

Private Armies, Public Gaps: Regulating Private Military and Security Companies after Ukraine

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Abstract

The war in Ukraine has marked a turning point in the global role of Private Military and Security Companies (PMSCs), with them becoming central actors in high-intensity and high-risk conflicts, shaping outcomes on the battlefield, cyberspace, and within intelligence systems. This paper examines how the evolving roles of Russian, Ukrainian, and Western PMSCs during the conflict have exposed persistent gaps in international and domestic legal and regulatory frameworks. By analysing the empirical developments of the Ukrainian war (such as Russia's reliance on semi-state armed groups, Ukraine's rising legislative approach, and Western firms' contributions to protective security, cyber-defence, and technological support), this paper shows how privatised forces now intersect with state coercion, technological innovation, and geopolitical competition. It argues that existing legal instruments, including the Montreux Document and international humanitarian law, are insufficient for regulating technologically enabled private actors whose activities often blur the line between military and civilian affairs. This paper concludes by proposing policy mechanisms to strengthen accountability, enhance transparency, and integrate PMSCs into responsible state governance without undermining legitimate security contracting.

Keywords: Ukraine, PMSCs, Wagner Group, Russia, Montreux Document, international humanitarian law, military, war, security, conflict

1. Introduction

The full-scale invasion of Ukraine by the Russian Federation in February 2022 is transforming the security landscape of Europe as well as the conceptual landscape of conflict. In many ways, this conflict is unprecedented, and one of those is the crucial role being assumed by Private Military and Security Companies (PMSCs) in both camps. The presence of PMSCs in armed conflict is no longer

novel, ranging from their involvement in the Iraqi conflict (DynCorp and Blackwater) to Executive Outcomes in both Angola and Sierra Leone. However, their presence and influence in this conflict reflect an epochal shift. The war in Ukraine has clearly illustrated that, henceforth, PMSCs are no longer marginal players but rather structural agents within war conflict systems, exercising influence over the outcome, the security of non-combatants,

intelligence gathering, logistics, and conflict strategy. Hence, this paper explores the question: How have the evolving roles of Private Military and Security Companies in the Ukraine conflict exposed gaps in international and domestic regulation, and what policy mechanisms can enhance accountability without compromising legitimate security contracting?

Of all the private actors engaged in the conflict, the Wagner Group is the most representative and disturbing one. Research carried out by the UNHRC¹, the Parliamentary Assembly of the Council of Europe,² and various organisations, including ICIP³ and RUSI,⁴ thoroughly confirms Wagner's engagement in high-intensity fighting, extrajudicial killings, and other coercive activities in Ukraine. At the same time, Wagner does not align with the conventional understanding of the private military company either. Following various researchers, including Marten,⁵ one may contend that Wagner is a para-state tool; being nominally private and incorporated within Russian foreign policy, it enjoys the logistics provided by the Russian military, and performs

the job in which the Kremlin can plausibly disclaim any responsibility. The very complexity and multistructural activity of Wagner demonstrate the inadequacy of the prevailing legal paradigm in describing private force and private companies in the modern twenty-first century.

The Ukraine war and, following Wagner's failed coup,⁶ the mutiny of 2023, has also uncovered the multiplication, as opposed to the singularity, of Russian PMSCs. Following the creation of reportedly Gazprom-affiliated groups, Potok and Fakel, perceived as alternative private military forces engaged in activities on the warfront in the East.⁷ Evidence emerged of the proliferation of semi-formal armed actors, operating on the ever-blurred boundary between business, security, and political interests. The very founding of these and other private actor groups involves both the fragmentation and proliferation of coercive state capacities, whereby private military companies increasingly appear as vectors of inter-elite struggles.⁸ Hence, the blurring of State and non-State parts in warfare and conflict, and as the functions and positions within foreign and defence policy, remain non-transparent and progressively non-legal. In this light, research on PMSC activities in Ukraine must now be set against, as well as combined with, research into the politico-economic logistics and geography of violence in the neo-authoritarian state.

