

**WAR PROFITEERS: ETHICAL AND POLICY IMPLICATIONS OF PRIVATE
MILITARY CORPORATIONS**

Submitted to Marywood University

By

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ABSTRACT

The purpose of this qualitative study is to investigate the ethical and policy implications of the use of private military corporations in the global commons. Multiple international documents have attempted to govern the actions of private military corporations. Following the end of the Cold War, the United States established a unipolar dominance in conventional military might. As overcoming these circumstances becomes increasingly untenable, many countries are looking to increase the utilization of private military corporations. The current structure of international regulation within this domain lacks unified global oversight to assert accountability, provides a conduit for non-aligned countries to take advantage of the plausible deniability associated with these organizations, and weaker governments have a much more difficult time enforcing regulations. How do the effects of private military corporations affect international and state policies? How would effective accountability and oversight improve the ethical and political issues associated with private military corporations?

The research that will be conducted to complete these findings will utilize two critical data-gathering methods. One of these methods will emerge through the analysis of historical cases of the application of private military corporations and their effects on the governing structure. The second data gathering method will be through the review of documentary analysis of modern, developed international law that is intended to regulate the use of private military corporations. Documents such as the 1989 UN Convention on the Use of Mercenaries, the 2008 Montreux Document, and the International Code of Conduct can provide insight into efforts to regulate international activities of PMCs.

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Introduction

The growing alliance of private military corporations (PMCs) among countries around the world, especially in the post-Cold War U.S. military dominance, has brought intensified ethical challenges. Russian and Chinese PMCs pose unique threats to current global norms and challenge the governing capability of weaker nations. Russia's Wagner Group, which has recorded various names, operates as an indirect extension of Kremlin policy, enabling Moscow to project influence in regions in Africa, such as the Central African Republic and Mali, while evading accountability for human rights abuses. Wagner's role in propping up authoritarian regimes through brutal tactics, including civilian casualties and forced labor in mineral extraction, such as gold and diamond mining, which assists in funding Russian war efforts in Ukraine (Burke & Marten, 2022; Marten, 2023). These operations increase violence by aligning with corrupt networks and undermining the sovereignty of fragile states (Rondeaux, 2020). The method that allows integration of PMC leadership into state security structures lacks the transparency expected of a state-backed entity. (Rondeaux, 2020). These type of tactics raises ethical concerns about the use of private enterprise to inflict state violence.

Similarly, China's private security companies (PSCs) have operated similarly, presenting other ethical dilemmas through their role in advancing the People's Republic of China (PRC) 's Belt and Road Initiative (BRI) while maintaining a role of non-combatant operations. Evidence

has shown that firms like the China Security Technology Group assist in protecting Chinese investments in volatile regions, and their security approach enables exploitation within the projects that displace or suppress dissent by locals without violence, making accountability under international law difficult (Arudino, 2020; Legarda, 2021). China's legal restrictions on lethal force abroad create legal inconsistencies, as PSCs indirectly militarize environments by arming local proxies, fostering dependence in host nations, and destabilizing communities (Nantulya, 2022). The commercialized nature of this employment is profit-driven, with state interests in mind, and continues to challenge global regulatory efforts, as China's lack of transparency prioritizes its own state goals over human rights (Duchatel et al., 2018). The ethical implications of the Chinese application of these organizations are impactful as they continue to project state influence while masquerading as economic development programs, taking advantage of weaker nations.

The fragmented international framework that attempts to regulate the private military sector complicates these issues. Although a deeper dive into each of the regulatory guidelines will be conducted later in this analysis, many of the documents have received significant criticism for various reasons. The 1989 UN Convention on the Use of Mercenaries is limited by its narrow definition of mercenaries and fails to address corporate entities like Wagner or China's PSCs, while the non-binding 2008 Montreaux Document lacks an enforcement mechanism to hold state-backed PMCs accountable in vulnerable regions (Pattison, 2019). Weaker nations, such as those in northern Africa, lack the capacity to regulate the PMCs, resulting in unchecked human rights violations and exploitation of resources (Avant & Neu, 2019). A variety of methods can assist in protecting the global commons by developing stronger

accountability for these organizations, revising international regulatory guidance, and establishing oversight to enforce compliance.

The utilization of private military forces has been a part of modern warfare, including precedents as seen in mercenary armies employed by Carthage during the Punic Wars or the Swiss Guard during the times of Renaissance Europe (Avant, 2005). Contemporary private military companies have emerged as a distinct entity in the 20th Century, shaped mostly by the post-colonial and post-Cold War unipolarity of the United States' conventional military power. The establishment of WatchGuard International in 1965 by David Stirling, a former British Special Air Service officer, marked a change from the informal employment of mercenaries to organized private military corporations or security companies that provided training and advisory services in African countries (Singer, 2003). The shift in the way mercenaries were organized reflected a growing appetite for the private sector to address security gaps left in previous colonial spaces.

