Response to the call for submissions

on the evolving forms, trends and manifestations of mercenaries and mercenary-related activities, by the

UN Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

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What do we know about the market for force?

Commercial armed actors are rather a normality than an exception in 20th century conflicts. According to Chojnacki et. al. they were present in a third of all civil wars between 1950 and 2000.[2] However, while present most of the time, these actors rarely had a substantial influence on conflict dynamics. With few exceptions, the mercenaries of the past were ineffective.[3] However, in the early 1990 the market for force underwent a qualitative shift. The market grew substantially in size, services became professionalized and numerous corporations formed - Private Military and Security Companies (PMSCs) - selling force and force related services as part of a legal business.[4] In some instances, e.g. Iraq and Afghanistan, PMSCs became an essential part of the military operation, at times outnumbering regular military forces.[5] Although significant scholarly attention has been dedicated to exploring the topic, the data is still patchy. To date, there are only two major datasets available:

- The Private Security Database (PSD) records public actor and PMSC contracts in weak states from 1990 to 2007.[6]
- The Private Security Event Database (PSED) records all PMSC related incidents in Africa, Latin America and Southeast Asia from 1990 to 2012.[7]

The following discussion will present trends in the market for force based on the two datasets, yet will also seek to go beyond the limited period of 1990 to 2012 and attempt to describe more recent developments.

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[2] (Chojnacki, Metternich, and Munster 2009)
[3] (Percy 2008, 628)
[4] (Branovic 2011a)
[5] (Cole 22 August 2009, Duginski 4. July 2007)
[6] (Branovic 2011b)
[7] (Avant and Neu 2019)

Trends on the market for force 1990-2012

Based on the available data, specific contracting trends on the market for force between 1990 and 2012 can be identified. Figure 1 is based on the PSD and provides an overview over all public actor contracts in weak states, i.e. contacts where international organizations and governments are the client. As the graph shows, the frequency of contracting has increased in the 1990 and early 2000s. While there appears to be a sudden sharp decline in 2007, this needs to be treated with caution. According to the PSD, much of it is to be attributed to a decline in contracting in Iraq and Afghanistan. However, in contrast, data by the US Congressional Research Service suggests that in both cases the number of contractors rather increased.[8] It is certainly possible that the number of contracts decreased, while the number of PMSC personnel increased. However, it seems more likely that the extremely sharp drop is rather an artefact of the data. Beyond the overall trend in contracting, figure 1 shows also that most of the contracting is done for non-armed services, although there is a stable demand for combat and armed security services throughout the period of investigation.