¹ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on Ukraine* (A/HRC/52/62), 16 March 2023.

² Parliamentary Assembly of the Council of Europe, *Legal and Human Rights Aspects of the Russian Federation's Aggression against Ukraine* (Doc. 15689, 2023).

³ International Centre for Counter-Terrorism (ICCT), "Raising the Stakes against the Wagner Group: From Mercenaries to a Designated Terrorist Group?" 17 January 2023.

⁴ Royal United Services Institute, "Wagner Group and Russia's Presence in Africa and the Middle East," 2023.

⁵ Kimberly Marten, "Russia's Use of Semi-State Security Forces: The Case of the Wagner Group," *Post-Soviet Affairs* 35, no. 3 (2019): 181–204.

⁶ BBC News, "What Is the Wagner Group?" updated 27 June 2023.

⁷ Meduza, "It's Not Just Wagner — At Least Three Gazprom-Linked Private Military Companies Now Have Fighters in Ukraine," 16 May 2023.

⁸ "Wagner Group and Russia's Presence in Africa and the Middle East." 2023b. Rusi.org. 2023.

At the same time, PMSCs are more than just a Russian issue within this conflict. Western PMSCs like Amentum, GardaWorld, and Global Guardian have become essential parts of Ukrainian security and stabilisation.⁹ Here, activities are varied and spread from protective security and demining activities through to support for intelligence and risk assessments for critical infrastructure. At the same time, all activities are well within the remit of international humanitarian law, and they encapsulate just how normalised and embedded the issue of private security is now within Western military support activities. Additionally, in April 2024, draft legislative action proposed by Ukrainian lawmakers indicates an attempt to legalize homegrown PMSCs as part of professionalising volunteer forces, integrating veterans, and foreign investment in defence services (Verkhovna Rada Draft Law 2467-IX, Parliament of Ukraine).¹⁰

2. The Historical Evolution of Private Military & Security Companies

The modern PMSC sector emerged during the 1990s and was driven by three significant events.¹¹ First, the downsizing of military forces in the West following the end of the Cold War provided substantial personnel and infrastructure, which were subsequently redirected into the creation of private companies. Second, the spread of

neo-liberal policies led governments to pursue the outsourcing of non-core activities, including defence-related issues. Third, global events in the Balkans, West Africa, and subsequently Iraq and Afghanistan required fast and scalable deployment of armed forces, which exceeded the capability or will of various governments.¹² Enterprises like Executive Outcomes in South Africa and Sandline International in the UK represented the first high-profile instances of very professional private companies possessing the capability to undertake military support and strategic advice tasks within Sierra Leone and Papua New Guinea.¹³ These early private companies illustrated the capability, controversy, and potential of private military action and were successful in undermining the long-held perception that violence is the sole preserve of sovereign governments.¹⁴

3. PMSCs in the Ukraine War: Empirical Overview

The war in Ukraine is the largest and most diverse deployment of private military and security companies within any international conflict since the end of the Cold War. In contrast to previous conflicts, in which the use of PMSCs was largely secondary, the conflict in Ukraine draws PMSCs into all manner of activities, ranging from taking an offensive role through participation in the

⁹ Ben, Bohdan. 2024. "Ukraine Mulls Legalizing Private Military Companies - Euromaidan Press." Euromaidan Press. August 31, 2024.

¹⁰ Ponomarenko, Illia. 2020. "Draft Law to Legalize Private Military Companies Sparks Controversy - Feb. 27, 2020." Kyiv Post. February 27, 2020.

¹¹ Singer, P W. 2011. *Corporate Warriors*. Cornell University Press.

¹² Avant, Deborah D. 2005. *The Market for Force: The Consequences of Privatizing Security*. Cambridge, Uk ; New York: Cambridge University Press.