After the end of the Cold War in 1991, the PMC industry experienced accelerated growth as Western nations downsized their militaries, including the United States, which saw a reduction of its active-duty personnel by approximately 700,000 between 1989 and 1999 (Dunigan, 2011). This created a large number of skilled veterans and a demand for private security in conflict zones such as those in Sub-Saharan Africa and the Balkans. Historical analysis shows that the privatization wave of the 1990s, driven by neoliberal economic policies, encouraged governments to outsource military functions to reduce public expenditure and maintain operational flexibility (Kinsey, 2006). Companies like Executive Outcomes, active in Sierra Leone during the 1990s, exemplified this trend, securing diamond mining operations under contract while influencing local outcomes within conflicts. (Avant, 2005). PMCs evolved

into sophisticated entities by the 2000s and offered services ranging from logistics to direct combat support, as seen in the U.S. deployment of firms, like DynCorps and Blackwater, during the Iraq War (Singer, 2003). PMCs have seen integration into the cyber warfare sector and represent an evolution that aligns their operations with the global surge in cyber dependency. These different cyber operations include a myriad of sectors, including logistics, banking, and military operations. Historical research shows that cyber warfare is a state or non-state effort to manipulate or disrupt information systems for strategic advantage as a part of the intersection of cybercrime and warfare (Bernik, 2014). PMCs are important players in the cyber domain. Firms like NSO Group are developing offensive cyber tools, such as Pegasus spyware, for a variety of organizations, including nation-states, raising ethical concerns about surveillance and sovereignty (Maurer, 2018). In the absence of international frameworks to regulate cyber warfare activities, PMCs continue to complicate these issues and proliferate cross-border operations globally.

From an ethical perspective, the use of PMCs in the global conflict landscape has a bevy of issues. Outsourcing military functions to profit-driven enterprises can lead to the prioritization of corporate goals over humanitarian interests, resulting in allegations of excessive force by Blackwater in Nisour Square in 2007 (Avant, 2005). Governments that employ private military contractors have the moral responsibility to question when their actions contribute to civilian harm or destabilize regions (Dunigan, 2011). The lack of uniform standards across PMC operations challenges the principles of just war theory, which typically apply to state actors (Walzer, 2006). The policy-related challenges are incredibly challenging. The absence of binding international law governing PMCs leaves regulation to national frameworks, which vary widely (Schmitt, 2017). Non-binding documents such as the 2008 Montreux Document offer guidelines

for state responsibilities, but lack enforcement mechanisms limiting efficacy (Cameron, 2006). Regulatory gaps in international law allow PMCs to exploit asymmetric advantages where nations with limited conventional militaries may contract firms to challenge superpowers (Maurer, 2018). Authoritarian regimes have begun to disengage from globalization and this fragmented approach across the world continues to stifle international collaboration on issues surrounding the use of mercenaries.

International organizations like NATO and the United Nations have attempted to address gaps associated with the use of mercenaries through forums and resolutions, but the influence over PMCs remains limited (Schmitt, 2017). As international law remains ineffective in establishing standards and rule-based governance for cyber warfare, nations make varying decisions based on different thresholds for use and responses, resulting in a fractured approach to any standard response or action. This continued dysfunctional approach stresses the need for a coordinated policy framework to balance PMC use with ethical oversight, ensuring accountability in an industry of increased privatization of conflict.

The purpose of this paper is to examine the significant ethical and policy challenges arising from the increasing global reliance on state-sponsored private military corporations (PMCs). Through a qualitative analysis of existing literature and case studies, this research aims to demonstrate how the inadequacy of the current international regulatory framework enables states to sue PMCs to advance their geopolitical interest while evading accountability. This paper will address the different ways of state evasion, evaluate how private military organizations like the Wagner Group use plausible deniability to mask abuse and take advantage of fragile regions. It will also focus on how Chinese PSCs use their non-combatant economic development, through the Belt and Road Initiative, to influence and exploit resources. This analysis will address the

unique challenges associated with PMC integration in the cyber medium and how that complicates efforts for attribution and accountability. The paper seeks to highlight the ethical issues inherent in outsourcing military functions to profit-driven organizations and propose concrete recommendations for strengthening regulations and enforcement mechanisms in order to better protect state sovereignty, uphold human rights, and mitigate accountable use of PMCs. With the challenges previously mentioned, this research paper will address two questions. How do divergent operational models of state-sponsored PMCs exploit weaknesses in current international law and norms to enable states to achieve geopolitical objectives with plausible deniability? What reforms are required to increase the efficacy of international regulation of these organizations?

The focus of these questions is based on a comparative analysis of China and Russia's use of private military and security organizations, displaying how their tactics lead to systemic failures in the current international regulatory framework. Lastly, the second question guides what current reform to the regulatory framework should focus on in order to improve accountability within global mercenary operations.

Literature Review

This literature review provides a critical overview of the current scholarship surrounding the use of state-sponsored Private Military Corporations (PMCs) in modern conflict with a focus on the models employed by China and Russia. It will put into context the rise of contemporary PMCs within the historical growth of their use while building on foundational work from other researchers that displays their departure from traditional mercenary work. This review will focus on the tactics of Russian PMCs and Chinese PSCs in order to display how the proxies are used

for geopolitical goals that result in abuses and exploitation. The review will critique the shortfalls of existing regulatory frameworks, including the 1989 UN Convention on Mercenaries and the 2008 Montreux Document. This will expand on the legal and enforcement gaps that are exploited by PMCs, as mentioned and highlighted by previous research. Lastly, it will address the privatization of cyber warfare capabilities and the ethical dilemmas associated with outsourcing state-sponsored violence while identifying their collective impact on global governance. This study is significant as it addresses the critical accountability gap created by the modern proliferation of state-sponsored PMCs, a phenomenon that poses an escalating threat to international security, human rights, and global governance. While the rise of PMCs has transformed the landscape of modern conflict, international frameworks have largely failed to adapt, allowing states like Russia and China to exploit loopholes for geopolitical advantages. By focusing on specific examples, this research provides vital insights for policymakers and international organizations.

