs provide logistical and military support, as well as fast responses, to armed conflicts. However, their presence, as exemplified in the Wagner group in African countries, Blackwater's operations in Iraq, and Executive Outcomes in

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Sierra Leone, presents long-term effects on stability and security.

In some cases, it promotes authoritarian governments among its contractors. PMCs can also be used by more powerful nations to indirectly achieve their broader political goals in host countries, thereby undermining the sovereignty and independence of those countries. It is worth noting that there are exceptions to the generalisation of all PMCs being bad. Some scholars believe that PMCs provide a tactical advantage and contribute to conflict resolution through incentives for motivation, yet they have proven to prolong instability. Moreover, their tendency towards human rights abuses, plausible deniability function, lack of legal accountability, and limited democratic scrutiny present them as a threat to security both locally and internationally. Without stronger regulations and comprehensive international laws, PMCs will continue to erode state sovereignty and undermine stability in fragile nations. Therefore, there must be greater political will from States to strengthen their security, promote welfare, improve training and specialisation of State security officers, and encourage best practices among officers. States must view security as an essential service they are responsible for providing to citizens and not as an opportunity to commodify security services. Additionally, a balanced legal system, with transparency in security activities and accountability, is necessary to address these challenges.

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