¹³ Kinsey, Christopher. 2006. *Corporate Soldiers and International Security*. Routledge.

¹⁴ Mcfate, Sean. 2017. *The Modern Mercenary: Private Armies and What They Mean for World Order*. Oxford [U.A.] Oxford University Press.

defence infrastructure of Ukraine, risk assessments for global organisations, to enabling the functioning of the supply chain and critical infrastructure. The scope of activities represented by this conflict is, accordingly, of critical significance within the development of private force, as it illustrates how PMSCs are capable of being both an instrument of statecraft, global business organisations, and well-armed actors with their own sets of interests and incentives.

The most apparent and evident case of PMSC involvement is, of course, the presence of the Wagner Group on the Russian side. The activities of Wagner in Ukraine have ranged from intense assault and artillery engagements, as well as other activities like reconnaissance and urban fighting, as witnessed in Bakhmut and other nearby settlements. Inquiries conducted by the United Nations Human Rights Council,¹⁵ the Council of Europe Parliamentary Assembly,¹⁶ and other research organisations independently between 2022 and 2024 show evidence of claims and allegations of extrajudicial killings, torture, and disappearances by members of the Wagner Group in territories under their control on a temporary basis. Additionally, the presence of Wagner is evident by the presence of substantial fighting personnel, both professional and prisoners of war sourced from Russian colonies. These factors place Wagner in a distinct category,

as they are purportedly private actors yet substantive partners of the Russian government and possess a capability characteristic more of a paramilitary division.¹⁷

On the Ukrainian side, PMSC activity has been of varying types and aims. Not being used by Ukraine as offensive paramilitary groups, the general trend within Ukraine is that PMSC activity is now predominantly protective, logistical, and intelligence-related, as well as humanitarian. Western companies such as Amentum, GardaWorld, Global Guardian, and other EU-based risk management companies are working on convoy security, facility security, mine action work, and security consulting for infrastructure security risk assessments for humanitarian and other kinds of international missions. The involvement of these companies indicates the level of reliance on PMSC activity on the part of the international humanitarian and development communities as they carry out activities within high-risk environments. By 2023, various Western companies were working on demining, cyber defence collaboration, and security audits for international financial organisations and NGOs. The role of private actors is no longer merely filling the void in the overstretched military, but now represents core functions with implications for strategy, information, and effectiveness. In the case of Russia, PMSCs are now tools of political warfare, extending statecraft and hiding accountability. In the case of Ukraine and the West, PMSCs are institutional members within the overall

¹⁵ United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on Ukraine* (A/HRC/52/62), 16 March 2023.

¹⁶ Parliamentary Assembly of the Council of Europe, *Legal and Human Rights Aspects of the Russian Federation's Aggression against Ukraine* (Doc. 15689, 2023).

¹⁷ Marten, Kimberly. 2019. "Russia's Use of Semi-State Security Forces: The Case of the Wagner Group." *Post-Soviet Affairs* 35 (3): 181–204.

security paradigm, represented by humanitarian groups, defence partners, and multinationals. The conflict at this point represents the trend of the future, in which private actors are critical protagonists within interstate conflict and are altering the organisational basis of conflict through the presence of complexity within governance and decision-making.

4. Legal Status and Accountability Gaps

The war on Ukraine represents an opportunity to understand the reach and implications of privatised war and the value, indeed, of appropriately redesigned global standards on armed conflict.

At the forefront of this global media attention is the Wagner Group. At the same time, Ukraine is itself considering the legalisation and regulation of PMSCs as it seeks to draw on experienced personnel and provide organised institutional opportunities for veterans, as well as bolster defence capacities in the region. The draft legislative act proposed by the parliament in 2024 aims at creating a controlled process for international defence companies and reflects a pragmatic response to personnel shortages and the growing trend toward the use of private military labour as part of defence strategy. This is, of course, evidence enough that the issue is by no means just the malicious activities of PMSC organisations within authoritarian regimes, but the general transformation of warfare and the attractiveness of PMSCs as tools within it for regimes under security stress.