It moves beyond the traditional analysis of mercenaries and looks to see how they evade accountability by utilizing indirect methods and mysterious organizational structures. The study dives into the intersection of PMCs and cyber warfare, a relatively underexplored dimension of statecraft that complicates attribution. This paper will address human rights by exposing regulatory failures that perpetuate impunity of violations by these organizations. Overall, this research dives into an important, nuanced dialogue of state-sponsored proxy warfare and its implications on global governance, providing a deeper understanding of the privatization of warfare. Lastly, highlighting the complexities of PMC operations and the lack of oversight provides greater public awareness, which is essential for building a coalition of willing actors to address meaningful reform.

Literature highlights the global proliferation of private military corporations, increasingly utilized by states like Russia and China to project influence and evade accountability in the post-Cold War era. While mercenaries have existed, modern PMCs operate as sophisticated corporate entities, making them difficult to regulate and often deliberately obscuring their ties to state sponsors. This is evident in Russia's PMC expansionist use in Central Africa, where it utilizes brutal tactics of abuse and exploitation while the Russian state avoids any consequences for these actions. China utilizes similar methods in its near abroad in Asia, with exploitation without military action, but continues to stifle accountability in its effort to broaden its Belt and Road Initiative. These issues are more difficult due to a lack of an international regulatory framework that is too narrow to address modern mercenary activity or a lack of enforcement capability, leaving weaker nations vulnerable to exploitation and human rights violations. This evolving landscape of state-sponsored violence masked as private enterprise continues to erode trust in global governance, undermine sovereignty, and fuel regional instability. These reasons necessitate a strong and more effective global framework to ensure accountability and protect vulnerable areas.

Russian PMC Operations in Africa

The Wagner Group, a private military corporation (PMC) with deep ties to the Russian state, has become a central and controversial actor in Africa. Employing a sophisticated military model to project Russian influence and secure economic gains while consistently undermining regional stability (Pokalova, 2023). The existing body of academic literature provides an extensive documentation of Wagner's multifaceted operations, which leverage both military force and information warfare to achieve objectives across the African continent. Authors have emphasized Wagner's role as a key instrument in Russia's broader foreign policy strategy and

especially in areas of the world where Russian influence has been relatively marginal. Pokalova (2023) describes Wagner as a “quasi-state agent of influence” that expands Russia’s global interests while maintaining plausible deniability. This approach stands in contrast to the more traditional and diplomatically constrained environment that Western nations engage in and enable Russia to gain quick favor and strategic footholds (Spearin, 2023).

The literature highlights examples of Wagner’s operational tactics in a variety of African nations. In the Central African Republic, academic reports detail Wagner’s initial deployment as instructors and its evolution into combatants in the country’s civil war while providing protection to the president and securing mining sites (Spearin, 2023). Many more point towards well-documented and extensive human rights violations in the CAR, including killing and torture, which are often directly linked to Wagner’s efforts to seize control of mineral resources (the Sentry, 2023). A vacuum in Mali provided Wagner a similar opportunity after the withdrawal of French forces following a coup in the fragile nation. Disinformation campaigns are a common tool for the Wagner Group to enable anti-Western sentiment and bolster its support, as seen in their operations in Sudan (Fasanotti, 2022). Tactics like those of Wagner are profit-driven and generally disregard humanitarian and security objectives, often increasing the conditions for conflict and addressing organizational interests over human rights (Fasanotti, 2022).

Academic research concludes that there is a correlation between the negative decline of sovereignty in these nations and Wagner operations. Integrating and exploiting state-security functions and influencing political structures, Wagner erodes state authority and replaces it with a security-for-resources dynamic that perpetuates instability and exploitation (Harrison, 2023).

Chinese PSC Operations in Asia

Since the explosion of Beijing's Belt and Road Initiative (BRI), the rapid use of Chinese private security companies has drastically increased. These Chinese firms safeguard economic investments in volatile security environments, effectively supporting Chinese geopolitical goals. Unlike traditional mercenaries, Chinese PSCs operate under strict domestic regulations prohibiting lethal force abroad, attempting to position their operations as non-combatants (Spearin, 2020). This model enables plausible deniability for the state while advancing their commercial interests, though it raises ethical concerns over indirect militarization and host nation dependency (Ardunio, 2017). Scholarly literature highlights how over 20 Chinese PSCs, employing around 3,200 personnel overseas, have proliferated since 2015, driven by the saturation of the domestic market and BRI-related vulnerabilities (Legarda & Nouwens, 2018).