Figure 1: PMSC contracts in weak states 1990-2007

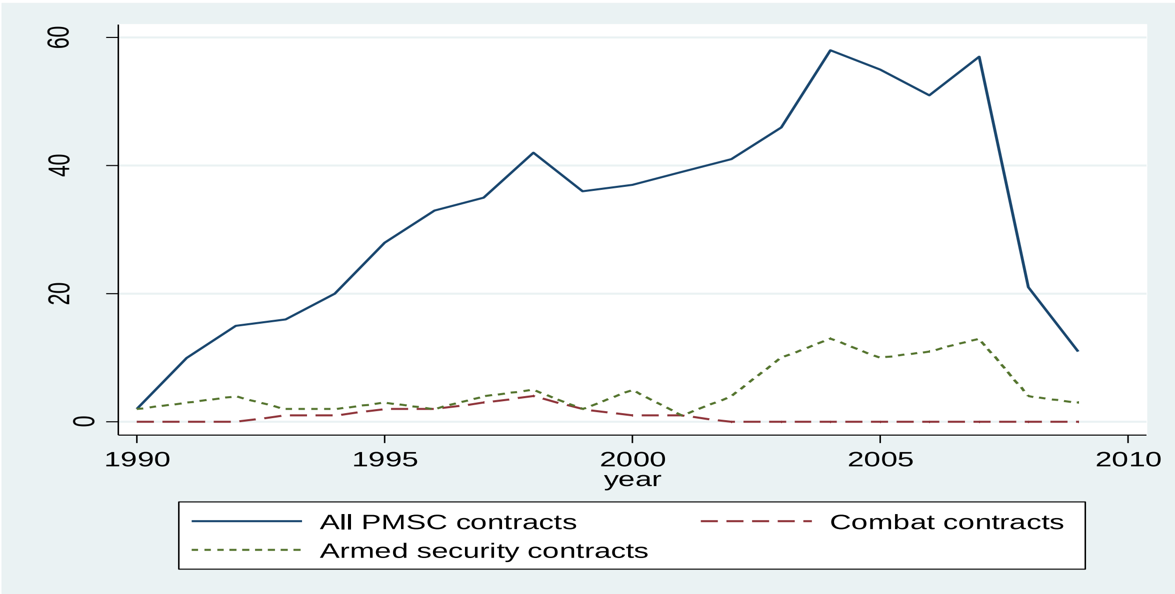


Figure 2 is based on the PSED which records PMSC-related incidents.[9] A direct comparison between contracting behaviour as recorded by the PSD and PMSC incidents is difficult as the ability to infer from events to contracting behaviour is limited. First, indeed a PMSC event indicates the presence of a contract. However, events are an imperfect indicator for contracts as only those associated with an incident will be counted, while those without will be overlooked. This seems more problematic for non-armed services. Armed operational support and armed security are more likely to generate an incident, while logistics and consultancy are less likely to do so. Second, it is not possible to infer from the frequency of incidents to the number of contracts. To be more specific, a single contract may be associated with a single or multiple incidents or vice versa. Both of these problems prevent an exact estimation of the number of contracts. However, the PSED allows for one logical conclusion about contracts: if there was an incident, logically there must have been at least one contract. While this may potentially lead to an underestimation of the actual contracting behaviour, the logic allows to establish a minimum number of contracts. Figure 2 presents the trend lines of overall, combat and armed security contracting between 1990 and 2012 including all types of clients, i.e. public and

[8] (Schwartz 2009)

[9] "A private security event is defined as a newsworthy action, activity, or outcome in which one or more private security providers were involved", source: http://psed.siecenter.du.edu/ .

private. Although based on different data, the trendlines are similar to what the PSD has shown. Overall, contracting with PMSCs is on the rise, with a drop in 2007, although less dramatic. The drop rather ushers in a period of non-growth and stabilizing of contracting on a high level. Like the PSD, the PSED indicates combat and armed security contracts making up a significant proportion of the market. The trendline in figure 2 is stable on a low level and not rising significantly.