5. State Strategies and the Instrumentalisation of PMSCs in Ukraine

The divergent use of Private Military and Security Companies (PMSCs) in the conflict in Ukraine thus symbolizes inherent differences in the regimes and state policies regarding the use of the latter.¹⁸ While the United States and the United Kingdom have comparatively organized regimes,¹⁹ rooted in their historical precedents, the Russian Federation's approach is disorganized and unclear, with organized prohibitions coexisting awkwardly with the tacit state sponsorship it enjoys.²⁰ Ukraine, on the other hand, is at the institutional fork in the road, attempting to create the regime to supervise the use of PMSCs while faced with the exigencies of war and the desire to harmonize with the Euro-Atlantic regime.²¹ A comparison among the four cases above helps to clarify the use of the PMSCs in the conflict and the challenges to harmonizing international regimes.

The United States has the most advanced and formalized regulation system regarding PMSCs in the

¹⁸ Deborah D. Avant, *The Market for Force: The Consequences of Privatizing Security* (Cambridge: Cambridge University Press, 2005), 1–18; P. W. Singer, *Corporate Warriors: The Rise of the Privatized Military Industry* (Ithaca, NY: Cornell University Press, 2003), 3–25.

¹⁹ Laura A. Dickinson, *Outsourcing War and Peace: Preserving Public Values in a World of Privatized Foreign Affairs* (New Haven, CT: Yale University Press, 2011), 45–72; Christopher Kinsey, *Corporate Soldiers and International Security* (London: Routledge, 2006), 87–109.

²⁰ Kimberly Marten, "Russia's Use of Semi-State Security Forces: The Case of the Wagner Group," *Post-Soviet Affairs* 35, no. 3 (2019): 181–204.

²¹ Euromaidan Press, "Ukraine Mulls Legalizing Private Military Companies," August 31, 2024.

world, reflecting a high degree of reliance on contractors in Iraq, Afghanistan, and global deployments generally over the last thirty years.²² The U.S. regulation system involves contractual regulation, extradition jurisdiction, and intramilitary regulation. Key components of the U.S. system are the Military Extraterritorial Jurisdiction Act (MEJA) regulations, under which contractors who accompany U.S. forces in extraterritorial jurisdictions can be prosecuted, and the Uniform Code of Military Justice (UCMJ), under which civilians can also fall under regulation in circumstances of declared contingencies.²³ Additional measures related to accountability exist through procurement regulations, inspector general reports, and contractual compliance, including conformity with standards set by the International Code of Conduct Association (ICoCA).²⁴ While serious accountability misses have happened, it has also been suggested that a combination of these measures represents a functional, though clearly not perfect, model of regulating third parties active alongside military forces. These regulations apply to U.S. contracted companies operating in logistics, intelligence, and protective capacity in, or proximate to, Ukraine to guarantee their subordinate status with regard to U.S. operational policy and humanitarian law.

²² Sean McFate, *The Modern Mercenary* (New York: Oxford University Press, 2014), 41–68; Dickinson, *Outsourcing War and Peace*, 73–101.

²³ United States Congress, *Military Extraterritorial Jurisdiction Act of 2000*, Public Law 106–523.

U.S. Department of Defense, *Uniform Code of Military Justice, 10 U.S.C. Chapter 47*.

²⁴ International Code of Conduct Association, *The International Code of Conduct for Private Security Providers* (Geneva, 2010).