A primary focus of operations in Pakistan, where the China-Pakistan Economic Corridor (CPEC) – a flagship BRI project valued at \$62 billion – has drawn heightened security demands due to terrorist threats against Chinese personnel and assets (Surahio et al, 2022). Following a ban on foreign PSCs in 2012, Chinese firms like Frontier Services Group (FSG), China Overseas Group, and HuaXin ZhongAn have entered into joint ventures with local providers, offering training and consulting (Legarda & Nowens, 2018). Literature is inundated with different in-depth operations across Asia and highlights the integration of Chinese PSCs into fragile regions. In Myanmar, Chinese PSCs support BRI infrastructure like pipelines and ports during increased ethnic tensions and political instability in the country (Legarda, 2021).

Current literature has expanded upon the operations of the Chinese PSCs in a variety of locations have noting their exploitation of these regions by utilizing regulatory loopholes, operating in a legal “grey zone”. These states' inability to enforce the law allows Beijing to project influence without overt military involvement (Yuan, 2022). Russian and Chinese overlap

was noted amongst the literature as Central Asian energy corridors reveal Chinese PSC movement toward cyber and intelligence services as they partner with Russian firms to market their linguistic services (Markusen, 2022). Most literature on Chinese PSC use in Asia notes the negative consequences associated with their use and highlights the perpetual exploitation under the guise of economic development, calling for increased transparency to mitigate human rights risks (Arduino, 2017). The proliferations of PMCs in contemporary conflicts, as noted by many scholarly articles, have showcased the governance shortfalls on the world stage. The downsizing of militaries after the Cold War has simply outpaced the development of regulation and has allowed for private organizations to put interest in front of ethical standards.

There is a myriad of current literature that supports the research of PMCs and PSCs and the difficulties associated with their employment. There is little research that provides clear recommendations to amend international regulations in order to further accountability for these firms. Many aspects of the use of these private organizations are critical to the functioning of stable governments around the world, and a unified authority to ensure norms, standards, and solutions needs to be adopted to ensure efficacy. There are a variety of standing international laws that have shortfalls within the application, as noted by literature, and many have not adapted to the changing landscape associated with these private organizations. Current literature shows the divergence in the nature, function, and legal status of these PMCs/PSCs alongside the regulatory absence. These organizations have operated as state-dependent instruments for their government and as noted by current literature, international law continues to struggle with their application around the world.

Related Literature

The foundation of any research paper lies in the robust analysis of current literature. In the case of the analysis of ethical and policy implications of private military corporations (PMSs), current literature serves a variety of functions. It assists in the establishment of a historical precedent, highlights divergent operational models, and provides empirical evidence for the application of other international relations theories. Within the analysis of current literature, the central theme that the current international regulatory framework enables state-sponsored PMCs to operate with impunity is almost universally supported by a plethora of academic sources and reports.

The literature identifies that the attribution challenge in cyber operations can be difficult. Many organizations mimic different criminal networks, which complicates the ability to identify the responsible actor. On top of the difficulty of attribution, legal pursuit of PMCs conducting cyber operations can be difficult from an international law perspective, as it leaves citizens vulnerable. This is present in cases involving the Russian-backed Wagner group, which has utilized cyber warfare activity but still operates below the recognized threshold of war (Giles, 2019). Ethical challenges identify the possibility of violations of human rights of citizens around the world and private entities obtaining capabilities that were once reserved for state actors (Pattison, 2014).

The literature firmly establishes that the rise of contemporary PMCs is not an isolated event but a consequence of the post-Cold War geopolitical landscape (Avant, 2005). As Western nations downsized their conventional militaries after the Cold War, a vacuum was created in global security (Avant, 2005). Coupled with the influence of neoliberal economic policies that encouraged outsourcing to reduce public spending, these actions fostered the growth of the

private military industry (Kinsey, 2006). Nations were drawn to PMCs due to perceived cost-effectiveness and flexibility, despite the lack of accountability (Enborg, 2025). This structural flaw, which prioritized efficiency over ethical oversight, forms the backdrop of the argument that the industry is inherently problematic without reform. The shift from informal mercenaries as seen in historical examples to organized corporate entities has been a crucial detail made in the literature (Singer 2003; Avant, 2005). This demonstrates that modern PMCs require a more sophisticated approach than the one established in the narrower 1989 UN Convention on Mercenaries. Literature mentions that PMC use directly challenges the traditional application of state sovereignty and impacts the dynamics of armed conflict by the militarization of humanitarian efforts and increasing risk to civilians' livelihood (de Groot & Regilme, 2021). Controlling the violence associated with PMC/PSC operations is a challenge for developing nations and erodes their sovereignty. This becomes an exacerbated issue as the state bears the responsibility for the security of the population, but the PMC/PSC is driven by profit. The militarization of conflict zones can negatively affect aid organizations, as barriers can complicate the effort to provide much needed supplies to people in need.

The comparative analysis of Russian and Chinese PMC/PSC operational models is supported in the current literature. Different sources provide extensive analysis on how these two countries leverage PMCs to project power and evade accountability in different ways. Different sources consistently paint a narrative of the Wagner Group's deep integration with the Russian state and the persistent use of hybrid warfare. Russia uses Wagner to expand geopolitical influence while maintaining plausible deniability to obscure state responsibility in conflicts (Marten, 2023). This corporate structure, combined with their transnational application, provides a unique problem with accountability. This allows both nations to provide a method to avoid

political scrutiny internally and abroad. The ability for unaccounted for violence in nations where peace is fragile continues to undermine the belief in international order by generations of people. The literature showcases the brutal tactics, violence against civilians, and resource exploitation in Africa (The Sentry, 2023). The direct integration of Wagner Group, post-rebellion, into official state structures further supports the argument that these groups are state-backed organizations, not independent actors, which requires direct state accountability (Larsen, 2025).

