

FORUM:	Disarmament Commission
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Introduction

The emergence and rapid growth of Private Military Companies (PMCs) and mercenary entities have marked a notable transformation in armed conflicts and military strategies, implying significant alterations beyond conventional confrontations between state militaries. Expanding the role of non-governmental armed participants, the involvement of private military operations and



Image 1: Mercenary entity joining the Russo-Ukrainian War in summer of 2023

mercenaries in state-to-state confrontations has prompted transnational concerns, including limited accountability, increased civilian casualties, violations of international humanitarian laws and infringement of state sovereignty. While these challenges contest overall global security and humanitarian orders, the geopolitical conflicts in Eastern Europe showcase the precarious influence, specifically. Exemplified by the ongoing Russo-Ukrainian War since February 2022, it has been unveiled to the global audience that the influence of PMCs and mercenary groups is no longer constrained to political relations but rather is inducing direct civilian harm. In response, the United Nations and several international organizations recognized the gravity of the issue and have introduced legal frameworks and voluntary initiatives to strengthen accountability and oversight around the growing concerns. Nevertheless, despite some initial successes, the intricate association of private and governmental military sectors, and disjointed legitimate definitions of the regulation of PMCs across state governments present structural limitations to enhance accountability during armed conflicts. Hence, in order to secure humanitarian rights and civilian security amid growing geopolitical tensions in Eastern Europe, cohesive and effective inter-state cooperation and regulations became essential more than ever.

Background

The roots of modern PMCs trace back to the post-Cold War period. Alongside accelerating globalization, disarmament and military privatization after the Cold War, several state militaries have determined to reduce their military spending. This downsizing of national security and privatization of state militaries resulted in a phenomenon where states increasingly outsourced military functions, which led to a growing presence of private military and security companies as an alternative under persistent demand for armed support. Their specialized expertise, flexibility, and relatively low operational cost provided notable benefits to the state government, contributing to national security operations under contractual, governmental support. In this context, initially employed for logistical support, military training, and facility protection, private military actors stretched their influence beyond conventional purposes to data collection, combat strategies, and, in some cases, direct participation in hostilities. The Executive Outcomes of South Africa and the Academi, formally known as Blackwater, of the United States are two primary examples of modern PMCs; to the present day, armed involvement of these firms has demonstrated the capabilities of private entities as a supplement to state military forces.

At the same time, the Russo-Ukrainian War highlighted the roles of PMCs and mercenary groups in regional conflicts; in particular, the involvement of the Wagner Group has demonstrated the intricacy of transnational operation of PMCs. Despite the Russian state government's official repudiation, its close association with the Wagner Group has sparked debate regarding responsibility and accountability in terms of supporting the state's strategic objectives. Given these ongoing concerns, the Wagner Group has faced international criticism over allegations of human rights violations and civilian harm, highlighting its contribution to exacerbating Eastern Europe's regional insecurity. Concurrently, transnational military



Image 2: Bucha street, Ukraine, with burned-out tanks and corpses from Russia's attack

involvement of the Wagner Group in armed conflicts has exposed limitations of existing international regulatory frameworks. As the role of private entities expands, a growing need for enforcement of stronger international standards has arisen, in order to clarify accountability and prevent states from evading responsibilities by utilizing non-state military actors for state benefits.

Problems Raised



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Ambiguity and the classification of private military actors

While the terms Private Military Company (PMCs) and mercenary entities are often used interchangeably, the two concepts are legally and structurally distinct in principle, but their boundaries remain ambiguous in practice. PMCs refer to legitimate, established corporate entities that provide licit military and security services based on official contracts; mercenary entities are typically individuals or groups who participate in armed conflicts primarily for personal or private financial gain. Nevertheless, the obscure boundaries of classification have raised debates about whether PMC personnel, who often directly engage in combat, should be considered as mercenaries under international law. Article 1 of the 1989 UN Mercenary Convention presents a restrictive definition of mercenary: an individual specifically recruited primarily for private gain, while excluding personnel of a party's armed forces with several additional criteria for classification. As these requirements must be satisfied cumulatively, challenges to determine whether foreign combatants or private organizations legally qualify as mercenaries are often raised. As such, the private military entities might decide to exploit the inconsistency of national and international legal systems, highlighting the difficulty in managing and regulating private military actors conclusively. Without a clear and universally applicable defining criterion, the risk of exploiting the existing regulations and states' governments evading their responsibilities will continue to exacerbate.