The United Kingdom has a more minimalist but defined set of regulations with a focus on self-regulation within the industry, supplemented by government procurement regulations. Traditionally, the UK has considered the PMSC a matter for general criminal and corporate law, with no special legal framework. The UK government's Green Paper, issued in 2002, considered the issue of PMSC licensing, but the majority of proposals were vetoed in favor of voluntary standards.²⁵ The current state of regulations is a result of a mix of domestic law, the Private Security Industry Act, the International Code of Conduct, and contractual agreements related to government contracts. UK domestic companies in the area of security have a long history of working within High Risk Zones, including diplomatic and commercial security related to Ukraine, but mostly for advisory, protective, and risk assessment work, and nothing more. Researchers like Kinsey analyze this phenomenon in the context of a hybrid market/state approach, based on reputation and contractual effectiveness.²⁶ Although effective perhaps under more stable conflict conditions, the current magnitude and generality of the conflict may pose significant credibility questions regarding the viability of this status under the aegis of broad-scale, long-deployed conflict.

The Russian Federation constitutes the other pole in this regulatory continuum. The legal framework in Russia

²⁵ UK Government, *Private Military Companies: Options for Regulation* (London: HMSO, 2002).

²⁶ Christopher Kinsey, *Corporate Soldiers and International Security* (London: Routledge, 2006), 127–154.

explicitly bans mercenarism in accordance with Criminal Code Article 359, and there are no government-approved PMSCs in this country either.²⁷ At the same time, however, there are several cases in which Moscow has formally supported or even financed a variety of private military units, most famously the Wagner Group; in recent years, even new groups connected with state-owned companies like Gazprom have emerged in this context.²⁸ Such a situation creates a legal ambiguity insofar as these PMSCs are neither part of the state machinery nor fully privatised entities in reality. These units' activities are conditioned solely by their political patronage or approval from Moscow in a rather opaque manner. The fact that these units are in no way formally legalised produces a situation in which these units are no longer under government control but are neither fully privatised nor subjected to government supervision either. Their underground activities are instead conditioned solely by their connection to state military or intelligence structures in reality. Such a situation has been documented by researchers like Galeotti and Marten; this ambiguity gives Moscow a convenient opportunity to utilise privatised military force in its foreign politics in a manner that ensures that Moscow enjoys plausible deniability in this situation in practice.²⁹ Such a

situation in Russian PMSC practice reached a point when this force fell apart in 2023 due to its internal contradictions, but did nothing in fact but increase the level of privatised force fragmentation in this state in recent years. The evolution of Ukraine's rules on PMSCs is driven by the compound influence of the imperative of wartime needs and the long-term imperative of state-building. Prior to the year 2022, Ukraine did not have adequate legislation to cover PMSCs, with private security companies primarily operating within the private security sphere. The militarization of society, with the imperative to assimilate trained volunteers, ex-militaries, and technical personnel, has revived the imperative to more systematically regulate PMSCs. Since the year 2020, various draft proposals to the Verkhovna Rada have called for the implementation of licensing schemes, control, and limits on permissible activities.³⁰ These calls are designed to foreclose the possibility of the emergence of private, unconstrained military outfits, while seeking to tap into the private sector expertise to further advance Ukraine's national security. Significantly, the imperative within the Ukrainian government is to ensure that future regulation of PMSCs is subject to state control and in accordance with the international law of warfare, in the manner of other member-states within the NATO security alliance.³¹ A comparison of the above systems shows enormous differences in how each state thinks about private force. The United States, the United Kingdom, and other

²⁷ Marten, "Russia's Use of Semi-State Security Forces," 186–190.

International Centre for Counter-Terrorism (ICCT), "Raising the Stakes against the Wagner Group," January 17, 2023.

²⁸ Meduza, "It's Not Just Wagner — At Least Three Gazprom-Linked Private Military Companies Now Have Fighters in Ukraine," May 16, 2023.

²⁹ Mark Galeotti, "Russia's Military Decline: An Update," Royal United Services Institute, 2023;

Marten, "Russia's Use of Semi-State Security Forces," 195–201.

³⁰ Kyiv Post, "Draft Law to Legalize Private Military Companies Sparks Controversy," February 27, 2020.