The Chinese perspective within the literature paints a more subtle, economic approach. Chinese PSCs operate under strict domestic rules against lethal force and identify as non-combatants while protecting BRI projects (Spearin, 2020). Literature confirms that the Chinese primarily focus on safeguarding economic interests rather than engaging in military conflict (Spearin, 2020). These efforts reinforce the argument that though Chinese PSC operations are non-violent, they seemingly operate in a legal grey zone that allows for exploitation and expansion of surveillance technology (Legarda and Nouwens, 2018). The operations of both Russia and Chinese support the paper's argument of Realist and Principal Agent Theory. Russia and China showcase the realist theory of an anarchic international framework and actions of self-interest. These nations utilize this theory to justify their actions as rational to deflect global standards. Literature highlights the negative consequences of PMC use associated with the Liberal Internationalist perspective. The theory assumes that a rules-based order and strong global institutions are important in maintaining global stability (Keohane, 1984). The literature highlights the failures of current institutions, such as the lack of enforcement power associated with the current version of the Montreux Document (Pattison, 2019). These failures validate the central theory that the current regulatory framework is failing and requires strong, universally binding mechanisms to enhance cooperation and standards.

Lastly, the literature's focus on exploitation of weaker nations, resource extraction, and human rights abuses provides significant weight to Critical and Postcolonial theories. These theories argue that the current structure is inherently flawed and that PMC operations form modern colonial structures that infringe on the rights of developing nations (Said, 1978; Seth, 2013). Current literature provides significant support to the central themes and arguments within this research. The literature provides the background and factual basis to critique the established international framework. To increase accountability in a privatized arena, the literature provides a unique review of application through a theoretical lens. Both provide the evidence and basis to further study and cement proposals for policy recommendations to improve the international standing of PMC/PSC use.

Analysis

As seen in the literature, Russia and China have taken advantage of weaker nations and used security loopholes to extend their geopolitical goals. The use of PMC/PSCs has a destabilizing effect that extends beyond their immediate geopolitical actions but poses systemic risks to the current framework of international security and cooperation. As stated in a variety of academic articles, the themes surrounding these operations focus on the erosion of accountability, weaponization of economic interests, and the difficulty associated within law and international frameworks. Many of these difficulties originate from the adaptation of Russian and Chinese use of PMC/PSCs and the lack of evolution within the international security framework to address these changes to ensure accountability. Accountability has seen erosion from the activities of both Russia and China, using these private organizations that act on behalf of their countries but claim relative independence. Utilizing these gray zone tactics in the global

commons reduces accountability. The intentionality of opaque use of private military corporations complicates efforts to trace their activities directly to their national leadership and ensure accountability. Extending their influence through these proxy organizations allows Moscow and Beijing to continue their geopolitical and military objectives, bypassing the pressures of the political costs of military use.

Another common theme through the research was the use of PMCs and PSCs for resource extraction and securing strategic investments. As seen in Africa, Russian PMCs have been implicated in securing access to valuable natural resources, such as gold and diamonds, in exchange for providing security services to local governments (Fasanotti, 2022). Utilizing the PMCs for this effort creates a self-sustaining and destabilizing cycle where resource exploitation fuels other mercenary operations. Lastly, one of the most important themes associated with the literature on PMCs is the direct challenge their operations pose to existing international and regulatory frameworks. Proving state responsibility for the actions of private actors is inherently difficult, and many countries use these companies to obscure their involvement. Many relevant international agreements, such as the Montreux Document, lack a universal adherence and enforcement mechanism, creating a gap in regulation for exploitation (ICRC, 2008). The last theme highlighted within the literature is the challenges that the operations of these security companies pose to the international legal paradigm. Proving state responsibility for the actions of these private corporations is inherently difficult, especially when the relationship is obscured by front companies and illicit financial flows (ICRC, 2008).

The regulatory mechanisms within these regulations, such as the Montreux Document, lack universal adherence and enforcement mechanisms and are exploited by PMCs and PSCs (ICRC, 2008). Many international frameworks that govern mercenary-like operations lack the

signatories that would be needed to ensure compliance and regulation in the first place. Most academic research related to this topic has acknowledged the need for an updated institutional framework that can assist in the regulation of the PMCs/PSC issue, as the current one does not provide the ability or international recognition to do so. These three themes are present within a bevy of academic information that showcases the complicated nature associated with the employment of Russian and Chinese private security organizations. It is important to understand the entrenched challenges of these issues, and this paper will do that through three distinct perspectives and four theoretical lenses for a deeper analysis.