Accountability and state responsibilities

The expansion of private military entities' action and influence has confronted the conventional state-centric international legal framework regarding accountability.

Conventionally, the accusation of war crimes and violations of human rights rested within the state's official military forces and government agencies; the International Criminal Court (ICC) investigates and prosecutes the accused

individuals within its established jurisdiction. Yet, due to the intricate political status of PMCs, it is often challenging to determine the liability: whether it should be attributed to participating individuals, the managerial organization or the supporting state. Since the ICC exercises jurisdiction primarily over individual criminal responsibilities, it faces limitations in comprehensively assessing war crimes. This legal gray area increases the likelihood of utilizing PMCs to mitigate diplomatic and political burdens, thereby undermining the effectiveness of international legitimate systems and operations, including the ICC.



Image 3: the International Criminal Court (ICC) in Hague, Netherlands

International Actions

United Nations Mercenary Convention

The United Nations Mercenary Convention, adopted by the UN General Assembly in 1989 and came into force in 2001, is considered one of the primary legal frameworks on mercenary activities' regulation. Specifically, with 38 state parties in 2025, the convention prohibits and criminalizes the recruitment, training and provision of financial assistance to mercenaries, classifying it a crime against transnational peace and security. Nevertheless, its restrictive and inflexible definition of mercenary—including direct participation in armed conflicts, actions based on private financial gain and exclusion from official state government—suggests that individuals and organizations involved in private military actions may fall outside of the convention's legal scope. As such, these limitations create gaps in regulating modern PMCs due to their wide range of services, as well as direct engagement in combat. Thus, it is evident that although the UN Mercenary Convention demonstrated an initial transnational attempt to criminalize utilization of mercenary entities for state benefit, its weak enforcement and restricted scope of application indicate a structural limitation in practical confrontations.

Montreux Document

The Montreux Document, adopted in 2008, is an international normative document that presents legal obligations regarding state responsibilities in order to ensure the compliance of military actions with International Humanitarian Law (IHL) based on the Geneva Conventions of 1949. The Montreux



Image 4: Representatives signing the Geneva Convention

document states three key features: the contracting states must establish appropriate supervision and management systems when entering into a contract with private military or security organizations; the territorial states must be responsible for authorizing and supervising private military actions; and the home state must implement appropriate regulations and supervision regarding the compliance of domestic companies' actions with international laws.

Despite its attempt to strengthen accountability of private military actions, its limitation exists due to its lack of legal binding. That is, failure of compliance with document criteria does not necessarily result in punishment or sanction under international law. Hence, while the Montreux Document presented a

critical international standard for regulating private military actors to operate transnationally, its non-binding nature highlights the limited enforcement mechanism.

Key Players

Russia and the Wagner Group

Although the establishment of the Wagner Group dates back to 2014, it was not until the outbreak of the Russo-Ukraine War in 2022 that it gained international attention, particularly for its direct participation in armed confrontations and alleged attacks against Ukrainian civilians. The force participated in major Russian military operations in eastern Ukraine, playing a pivotal role during the Soledar and Bakhmut battles in the Donbas region. Yet, the Wagner Group's role had undergone a significant transformation in participation in the war, primarily as a result of the failed rebellion by Yevgeny Prigozhin—the founder and leader of the group—and his subsequent death. By 2023, the force had subsequently declined as a potent private military sector, marking major structural and operational shifts since the majority of its personnel were reabsorbed into Russian state-controlled structures. As a result, numerous personnel and functions were transformed into state-controlled operations, providing strategic flexibility to the state government as the armed force supports geopolitical strategic objectives. As such, the Wagner Group's activities closely align with Russia's strategic interests and links with state institutions; questions regarding the operability of the private organizations continue to arise, indicating the ambiguity between the boundary of state authority and accountability for assorted war crimes in the Russo-Ukrainian War.