Figure 2: PMSC contracts in Latin America, Africa and Southeast Asia, 1990-2012

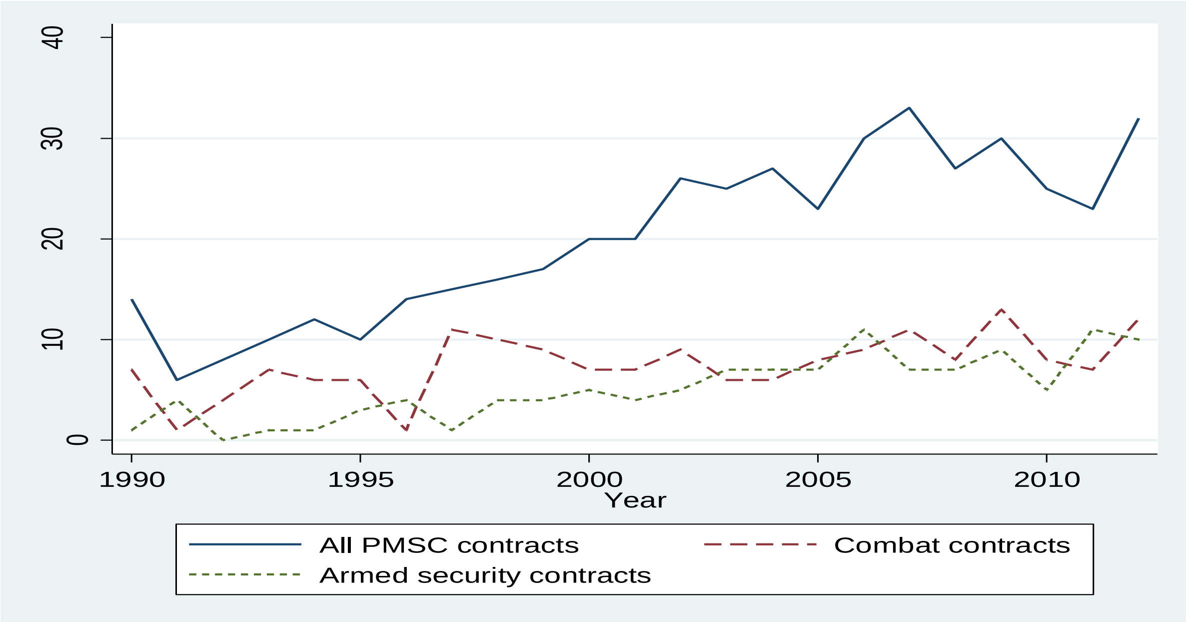


Figure 3 shows the contracting practice by client. Governments are certainly frequently contracting with PMSCs, yet the overwhelming majority of clients are other actors, such as transnational corporations, private individuals or non-governmental organizations. There is also a noteworthy segment of rebel-PMSC contracts. While it is not large, it is stable containing a couple of contracts every year.

Figure 3: Contracts by clients

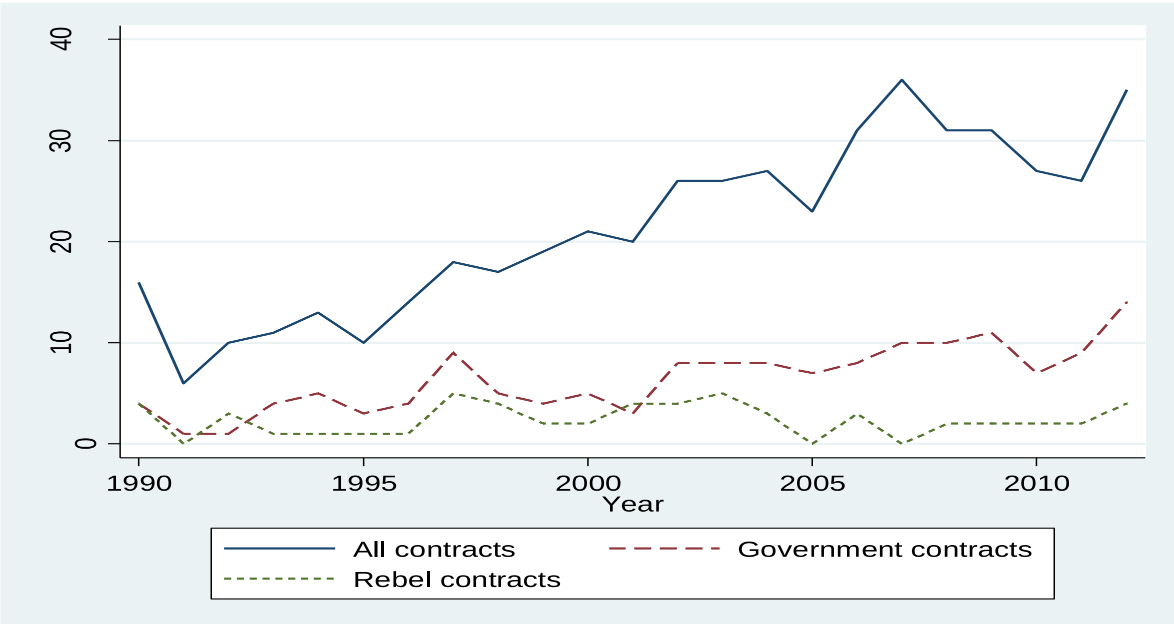
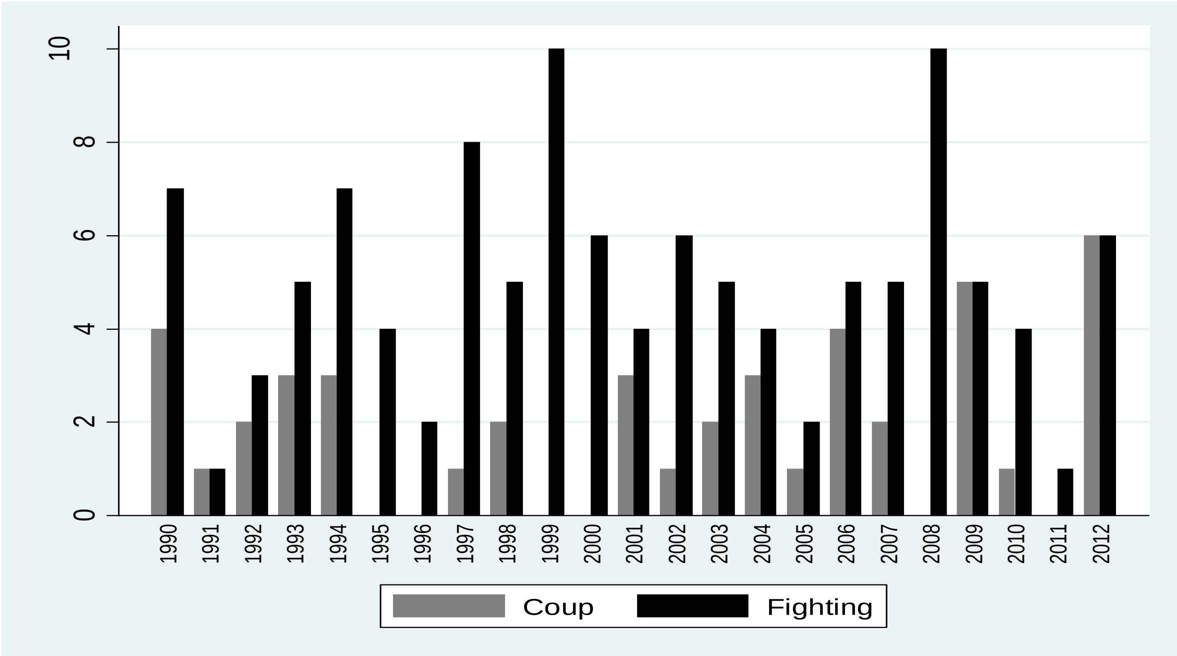