From a realist perspective, the use of Russian PMCs and Chinese PSCs is a rational and predictable strategy within an international framework that is relatively inconsistent and undefined by rules and regulations, especially those governing mercenary operations. Deployment of these forces reduces the likelihood of protest or backlash from the contracting nation as the usual signs of foreign military movement are not as obvious to the local population. By principles of theory, realism views international governance as chaotic. The issues of PMCs and PSCs assist in the realist idea that power is absolute and reinforces that nations operate primarily on self-interest. The deployment of PMC/PSCs by these authoritarian regimes can be interpreted as a response to the anarchic international system, where power maximization trumps normative constraints. This power dynamic for Russia can be seen in the evolution of the Wagner Group, as it began as a deniable asset in their Ukrainian operations, to now become a multifaceted tool that has enabled the Kremlin to challenge Western security structures without invoking full-spectrum deterrence (Marten, 2019). Principal Agent Theory, which explains how principals (states) delegate tasks to agents (PMC/PSC) to achieve their goals while reducing strategic costs (Mitnick, 2013). This theory is seen within the Russian Federation's use of the

Wagner Group as it does not have formal military orders but assists the Federation in accomplishing its goals by proxy. Principal Agent Theory highlights how delegation can provide flexibility but can lead to unpredictable decisions as agents prioritize profit over policy outcomes, which can stray from the state's intended goals (Avant, 2005).

Neoclassical realism theory would justify the use of these organizations by Russia and China. Neoclassical realism's applications to foreign policy would compound that its application is indirect and complex. Systemic pressures must be included as variables, such as the decision makers' perceptions and the impact of domestic state governing bodies (Rose, 1998). The application of Neoclassical realism would see the Chinese PSC as important as it pursues economic exploitation and coercion, which is a critical objective of the state-controlled communist party. Though the applications of Chinese PSCs into the BRI framework as a sort of defensive posture fail to recognize the damage to long-term strategic stability of the client nation, as repeated incursions normalize these militarized escalations and invite miscalculations (Glaser, 2015).

The Russian Federation utilizes private military corporations in foreign countries to expand the country's influence, which undermines the transparency of its goals and objectives. Authoritarian governments tend to apply realist theories that negatively impact their neighbors, and this can be seen throughout history. The brutal methodology of these tactics, though supported by neoclassical and principal-agent theory, lacks the perspective national contribution to the global commons as a responsible neighbor. The utilization of private military corporations and security companies is justified as a form of responsible statecraft according to the realism perspective. Those who apply this perspective view the methods as not an issue in the

international framework but as an opportunity to gain power, and any ethical dilemma is secondary to their national goals.

From a liberal internationalist perspective, the Chinese and Russian use of these security corporations is in direct conflict with international cooperation, the rules-based order of the globe, and the general interests of the global community. Liberal internationalism is a political and international relations doctrine that argues for a world order based on democracy, open markets, multilateral institutions, and the rule of law, emphasizing that such a system provides the most stable and prosperous foundation for global peace and cooperation (Ikenberry, 2009). These flagrant violations of international norms from the liberal internationalist perspective work against the basic tenets of accountability in a global community. This theory would advocate for strengthening the institutional framework, which could assist in incentivizing and compelling states to change their application of proxy military use (Keohane, 1984). The use of international organizations to address the use of PMC/PSCs would promote transparency and increase collective security, which are important components of the liberal internationalist perspective (Ikenberry, 2009).

Through the lens of neoclassical institutional theory, the use of PMCs and PSCs challenges the international framework that assists in governance and conflict mitigation. Neoclassical institutionalism is a theory within international relations that emphasizes the role of international institutions and regimes in facilitating cooperation among states, even in an anarchic international system (Keohane, 1984). Utilizing these types of elements reduces the ability of international institutions to hold states accountable for their actions. Both the perspective and the theory previously mentioned mention that chaos within the international framework is inevitable. Both theories see the use of these forces as a subversion of the

international order and promote the use of international mediums to regulate conflict and ensure accountability. Liberal and neoclassical institutional theory view the use of Russian PMCs and Chinese PSCs as a failure of the global commons and see stronger international institutions as the correct path for addressing these issues. Utilizing sanctions regimes or other enforcement mechanisms from this perspective is key to addressing the unethical application of these forces against developing nations around the world.

One of the last lenses for examining the issue of PMC/PSC use is a critical theory perspective. Critical theory perspective in international relations challenges traditional, state-centered approaches by questioning existing power structures and emphasizing the role of ideas, norms, and emancipation with a focus on transformation to make arrangements more just and equitable (Cox, 1981). Critical theory would assist in the justification of unipolarity that existed in the post-Cold War era. This justification would point to the application of PMC/PSC use as a symptom of unipolarity rather than an anomaly. This perspective would not point to the use of PSCs and PMCs as the primary problem, but due to deeper inequities in the international framework as it currently stands. From a critical theoretical perspective, if nations have the opportunity to exploit resources through private corporations, then the moral and structural framework of the international order is flawed.

From a postcolonial theoretical lens, the application of these forces from Russia and China can be seen as a form of neocolonialism in a modern-day form that infringes on the rights of developing countries (Said, 1978). Postcolonial theory examines how the legacy of colonialism and imperialism continues to shape global power relations, knowledge, production, and cultural representations (Seth, 2013). Postcolonial theory highlights how the legacy of colonialism continues to influence and shape global development, knowledge, programs, and

culture (Seth, 2013). Postcolonial theory is critical of other theories that assume Western experiences are the preferred perspectives of the global commons. Adjusting the current security paradigm from a postcolonial theoretical perspective would require the global commons to reorient their perspectives from Western ideals on security structures and enhance other ideas from a different perspective.