³¹ International Committee of the Red Cross, *The Montreux Document* (2008).

countries deal with PMSCs as if they were market agents who are integral to the judicial framework that ensures the state retains control and autonomy in a democratic system. These state systems have had significant failures, the most significant being the 2007 Nisour Square massacre, but are within the framework of regulations to ensure private force does not get beyond state control.³² Ukraine aims to develop this system, using PMSCs to support state power rather than supplant it, while Russia uses PMSCs in a system of politico-military warfare where the line between state and private force is well crossed so as to allow state power to expand uncontrollably while exempting the state from responsibility before the law. These above systems indicate the difficulty of having an international framework of regulations in the matter of state regulation of private violence because the state systems have an incentive to improve state control in the case of PMSCs used for complementing state power, while in the case of using private force for plausible denial, the state incentive would not accept regulation of the system of private force.

6. Technological Transformation and the Changing Operational Role of PMSCs

Among the most striking developments in the Ukraine war is the way in which PMSCs have become intertwined with emerging military technologies. While private companies predominantly provided manpower or logistics in earlier conflicts, the modern PMSC sector offers technical capabilities that shape how states fight. This

³² Dickinson, *Outsourcing War and Peace*, 171–176; United Nations Human Rights Council, *Report of the Independent International Commission of Inquiry on Ukraine* (A/HRC/52/62), March 16, 2023.

reflects broader changes in the characteristics of modern war, where expertise in cyber operations, unmanned systems, data analytics, and intelligence fusion has become at least as important as physical force. The war in Ukraine accelerated these trends by generating unprecedented demand for private actors able to deploy highly specialized technologies rapidly in various environments.

Cybersecurity and cyber operations—a second critical domain. Ukraine has suffered near-constant Russian cyberattacks against the government networks, energy infrastructure, and communications. Private cybersecurity companies—many Western—have played a central role in defending Ukrainian networks, mitigating intrusions, and restoring compromised systems. According to reports from Microsoft,³³ Mandiant,³⁴ and the EU Agency for Cybersecurity (ENISA),³⁵ private firms have been critical in attributing malware campaigns to Russian threat actors and coordinating defensive actions across government and private sectors. These activities blur the distinction between civilian cybersecurity and military cyber defence, especially when private companies conduct incident response during active operations. Though such firms do not conduct offensive cyberattacks, their efforts are of strategic importance: they maintain the integrity of Ukrainian infrastructure, inform situational awareness, and contribute to the achievement of national defence

³³ Microsoft Threat Intelligence, “Defending Ukraine: Early Lessons from the Cyber War,” 22 June 2022.

³⁴ Mandiant, *M-Trends 2023 Special Report* (Google Cloud), 2023.

³⁵ European Union Agency for Cybersecurity (ENISA), *ENISA Threat Landscape 2023* (Brussels, 2023).

aims. What they are doing illustrates the increasingly grey nature of cyber conflict--where private actors may possess technical capacities that are at least as great as, and sometimes superior to, those of states.

The role of private actors in intelligence, surveillance, and reconnaissance (ISR) has also expanded dramatically. Open-source intelligence (OSINT) communities, private geospatial analysis firms, and commercial satellite companies provide real-time data that shape military planning and strategic communications. Firms such as Maxar Technologies, Planet Labs,³⁶ and BlackSky³⁷ have produced satellite imagery for use by governments, NGOs, and media to monitor troop movements, assess damage, and verify battlefield claims.³⁸ While not PMSCs in the classical sense, they are significant in the modern privatized intelligence network. Their products make targeting decisions more informed and increase accountability through verifiable evidence of events in contested areas. The U.S. Intelligence Community and European partners regularly incorporate these commercial data streams into formal assessments, reflecting how private intelligence providers now contribute to the operational picture in high-intensity warfare. Another area in which private expertise has become integral is electronic warfare and communications security. The extensive use of jamming, signal interception, and electronic targeting by Russia has