Image 5: Armed personnel of the Wagner Group during the Russo-Ukrainian War

Ukraine

Ukraine demonstrates the extent of cross-border private military activities' influence as a nation that has most directly experienced the concerns associated with civilian attacks and accountability. During the Russo-Ukraine War, the Wagner Group directly engaged in civilian attacks resulting in thousands of casualties and infrastructure damage, raising significant international legal issues for Ukraine that went beyond mere military threats. In response, the Ukrainian parliament designated the Wagner Group as an international criminal organization, reinforcing Ukraine's position of considering the activities within the context of international crime and national security threats on the global stage. In



addition to its heavy criticism, the Ukrainian government has persistently demanded official investigation, international sanctions and the enforcement of legal accountability for Russia's aggression and the international crimes committed during the conflict.

European Union (EU)

The European Union (EU) promotes interregional security and peace by regulating mercenary entities and private military companies' transnational activities. Specifically, first placing the Wagner Group on its sanctions list in 2021, the bloc expanded the sanctions in 2023 by imposing a complete asset freeze and travel ban on associated personnel. At the same time, law enforcement



Image 6: The European Union (EU) providing temporary shelters and protection to Ukrainian civilians

bodies like Europol continue to investigate and track the Wagner Group's transnational involvement in violations of humanitarian wars and war crimes in Eastern Europe. Although there exist apparent limitations in unifying regulatory mechanisms, the EU plays its role in coordinating sanctions and legal responses among its member states. Through its regulatory measures, the European Union puts strong emphasis on regional peace and protecting Ukrainian civilians and its territorial integrity during the ongoing Russo-Ukrainian War.

Possible Solutions

Establishing an international registration and transparency mechanism for PMCs

Considering that private military actors are playing a significant role in armed conflicts in Eastern Europe, exemplified by the Russo-Ukrainian War, their operational structures, contractual relationships and ranges of legitimate activities often remain undisclosed. This lack of transparency and clarity often enables the state government to utilize the ambiguity by denying an official association or involvement within the raised concerns, further exacerbating regional security and beyond. Thus, one possible solution could be considering creating a unified licensing standard and registration guidelines on the establishment and activities of PMCs, where information regarding PMCs and the state's incorporation and ownership structure could be shared and clarified. Such systems could possibly involve documenting details associated with the establishment and function of PMCs, regulating armed activities of private entities by delegating permissible activities and associated restrictions in order to strengthen the oversight of



operations and ensure transparency of activities in Eastern Europe. The mechanism's enforcement could be further strengthened by imposing sanctions—including asset freezes, travel bans, and license revocations—on non-compliant entities and associated individuals that violate registration and reporting requirements.

Developing a state responsibility framework for the use of private military actors

By clarifying the applicable boundary of state responsibility in terms of both firsthand and secondhand involvement of private military actors in armed conflicts, the global community can successfully prevent states from evading their obligations under international law. To this end, devising specific criteria for assessing the relationship between state and military organization is critical, which could include financial support and provision of military resources. As such, the framework not only establishes clear standards regarding compliance with international law but also, since states are prompted to consider the legal risks associated with utilizing the PMCs, it could contribute to strengthening the effectiveness of international norms and previously established regulations.

Glossary

Private Military Companies (PMCs)

A private organization that provides military- related services, including security, training, logistics, intelligence support and at times, operational support, under contractual agreement.

Mercenary Entities

An individual or group that participates in armed conflict primarily for private financial gain that officially meets the legal requirement under the Geneva Convention.

Geneva Convention

Set of international treaties that establishes rules to protect individuals, including civilians, wounded soldiers and war prisoners, during armed conflicts; adopted in 1949, they form the foundation of the International Humanitarian Law (IHL).

International Humanitarian Law (IHL)

A body of international norms governing conduct during armed conflict, aimed at protecting civilians and limiting unnecessary harm.

International Criminal Court (ICC)

An independent international court that investigates and prosecutes individuals accused of genocide, crimes against humanity, war crimes and the crime of aggression.



Transnational Operability

The capability of a private military organization to conduct armed operations across borders



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