These perspectives and theories have differing approaches to the use of PMCs and PSCs. PMCs and PSCs are undoubtedly a destabilizing force in the global commons and continue to exploit international loopholes to cause friction in fragile regions of the world. The destabilizing nature of the use of PMCs and PSCs is, by most accounts, inevitable upon their application in statecraft by China and Russia. There is a near consensus that, if unaddressed, PMCs and PSCs will continue to fracture the global commons, damaging the ability of fragile nations to govern in the process. The failure of the international regulatory framework, as mentioned in theoretical application and academic review, represents a threat to the global community.

Ethical Implications

The regular use of Russian and Chinese military and security companies is increasingly making the world a more volatile place. More powerful nations see these methods as a way to project their influence around the globe while skirting accountability for their contributions to destabilization efforts, abuses, and subversion of international governance. These efforts are visible in their application in Ukraine, where the consequences of plausible deniability are unmistakable. Allowing nations, like Russia, to operate in this legal grey area weakens and undermines the application of international law. The Wagner Group demonstrates that Russia can leverage PMCs to pursue geopolitical and economic interests in fragile states, enabling

military and human rights abuses while maintaining a public distance from the perpetrators (Marten, 2023). The appeasement of the practice will inevitably impact the viability of global governance. The lack of accountability within PMC activity disproportionately affects vulnerable populations, who lack the ability to challenge foreign actors, and these efforts continue a cycle of exploitation (Avant & Neu, 2019). The effects of plausible deniability have been shown by the lack of accountability for the element responsible for shooting down MH17 in Ukraine, which killed hundreds of people. This is one example of many conflicts where plausible deniability has been exacerbated over the years in the 21st century.

Russia and China will continue to put national goals and profits over human rights concerns as these types of operations persist around the globe. The system incentivizes corporate and state goals at the expense of humanitarian concerns, which undermines the basic rule of law. These private corporations have the opportunity to extend violence in these fragile areas in order to provide further opportunities to extend their influence (Singer, 2003). The goals of state and corporate leaders will continue to be prioritized over human life if these organizations remain unchecked. This immoral approach to conflict governance complicates the already ugly morality of war.

As PMCs enter the cyber domain, new and dangerous ethical challenges will rise concerning surveillance and destabilization of global cybersecurity. Attribution of cyber-attacks is difficult in the current environment, and the introduction of their use of the cyber realm creates a more permissive environment for malicious activity. An unregulated environment allows PMCs to exploit cyber vulnerabilities in the global commons and engage in cyber operations with significant geopolitical consequences with little chance of attribution (Giles, 2019). The

opportunity for PMCs/PSCs to utilize cyber-attacks with state backing poses a security issue and will threaten the foundation of our cyber global commons.

The failure to reinforce international standards and norms regarding private military structures will continue to decrease the confidence and ability of global governance. The 1989 UN Convention on Mercenaries and the 2008 Montreux Document have not shown results and have not deterred illiberal powers from their immoral application. The international community's inability to track and regulate these organizations will continue to proliferate the harm posed by their operations. The regular use of these forces undermines democratic accountability and encourages other governments to outsource military operations, especially those that are more controversial in nature, to private entities (Avant, 2005).

Policy Recommendations

The implementation of a credible and robust international policy is paramount in the regulation of private military and security corporations. This effort is crucial for addressing the ethical and political challenges associated with their use. The first recommendation to address this problem set is to create a legally binding global convention that supersedes the 1989 UN Convention on Mercenaries. The current convention undoubtedly lacks the ability to ensure accountability and has witnessed its proliferation over time. The framework must expand the definition of private military actors to include private entities such as Russia's Wagner Group and Chinese PSCs, which exploit current legal conventions by not being held accountable to state-level standards. These PMCs and PSCs are far more sophisticated than originally envisioned under the Convention and require a framework that addresses their corporate structure and state-backing (McFate, 2019). This new convention should establish clear, legally

binding obligations for nations regarding oversight and accountability. This convention must identify legal avenues for the abuse victims during PMC/PSC operations in order to address violations appropriately. Russia and China likely will not be signatories to this document, but those that will sign will assist the fellow signatories to prevent predatory activity by larger nations. Resourcing acknowledgment and guarantees to this document must be appropriated through a formal medium such as the United Nations, G20, or another international governing body.

With the new development of this convention, the Montreux Document needs to be strengthened as far as scope and enforcement power. As it currently stands, the Montreux document asserts what are good practices, but the non-binding nature of its application renders it ineffective against the modern use of PMCs and PSCs by China and Russia as it pertains to international law (Pattison, 2019). These changes to the document should move principles located within recommendations to legally binding obligations and encourage nations to adopt these in their national laws. Signatories of the enhanced documents should commit to increased monitoring capabilities of PMC and PSC activity and assist in resourcing activities associated with tracking compliance. The inclusion of cyber warfare in this enhanced document will be key, as the nature of warfare from the cyber medium has transformed since its original 2008 inception. The associated tracking requirements within this enhanced document should be reported cyclically to the United Nations Security Council and distributed amongst member nations. This document will provide an analysis of all PMC and PSC operations and recommend sanctions against non-compliant states. Non-compliant nations will incur financial penalties and operational restrictions if acted upon by the United Nations, but at a minimum by the signatory nations of the enhanced document, independently from the Security Council.