necessitated rapid technical countermeasures by Ukraine and its partners. Private defence technology companies supply hardware and software solutions for encrypted communications, counter-jamming techniques, and battlefield networking. The fact that these technologies often require continuous updates and specialised training makes long-term partnerships with private firms unavoidable. According to research from CSIS and NATO's Cooperative Cyber Defence Centre of Excellence, the ability to sustain secure communications under the constant EW pressure is one of the defining operational challenges of the war.³⁹ Private actors thus play a crucial role in preserving the integrity of military command-and-control functions, which are indispensable for Ukraine's defence. As a result, the cumulative effects of these changes will establish a new operational role for Private Military and Security Companies. PMSCs are beginning to have more influence in the information, digital, and technological domains that shape modern warfare. The expertise and capabilities of PMSCs will enable states to respond more quickly to changing conditions on the battlefield, take advantage of technologies developed by the commercial sector, and manage complex systems that exceed the capabilities of traditional armies. This movement from manpower to capability indicates a larger shift within the global security industry, whereby PMSCs derive strategic value not from the size of their personnel but rather from their ability to provide specialised experience and technology. The current

³⁶ Planet Labs, "100 Days in Ukraine," 2 June 2022.

³⁷ BlackSky Global, "BlackSky Sets New Standard for Agile Satellite Operations to Support Customers During Ukraine Crisis," 18 April 2022.

³⁸ Reuters, "Russian Military Convoy North of Kyiv Stretches for 40 Miles," 2 March 2022.

³⁹ Jones, Seth. 2022. "Russia's Ill-Fated Invasion of Ukraine: Lessons in Modern Warfare." www.csis.org. June 1, 2022.

conflict in Ukraine illustrates that private military and security companies are not merely supplements to state military power, but they are increasingly becoming integral to the development, provision, and maintenance of modern military capabilities. This development also raises regulatory issues. As PMSCs take on technologically sophisticated functions, their actions are not necessarily covered by current international humanitarian law. Cyber operations, data analysis, drone maintenance and repair, and satellite imagery support all contribute to military success without ever being on the battlefield. This creates difficulties in determining whether these companies are participating directly in hostilities. The war in Ukraine thus puts a spotlight on the need for regulatory frameworks that tackle not only traditional private military activities but also the expanding technological frontier of privatised warfare.

7. Normative and Strategic Implications: What PMSCs Mean for the Future of War

The strategic implications of PMSCs are important. Their presence modifies the logic of deterrence and escalation simply by adding players whose incentives do not necessarily align with state actors. For Russia, at least, PMSCs have been a means to advance assertive strategies at a lower political cost. By outsourcing high-casualty missions to Wagner and other private formations, Russia sidestepped the home-front backlash that would come with extensive military mobilisation. This ability to outsource risk changes the strategic landscape: powers might be more likely to pursue uncertain or destabilising courses of action if private proxies bear the short-term

costs. What is more, the uncertainty shrouding the command and control arrangements for formations like Wagner renders adversary calculations of Russian intent more complex. The legitimacy of a conflict will be influenced by public opinion regarding whether the use of force was justified, proportionate, and accountable in accordance with established international legal standards; therefore, the actions of the PSC must, to some degree, be reliable indicators of compliance with all three elements of legitimacy. The war in Ukraine reinforces these concerns by showing how PMSCs can occupy positions of critical importance to warfighting while remaining at a distance from formal mechanisms of public scrutiny. Another important normative implication is the regulation of emergent military technologies. Insofar as PMSCs are increasingly involved in cyber defence, drone warfare, electronic warfare, and OSINT-based intelligence, they redefine the line separating civilian from military participation in hostilities. International humanitarian law depends on a clear distinction between combatants and civilians, but private actors whose function is technologically enabled blur these categories. Researchers such as Cameron⁴⁰ and Sassòli⁴¹ have warned that such blurring undermines the integrity of the civilian protection regime since it becomes difficult to tell when technical specialists are engaging in direct participation in hostilities. The war in Ukraine has given concrete examples of this ambiguity: private cyber specialists and private intelligence

⁴⁰ Cameron, Lindsey. 2017. *The Privatization of Peacekeeping*. Cambridge University Press.