Figure 4 breaks up the category of combat contracts into the specific type of service provided by PMSCs. In this segment, PMSCs mostly provide additional military capacity and participation in hostilities. However, there is a substantial number of cases in which they were actively involved in coups or attempted coups.

Figure 4: Disaggregated combat category



In overview, both PSD and PSED cover similar time periods, yet vary in terms of regional scope, clients and practices covered. However, since both datasets suggest similar trends, the differences increase the credibility of the findings. As argued above, both datasets indicate a rise in the overall contracting practices, with a peak around 2007, followed by a drop and subsequently a flattening of the trend line. The PSED further permits to disaggregate the demand on the market for force: most of the clients are non-state actors (including rebel forces), yet there is a stable demand by governments. Finally, both datasets suggest that the majority of contracting on the market for force is for non-armed services, such as maintenance, consulting, unarmed security or logistics. However, there is a stable segment for armed security contracts and combat. The latter is the most concerning in regards to accountability problems and the stability of international order.[10]

Trends in the combat segment of the market for force from 2012 to 2019

The data presented above indicated a stable practice of contracting in the combat market segment across the 1990s and first decade of the 2000s. Due to the lack of data since 2012, it is impossible to quantitatively investigate whether the trend continued.[11] However, the developments in this segment can still be analysed and updated in a qualitative manner. Since 2013, at least eleven combat contracts can be identified. Table 1 provides a detailed overview.

[10] (Pattison 2014)

[11] The gap is being addressed by the project 'Commercial Military Actors in Civil Wars' at the University of Liverpool (Principle Investigator: Ulrich Petersohn), which gathers data on mercenary and PMSC presence in Civil Wars in Latin America, Africa, Middle East and Asia from 1980 to 2018. Publication of the dataset is scheduled for the end of 2020.