Lastly, global governance must promote stronger domestic regulation for PSCs and PMCs. The contracting nations must be held accountable for the actions of those they hire, as well as the nations with which the PMCs and PSCs are associated. Those nations that PMCs and PSCS are based out of must enact extraterritorial law in order to hold their companies accountable. International law is paramount to success, but domestic law has to reinforce it, otherwise, difficulty with accountability will remain. This multi-layered approach, incorporating a new convention, a strengthened Montreux Document, and reinforced domestic regulations, will create a new environment that holds private military corporations and security companies accountable.

Summary

The proliferation of PMC/PSC use in the post-Cold War era has introduced an ethical and policy challenge to the international security framework. States like Russia and China leverage these organizations to expand their influence and power while evading accountability. This research has investigated how PMCs operate within the global commons, exploiting international regulatory gaps and enabling human rights abuses. These nations utilize these gaps to further their geopolitical and economic ambitions by exploiting fragile nations around the world. The utilization of PMC/PSCs in this manner is in direct contrast to the democratic, Western-style global order that has dominated the international stage since the fall of the Soviet Union. This analysis focuses on the evolution of PMCs from informal actors to sophisticated corporate entities as seen by the Wagner Group. This PMC/PSC evolution has to be matched by an international framework that is as agile and adaptable as the Russian and Chinese use of these entities. The purpose of this research was to address how PMC/PSCs' operational models exploit gaps in international law for plausible deniability in order to advance their geopolitical aims.

Lastly, what reforms within the international framework would enhance regulatory effectiveness? Conducting an analysis of historical cases and a documentary review of key instruments of international regulation that pertain to the subject, the 1989 UN Convention on the Use of Mercenaries, the 2008 Montreux Document, and the International Code of Conduct, provided a window into the inadequacies associated with current global governance.

Russia and China have showcased different applications of their security organizations in the global commons. Russia's Wagner Group, for instance, highlights a combative approach as it serves to extend its influence globally while maintaining state deniability. Wagner has used hybrid tactics such as military attacks, resource exploitation, and disinformation in their operations in the Central African Republic (Burke & Marten, 2002; Pokalova, 2023). These brutal tactics highlight the divisive nature of their use and continue to undermine the state security of the Central African Republic, as an example. Wagner operates in multiple countries around the globe and employs these tactics that continue to negatively impact the fabric of these societies and damage the standing of global governance. In contrast, China employs its forces in a covert, economic-oriented manner that attempts to safeguard its investments as opposed to conducting combat operations. China utilizes retired military forces and local militias to assist in providing local security, further disassociating their operations from state actions. The hiring of these local militias ignores the complex local security environment and can lead to further destabilization of the local area, though Chinese officials deem these as local issues. The review of the method and application of the Chinese and Russian deployment compromises the central case studies for this research on the modern application of private military corporation use in the global commons.

Literature on this important topic highlights the post-Cold War security environment that saw Western military contractions in size and an increase in the privatization of military and security structures. Though these efforts may seem financially beneficial, their application fails to ignore the negative ramifications of their use. Both China and Russia use their forces to exploit weaker nations for their own benefit and utilize a combination of methods to further their economic and geopolitical aims. To ensure a thorough perspective and analysis, the research looked through multiple theoretical lenses. Realism views the applications of these elements as an attempt to increase power in a chaotic world. Power is paramount from the realist perspective and the post-Cold War environment required these nations to take a different approach. Principal Agent Theory highlights the risks associated with the delegation of such a consequential task from the state to private industry. The liberal perspectives detest the use of private military organizations, as their perspective highlights the importance of global governance and frameworks. Lastly, critical and postcolonial theory point to an unfair Western-based paradigm that views PMCs as the latest version of colonial expansion.

After thorough analysis of current literature, case studies, and theoretical review, it is evident that the application of these private military organizations is a danger to global governance and requires adaptive reform. Turning military operations into profit-bearing adventures takes advantage of some of the most vulnerable nations and people around the globe. The use of these forces in the context of private industry has seen economic exploitation, the irritation of local grievances, the death of home country citizens, and the overall dissolution of stability in multiple nations around the globe. The current international regulation fails to prevent the proliferation of these entities. The weak advice of the 2008 Montroux Document or the narrow definitions in the 1989 United Nations Convention on the Use of Mercenaries have

contributed to the continued proliferation of use by China and Russia. In order to address these shortfalls, a layered approach is necessary that widens the rules and application of principles to organizations such as Wagner. The elements of this approach should provide checks on their use, assistance to victims, and punishment when countries violate the principles. Establishing a new convention on the use of mercenaries and strengthening the Montreux Document would provide incentives for the application of home country laws that are similar, therefore increasing the rule of law and protection of its citizens from human rights abuses or exploitation. This method would provide a step-by-step approach that strengthens accountability, increases stability in fragile nations, and protects the rights of people around the globe from the tyranny of unaccountable, hostile actors.

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