⁴¹ Sassòli, Marco. 2024. *International Humanitarian Law*. Edward Elgar Publishing.

analysts contribute directly to operational outcomes. Without clarity, there are risks not only for the individuals themselves, who may become lawful targets, but also for civilian infrastructure, which may be drawn into the conflict via its connection with military functions.

8. Policy Recommendations for Strengthening Accountability and Governance

Improving the governance of PMSCs will involve addressing the accountability gaps exposed by the war in Ukraine at the level of legal, institutional, and technological dimensions. Regulation can be strengthened first and foremost by clarifying the status of the personnel of PMSCs under international humanitarian law. States also need to reinforce domestic legal frameworks for regulating PMSC extraterritorial activities. The United States sets a partial example through statutes like MEJA, but its jurisdictional limits point to the necessity for broader coverage. States deploying or contracting PMSCs should extend domestic criminal law jurisdiction over all serious violations occurring abroad, irrespective of whether the contractor supports national contingents directly or not. This would bring domestic practice closer to the principle of universality for grave breaches of humanitarian law. For states such as the United Kingdom, relying upon general criminal law and procurement oversight, reforms might lie in establishing specialised investigative bodies and public reporting mechanisms to increase transparency in contractor operations. In constructing its regulatory system, Ukraine has the unique opportunity to create a democratic oversight framework from its foundation. On the other hand, Russia represents the risk for states in

maintaining a mere façade of law that criminalises mercenarism while continuing to rely informally on private armed groups, and reversing this pattern would require the Russian state to formally recognise and regulate its own PMSCs, a necessary step toward accountability, but one unlikely to be taken anytime soon. Beyond domestic law, there is a need for international cooperation.

9. Conclusion

The Ukraine war highlights the geopolitical stakes of privatised warfare. Russia's use of PMSCs showcases private armed groups extending state power while diffusing responsibility, generating ambiguities that complicate deterrence and amplify escalatory risk. The outcome of this will have a significant impact on how the conflict in Ukraine develops, as well as how international security will be organised moving forward, making the stakes of reform high. Without significant regulatory change, PMSCs will continue to expand into emerging operational domains in ways that outpace current governance frameworks. The result would be an increasingly fragmented security environment in which private actors wield substantial influence without proportional legal or political responsibility. In contrast, through stronger laws regarding licensing and clearer regulation of private security organisations through government watchdogs, accurate monitoring of contracts, and intergovernmental cooperation, the private security industry can be a stabilising influence. The recent war in Ukraine illustrates both the need for better regulatory systems in the private security business and their viability, while it also reveals the

weaknesses that occur when private actors are left to provide their own security without any government regulation in place. Conversely, it also shows how well-managed private security contractors can function as part of established state authority structures and provide significant contributions to state security. In conclusion, the changing role of private military and security companies in a conflict like Ukraine is indicative of a broader evolution of modern warfare from being entirely state-to-state to being increasingly defined by networks of non-state private companies supplying the various technical, information, and logistical capabilities necessary for executing modern warfare. The recognition of non-state private entities playing an integral role in modern war will challenge established notions surrounding state sovereignty and introduce new complexities regarding the legal and ethical status of armed conflict. However, this changing environment also presents challenges of adaptation, which allow new methods of cooperation, new ideas, and new types of governance to develop. It is important that the global community develops the necessary regulatory architecture to support the spectrum of innovations, while also enshrining values that protect human dignity, uphold the rule of law, and maintain the integrity of governmental authority. The war in Ukraine stands as both a warning and a guide: the former of how privatised force can destabilise conflict, and the latter for how states might govern it more effectively in the years ahead.

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