Table 1: Combat Contracts between 2013-2019

No.	Location of deployment	Parties to the contract	Purpose	Size & Equipment	Year
1	**Nigeria**	Nigerian government & STTEP	Training Nigerian Army & fighting Boko Haram	Approx. 100 operators, helicopters, armoured vehicles	2013
2	**Syria**	Russian government & Group Wagner (Moran Security Group)	Fighting in support of Syrian gov.	250-900 operators, artillery, tanks and aircraft	2013-2019
3	**Syria**	Russian government & Slavonic Corps (OMS)	Fighting support of Syrian gov.	260-2000 operators, artillery, tanks	2013
4	**Ukraine**	Russian government & Group Wagner (Moran Security Group)	Fighting in support of Russian separatists	5,000-10,000 artillery, tanks	2014-2019
5	**Libya**	Russian government, General Haftar & Group Wagner (Moran Security Group)	Fighting in support of Gen. Haftar (Tobruk gov.)	200 operators, (potentially artillery, fighter jets)	2019-
6	**Mozambique**	Mozambique, Russian government & Group Wagner (Moran Security Group)	Training armed forces & fighting in support gov. of Mozambique	203 operators, three helicopters	2019-
7	**Libya**	UAE & foreign pilots	Fighting in support of Gen. Haftar (Tobruk gov.)	Several pilots, aircrafts	2015-2016
8	**Yemen**	UAE & subsidiary of Northrop Grumman	Fighting in support of Yemeni government	100 operators from El Salvador	2015-2017
9	**Yemen**	UAE & Academi or Reflex Response	Fighting in support of Yemeni government	500 operators from Columbia	2015-2017
10	**Yemen**	UAE & Spear Operations Group	Training UAE force & targeted assassination	Approximately 10 US operators	2015-2016
11	**Yemen**	Saudi Arabia & foreign operators	Fighting in support of Yemeni government	Several hundred	2015-2017

First, in 2013, the Nigerian government employed a company called ‘STTEP’ (Specialized Tasks, Training, Equipment, Protection) to support its combat operations against the Islamist rebel group ‘Boko Haram’. Around 100 contractors were involved in direct combat, provided air support, and participated in night raids.[12] The second, third and fourth contract were between Russian government and different PMSCs, i.e. Moran Security and OMS, ‘to engage in the fighting in Syria and the Ukraine’.[13] The Syrian contracts were of substantial size ranging between 200 and 900 operators including heavy weapons, while the Ukrainian deployments were even larger ranging between 5,000 to 10,000 operators.[14] Contract six is between Group Wagner (associated with Moran Security) and the government of Mozambique about military support for the armed forces in their fight against local Islamist insurgents – most likely with the acquiescence of the Russian government. According to news

[12] (Murphy 2015, Freeman 2015, Nossiter 2015, Fabricius 2015)
[13] (The Interpreter 2013, Grove 2015, Economist 2017, Giles and Akimenko 2019)
[14] (Sparks 2016, Galeotti 2015, Vaux 2016) (Bostock 2019)

reports, the size of the contract is approximately 200 operators, three helicopters and drones.[15] The seventh contract is between Group Wagner and either the Russian government or Moscow backed Libyan General Haftar about providing military support in the fight against the government in Tripoli. Group Wagner deployed around 200 operators, including highly skilled snipers. It has also been reported that the Russian support included fighter jets and artillery, yet it is unclear whether this was through Wagner.[16] Contract number seven, eight, nine and ten are UAE contracts. The UAE provided air support in 2015 and 2016 - including aircrafts, pilots and actual air strikes - to the Tobruk government (General Haftar) in Libya. Several of the pilots flying combat sorties were foreigners.[17] Moreover, the UAE had two contracts in 2010, one with 'Northrop Grumman' and one with 'Reflex Response' (R2) to build up an 800-member battalion of foreign troops to conduct 'urban combat', or to 'destroy enemy equipment and personnel'.[18] The unit was deployed in 2015 to participate in the fighting in Yemen. Finally, UAE contracted with the US company 'Spear Operations Group', which provided approximately ten former special operations forces operators to train the UAE armed forces in counter terrorism, but also to carry out targeted assassinations in Yemen.[19] There is only sparse information on the eleventh contract. In this case, Saudi Arabia hired several hundred foreign fighters to participate in the fight in Yemen.[20]

Overall, the data in table 1 suggests that the development of combat contracting is continuing along the trajectory of the 1990s and 2000s trend. Accordingly, combat contracts are not a widespread phenomenon. Indeed, a significant proportion of states considers the exchange of such services to be inappropriate. Most prominently the 56 members of the Montreux document have expressed reservations about combat contracting and do not engage in the practice.[21] Since 2013, only five states – UAE, Saudi Arabia, Russia, Nigeria, and Mozambique – have contracted eleven times for combat services. However, the combat contracts that exist are characterized by qualitative differences.[22] For one, weak governments frequently rely on the market for combat services as an emergency measure. It enables them to hired combat expertise to increase their capability to fend off a domestic challenger. Recent examples of this practice are the contracts in Nigeria and Mozambique.[23] In contrast, combat contracts may also be used to increase the ability of the client to intervene militarily abroad at low political cost. Saudi Arabia and UAE hired PMSCs to increase their ability to intervene on behalf of one civil war party in Yemen and Libya. Likewise, Russia used PMSCs to increase its capacity to support their allies in Syria, Libya, Ukraine and Mozambique.

The first type of combat contracts is a continuation of the trend on the combat market between 1990s and 2000s. For instance, Sierra Leone and Angola have turned to market support in the 1990s, and Libera drew on the market in the 2000s. While multiple concerns can be raised about a weak state's capacity to control such actors and the implications for accountability[24], this type of combat contract

[15] (Fabricius 2019, Sauer 2019)
[16] (Kirkpatrick 2019, Raghavan 2019)
[17] (Delalande 2017)
[18] (Mazzetti and Hager 2011, Hager and Mazzetti 2015, Carlsen 2015, Center for International Policy - Americas Program 2015, Telesur 2015, UPI 2013)
[19] (Roston 2018)
[20] (Hager and Mazzetti 2015) There is very little further information about the Saudi Arabia contract.
[21] (Petersohn 2014)
[22] Rebel contracts would certainly be a concerning category. By default, rebels challenge the stability by either seeking secession, or regime/ government change. However, due to the lack of data after 2012, this will not be further discussed.
[23] (Varin 2018, Balestrieri 2019)
[24] (Avant 2005)

has the potential to stabilize the status quo by defeating the challenger.[25] However, using PMSCs as a tool for foreign military intervention is a qualitatively new development in the combat segment.[26] This practice is far more concerning as it has potentially destabilizing effects on the international order.[27] The current international system is built on norms and institution which prohibit the forcible change of boundaries, i.e. through secession or conquest, as well as peaceful conflict management, e.g. mediation, which in turn leads to a more peaceful international system.[28] If PMSCs are used as a low cost tool for foreign intervention, this undermines such norms. For instance, Saudi Arabia and UAE were able to contract highly specialized personnel for their operations in Libya and Yemen. In Libya, these resources were used to support a challenger to the UN-recognized government in Tripoli. Russia went a step further by employing PMSCs to enable Russian separatists in neighbouring Ukraine to rise up. The consequences are a destabilization of eastern Ukraine and a protracted civil war. In Crimea, PMSCs were employed by Russia to forcefully change international borders without the political risks associated with deploying its own military.

Combat contracts can therefore not be painted with the same brush. They vary in terms of potential stabilizing or destabilizing effects: PMSCs hired by weak states may have rather stabilizing effects for the international order (this is not to say that the stabilized regime is normatively favourable in the sense of being a democracy or respect for human rights), while combat contracts for foreign intervention undermine international order.

[25] (Shearer 1998)

[26] The term 'new' is used in relative terms comparing the 1990s and 2000s to the current decade. Across a longer historical period the employment of mercenaries as a foreign policy tool is not new (Percy 2007).

[27] (Petersohn 2019)

[28] (Goertz, Diehl, and Balas 2016, 99)

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